

TIBETAN CENTRE FOR HUMAN RIGHTS AND DEMOCRACY

August 14, 2003

Mr. Diego Garcia Sayan
Secretary
UN Working Group on Enforced or Involuntary Disappearance
Office of the UN High Commissioner for Human Rights
Palais Wilson
1211, Geneva 10.
Switzerland.

Dear Sayan,

Case Submission: *Request for Immediate Action on Lobsang Tenphen*

We are very thankful to the working group for its efforts over the years in helping locate Tibetans who have disappeared. I have the honor of submitting the urgent case of Lobsang Tenphen who has remained unknown since his arrest in April 2003.

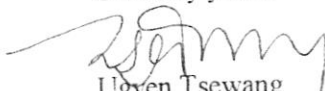
On 12 April 2003, at 7.p.m., six police officers arrested 38-year-old Lobsang Tenphen from his house at Deykey Village, Rukhag # 2, Lithang County, Karze "TAP", Sichuan. Since his arrest, his whereabouts and health condition has remained unknown. He is one of the thirteen known arrestees in connection with the Trulku Tenzin Delek's case, a highly respected religious leader, who has been sentenced to two-year reprove death sentence on 2 December 2002 by Karze Intermediate People's Court in Karze "TAP", Sichuan Province. Tenphen's wife, Sonam Dolma, is Trulku Tenzin Delek's niece. It is believed that he has been arrested on grounds of suspicion for providing information on Trulku to the outside world.

When asked about Tenphen's whereabouts, the authorities have consistently refuse to provide information on him. At a time when most of his simultaneously arrested associates - Asher Dhargyal, Luzi Tashi Phuntsok, Tsultrim Dhargyal, and Dhedhe - linked in the Trulku's case have been released, Tenphen's failure to show up and complete suspense surrounding his whereabouts is reportedly giving nightmares to his family members and close relatives. Some are seriously questioning whether he is actually alive?

We therefore request to you for Urgent Action on Lobsang Tenphen.

Thank you for your time and considerations.

