

<https://www.savetibet.org/tibetans-in-tibet-and-in-exile-appeal-to-chinese-courts-over-use-of-tibetan-language-express-support-for-tashi-wangchuk/>

Tibetans in Tibet and in exile appeal to Chinese courts over use of Tibetan language, express support for Tashi Wangchuk

- A group of Tibetans has written to the Supreme Court expressing their concern about the failure by regional courts to use the Tibetan language, which they state contravenes the Chinese Constitution. In a rare and bold step, the appeal letter, published on the Tibetan-language website Trimleng, an important forum for discussion particularly on legal and policy issues affecting Tibetans in Tibet, is signed with the names of 117 Tibetans who are both in Tibet and in exile.
- The appeal is also a carefully-worded expression of support for businessman and shopkeeper Tashi Wangchuk, who was imprisoned in January, 2016, following the release of a [New York Times video](#)¹ profiling his efforts to request additional Tibetan language classes at schools in his home area of Yushul (Yushu) in Qinghai.
- A group of 15 internationally known scholars and professors on Tibet, from France, the UK, US, Czech Republic, Canada and Australia called for clemency for Tashi Wangchuk in a letter published in the South China Morning Post in Hong Kong on February 8 (2018).² This follows expressions of concern and support for Tashi Wangchuk from German³ and Latvian⁴ Parliamentarians, and an emergency resolution by the European Parliament.⁵

The letter by Tibetan intellectuals published on Trimleng, published in full in English below, points out that: "The failure to use the Tibetan language by the People's courts at various Tibetan autonomous levels violates the obligation for autonomous regions to use the Tibetan language in their offices as laid out in the Constitution of the country, the Regional Ethnic Autonomy Law, regulations on learning and use of the Tibetan language by the Tibet Autonomous Region, and regulations of the ten Tibetan Autonomous Prefectures on the issue of Tibetan language." The scholars cited in the South China Morning Post concur, saying that China's Constitution states that "all nationalities have the freedom to use and develop their own spoken and written languages."

The Tibetan language - the bedrock of Tibetan culture, religion and identity - has been steadily undermined under Chinese rule over the past six decades. Chinese authorities focus on the dominance of the Chinese language to the detriment of Tibetan, and also marginalize the Tibetan language by withdrawing it from the curriculum. Chinese policies that undermine Tibetan language run counter to

¹ 'A Tibetan's Journey for Justice', <https://www.nytimes.com/video/world/asia/10000004031427/a-tibetans-journey-for-justice.html?action=click&contentCollection=world&module=lede®ion=caption&pgtype=article>

² South China Morning Post Letters, February 8, 2018, <http://www.scmp.com/comment/letters/article/2132576/clemency-china-would-send-out-right-message-advancing-tibetan>

³ International Campaign for Tibet press release, January 29, 2018, <https://www.savetibet.org/german-mps-call-for-release-of-tibetan-language-advocate-tashi-wangchuk/>

⁴ See the website of the Central Tibetan Administration, February 8, 2018, <http://tibet.net/2018/02/fair-and-transparent-trial-for-tashi-wangchuk-latvian-parliamentarians/>

⁵ International Campaign for Tibet press release, January 18, 2018, <https://www.savetibet.org/european-parliament-adopts-an-urgency-resolution-calling-for-the-immediate-and-unconditional-release-of-tashi-wangchuk-and-tibetan-monk-choekyi/>

provisions in China's own laws, specifically the Regional Ethnic Autonomy Law; protections for language and culture included in Chinese law are not implemented in Tibet.

Now a new generation of Tibetan intellectuals, particularly in the eastern Tibetan area of Amdo, are seeking to counter this threat, and finding new ways to do so by framing their arguments within the context of Chinese laws and regulations.

The appeal published on Trimleng particularly highlighted their concern over the case of Tashi Wangchuk. The appeal points out: "By merely voicing his opinion that the judicial and administrative offices like the Yulshul People's Court and government are not using Tibetan, Tashi Wangchuk has been arrested by judicial office and levelled charges. However, there is not a single Tibetan word on the websites of the of the Intermediate People's Court and the government of the Yulshul Tibetan Autonomous Prefecture."

Tibetan language advocate Tashi Wangchuk's trial took place on January 4 (2018), and no verdict is known to have been returned yet. The trial featured unprecedented scenes in the courtroom in Yushu, Qinghai, as a New York Times video was shown in which Tashi Wangchuk is seen travelling to Beijing to present an appeal about the rights of Tibetans to speak and learn their own language. Tashi Wangchuk and his lawyer pleaded not guilty.⁶

In their letter to the South China Morning Post, the foreign Tibetology scholars (whose names are not published) write: "Ironically, scholars and writers using the Tibetan language are quite active in China and Tibetan publication there is thriving. In addition, China has played an important role in extending the use of Tibetan in digital media. Nevertheless, implementation of Tibetan language policy on a local level, whether in education, administration, or public affairs, has been uneven, which explains the emergence of people active in language issues, like Tashi Wangchuk."

