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Tibetan Centre for Human Rights and Democracy

To,

Dated: 27 July 2009

Working Group on Arbitrary Detention
c/o Office of the High Commissioner for Human Rights
United Nations Office at Geneva
8-14, avenue de la Paix
1211 Geneva 10, Switzerland

Dear Ms. Castrillo ,

The Tibetan Centre for Human Rights and Democracy (TCHRD) appeals to the Working Group on Arbitrary Detention (WGAD) to take up with the Chinese authorities the arbitrary detention of a 35-year-old Tibetan monk, Jamyang Tenzin.

Jamyang was recently learned to be sentenced to three years prison term by the Kardze Intermediate People's Court on 3 July 2009. He was arrested on 3 October 2007 for objecting the authorities conduct of "patriotic education" in his monastery. Since his arrest, he remained in incommunicado detention for 21 months until information about his sentencing surfaced recently.

The TCHRD considers the imprisonment of Jamyang Tenzin to be an absolute case of arbitrary detention on the following grounds

- a) Jamyang was held in incommunicado detention for 21 months
- b) Jamyang has been arbitrarily deprived of liberty till date for no offence
- c) Jamyang exercised his right to freedom of expression in objecting to the authorities conduct of a political campaign in the name of "patriotic education"
- d) Jamyang expressed his rejection of the "patriotic education" peacefully. However, he was sentenced to three years prison term.

HEAD OFFICE
TOP FLOOR, NARTHANG BUILDING
GANGCHEN KYISHONG
DHARAMSALA 176 2 15
H.P. INDIA

PHONE / FAX : + 91 1092 23565 / 25874
E-MAIL : dsala@tchrd.org
WEBSITE : www.tchrd.org

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The TCHRD has first reported about the arrest of Jamyang Tenzin on 8 October 2007 (accessible at <http://tchrd.org/press/2007/pr20071008.html>). Upon learning the sentencing of Jamyang to three years prison term, the TCHRD issued the following press release on 20 July 2009 (accessible at <http://tchrd.org/press/2009/pr20090720.html>)

The Centre appeals to the WGAD to kindly take up the arbitrary detention of Jamyang Tenzin with the government of Peoples's Republic of China.

Thank you,

Sincerely,

Mr. Tenzin Norgay
Personnel for UN Affairs

Tibetan Centre for Human Rights and Democracy
Top Floor, Narthang Building
Gangchen Kyishong, Dharamsala
H.P. - 176215, India

Tel: +91 1892 223363 / 229225 98166 76427 (cell)

Fax: +91 1892 225874

Email: tenzinnorgay@tchrd.org

Website: www.tchrd.org

HEAD OFFICE
TOP FLOOR, NARTHANG BUILDING
GANGCHEN KYISHONG
DHARAMSALA 176 215
H.R. INDIA

PHONE / FAX : + 91 1892 25363 / 25874
E-MAIL : dsala@tchrd.org
WEBSITE : www.tchrd.org

"Registered under the Societies Act
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MODEL QUESTIONNAIRE TO BE COMPLETED BY PERSONS ALLEGING ARBITRARY ARREST OR DETENTION

I. IDENTITY

1. Family name:
2. First name:Jamyang Tenzin
3. Sex: Male
4. Birth date or age (at the time of detention):35 years old.....
5. Nationality/Nationalities:.....Tibetan.....
6. (a) Identity document (if any):Picture below.....

(b) Issued by:

(c) On (date):

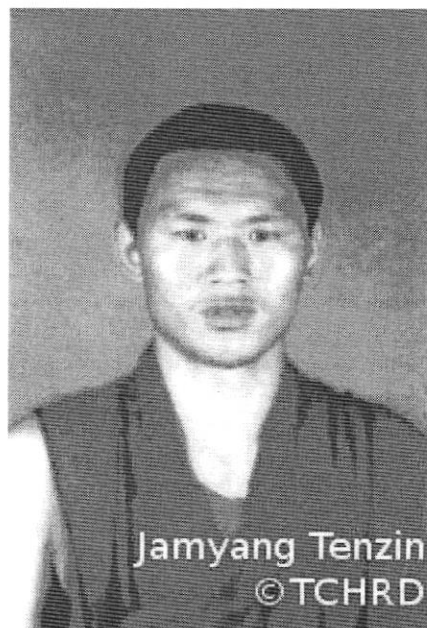
(d) No.:

7. Profession and/or activity (if believed to be relevant to the arrest/detention):

.....monk.....

8. Address of usual residence:

.....Youru Sakhor Village, Lithang County, Kardze
"Tibetan Autonomous Prefecture" ('TAP'), Sichuan
Province.....



