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Fear of imminent execution / Ill-treatment

26 May 1995

PEOPLE'S REPUBLIC OF CHINA

Lodroe Gyatso, aged 33, Tibetan  
prisoner

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Lodroe Gyatso, a Tibetan prisoner in Drapchi prison near Lhasa, may be facing trial and imminent execution. According to reliable sources, he has been accused of shouting pro-independence slogans and attempting to circulate political literature within the prison on 4 March 1995.

Originally sentenced to 15 years' imprisonment for murder in 1993, it is believed that Lodroe Gyatso is now being interrogated by the Tibetan Administrative Region Public Security Office. According to a reliable source, he has been in isolation cells since the incident, and subjected to beatings. The exact charges against him are unknown, but the sources fear he may be accused of offences carrying the death penalty.

After the alleged protest occurred, both the prison authorities and the Labour Reform bureau reportedly decided to recommend to the Intermediate Peoples Court that Lodroe Gyatso be charged with a capital offence. According to Tibetan exile sources the Intermediate People's Court has submitted to the Higher People's Court requesting the death penalty. It is unclear if the Intermediate People's Court is asking for confirmation or review of its decision or if the decision has already been made. However, sources suggest that sentence has been passed already.

Amnesty International is concerned that Lodroe Gyatso may have been given a sentence of death for the peaceful exercise of his right to freedom of expression, in violation of international human rights standards. Sources inside Tibet have appealed to the international community to take action to intervene in this case and stop his possible execution.

Sources say that two other Tibetan prisoners at Drapchi, also serving sentences for murder, were executed on 17 May 1990 within hours of losing their appeal to the Higher Court after they were claimed to have formed a pro-independence group within the prison.

#### BACKGROUND INFORMATION

Once a sentence is passed, under Chinese law, the defendants have either three or 10 days after the passing of sentence to appeal to another court. If no appeal is lodged, their sentences should automatically be referred for review to the TAR High Peoples Court. The court must then rule on the appeal or review the case within one and a half months. This process can be accelerated and review of death penalty cases can take place within only a few days of sentencing. Successful appeals are rare.

The death penalty is used widely in China. For the whole of 1995 Amnesty International recorded 2496 death sentences and 1791 executions, although it believes these figures to be well below the actual number of death sentences and executions carried out. The increased use of the death penalty in China since the late 1980s occurs in the context of continuing "anti-crime" campaigns.

Amnesty International is concerned that in China death sentences are handed out after trials which fall far short of international standards for fairness.

The organization is also concerned that defendants do not always have access to lawyers, especially when they are already convicted prisoners.

**RECOMMENDED ACTION: Please send telegrams/telexes/faxes/airmail letters in English, Chinese, or your own language:**

- urging that the death sentence passed or potential application of the death sentence on Lodroe Gyatso be commuted;
- expressing opposition to the death penalty in all cases as the ultimate form of cruel and unusual punishment and as a violation of the right to life as guaranteed in the Universal Declaration of Human Rights;
- calling for a full investigation into reports that Lodroe Gyatso has been subjected to beatings, and for anyone found responsible to be brought to justice.

**APPEALS TO**

Minister of Justice of the People's Republic of China

**XIAO Yang** Buzhang

Sifabu

Xiaguangli

Beijingshi 100016

People's Republic of China

**Telexes: 210070 FMPC CN or 22478 MFERT CN (Please forward to Xiao Yang Buzhang)**

**Faxes: + 861 467 7351**

**Telegrams: Justice Minister, Beijing, China**

**Salutation: Your Excellency**

President of the Xizang Autonomous Regional People's Government

**Gyaltzen Norbu** Zhuxi

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Lasashi 850000

Xizang Zizhiqu

People's Republic of China

**Telexes: 68014 FAOLT CN or 68007 PGVMT CN**

**Telegrams: President, Regional People's Government, Lasa, Xizang Autonomous Region, China**

**Salutation: Dear President**

President of the Xizang Autonomous Regional High People's Court

**ZI Cheng** Yuanzhang

Xizang Zizhiqu Gaoji Renmin Fayuan

Lasashi

Xizang Zizhiqu

People's Republic of China

**Telegrams: President, Autonomous Regional High People's Court, Lasa, Xizang Autonomous Region, China**

**COPIES OF YOUR APPEALS TO:**

**XIZANG (TIBET) DAILY NEWSPAPER**

Zongbianji \* Editor-in-Chief \*

Xizang Ribao Xizang Daily

Lasashi

Xizang Zizhiqu

People's Republic of China

and 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 30 June 1995.