All of the Tibetan signatories of the appeal letter to the Supreme People's Court published on Trimleng on January 11 (2018) give their names. Some signatories detail where they are from - 90 per cent from Amdo, with 10 per cent from Kham, and none listed as being from central Tibet, or U-Tsang. The letter is translated in full into English below.

An Application Letter to the Supreme People's Court of the People's Republic of China

"The websites of the People's Courts in the Autonomous Region, Tibetan Autonomous Prefectures and the counties and townships under them never use Tibetan language. As a result, most of the Tibetans, who do not know Chinese, cannot learn or understand policies or legal procedures issued by the Party and government.

The failure to use the Tibetan language by the People's Courts at various Tibetan autonomous levels violates the obligation for autonomous regions to use the Tibetan language in their offices as laid out in the Constitution of the country, the Regional Ethnic Autonomy Law, regulations on learning and use of the Tibetan language by the Tibet Autonomous Region, and regulations of the ten Tibetan Autonomous Prefectures on the issue of Tibetan language.

The main reason for this is that many Tibetans who do not read Chinese cannot comprehend the decisions and notifications of the local People's Courts in the Tibetan autonomous area, cannot regularly understand the country's legal tradition and laws. Thus, they are not able to protect their rights.

⁶ International Campaign for Tibet report, January 4, 2018, 'Trial of Tibetan language advocate ends today without known verdict', <https://www.savetibet.org/trial-of-tibetan-language-advocate-today-ends-without-known-verdict/>

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According to the Article 6 of the Organic Law of the People's Courts of the People's Republic of China, People's Courts in ethnic minority autonomous areas should use the language that is publicly used in the said autonomous region in decisions, notifications, and other official notices.

If we analyse the situation of all the websites of the People's Courts at various levels of the Tibetan autonomous areas, without consultation amongst themselves, not using Tibetan, a suspicion arises as to whether the Supreme People's Court might not have outlined an explanation that supports their action. However, it is implausible for the Supreme People's Court to be issuing such a notification that is totally in violation of the Constitution. Therefore, the feeling is that such a suspicion would not have a basis.

It is implausible that the High People's Court of the Tibet Autonomous Region and the People's Courts in the prefectural-level cities and areas, and the ten Tibetan Autonomous Prefectures do not know the Constitution and the Organic Law of the People's Courts.

It is also implausible that the autonomous areas do not know the autonomous regulations and regulations on the issue of Tibetan language. Although one hopes that since the People's Courts are of the Tibetan autonomous areas, they would at the same time and from all sides undertake work that does not conform to the regulations.

But that they act in reality in violation of the laws can be proved by their official websites not having any Tibetan.

The situation being thus, it is very hard to be free of suspicions and doubt. So, we are going to ask some questions to the Supreme People's Court. It is our hope that the Supreme People's Court will give us some answers.

1. Is the Tibetan language, if we go by the websites of the People's Courts in the Tibetan autonomous areas, a language that cannot be made use of? If so, what is the legal basis for this? If not, what is the reason for not using Tibetan on the websites of all the People's Courts in the Tibetan autonomous areas?
2. From the perspective of the People's Courts at various levels in the Tibetan autonomous areas, is Tibetan a language that is okay not to be in existence?
3. Is it their fault if the wider Tibetan farmers and nomads, who cannot read Chinese and so cannot read the legal decisions and notifications on the websites, and therefore suffers a loss in the process? Or, is it the fault of the People's Courts of the Tibetan autonomous areas for not complying with the laws by not posting in Tibetan on their official websites and thus committing an omission in their work?

At the moment, the Intermediate People's Court of Yulshul (Chinese: Yushu) Tibetan Autonomous Prefecture is in the process of its trial of Tashi Wangchuk. By merely voicing his opinion that the judicial and administrative offices like the Yulshul People's Court and government are not using Tibetan, Tashi Wangchuk has been arrested by judicial office and levelled charges. However, there is not a single Tibetan word on the websites of the of the Intermediate People's Court and the government of the Yulshul Tibetan Autonomous Prefecture. The earlier statements of the local government and People's Court, etc. are not matched by their later statements and their action of erasing their footprints by their hands only leads to losing the hearts of the Tibetan people and nothing else.

It is time for the Supreme People's Court to take notice of the widespread feeling on such development in the Tibetan areas. In the end, we wholeheartedly wish that the rule of law might light up all the darkness in this country.

By 117 Tibetans, including Dolma Kyab and others from Do-U-Kham⁷ as well as Tibetans residing in and out of country.

On January 11, 2018

[Name list of the applicants is provided on the website.]"

⁷ A reference to the three traditional Tibetan provinces of Domey (Amdo), U-Tsang, and Kham.
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