

Case CHN 160209.2
Follow-up of case CHN 160209 and CHN 160209.1
Release/ Arbitrary arrest/ One possible enforced disappearance/ Fear for safety

27 February 2009

The International Secretariat of the World Organisation Against Torture (OMCT) has received new information about the following situation in the **People's Republic of China**.

New Information

The International Secretariat of OMCT has been informed by The Tibetan Centre for Human Rights and Democracy (TCHRD), a member of OMCT SOS-Torture Network, that **Damdul Gonpo** (in the previous appeal only reported as Damdul) was released on 16 February 2009 from Lithang Tsagha Public Security Bureau (PSB) Detention Centre.

It has been further reported that one of the two Tibetans detained on 16 February 2009 along with Damdul Gonpo was identified as **Kab Tsundue**. He was allegedly beaten by police during his arrest.

According to the same information, **Gelek Kunga** (26 years old) remains disappeared, while **Sonam Tenpa** (29 years old and brother of Lobsang Lhundup), **Jampa Thokmey** (30 years old), **Lobsang Tenzin** (23 years old), **Lobsang Phendey** (37 years old), **Jampa Yonten** (30 years old), **Sanggey** (29 years old), **Jampa Tsering** (28 years old), **Lobsang Wangchuk** (30 years old), **Lobsang Tashi** (21 years old), **Gendun Choephel** (30 years old), **Dargye** (37 years old), **Gedhun** (29 years old), **Jampa** (40 years old) and **Amdo Gyaltzen** remain all detained at Lithang Tsagha PSB Detention Centre and **Lobsang Lhundup** at Lithang PSB Detention Centre. The other Tibetan arrested on 16 February and whose name could not be ascertained remains also reportedly detained.

The International Secretariat of OMCT is gravely concerned for the safety of those who remain detained, fearing that they may be subjected to torture and other forms of ill-treatment, in particular of Gelek Kunga, whose whereabouts remain unknown. OMCT is also preoccupied with regard to their arrest, as according to the information received, it seems solely based on their peaceful political and religious beliefs and the exercise of their rights to freedom of expression. OMCT recalls that China is a State party to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which prohibits torture and cruel, inhuman or degrading treatment. OMCT urges the authorities to conform with China's international human rights obligations, commitments that were reaffirmed on the occasion of its election as a member of the new United Nations Human Rights Council.

Reminder of the situation

OMCT had been informed about the arbitrary arrest of Lobsang Lhundup, a 38-year-old monk of Nekhor Monastery born in Gemo Village, in Lithang County, Kardze "Tibetan Autonomous Prefecture" (TAP), on 15 February 2009, and of fifteen individuals from Lithang County, on 16 February 2009, for staging a peaceful protest.

According to the information received, Lobsang Lhundup was arrested on 15 February 2009 for staging a peaceful solo protest demonstration at the main market square of Lithang town for about 15-20 minutes, chanting slogan "Long Live the Dalai Lama, Independence for Tibet", "Swift return of the Dalai Lama to Tibet" and "No Losar (Tibetan New Year) celebration this year". He was then reportedly forcibly detained by the Public Security Bureau (PSB) and People's Armed Police (PAP) and taken to the Lithang PSB Detention Centre for further interrogation.

According to the same information received, on 16 February 2009 in the morning, a group of fifteen Tibetans from Lithang County, namely Sonam Tenpa, Jampa Thokmey, Gelek Kunga, Lobsang Tenzin, Lobsang Phendey, Jampa Yonten, Sanggey, Jampa Tsering, Lobsang Wangchuk, Lobsang Tashi, Gendun Choephel, Dargye, Gedhun, Jampa and Amdo Gyaltzen, were also arrested after

staging a similar peaceful protest march at Lithang main market square. Sonam Tenpa, who led the peaceful protest, was reportedly carrying a huge portrait of the Dalai Lama adorned with a traditional Tibetan scarf, while the group chanted slogans, “Long Live the Dalai Lama, Independence for Tibet”, “Swift return of the Dalai Lama to Tibet” and “No Losar (Tibetan New Year) celebration this year”.

