



HUMAN RIGHTS

update

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A Tibetan sentenced to suspended death sentence, two others to life and 16 years in prison in Nyarong

The Kardze Intermediate People's Court has sentenced three Tibetans from Nyarong County (Ch: Xinlong xian) to varying prison terms, according to confirmed information received by the Tibetan Centre for Human Rights and Democracy (TCHRD).

Three Tibetans; Pema Yeshi, 28, Sonam Gonpo, 24, and Tsewang Gyatso a.k.a Tsok Tsok, 32, all from Thangkyi Township, Nyarong County, Kardze "Tibetan Autonomous Prefecture" ("TAP") Sichuan Province, were sentenced by the Kardze Intermediate People's Court on 17 November 2009 to two-year suspended death sentence, life imprisonment and 16 years term respectively on charges of "inciting separatism" and "disturbing social order."

The news of their arrest was reported in the Ganzi Daily, the local official newspaper dated 18 March 2009. According to the report, "three Tibetans accused were arrested on 11 March 2009 under suspicion of pasting and distributing pamphlets calling for Tibet independence on roads of Thangkyi Township, Nyarong County and setting fire to the Thangkyi Township government building causing damages worth around 200,000 yuan to the govern-

ment on 28 February 2009."

According to sources, for the next five months since their arrest, information on their whereabouts and conditions remained completely unknown to their family members. The family members came to know about their detention at Chengdu Public Security Bureau (PSB) Detention Centre only around August last year five months after their arrests.

On 17 November 2009, the Kardze Intermediate People's Court sentenced the three to varying prison terms. However, the family members were informed by the local officials about their court verdict only around 10 December 2009. It can be well presumed that the accused were completely denied even the basic legal rights guaranteed under the Chinese laws as circumstances leading towards their indictment points to a secret trial with no representation of their choice.

Both Sonam Gonpo and Tsewang Gyatso work as cook at the Thangkyi Primary School in Thangkyi Township, Nyarong County. They are currently known to be detained at a PSB Detention Centre in Deyang City, Sichuan Province, whereas Pema Yeshi, a farmer from Thangkyi township sen-

tenced to two years suspended death sentence is known to be detained at Dartsedo (Ch: Kangding) PSB Detention Centre, Sichuan Province. The three were actively involved in the “Farming Boycott Movement” and “No Losar” movement undertaken by Tibetans inside Tibet last year to mourn the death of Tibetans and to show solidarity with other Tibetans who continued to remain in prison.

According to the Centre’s documentation, there are hundreds of Tibetans who are still held without any charges and at least 334 Tibetans were known to have been sentenced by courts at various levels to varying prison terms ranging from few months to death sentence. In almost all the known cases the defendants had no independent legal counsel and in a few cases where the defendants were being represented by a lawyer of choice, the authorities ensured that these representations were blocked either through intimidation or through procedural tactics. The Tibetan Centre for Human Rights and Democracy (TCHRD) condemns in strongest term over the arbitrary nature of their court sentences where trials were held in complete secrecy without the knowledge of their family members. The Centre urges the Chinese government to reverse the verdict imposed by Kardze Intermediate People’s Court and ensure free and fair trial to the three Tibetans. The Centre appeals to the international community to intervene in the unfair and harsh sentencing of the three Tibetans.

China sentences Tulku Phurbu Tsering Rinpoche to 8 years, 6 months in jail

The Kardze (Ch: Ganzi) Intermediate People’s Court in Dartsedo (Ch: Kangding) on 23 December 2009 sentenced renowned Tibetan lama, Tulku Phurbu Tsering Rinpoche to 8 years and six months in prison, according to the latest information received by the Tibetan Centre for Human Rights and Democracy (TCHRD) from reliable sources.