Sincerely yours


Ugyen Tsewang
Information Officer

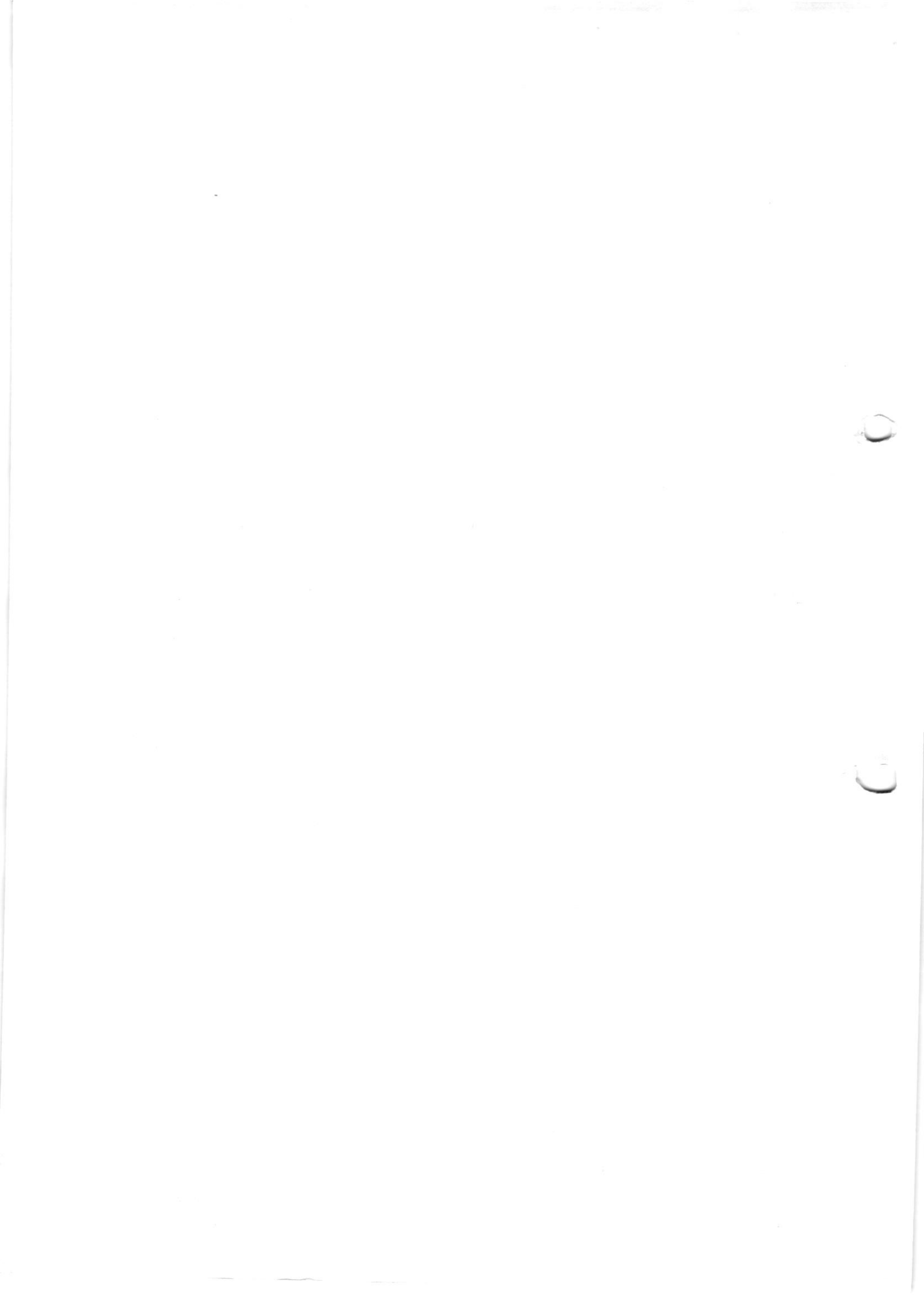


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Address:
Palais des Nations
CH-1211 GENEVE 10

REFERENCE: G/SO 217/1 CHINA

23 February 2004

Dear Mr. Tsewang,

On behalf of the Working Group on Enforced or Involuntary Disappearances, I wish to acknowledge receipt of the information you provided on 14 August 2003 concerning the alleged disappearance of Mr. Lobsang Tenphen in China.

According to the mandate and the methods of work of the Working Group, the Group assists families in determining the fate and whereabouts of their missing relatives who have been arrested, detained or abducted against their will or otherwise deprived of their liberty by officials of different branches or levels of Government or by organized groups or private individuals acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government.

Consequently, in order for the Working Group to consider a case, the following minimum elements are required:

- (a) Full name of the missing person;
- (b) Date of disappearance, i.e., day, month and year of arrest or abduction or day, month and year when the missing person was last seen. When the missing person was last seen in a detention centre, an approximate indication is sufficient (i.e. March or spring 1990);
- (c) Place of arrest or abduction or where the missing person was last seen (at least indication of town or village); indicate as precisely as possible country, province, city, location, etc. and if identical with home address;
- (d) Parties presumed to have carried out the arrest or abduction or to hold the missing person in unacknowledged detention;

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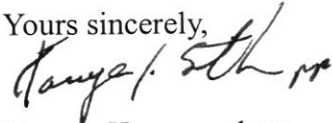


- (e) Steps taken to determine the fate or whereabouts of the missing person or at least an indication that efforts to resort to domestic remedies were frustrated or have otherwise been inconclusive (nature of action; name and location of the judicial, civil or military authority or authorities; results).
- (f) Identity of the person or organization submitting the report (name and address, which will be kept confidential upon request).

In this regard, I wish to draw your attention to the information requested under point (e), without which the Working Group cannot consider a case.

Should you wish to provide the Working Group with additional information on the report you submitted, please do not hesitate to communicate them to the Working Group on Enforced or Involuntary Disappearances, c/o Office of the High Commissioner for Human Rights, United Nations Office at Geneva, CH-1211 Genève 10, telefax: (41 22) 917-9006.

