

PERMANENT TRIBUNAL OF PEOPLES

Session on Tibet Verdict

STRASBOURG, FRANCE

20 NOVEMBER, 1992

The Permanent Tribunal of Peoples (the Tribunal) was established at Bologna, Italy, on 26 June 1979. The function of the Tribunal is to look beyond States to the people of the world and respond to appeals by them to its jurisdiction. The Tribunal examines and declares its findings as to people's rights.

In accordance with its Statute and the requirements of international customary law, the Tribunal accepted three complaints in the name of the Tibetan people against the People's Republic of China. The Tribunal formally informed the People's Republic of China's Embassies in Rome and Paris of the decision to declare the complaint admissible and of the opportunity that would be afforded to it participate in every stage of the proceedings. The PRC declined to participate in the hearing, but appointed two representatives to represent them.

On the basis of the evidence and submissions addressed to the Tribunal, the Tribunal reached the following decisions and recommendations:

DECISION

For these reasons, the Tribunal decides

7.1 That the Tibetan people have from 1950 been continuously deprived of their right to self-determination;

7.2 That this breach of a basic right of the Tibetan people has been achieved through the violation of other basic rights of the Tibetan people, among others by depriving them of the right of the exercise of freedom of religion and expression, by arbitrary arrests and punishments without trial, the destruction of religious and cultural monuments and by resorting to torture;

7.3 That the population transfers from the People's Republic of China into the territory of Tibet of non Tibetan peoples is directed towards undermining the ethnic and cultural unity of Tibet;

7.4 That the division of the territory of Tibet in two parts, one called the "Autonomous Region of Tibet" and the other made up administratively of parts of various Chinese provinces, is also directed towards destroying the unity and the identity the Tibetan people; and

7.5 That the Tibetan people were autonomously governed for many centuries; achieved a specific state structure after 1911 and that the basic Tibetan institutions are now represented by the Tibetan Government in Exile.

RECOMMENDATIONS

8.1 Copy of this verdict, shall soon as possible, be provided by the Secretary General of the Tribunal to the Government of the People's Republic of China, the Government of Tibet in Exile and the Secretary General of the United Nation. It shall also be provided to other interested States and international, national and regional bodies. The Government of the People's Republic of China is called upon without delay to conform to the findings of the Tribunal, to ease human right abuses, to punish those found responsible and to afford the Tibetan people the exercise of their right to self-determination.

8.2 To break the impasse of derogations from international law and further grave violations of human rights found by it, the Tribunal appeals to the Secretary General of the United Nations to establish appropriate machinery to permit the conduct within Tibet of an act of self-determination to determine the future political arrangements of Tibet and its association, if any, with the People's Republic of China. As a preliminary step to this end, a Special Rapporteur for Tibet should be appointed to investigate and report to the organs of the United Nations and the world community on allegations of human rights abuse in Tibet and the desire for, and exercise of, the Tibetan people's right to self-determination. guaranteed by the Charter.

8.3 The Secretary General of the Tribunal shall call to the particular notice of the Secretary General of the United Nations, and other relevant international agencies, the complaints received by the Tribunal of forced involuntary sterilization of women of child-bearing age as a deliberate programme of ethnic genocide, with a recommendation that this complaint be the subject of immediate special investigation. Similarly, an international expert group should be established to investigate the charges made during the hearings of the Tribunal of radioactive pollution allegedly resulting from uranium mining, nuclear installations, and toxic and radioactive waste disposal in Tibet.

8.4 Respected non governmental organizations (such as the International Commission of Jurists, Amnesty International, Lawasia and the Minority Rights Group) shall be provided with copy of the Tribunal's Verdict. They will be urged to continue their vigilant scrutiny of the situation in Tibet. They will be asked to explore ways of reaching beyond the formal structures of State machinery to the peoples of China and Tibet so that a just, peaceful and lasting relationship could be established between those peoples on the basis of mutual respect, recognition of the rights of peoples and faithful compliance with international law.

8.5 To further the process of reconciliation proposed in the preceding paragraph, the Tribunal urges relevant non governmental organization to convene, in 1993 or 1994, an international conference on the future of Tibet. Such a conference should consider this Verdict and the records of the proceedings of the Tribunal. It should explore concrete

ways of working towards reconciliations between the Tibetan and the Chinese peoples. These ways could include the appointment of human rights monitors and the posting of United Nations volunteers in a Tibetan Zone of Peace. Representatives of the Tibetan Government in exile and of the People's Republic of China should be invited to take part in such a conference and in such measures towards reconciliation.