According to the information, eyewitnesses to the scene reported that the group was brutally beaten, manhandled and forcibly loaded into military trucks by the Chinese PSB and PAP forces. Some of the protesters were badly bruised and injured with blood dripping from their nose, head and arms. While the whereabouts of Gelek Kunga has remained unknown, the others were reported to be detained at Lithang Tsagha PSB Detention Centre and their families were able to see them.

According to the same source, five more Tibetans were arrested along with the fifteen above mentioned individuals during the 16 February 2009 peaceful protest demonstration in Lithang. They are: Damdul (the head of Dekyi Village in Lithang County), two Tibetan nomad women of Sako Village in Lithang County, Yanglo and Dolma, who were both reportedly released in the evening on 16 February, as well as two other Tibetans whose identities could not be ascertained at the time of issuing the appeal. These latter and Damdul were also reportedly detained at Lithang Tsagha PSB Detention Centre.

Actions Requested

Please write to the authorities in the People’s Republic of China urging them to:

- i. Immediately locate the whereabouts of Gelek Kunga;
- ii. Guarantee, in all circumstances, the physical and psychological integrity of all the above mentioned individuals;
- iii. Guarantee immediate and unconditional access to a legal representation of their choice, their families and any medical treatment they may require;
- iv. Order their immediate release in the absence of valid legal charges that are consistent with international law and standards, or, if such charges exist, bring them before an impartial, independent, competent and fair tribunal and guarantee their procedural rights at all times;
- v. Call upon the competent authorities to carry out a prompt, effective, thorough, independent and impartial investigation into these events, in particular the allegations of ill-treatment during the arrest, the result of which must be made public, in order to bring those responsible before a competent, independent and impartial tribunal and apply penal, civil and/or administrative sanctions as provided by law;
- vi. Ensure that adequate reparation is provided to the victims;
- vii. Guarantee the respect of human rights and the fundamental freedoms throughout the country in accordance with national laws and international human rights standards.

Addresses

- Mr. Wen Jiabao, Prime Minister of the People’s Republic of China, Guojia Zongli, The State Council General Office, 2 Fuyoujie, Xichengqu, Beijingshi 100017, People’s Republic of China, Fax: +86 10 65961109 (c/o Ministry of Foreign Affairs)
- Mr. Wu Aiyong, Minister of Justice of the People’s Republic of China, Buzhang Sifabu, 10 Chaoyangmen Nandajie, Chaoyangqu, Beijingshi 100020, People’s Republic of China, Fax: +86 10 6529 2345, minister@legalinfo.gov.cn / pfmaster@legalinfo.gov.cn
- Mr. Yang Jiechi, Minister of Foreign Affairs of the People’s Republic of China, Buzhang Waijiaobu, 2 Chaoyangmen Nandajie, Beijingshi 100701, People’s Republic of China, Fax: +86 10 6588 2594, Email: ipc@fmprc.gov.cn;
- Mr. Meng Jianzhu, Minister of Public Security of the People’s Republic of China, Buzhang, Gong’anbu, 14 Dongchang’anjie, Dongchengqu, Beijingshi 100741, People’s Republic of China, Fax: +86 10 63099216
- Mr. Ma Zhenchuan, Director of the Beijing Public Security Bureau, Juzhang, Beijingshi Gong’anju, 9 Qianmen Dongdajie, Dongchengqu, Beijingshi 100740, People’s Republic of China, Fax: +86 10 85222320, Email: wbjc2sohu.com

- Permanent Mission of the People's Republic of China, Ch. De Surville, CP 85, 1213 Petit-Lancy 2, Suisse, e-mail: mission.china@ties.itu.int, Fax : +41 22 793 70 14

Please also write to the embassies of the People's Republic of China in your respective country.

Geneva, 27 February 2009

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.