Yours sincerely,



Tamara Kunanayakam
Secretary
Working Group on Enforced
or Involuntary Disappearances



Report on the enforced or involuntary disappearance of Lobsang Tenphen.

I. Identity of the person subjected to enforced or involuntary disappearance

1. Family name: **Not Available**
2. First name: **Lobsang**
3. Second name: **Tenphen**
4. Sex: **male**
5. Birth date or age (at the time of disappearances): **38 years old**
6. Nationalities: **Tibetan**
7. Civil Status (single, married, etc.): **Married**
8. No. Identity document: **Not Available**
9. Profession: **Business**
10. Address of usual residence: **Deykey Village, Rukhag # 2, Lithang County, Karze "TAP", Sichuan Province.**

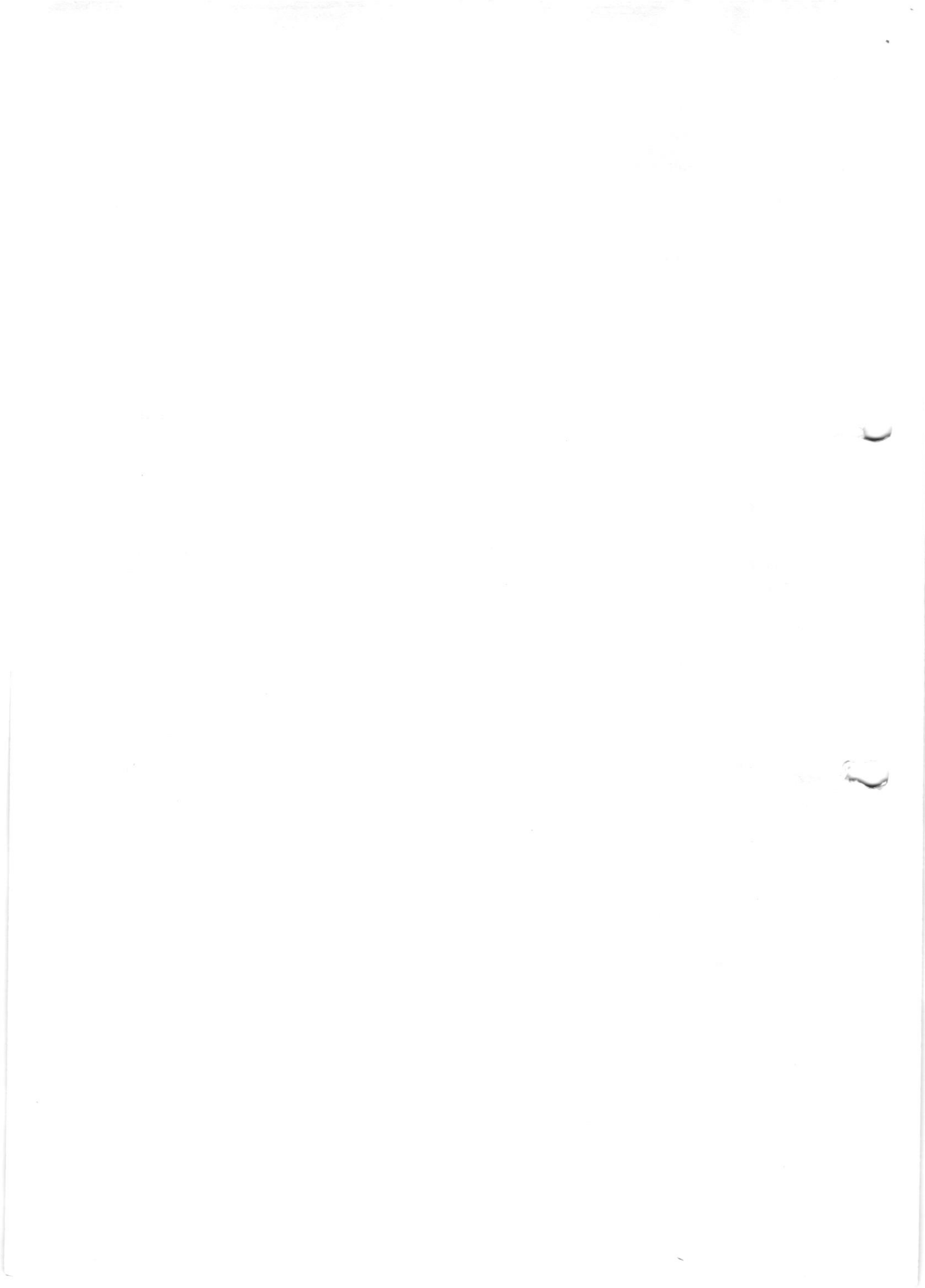
11. Activities (trade union, political, religious, humanitarian/solidarity, press, etc.): **On 12 February 2003, 7 p.m., Lobsang Tenphen was arrested from his house at Deykey Village, Rukhag#2, Lithang County, Sichuan Province. He was linked to the case of Lobsang Dhondup (26), who was executed on 26 January 2003, and Trulku Tenzin Delek, a highly respected lama in Lithang who faces death sentence with two years reprieve; passed by the Karze Intermediate People's Court on 2 December 2002. The family has no idea where he could have been taken. Following his arrest, the family approached Lithang Public Security Bureau (PSB) Detention Centre and Lithang National Security Department, inquiring about Tenphen's health and condition, but to no avail. The authorities from both the department replied that they have "no knowledge about Tenphen". It is reported that Tsering Lulu, victim's father in law, went to Dartsedo to inquire about Tenphen from the Karze Prefecture National Security Department (Karze National Security Department deals only with political cases and this department is responsible for handling Trulku's case in whose connection Tenphen was arrested), but here also he met with disappointment. The authorities reportedly told him that they "don't know about Tenphen". It is widely believe in the area that he has been arrested on grounds of suspicion for sending information on the case to outside Tibet. However, there is no credible source of information that supports this basis of suspicion, nor there has been any official comment or statement leading to this belief. To date, TCHRD has received no information on the whereabouts or the charges levied against Tenphen. Tenphen have been found missing since arrest and no one has reportedly seen him since then.**