HEAD OFFICE
TOP FLOOR, NARTHANG BUILDING
GANGCHEN KYISHONG
DHARAMSALA 176 2 15
H.R. INDIA

PHONE / FAX : +91 1092 25365 / 25874
E-MAIL : dsala@tchrd.org
WEBSITE : www.tchrd.org

"Registered under the Societies Act
21 of 1860 691/96 C/M/RC"

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HIS HOLINESS THE DALAI LAMA

INTERNATIONAL ADVISORY BOARD
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II. Arrest

1. Date of arrest:.....3 October 2007.....

2. Place of arrest (as detailed as possible):

.....During a Chinese authorities' "patriotic re-education" campaign in the Yonru Geyden Rabgayling Monastery in Lithang on 3 October 2007, Jamyang Tenzin had an argument with the 'work team' officials. He was arrested immediately.

3. Forces who carried out the arrest or are believed to have carried it out:

.....Lithang County Public Security Bureau.....

4. Did they show a warrant or other decision by a public authority?

(No).....

5. Authority who issued the warrant or decision:

.....No warrant was issued.....

6. Relevant legislation applied (if known):

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HEAD OFFICE
TOP FLOOR, NARTHANG BUILDING
GANGCHEN KYISHONG
DHARAMSALA 176 215
H.R. INDIA

PHONE / FAX : +91 1092 23363 / 25874
E-MAIL : dsala@tchrd.org
WEBSITE : www.tchrd.org

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III. Detention

1. Date of detention:3 October 2007.....

2. Duration of detention (if not known, probable duration):21 months in incommunicado detention.....

3. Forces holding the detainee under custody:

.....
.....
.....

4. Places of detention (indicate any transfer and present place of detention):

.....Most probably in the Lhang County Public Security Bureau Detention Centre prior to sentencing by the court.....

5. Authorities that ordered the detention:

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6. Reasons for the detention imputed by the authorities:

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7. Relevant legislation applied (if known):

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TOP FLOOR, NARTHANG BUILDING
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H.R. INDIA

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IV. Describe the circumstances of the arrest and/or the detention and indicate precise reasons why you consider the arrest or detention to be arbitrary

On 1 August 2007, an official function for the 80th Founding Anniversary of the People's Liberation Army (PLA) was organized by the Lithang County government. Ronggay A'drak, a 52-year-old Tibetan nomad, shouted "political slogans" in front of the crowd. He was immediately arrested. The local Tibetan population stood in support of Ronggay A'drak. In order to bring the situation under control, the authorities unleashed the so called "Patriotic Re-education" campaign in the civil and monastic institutions in the area. On 3 October 2007, the Chinese authorities summoned abbot and monks of Youru Geydenling Monastery (a small branch monastery under the umbrella of Lithang Monastery), and conducted the 'Patriotic education'. During the session, Jamyang Tenzin, a monk of the monastery, stood up and challenged the officials openly saying "The Chinese government's proclamation of right to religious freedom enjoyed by the Tibetan people stands ghastly contradictory as we cannot place a portrait of His Holiness the Dalai Lama at our residence and monastery. The people of Lithang County including its' nomads still continue to face livelihood problems although government boast of rapid development." Jamyang Tenzin even raised the question on the arrest of Ronggye A'drak and other Tibetans and expressed his concern on their whereabouts. He later concluded by shouting, "May the Dalai Lama live for thousands of years." Jamyang was however, arrested right away by the local PSB officials after the conclusion of the 'Patriotic education' session at the monastery.

After 21 months of incommunicado detention, Kardze Intermediate People's Court sentenced Jamyang Tenzin to three years imprisonment term around 3 July 2009.

V. Indicate internal steps, including domestic remedies, taken especially with the legal and administrative authorities, particularly for the purpose of establishing the detention and, as appropriate, their results or the reasons why such steps or remedies were ineffective or why they were not taken

.....In the aftermath of protest in Lithang County on 1 August 2007 by one Ronggay A'drak, the public agitated against the local authorities. The authorities instead crushed the protest and arrested several Tibetans who dared to ask questions to the authorities. Jamyang was arrested during the authorities' implementation of "patriotic education" in his monastery. His family members on

HEAD OFFICE
TOP FLOOR, NARTHANG BUILDING
GANGCHEN KYISHONG
DHARAMSALA 176 215
H.R. INDIA

PHONE / FAX : +91 1082 23365 / 25874
E-MAIL : dsala@tchrd.org
WEBSITE : www.tchrd.org

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several occasions asked about the whereabouts of Jamyang from the authorities but to no avail. The family was instead threatened with further consequences if they continue to question about Jamyang. This made the family helpless.....

VI. Full name and address of the person(s) submitting the information (telephone and fax number, if possible)

Mr. Tenzin Norgay
Personnel for UN Affairs

Tibetan Centre for Human Rights and Democracy
Top Floor, Narthang Building
Gangchen Kyishong, Dharamsala
H.P. - 176215, India

Tel: +91 1892 223363 / 229225 98166 76427 (cell)
Fax: +91 1892 225874
Email: tenzinnorgay@tchrd.org
Website: www.tchrd.org

Date: ...27 July 2009... Signature:

HEAD OFFICE
TOP FLOOR, NARTHANG BUILDING
GANGCHEN KYISHONG
DHARAMSALA 176 215
H.R INDIA

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