

PUBLIC

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UA 97/09 Death penalty

CHINA Losang Gyaltse (m)
 Loyar (m)

Two Tibetans, Losang Gyaltse and Loyar, were sentenced to death on 8 April by the Municipal Intermediate People's Court in Lhasa, the capital of the Tibet Autonomous Region (TAR). It is unclear if they will appeal against their sentence. Ultimately all death sentences are reviewed by China's Supreme People's Court, which has the power to approve, revise or remand death sentences. The two men could be executed within weeks.

Losang Gyaltse, Loyar and three others were tried in three separate arson cases. Losang Gyaltse was found guilty of setting fire to two clothes shops in Lhasa on 14 March 2008. The shop owner died in the fire.

Loyar and two others, Gangtsu and Dawa Sangpo, were found guilty of setting fire to a motorcycle dealership on 15 March 2008, which left five people dead. Gangtsu received a death sentence suspended for two years (which is usually commuted to life imprisonment) and Dawa Sangpo was sentenced to life imprisonment.

In a separate case, a Tibetan man Tenzin Phuntsog also received a death sentence suspended for two years. According to a court spokesperson, Tenzin Phuntsog received a lighter sentence because he had admitted his crime after he was arrested. In China, torture and other ill-treatment remain commonplace, and courts fail to exclude evidence extracted through torture.

The court spokesperson also said that the five defendants were represented by a lawyer in court, and that proceedings were interpreted into Tibetan, the language spoken by all five defendants. However, Amnesty International is concerned that the men may have been tortured or otherwise ill-treated in custody, and may not have received a fair trial.

The five were arrested during the unrest in TAR and Tibetan-populated areas in neighbouring provinces in March 2008. A group of lawyers from across China, who signed an open letter volunteering to defend Tibetans detained during the unrest, were warned by the authorities not to take up such cases. According to official Chinese media, at least 30 Tibetans sentenced in relation to the unrest were represented by government-appointed lawyers.

BACKGROUND INFORMATION

10 March marked the anniversary of the failed Tibetan uprising in 1959, which led to the Dalai Lama fleeing to India. Last year, the anniversary saw a wave of largely peaceful protests in the TAR and Tibetan-populated areas in neighbouring provinces.

According to official reports, at least 81 people have been sentenced in connection with the 2008 protests. Those previously convicted have received sentences ranging from three-year prison terms to life imprisonment. Most of them have been sentenced for crimes described as "arson", "looting", "picking quarrels and provoking troubles", "assembling a crowd to storm state organs", "disrupting public service", and "theft". At least seven people have been sentenced for "espionage" or "unlawfully providing intelligence to an organization or individual outside of China". More than 1,000 people detained in connection with the protests in March 2008 remain unaccounted for, according to the United States Congressional-Executive Commission on China.

China executes more people each year than any other country in the world. There is likely to have been a significant drop in executions during 2007, after the Supreme People's Court review for all death sentences, which had been scrapped in 1982, was restored. According to Amnesty International research China carried out at least 1,718 executions in 2008 and sentenced 7,003 people to death. The Dui Hua Foundation, a US-based non-governmental organization focused on advancing human rights in China, estimates that 6,000 people were executed that year, based on figures obtained from local officials. The official statistics on death sentences and executions are classified as state secrets. China provides no clemency procedures for condemned prisoners after they have exhausted their appeals through the courts.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Mandarin or your own language:

- calling on the authorities to ensure that Losang Gyaltshe and Loyar have access to their family, legal representation of their own choice and any medical attention they may require;
- urging them to commute the death sentences of Losang Gyaltshe and Loyar;
- urging the National People's Congress to introduce a legal procedure for clemency;
- urging the authorities to ensure that China's courts respect the most rigorous internationally recognized standards for fair trial, including the UN safeguards guaranteeing the protection of the rights of those facing the death penalty, which require adequate opportunity for defence and appeal;
- urging the authorities to establish an immediate moratorium on executions with a view to abolishing the death penalty.

APPEALS TO:

Minister of Justice of the People's Republic of China

WU Aiyang Buzhang

Sifabu

10 Chaoyangmen Nandajie, Chaoyangqu, Beijingshi 100020, People's Republic of China

Fax: +86 10 65292345

Email: pfmaster@legalinfo.gov.cn

Salutation: Dear Minister

President of the Supreme People's Court of the People's Republic of China

WANG Shengjun Yuanzhang

Zuigao Renmin Fayuan

27 Dongjiaomin Xiang

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Fax: +86 10 65292345

Salutation: Dear President

Chairman of the Tibet Autonomous Regional People's Government

Qiangba PUNCOG Zhuren

Xizang Zizhiqu Renmin Zhengfu

1 Kang'angdonglu

Lasashi 850000, Xizang Zizhiqu, People's Republic of China

Salutation: Dear Chairman

Chairman of the Tibet Autonomous Regional People's Government

Qiangba PUNCOG Zhuren

Xizang Zizhiqu Renmin Zhengfu

1 Kang'angdonglu

Lasashi 850000, Xizang Zizhiqu, People's Republic of China

Salutation: Dear Chairman

COPIES TO: diplomatic representatives of China accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 21 May 2009.