Tulku Phurbu Tsering Rinpoche

According to source, a day before the court trial some family members and relatives of Tulku were informed by the Court on the trial and subsequently more than five members attended the trial at Kardze Intermediate People’s Court on 23 December to hear the verdict. There is no clear information available on the crimes under which Tulku was convicted. The two Beijing based defense lawyers who earlier represented Tulku were not present during the court sentencing

but sources confirmed that a new defense lawyer was presented in the court. Tulku is currently known to be detained at Dartsedo Public Security Bureau (PSB) Detention Centre.

Tulku Phurbu Tsering Rinpoche, 52, is a highly regarded reincarnated Tulku of Tehor Kardze Monastery in Kardze County, Kardze “TAP”, Sichuan Province. He is the chief spiritual preceptor and the head of Pangri and Ya-tseg Nunneries in Kardze. A charismatic figure who was a source of inspiration and hope had constructed an old age people’s home and opened two chemist shops for the local Tibetans.

The arrest of Phurbu Tsering is more likely connected to an incident that had occurred on 14 May 2008, four days before his arrest, when around 80 nuns from Pangri and Ya-tseg nunneries took to the streets to carry out a peaceful protest against the Chinese government’s ‘patriotic education’ campaign, which pressured Tibetans to denounce the Dalai Lama, Tibet’s spiritual leader.

According to the latest information coming out area indicates that there are only few nuns left in Pangri-na Nunnery after the protest and restrictions that followed.

There was no information on Tulku Phurbu Tsering since his arrest last year until the case of his trial emerged on 21 April 2009 when one of his Beijing based Chinese lawyers, Li Fangping said in an interview

with the Associated Press that the Ganzi Intermediate People's Court in Dartsedo had put Tulku on trial on the charge of illegally possessing weapons. Prosecutors say a pistol and more than 100 bullets and cartridges were found under a bed in Phurbu Tsering Rinpoche's living room during a police raid. However, the defense lawyer said that Tulku was framed and described the charge as "untenable" as police didn't ask him about the source of the weapons or fingerprints on it.

Tulku was reportedly tortured for four days and nights and coerced into making a confession during his detention at Drango (Ch: Luhuo) County Detention Centre. Police even threatened his wife and son of detention if Tulku did not comply according to his lawyer. Such confession extracted through torture is not admissible in the court to prosecute against the suspect as these actions violates the fundamental international norm and violates article 43 of the revised Criminal Procedure Law that states, "the use of torture to coerce statements and the gathering of evidence by threats, enticement, deceit or other unlawful methods are strictly prohibited."

The Tibetan Centre for Human Rights and Democracy condemns in strongest terms over the court verdict. The centre calls for the international community to intervene in the unfair sentencing of Tulku who the Centre believed was sentenced under flimsy charges with evidence extracted through torture in violation of the Chinese Criminal Procedure Law and other international laws.

TCHRD condemns China sentencing of Tibetan Filmmaker Dhondup Wangchen

The Tibetan Centre for Human Rights and Democracy (TCHRD) condemns in strongest term over China's sentencing of Tibetan Filmmaker Dhondup Wangchen on 28 December 2009. It is not exactly known where his trial took place; however, it was believed that he was tried in a court in Xining, the provincial capital of Qinghai Province, where he had been detained since his arrest. According to Dhondup's Cousin Gejong Tsetrin living in Switzerland who help distribute the film, the sentence was announced on 28 December 2009.

Dhondup, 35, has been in detention since 26 March 2008, for filming interviews with ordinary Tibetans on their views on the Olympic Games, the Dalai Lama and Chinese government policies in Tibet. His film was first shown to journalists in Beijing two days before the start of the Olympics in August 2008. In the past more than a year since his detention, he was known to be in very poor health suffering from Hepatitis-B and has not received any medical treatment, was denied the right to be represented by the Beijing based lawyer hired by his family in June last year. Dhondup Wangchen was formally arrested in July 2008 under suspicion of "inciting separatism and stealing, secretly gathering, purchasing, and illegally providing intelligence for an organisation, institution, or personnel outside the country."

