

## **An appeal for free and fair retrial over the Death Sentence passed on Lobsang Kunchok and Dolma Kyab**

In a deepening crackdown on self-immolation protests, Chinese authorities in Ngaba (Ch: Aba) Tibetan and Qiang Autonomous Prefecture, Sichuan Province, have given death sentence to a Tibetan man for allegedly killing his wife. **Dolma Kyab, 32, was handed death penalty** more than five months after the death of his wife, Kunchok Wangmo, 29, in Dzoerge (Ch: Rue'rgai) County in Ngaba Prefecture. Mr Kyab has become the first Tibetan sentenced to death in connection with self-immolation protests. The Intermediate People's Court in Ngaba Tibetan Autonomous Prefecture passed the death sentence.

However, exile Tibetan sources had reported that Kunchok Wangmo died of self-immolation protest on 13 March 2013 on the main street of Dzoerge County town. A day later, on 14 March, Dolma Kyab was detained after he refused to follow official orders to blame the death of his wife on domestic problems.

In January 2013, the same court **sentenced Lobsang Kunchok, 40, to death** with two years' reprieve while his nephew, Lobsang Tsering, 31, was sentenced to 10 years in prison on "intentional homicide" charges.

The latest death penalty indicates that the authorities have hardened their stance on the issue of self-immolation, by making an example out of a few defiant relatives to scare and intimidate other family members and relatives of self-immolation protesters into toeing the official line. This year saw an alarming rise in the number of Tibetans arrested and sentenced in connection with self-immolation protests, with some getting as many as six to 10 years in prison for alleged connections with self-immolation protests. In February 2013, Chinese authorities in Qinghai Province reported the detention of more than 70 Tibetan suspects out of which 12 were officially charged.

In recent years, China has made aggressive overtures, mainly in the form of hush money, to silence family members of self-immolation protesters. Last year, Dhonue, husband of Dolkar Tso, was secretly detained after he refused to accept bribe from the authorities in exchange for blaming the death of his wife on family problems. Dolkar Tso died of self-immolation protest on 7 August 2012 near Tsoe Gaden Choeling Monastery in Tsoe city in Kanlho (Ch: Gannan) Tibetan Autonomous Prefecture, Gansu Province. Another self-immolation protester Sangay Gyatso's family members from the same region were offered a bribe of one million yuan to sign a document stating that his self-immolation was not targeted against China's rule over Tibet.

We the Tibetans remains reasonably skeptical over alleged confessions made by Mr Dolma Kyab regarding his involvement in the so-called murder of his wife. Torture is still used extensively to extract confessions in politically-motivated cases. China's lack of transparency in handing death penalty, in addition to its frequent failure to comply with international legal standards raises important questions over the lawfulness of the latest death sentence passed on Dolma Kyab. Even though China has claimed that Mr. Kyab was convicted at an "open trial", the so-called trial is a suspect since there is almost 99% conviction rate in criminal cases in China.

Moreover we Tibetans calls on the Chinese authorities to refrain from politicising the issue of self-immolation protests and end the reprehensible practice of smear campaign against legitimate expressions of grievances.

Most importantly, we strongly condemns the use of death penalty as it violates the fundamental right to life and the right not to be subjected to cruel, inhuman or degrading treatment or punishment. The persistent use of death penalty demonstrates China's rejection of the United Nations Global Moratorium on the Death Penalty, adopted in 2007, which establishes a suspension on executions with the view to abolish the death penalty.

We would like to seek an immediate and urgent intervention by the UN Special Rapporteur on Extra Judicial, Summary or Arbitrary Execution, governments and the international community in ensuring that Mr Dolma Kyab's human rights are respected and protected. We calls on the Special Rapporteur to investigate and transmit an urgent appeal to China regarding the death penalty in this

case.

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