

## **GREETINGS FROM CAT FOR THE PARTICIPANTS CONFERENCE FOR AN INDEPENDENT TIBET IN NEW DELHI JUNE 23 – 24, 2007**

Dear friends:

Jose and I would have like very much to participate with you and to have the chance to meet and exchange ideas with such important guests. This letter is to support your meeting and somehow join you and encourage in the distance with our spirit and suggestions. We were able to attend the Brussels and Torino Meetings and both in there own style and tendencies gave great opportunities to meet face to face with friends and colleagues, for understanding what we are up against and re-enforcing the feeling of what we REALLY want.

And what we really want seems to be more action and less words and reports. What we really want is more ACTIVE non-violent resistance on all fronts and less "passive passivity" and "political dead-ends". Jose and I believe and respect the freedom of Tibetans to fight for their country and their rights in whatever way they choose to. But we also believe, as part of the Tibet Support Movement, that unity between us is important, an inspiring force for the world watching and let's not forget... it is fragile. Because division is one of the obvious assets and specialities of the Chinese Government. For this reason as non Tibetans we do our work talking to everybody but listening mainly to Tibetan victims, leaders and organisations. We observe and recommend unity and action but we try not to interfere or fuel any group, option or choice against another.

**OUR CONTRIBUTION**, as some of you know is based on three main elements:

1) The impressive work of Jose in writing a 600 pages Doctoral Thesis on the Legal Status of Tibet in the International Law, researching and writing the lawsuit and a book based on his thesis called: "Tibet: The frustration of a State. The Genocide of a people".

2) The work of our tiny organisation called CAT in trying to help the struggle of Tibet IN ANY POSSIBLE WAY (fundraising and outreaching in humanitarian, educational, cultural, legal related issues) according to our means and opportunities.

3) The successful criminal lawsuit filed on behalf of the Tibetan victims against Chinese leaders including Jiang Zemin and Li Peng for genocide, crimes against humanity, torture and terrorism in Tibet. This historical lawsuit addressing for the first time those well known crimes was accepted by the High Court of Spain in January 2006. In a historical statement and after 58 years of impunity, the Court recognized "without a trace of doubt" (quotes) the evidence of the crime of genocide having being committed in Tibet by the Chinese authorities and orders the Judge assigned to the case to open proceedings immediately.

Based on previous cases filed in Spain and elsewhere against impunity in many parts of the world (Pinochet, Argentina, Ruanda, Africa and USA) and in the light of this goundbreaking success in the application of Universal Justice in Tibet we want to advocate and propose a potent form of action and campaigning to our common struggle:

### **The effective use of legal action through Universal Jurisdiction and International Law.**

This option apart from being SATYAGRAHA that is, based on truth, justice and non violence has a very high campaigning, shame-inducing and media-stirring coefficient! Something that China cannot endure forever as the scandals pile up day after day.

The way of Universal and International Law is a more scientific road lead by judges and lawyers whose words have to be justified at each step making manipulation much more difficult. Thus it they must be kept separate from the political and economic debate which signifies one of the pillars of a healthy democracy, namely: the separation of the political and judicial power, where both respect and do not interfere with one another.

Universal and International Law are not only applicable to genocide but to all types of current crimes and a abuses (economic and environmental crimes, racial discrimination, violence against women, migration, etc) including some applicable during the Olympic games. Filing a solid legal complaint or lawsuit may not be the simplest thing to a regular Tibet campaigner, but neither is climbing a huge

building ! :-) The universities are full of motivated and committed lawyers like Jose ... and who does not know at least ONE lawyer to get going ?!

Universal Jurisdiction and International Law as a tool to end impunity has been recognised as a vital element in the democratic reconstruction and reconciliation in all countries that have suffered abuses, oppression and dictatorships.

#### **ABOUT THE ISSUE OF INDEPENDENCE IN INTERNATIONAL LAW:**

We conclude that the crime of genocide, the systematic violation of the Tibetans' civil and political rights, and the policies of racial discrimination applied in Tibet by the government of Beijing, which has been considered to constitute apartheid and goes hand in hand with a massive transfer of Chinese, the indiscriminate exploitation of the plateau's natural resources and its use as a nuclear launch site and dump, all indicate that China is not the legitimate government of this people and that the latter's demanding the right to self-determination in the form of separation is the only solution.

After the decolonisation era in the world, the inverse process occurred in Tibet. This situation was denounced in the General Assembly of the United Nations and was similar to the experience of Southeast Africa (now Namibia) under apartheid, Portuguese colonialism in Angola and French colonialism in Algeria. A more recent example in Asia is the independence of East Timor a few years ago. All these cases ended in the independence of these states, unlike the colonial treatment endured by the Tibetan people where, despite Resolution 1723 (XVI) of 1961 that recognised their right to self-determination, said exercise has not materialised. It should and it could.

Therefore, according to International Law the effective exercise of the right of the Tibetan people to self-determination in the form of secession, first of all does not have as its main aim a political objective as such, but is in fact a last resort or a preventive and protective guarantee against the systematic violation of the human rights of an entire people. Universal justice contributes towards this objective; an objective that cannot be ignored by either the Chinese authorities or the Tibetan Government in Exile in the highly improbable event of their reaching an agreement in the future after negotiations, as the last word on Tibet's political status lies in the hands of the will of the Tibetan people through popular consultation. It is time for decided actions and not complacent silences!

Wishing we were there with you we send you our warmest greetings and solidarity of action for a Free Tibet !

**Alan and José**