II. Date of disappearance:

12. Year, month, day and hour when missing person was arrested or abducted: **7 p.m., 12 April 2003**
13. Year, month, day and hour when missing person was last seen: **7 p.m., 12 April 2003**
14. Other indications relating to date of disappearance: **N/A**

III. Place of disappearance (Indicate as precisely as possible country, province, city, location, etc.)

15. Place where missing person was arrested or abducted: **Deykey Village, Rukhag # 2, Lithang County, Karze "TAP", Sichuan.**
16. Place where missing person was last seen. **Deykyey Village, Rukhag#2, Lithang County, Karze "Tibet Autonomous Prefecture", Sichuan.**



17. If subsequent to the disappearance of the person information was received about him/her being detained, please indicate, if possible the places (official or others) and period of detention, as well as the source of the information, in particular witnesses who have seen the disappeared person in captivity: **Not available**

18. Other indications concerning the place of disappearance: **N/A**

IV. Forces believed to be responsible for the disappearance:

19. If the person was arrested or abducted, please indicate who carried out the arrest - military, police, persons in uniform or civilian clothes, agents of security services, unidentified whether these agents identified themselves (which credentials, orally, etc.), whether they were armed, whether they appeared to act with impunity, whether a vehicle was used (official, with or without licence plates, etc.): **"six officers who came to arrest were composed of Lithang PSB officers and Lithang Security Department officials"** said the informant who want to remain anonymous.