Li Dunyong, from the Beijing Gongxin law firm, was blocked from taking on the case by the Xining judicial authorities, who informed Dhondup

Wangchen's family that the court would designate a government-appointed lawyer for the trial, a clear violation of China's Criminal Procedure Law and its obligations under international human rights law, which guarantee criminal defendants the right to choose their own defense counsel and to meet their counsel while in detention. The calls by rights groups and the exile parliament for fair trial and his unconditional release remain unheeded.

TCHRD calls on the government of the People's Republic of China (PRC) to respect and uphold the rights guarantee under the domestic laws and various international laws such as right to freedom of expression, opinion and fair trial. The Centre also calls on the government of PRC to earnestly implement the provisions of the Human Rights Action Plan announced on 13 April 2009 that it will not remain a mere document showcasing empty promises. "The National Human Rights Action Plan of China 2009-2010" clearly stated that, "the state is further improving the system of treatment for detainees. The rules regarding detainees' correspondence, meeting with people, entertainment, and family visits shall be improved. The state is improving the sanitation management system for detainees as well as their medical treatment, and promoting standardized management of detainees' life and health care..." As a matter of urgency, Dhondup Wangchen should be provided with immediate medical attention as he is suffering from potentially fatal disease, Hepatitis-B.

Tibetans arrested in Nepal

Tibetan Centre for Human Rights and Democracy (TCHRD) received information of fleeing Tibetans having arrested by Nepali security forces on their way into Nepal. Our information was further confounded by the report given by Human Rights Organization (HURON), Nepal and their press releases

3 Tibetans Arrested on 14th

Three Tibetans and one Nepali were arrested by Nepal police on 14 February 2010 from the main street on the way from Boudhanath to Jorpati. They were arrested after the candle light procession in Boudhanath; these 4 people were walking towards their residence located in the Jorpati area. Nepal Police from the Boudha station arrested these persons during their patrolling of the area.

On 15 February during the police investigation of these 4 persons, they found one of them to be a Nepali when he produced his Nepali ID card and was immediately released. The rest 3 were sent to immigration from 15 February to 18 February. They were charged US \$ 67.5 as penalty due to them not having any valid ID card. These people came from India 6 years ago to Nepal and have been residing in Nepal since then. HURON made a request to Immigration office to make a minimum penalty fee that is affordable to these people and get them a release.

The name list of the 3 Tibetans arrested on 14th and released on 18th

February are as follows:

1. Jamyang Norbu, Male, age 22 years
2. Tashi, Male, age 23 years
3. Dawa, Male, age 24 years

13 arrested on 17th February

13 Tibetan youths were arrested on 17th February in Thamel while they were celebrating their Lhosar festival. Nine of them are male and the rest 4 are female. They were arrested while they were walking on the streets of Thamel around 2.30 pm and were having Wai-wai noodles, police van was passing through the area realized that they were Tibetan so they arrested them. The Tibetans were taken to custody on the same day and they were kept for the whole night. HURON got informed about their arrest on the same night. HURON representative reached to the police station in Sorhakutte where these Tibetans were kept for all night. Upon the request of HURON for their release, police released all of them on 18th February.

The name list of the 13 Tibetans arrested on 17th and released on 18th February are as follows:

1. Tashi Choedon, Female, 20 years of age
2. Urgen Choedon, Female, 26 years of age
3. Kansang Paldon, Female, 30 years of age
4. Tsering Yangzon, Female, 15 years of age

5. Sonam Tsering, Male, 25 years of age
6. Tenzin Choephel, Male, 20 years of age
7. Lhakpa Tsering, Male, 28 years of age
8. Tenzing Choephel, Male, 23 years of age
9. Tashi Waser, Male, 21 years of age
10. Urgen Tashi, Male, 20 years of age
11. Tezin Soepa, Male, 25 years of age
12. Sonam Phuntsok, Male, 18 years of age
13. Tsering Dhondup, Male, 19 years of age

13 arrested on 19 February

13 Tibetans coming from Delhi were stopped by Nepal police at Thankot check post at 4 am. HURON received a call from one of the passenger of the bus at 6.00 am in the mornings. HURON volunteers visited the place and talked to the police. Those all 13 peoples were identified as Tibetans from Tibet. HURON volunteers told to the police that these 13 people are Chinese passport holders and are Tibetans. At 9:00 in the morning, the police let the bus to go after the request and guarantee of HURON representative. HURON made copies of passport and visa of each of the 13 Tibetans and later submitted to the police.

