



INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

"Dedicated since 1952 to the primacy, coherence and implementation of international law and principles that advance human rights"

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ICJ Intervention under Item 8 on the Follow-up and Implementation of the Vienna Declaration and Programme of Action 25 March 2008

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Mr. President,

The Vienna Declaration and Programme of Action stipulate the responsibility of all Governments to prevent and protect against violations of human rights. Urgent measures must be taken in cases of gross and systematic as well as urgent and continuous violations of human rights.

The International Commission of Jurists (ICJ) wishes to draw Council's attention to the recent escalation of the situation in Tibet and urges the Government of the People's Republic of China to permit the Tibetan people to demonstrate peacefully.

The Tibetan people have a right to express in public and private their views about the situation in Tibet. Anyone arrested for peacefully protesting or expressing his or her views should be considered to have been arbitrarily detained. The sustained clamp down over many years on political dissent in Tibet has only fuelled the tension and helped lead to the recent protests. If the Chinese Government allowed the Tibetans an opportunity to express their views, including through public demonstrations, this could help to defuse a tense political situation.

The ICJ expresses its concern about the fate of those that have been or may be arrested and urges the Government to treat all detainees according to internationally established standards, including by ensuring that they are not subject to torture or ill-treatment and that they have access to their families and to others from the outside world. Anyone arrested on suspicion of committing violence, including violence against Chinese civilians, should be charged with a recognisable criminal offence and tried fairly, or released.

The ICJ also calls for a prompt and independent international investigation into allegations of human rights violations in the context of recent demonstrations in Lhasa and other locations. The Government is seeking to seal Tibet off from the world, and there is a considerable confusion about the truth surrounding recent events. It is essential that human rights experts be allowed to investigate the situation, including allegations that peaceful protestors have been killed and that other excessive force has been used by the security forces, and that protestors have been arbitrarily arrested and detained. It is in a public interest to swiftly clarify exactly what has been happening in Tibet.

This investigation could include a role for existing human rights experts of the Human Rights Council, such as the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, the Working Group on Arbitrary Detention, the Special Rapporteur against Torture and the Special Rapporteur on the Right to Freedom of Opinion and Expression.

The ICJ has been documenting the human rights situation in Tibet since 1959. Ten years ago in an exhaustive study "Tibet: Human Rights and the Rule of Law," (1997) the ICJ concluded that the Tibetan people have a right to self-determination and that a referendum

of the Tibetan people to determine the future status of the region would significantly contribute to resolving the political conflict in Tibet.

Mr. President, the Council was established to address the human rights violations wherever and whenever they happen. It is a legitimate expectation for the Council to respond swiftly to the human rights situation in Tibet.

I thank you.

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