20. If the forces or agents who carried out the arrest or abduction cannot be identified, state why you believe that Government authorities, or persons linked to them, are responsible for the disappearance: **NA**

21. If the arrest or abduction took place in the presence of witnesses indicate the names of the witnesses; if the witnesses have not identified themselves or wish to withhold their names, indicate if they are relatives, neighbours, by-passers etc.: **Sonam Dolma, missing person's wife, Tsering Lulu, father in law, and Tsering Wangmo, mother in law.**

22. If any written evidence of the arrest exists, please describe (arrest order, communiques, official notes, letters, etc.): **None. TCHR D reported the news of Tenphen's arrest on 13 March 2003 under the title "New arrests in connection to Trulku Tenzin Delek". According to the reliable source, the officers didn't show any letter or notes during Tanphen's arrest. As per our knowledge, the arrest specifically related to Tenphen was not reported in any of the Chinese news agency.**

23. If a search took place of the missing person's domicile, office or place of work (or that of any other person connected with him/her), before, during or after the disappearance please indicate and describe the search. **On the night of 12 April 2003, the police officers asked Tenphen to come with them for a little interrogation. He complied and was taken without handcuffed. The officers reportedly told the family members that 'it is a small matter and nothing will happen to him'. They further reported to have assured, 'he shall return soon'**

24. If someone was questioned concerning the disappeared person by agents of the security services, officials authorities or other persons related to them, before or after the arrest (or disappearance), please indicate and provide available information concerning the questioning: **Not known**

V. National action (legal or other) on behalf of the missing person:

25. *Nature of the action:* In China, recourse against arbitrary official action should be provided by the Administrative Litigation Law, adopted in 1992. However, little is known by the public about this procedure and it is seldom used. Our Tibetan source indicated that they are not aware of such procedure.

A. Habeas corpus, amparo or similar

None.

Note: Chinese authorities do not provide these rights to Tibetans.

B. Criminal Complaints

Other measures taken at the national level:

Other than the seldom-invoked Administrative Litigation Law, there is no legal provision for national action against abuse of administrative power in China.

At the local level only, verbal appeals can be addressed to the Public Security Bureau, and they are generally rejected. Moreover Tibetans fear approaching the authorities because their links to detainees may bring problems or pressure to bear on their family members or friends.

VI. Measures taken at the international level on behalf of the missing person:

Tibetan Centre for Human Rights and Democracy has launched an urgent action appeal for the immediate release of Lobsang Tenphel via internet addressed to Chinese President Hu Jianto, Acting Governor of Sichuan Provincial People's Government, Director of the Sichuan Provincial Department of Justice, and Minister of Justice and Mr. Sergio Vierra de Mello, United Nation Office of the High Commissioner for Human Rights.

VII. Related cases of arrest or disappearances, in particular missing relatives of children

On the night of 7 April 2002, Trulku Tenzin Delek and his four attendants were arrested by Sichuan. PSB officers suspected involvement in a series of alleged bomb blast incidents at Chengdu. The four attendants are Tsultrim Dhargyal, Tamding Tsering, Asher Dhargyal and Lobsang Dhondup (lay). Lobsang Dhondup 26 was executed on 26 January 2003 and Trulku Tenzin Delek faces a death sentence with two years reprieve. Their sentences were passed on 2 December 2002 by the Karze Intermediate People's Court, Sichuan Province. As of now, except for Tamding Tsering the three attendants have been released. In February 2003, Lobsang Tenphen and Dhdhe were arrested on grounds of suspicion for providing information on the case to the outside world. Dhdhe was released within a month but whereabouts of Lobsang Tenphen is remaining unknown.

TCHRD registered 13 known arrest in connection with Trulku Tenzin Delek's case. As per current information received, all the others have been released after various prison terms and detentions except for Trulku Tenzin Delek and Tamdin Tsering and Lobsang Tenphen. Unconfirmed reports indicate that as many as 80 Tibetans were detained with some being released after two or three months while others after 10 -20 days and some still in detention.

VIII. Information concerning the author of the present report :

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Second Name: Tsewang
Nationality : Tibetan
Relationship with the missing person:
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IX. Please state whether the author of the present report wishes his/her identity to be kept confidential:
Yes.

The report may be credited to TCHRD. The Tibetan Centre for Human Rights and Democracy remains in contact with the sources of allegations of human rights violations and provides follow-up information on cases.

Date: August 14, 2003

Signature of author:

Ugyen Tsewang
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Dharamsala
(H.P.)