The Tibetans travelling to India via Nepal keep their passport in Nepal at their relative's house and

travel to India. They do not carry their passport while going to India because if the Chinese authority sees that Tibetans having Indian visa on their passport, Chinese authority will cause trouble to them. We are reported that if the Chinese authority finds out that the Tibetan people visiting India and meeting Dalai Lama, the Chinese authority compels the children of the India visitor to leave their job, if they are working in the government.

List of the Tibetans stopped for investigation and later are as follows:

1. Zeren Zhuoma, Female, 61 years of age
2. Gandan Dunzhu, Male, 77 years of age
3. Dazhen, Female, 56 years of age
4. Nizhen, Female, 63 years of age
5. Cidan Zhuoga, Female, 68 years of age
6. Gesan Gquzhen, Female, 63 years of age
7. Jiayang Sangque, Male, 68 years of age
8. Cancanguo, Female, 52 years of age
9. Cangmujiu, Female, 67 years of age
10. Ciren Quzong, Female, 48 years of age
11. Pubu Ciren, Female, 65 years of age
12. Yang Zhuo, Female, 65 years of age
13. Suolan Gzhuoma, 60 years of age

In total, more than 60 Tibetans were arrested so far from the very beginning of this year (2010) but some of arrestees were exclusive from the

above lists as of having no received details of them.

Continuous arrest of Tibetans by Nepal government in Kathmandu, Nepal 11 February 2010

Nepal Police had arrested a total of 29 Tibetans in Nepal within a period of 5 days from 4th February-9th February, 2010. Many of the arrested were accused of illegally entering and living in Nepal without proper documentation. The Department of Immigration of Nepal has stated that they were traveling in Nepal without a visa. Some of the arrested Tibetans do have a Refugee Card which was provided to them by the Indian government and they are living for long in India. The arrested Tibetans are Indian Refugee Card holders, which were not accepted by the Nepal government to travel in Nepal with the same rights as Indian citizens.

5 arrested on 4th February

On 4th February 2010, Nepal police searched the Boudhanath Guest House in BoudhaStupa area at the middle of the night and arrested 5 (4 male and 1 female) Tibetans then took them to the Boudha Police station. The female Tibetan was transferred to the Gaushala police station on the same night. On 5th February, the arrested were handed over to Immigration Department of Nepal government by the police. As 6th February was a weekend, the arrested were released only on 7th of February. The five Tibetans carrying Indian

Refugee Card were arrested by the Nepal Government on accusation of violation of immigration law of Nepal.

The name list of the 5 arrested on 4th and released on 7th February are as follows:

1. Tsering Diker, 27 years of age, Female
2. Jampa Thardoe, 29 years of age, Male
3. Lobsang Tsunadue, 27 years of age, Male
4. Tashi Lopsang, 22 years of age, Male
5. Sonam Tharchin, 35 years of age, Male

All these 5 Tibetans arrested were released on a payment of penalty of US \$ 67.5 per person. These arrested were released on a condition that they would go back to India. HURON carried continuous monitoring of their arrest and made several efforts to get them released. The released were handed over to HURON representatives by the Immigration of Nepal for making sure that these people get back to India. The 5 Tibetans have informed us that they have reached India.

5 arrested on 6th February

On 6th February 2010, another 5 Tibetans were arrested during the middle of the night from Stupa Guest House, Boudhaaraa of Kathmandu by Nepal police. The police handed over the arrested 5

Tibetans to Nepal Immigration on 7th February. Nepal Immigration made the release of the 5 Tibetans on 8th February. The name lists of the people who were arrested on 6th and were released on 8th February are as follows:

1. Jampa Tsering, 30 years of age, Male
2. Wagehen Tsering, 16 years of age, Male
3. Tashi Nymie, 22 years of age, Male
4. Yeshe Phylton, 28 years of age, Male
5. Tsering Chozan, 19 years of age, Female

These arrested were also released upon a payment of the penalty US \$ 67.50 per person. These 5 people were handed to their relatives upon a request made by HURON to Immigration Department.

