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One Hundred and Fourteenth Congress
Tom Lantos Human Rights Commission

February 1, 2016

His Excellency Cui Tiankai
The Ambassador of the People's Republic of China in the United States of America
3505 International Place NW
Washington, DC 20008

Dear Mr. Ambassador:

As Co-chairs of the Tom Lantos Human Rights Commission, we closely follow the human rights situation inside Tibet. Our Commission highly values the opportunity to engage with stakeholders at the national level in China and in Tibet to discuss the conditions under which the Tibetan people live today. This issue is very important both to the U.S. Congress and to the American people.

One of us, Mr. McGovern, recently visited Tibet as part of a U.S. Congressional Delegation, and all the Members in our Commission look forward to continuing the discussion initiated during his visit about the well-being of the Tibetan people. We believe that Tibetans' full enjoyment of their fundamental and constitutional rights can only positively contribute to Chinese society.

With this in mind, we write today to express our concern about a deeply troubling issue: your government's policy, since 2012, of criminalizing self-immolations. Independent observers and human rights groups have documented that under this policy, dozens of Tibetan men and women have been convicted, detained, or disappeared because of their alleged involvement with self-immolations in Tibet. We are also writing to seek specific and verifiable information about their fate.

To our knowledge, none of the 143 Tibetans who are known to have self-immolated in Tibet and elsewhere in China since 2009 hurt any other individual or damaged any property. Tragically, they decided to make the ultimate sacrifice, most commonly, we understand, to protest against the Chinese government's policies in Tibet and to call for the return of the Dalai Lama from exile. We are therefore deeply concerned that the Chinese government has prosecuted and labeled as "criminals"

relatives and friends of self-immolators, and potentially entire communities in which the self-immolators lived.

On December 3, 2012 -- a month after President Xi Jinping assumed the position of General Secretary at the 18th Communist Party Congress in Beijing -- the Chinese state media published a summary of *Opinion on Handling Self-Immolation Cases in Tibetan Areas in Accordance with the Law*, issued jointly by the Supreme People's Court, Supreme People's Procuratorate, and Ministry of Public Security of the People's Republic of China.¹ The opinion appears to instruct that incitement to self-immolation be treated as homicide. According to a report by the International Campaign for Tibet (ICT) published on July 31, 2014, the *Opinion* states: "*Anyone who organizes, plots, incites, coerces, entices, abets, or assists others to commit self-immolations shall be held criminally liable for intentional homicide in accordance with the Criminal Law.*"²

As a result, since 2012, at least 11 Tibetans have been sentenced to long prison terms or even to death on "intentional homicide" charges, because they allegedly "aided" or "incited" others to self-immolate.³ The cases of Lobsang Kunchok (罗让贡求) and Dolma Kyab (噶玛桑珠), both of whom were sentenced to death, are of particular concern to us.

The ICT report also presents 23 cases involving 98 individuals who have been persecuted for alleged association with 33 self-immolations by Tibetans, covering a period from February 2009 to February 2014.⁴

In April 2013, additional repressive measures were announced at the level of county government in Dzoerge, Ngaba (Chinese: Ruo'ergai, Aba), Sichuan Province, for the punishment and persecution of relatives or individuals from the local area of a Tibetan self-immolator.⁵ The legality of these forms of collective punishment is in question. According to the U.S. Congressional-Executive Commission on China:

The PRC Criminal Law and PRC Criminal Procedure Law do not contain language addressing the notion of collective punishment of communities, villages, or institutions based solely on proximity to an action the government treats as illegal, or based solely on a family relationship with a person who committed such an act. The Provisions contain no reference to any means by which a family, households, community, village, or monastic institution facing punishment may

¹ Gansu Daily, December 3, 2012: "煽动自焚者必将受到法律严惩", <http://gn.gansudaily.com.cn/system/2012/12/03/013508017.shtml> (accessed on June 2, 2014).

² International Campaign for Tibet, July 31, 2014: "Acts of Significant Evil – The criminalization of Tibetan self-immolations", <http://www.savetibet.org/acts-of-significant-evil-report/>.

³ Ibid.

⁴ Ibid.

⁵ Congressional-Executive Commission on China Special Report, 'County Government Threatens Self-Immolation Communities With Collective Punishment', April 14, 2014. http://www.cecc.gov/sites/chinacommission.house.gov/files/County%20Gov%20Threatens%20Collective%20Punishment_14apr14.pdf.

*appeal against a punishment.*⁶

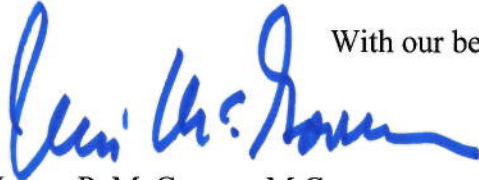
Chinese governmental and judicial institutions have the opportunity to address this issue in a positive way and to help heal the wounds of the Tibetans who are suffering as a result of these unjust decisions.

For these reasons we request the following:

- 1) That we be informed about the number, names, and whereabouts of Tibetan people who have been detained, prosecuted, convicted or whose fate is not known as a result of their alleged affiliation to a self-immolation⁷;
- 2) That the International Red Cross be allowed to visit those who are still in prison, or otherwise in Chinese custody, as a result of the 2012 guidelines that criminalize self-immolations; and
- 3) That your government withdraw the opinion adopted at the national level in December 2012 and remove the measures adopted in Ngaba County, Sichuan Province in April 2013, and other similar local measures, or amend them in accordance with provisions of the Chinese Constitution and international human rights standards, and nullify convictions based on unlawfully promulgated policies and measures.
- 4) That Tibetans and others accused of being involved with self-immolations be represented by legal counsel, and that such persons defending them in court not face persecution or punishment.

Thank you for your attention to this very important matter.

With our best regards,



James P. McGovern, M.C.
Co-Chair, TLHRC



Joseph R. Pitts, M.C.
Co-Chair, TLHRC

Cc: The Honorable Zhou Qiang, President, Supreme People's Court
The Honorable Cao Jianmin, Procurator-General, Supreme People's Procuratorate
The Honorable Guo Shengkun, State Councilor and Minister of Public Security

⁶ Congressional-Executive Commission on China Special Report, 'County Government Threatens Self-Immolation Communities With Collective Punishment', April 14, 2014.
http://www.cecc.gov/sites/chinacommission.house.gov/files/County%20Gov%20Threatens%20Collective%20Punishment_14apr14.pdf

⁷ International Campaign for Tibet, July 31, 2014: "Acts of Significant Evil – The criminalization of Tibetan self-immolations" -- Case Details, <http://www.savetibet.org/acts-of-significant-evil-case-details/>.