One arrested on 8th February

On 8th February, one Tibetan lady with the name of RinzinPalmo was arrested and released on 9th February. She also had to pay the penalty of US \$ 67.5 to Nepal government. She is also a Refugee Card Holder provided by Indian government.

10 Tibetans holding Chinese passport
10 Tibetans had entered to India keeping their Chinese passport in Nepal, had gone to pilgrimage to India. After their pilgrimage, they tried to return to Nepal to get back to Tibet. While coming to Nepal, they were arrested by Nepal police and were sent

back to India as they were trying to enter Nepal without any documents. Tibetans from Tibet keep their passport in Nepal while going to India due to the Chinese government hassle when the Chinese authority sees that they have travelled to India with a stamp of Indian visa on their passport. This is why the Tibetans from Tibet keep their passport in Nepal while going to India.

6 arrested on 9th February

Nepal police arrested 6 Tibetans from Thankot check post of Kathmandu. The arrested were immediately taken to immigration department. A bus passenger coming together with these Tibetans called HURON and said that 6 Tibetans were arrested. A relative of the arrested called HURON and said that his people are arrested. We provided the proper advice so that all the arrested can be released. They produced passports and valid visa to the immigration and got released around 3 pm the same day.

Their names are as follows:

1. Chimme Tsomo, 65 years old, female
2. Dikki Dolkar, 65 years old, female
3. Tsering Dolkar, 67 years old, female
4. Wangdu, 3 years old, male
5. Tsewang Dakpa, 55 years old, male
6. Gelek Dakpa, 70 years old, male

The statement of Mr. Carl Gershman, The President of the National Endowment for Democracy (NED), during the Democracy Service Medal to the Dalai Lama on Friday

Now that the White House has announced that President Obama will receive the Dalai Lama, it is important that he be welcomed not only as a moral and religious leader respected throughout the world but also as a fellow democrat who shares America's deepest values.

This is not an aspect of the Dalai Lama that is well understood, especially by those who see him as the spiritual leader of a traditional people. Yet he is a devoted democrat who has defended the universality of the democratic idea against the "Asian values" argument of various autocrats and who has tried, even before he fled Tibet in 1959, to modernize Tibet's system of government.

He did so partly to mobilize the Tibetan people against the Chinese attempt to uproot traditional Tibetan society through forced collectivization, a program that was already well underway in the early 1950s under the Orwellian rubric of democratic reform; and because he realized, as he later said, that the old system "was outdated and ill-equipped to face the challenges of the contemporary world."

For reasons beyond his control, the Dalai Lama was unable to implement his reform program in Tibet, but once in exile he proceeded almost immediately to introduce a democratic system for Tibetans

living in India. The first elections among Tibetan refugees were held in the summer of 1960, only months after the Dalai Lama arrived in Dharamsala. A democratic constitution was promulgated in 1963 on the fourth anniversary of the Lhasa uprising.

Today the Tibetan community in exile is governed by an elected National Assembly overseen by an independent judiciary, as permissible by Indian law. A charter adopted by the assembly in 1991 transferred from the Dalai Lama to that body the power to elect the cabinet, including a prime minister vested with day-to-day powers. In 1992, the Dalai Lama announced new guidelines for Tibet's future that, pending a negotiated settlement with the Chinese government, give the major responsibility for determining Tibet's governance to the Tibetans living in Tibet. That responsibility, in his view, should include even the power to determine whether the institution of the Dalai Lama should continue to exist.

In addition, an elaborate system of Tibetan educational institutions has been established throughout

India, in keeping with the Dalai Lama's belief that it is necessary to empower people by giving "them a sufficient understanding of their rights and responsibilities as citizens of a democratic society."

The Dalai Lama has given the world a model of how to pursue democracy and live according to its values. By refusing to relinquish the principle of nonviolence despite the terrible violence that has been inflicted on Tibetans, he has preserved the moral integrity of the Tibetan struggle and the possibility for an eventual reconciliation with China. By demonstrating moral courage and self-assurance in the face of China's brute force and abusive insults, he has given hope against hope not just to his own people but to oppressed people everywhere. And by showing deep concern for all human beings, in keeping with his belief in universal responsibility, he has awakened the spirit of human and international solidarity that animates all those around the world who are struggling for democracy and human rights. The Dalai Lama has been a consistent voice of solidarity for Aung San Suu Kyi and other democratic dissidents.

He has called himself "the unluckiest Dalai Lama" because he has spent more time as a refugee living outside his country than he has living in Tibet. But with characteristic optimism, he has said that his exile has been rewarding in that

it has given him the opportunity to live in a democratic country like India, suggesting that he now has a greater capacity to bring the gift of democracy back to Tibet. Whether he will have that chance depends in no small measure on the fate of Chinese democrats such as the imprisoned scholar Liu Xiaobo, who have supported the Dalai Lama's call for dialogue as well as his belief that a negotiated settlement granting full autonomy to the Tibetan people will enhance China's stability, unity and standing in the world. Thus, the circumstances that made the Dalai Lama an exile have also linked his struggle for the survival of Tibet to the future of democracy in the world's largest country.

President Obama should use the occasion of the Dalai Lama's visit to express America's strong support for him and what he represents: genuine autonomy for the Tibetan people and reconciliation with China, moral courage in the pursuit of justice, and the values of democracy and human liberty. It is not just for the Dalai Lama's sake that he should be welcomed in this manner but also for our own.

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The Tibetan Centre for Human Rights and Democracy (TCHRD) is an independent centre which aims to promote and protect human rights and a democratic polity for Tibet. It attempts to educate Tibetans on human rights principles and to work with other human rights and democracy groups as part of a worldwide movement towards these ends. TCHRD is registered under the Indian Societies Registration Act 21 of 1860 in 1996.

If you would like to subscribe to TCHRD's monthly Human Rights update or to order one of our publications, please send your name and postal details (including e-mail) to our office.

Partial list of TCHRD publications:

•The Next Generation: *The State of Education in Tibet Today* (1997) • Behind Bars: *Prison Conditions in Tibet* (1998) • Closing the Doors: *Religious Repression in Tibet* (1998) • *Convention on the Rights of the Child* (Tibetan Translation) (1998) • *Democracy: An Education Booklet* (1998) • *Fearless Voices: Accounts of Tibetan Former Political Prisoners* (1998) • *Human Rights: An Education Booklet* (1998) • *A Guide to Human Rights* (1999) • *A guide to Democracy* (1999) • *Tales of Terror: Torture in Tibet* (1999) • *Briefing paper for travellers to Tibet* (1999) • *Torture and Ill-Treatment in Tibet* (2000) • *Racial Discrimination in Tibet* (2000) • *Impoverishing Tibetans: China's flawed economic policy* (2000) • *Destruction of Serthar Institute : A Special Report (2002)* • *Dispossessed: Land and Housing Rights in Tibet* (2002) • *Strike hard Campaign: China's crackdown on political dissidence* (2004) • *State of education in Tibet: A human rights perspective* (2004) • *Kuxing: Torture in Tibet* (2005) • *Death Penalty in China* (2005) • *International Bill of Human Rights* (2005) • *TCHRD 1996-2006: A Decade of Human Rights Research* • *Railway and China's Development Strategy in Tibet: A Tale of Two Economies* • *Prisoners of Tibet* • *Annual Report : Human Rights Situation in Tibet* (1996 - 2008) • *Uprising in Tibetan 2008* • *Briefing paper for travellers to Tibet*

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Rs. 100/- for members within India
US\$ 20/- for student members outside India
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