

# DEATH IN DETENTION

An Alternative Report by Tibetan Centre for Human Rights and Democracy



Submitted to UN Committee Against Torture ahead of its review of the Fifth Periodic Report of the People's Republic of China on implementation of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.



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TIBETAN CENTRE FOR HUMAN RIGHTS AND DEMOCRACY

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## I. Introduction

Since 2008 at least 29 known Tibetans<sup>1</sup> have died as a result of torture during detention. These deaths have generally followed a pattern beginning with the detention and disappearance of the victim. Chinese law allows for the secret detention of people for up to six months without family members or lawyers knowing where the person is detained. During this period, when the victim is removed from any form of oversight, the treatment is the worst. Victims are subjected to beatings,<sup>2</sup> shackled in stress positions, and electrocuted. After the initial detention, the victim is given a perfunctory trial. The trial, sometimes months after the initial detention, is sometimes the first opportunity for family members to learn about the charges, location, and health of their relative.

In the People's Republic of China (PRC), the conviction rate increased from 98.98% in 2000 to 99.93% in 2013.<sup>3</sup> This means that in many cases the trial merely marks the transfer of the detainee from an unknown detention facility to a prison. In prison the treatment of the detainees improves and the “interrogation sessions” are less frequent. However, detainees are still beaten and subjected to conditions that amount to torture—including the denial of medical care, starvation diets, and freezing cells.<sup>4</sup>

At every stage of the process Tibetan political prisoners have died because of torture during detention. Chinese officials responsible for their deaths are not held accountable. Instead, officials are protected by efforts to conceal the cause and number of deaths in detention. Prisoners who are about to die are released on “medical parole” so that their death does not occur in a detention facility—even though it was caused by their treatment during detention.<sup>5</sup> Tibetan political prisoners that die in detention sometimes have their bodies cremated before family members can see it or perform an autopsy.<sup>6</sup> Other times, family members are threatened if they say anything about how their relative died.

The efforts to hide cases of death in detention create a culture of impunity and make it impossible to know the exact number of cases. However, since the PRC's periodic review by the Committee Against Torture in 2008, there have been 30 known cases of Tibetans dying in detention. In 2014, 11 Tibetans died in detention. There are probably more cases that have been

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<sup>1</sup> See Appendix

<sup>2</sup> Goshul Lobsang tortured with pain-inducing injections, leaves a defiant note after untimely death. TCHRD, 31 Mar. 2014, *available at*: <http://www.tchrd.org/goshul-lobsang-tortured-with-pain-inducing-injections-leaves-a-defiant-note-after-untimely-death/>.

<sup>3</sup> Behind the Rarity of China's Acquittals, Dui Hua, 10 Feb. 2015, *available at*: <http://www.duihuaresearch.org/2015/02/behind-rarity-of-chinas-acquittals.html>.

<sup>4</sup> TCHRD calls on China to respect lawful rights of detained senior monk, TCHRD, 12 Mar. 2014, *available at*: <http://www.tchrd.org/tchrd-calls-on-china-to-respect-lawful-rights-of-detained-senior-monk/>.

<sup>5</sup> Tibetan political prisoner on ‘medical parole’ dies of torture injuries, TCHRD, 21 Mar. 2014, *available at*: <http://www.tchrd.org/tibetan-political-prisoner-on-medical-parole-dies-of-torture-injuries/>.

<sup>6</sup> Prominent Tibetan reincarnate lama Tenzin Delek Rinpoche dies in prison. TCHRD, 13 July 2015, *available at*: <http://www.tchrd.org/prominent-tibetan-reincarnate-lama-tenzin-delek-rinpoche-dies-in-prison/>.

successfully covered up. Each death is the product of a series of human rights violations, including torture, extrajudicial killing, and enforced disappearance.

The PRC has repeatedly promised to improve prison conditions and prevent the use of torture and to punish torturers. It is clear from reports received from within PRC that these promises have been broken.<sup>7</sup> It is therefore incumbent on the CAT and the international community generally, to acknowledge, condemn, and monitor the use of torture and the resulting deaths in detention.

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<sup>7</sup> Tiger Chairs and Cell Bosses. Police Torture of Criminal Suspects in China. Human Rights Watch, 13 May 2015, available at <https://www.hrw.org/report/2015/05/13/tiger-chairs-and-cell-bosses/police-torture-criminal-suspects-china>

## II. Standards for Treatment of Prisoners

Under international law torture is prohibited in all circumstances. The Convention Against Torture, Cruel, Inhuman or Degrading Treatment (Convention Against Torture) prohibits torture and requires State Parties to take effective measures to prevent torture, and prosecute torturers.<sup>8</sup> The PRC became a State Party to the Convention Against Torture in 1988.<sup>9</sup> Additionally, the PRC has publically condemned torture and voluntarily adopted standards designed to prevent torture, including the Standard Minimum Rules for the Treatment of Prisoners (SMR).<sup>10</sup> The SMR were a universally acknowledged benchmark for prison administration.<sup>11</sup> The PRC's treatment of Tibetan Political Prisoners has not lived up to its legal requirements or its promises.

### A. Convention Against Torture

As a party to the Convention Against Torture, the PRC must fulfil all of its obligations under the convention in good faith.<sup>12</sup> The Convention Against Torture defines torture as the infliction of severe physical or mental pain or suffering by or with the acquiescence of a public official for the purpose of obtaining a confession or other reasons.<sup>13</sup> The PRC must take effective measures to prevent torture and prosecute people who commit torture.<sup>14</sup> The PRC has failed to meet its legal obligations.

The uses of torture in the PRC and the techniques employed have been well documented since the Chinese Communist Party founded the PRC in 1949.<sup>15</sup> The use of torture and techniques such as beatings, electrocution, and stress positions have continued in the PRC. This has continued despite the PRC prohibiting the use of torture to extract confessions.<sup>16</sup> The bodies of Tibetan political prisoners who died during or shortly after their release bear unmistakable signs of torture.

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<sup>8</sup> UN General Assembly, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (*hereinafter* Convention Against Torture), 10 December 1984, 1465 UNTS 85, Arts. 1, 2, 5, 7.

<sup>9</sup> See Ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Committee Against Torture, *available at*: [http://www.ohchr.org/Documents/HRBodies/CAT/OHCHR\\_Map\\_CAT.pdf](http://www.ohchr.org/Documents/HRBodies/CAT/OHCHR_Map_CAT.pdf).

<sup>10</sup> Summaries of replies from Member States to the Notes Verbales of 8 March 2011 and 11 September 2012, 30 Nov. 2012, UN Doc. No. UNODC/CCPCJ/EG.6/2012/CRP.1, *available at*: [https://www.unodc.org/documents/justice-and-prison-reform/EGM-Uploads/IEGM-SMR\\_II\\_CRP\\_prepared\\_by\\_the\\_Secretariat.pdf](https://www.unodc.org/documents/justice-and-prison-reform/EGM-Uploads/IEGM-SMR_II_CRP_prepared_by_the_Secretariat.pdf).

<sup>11</sup> "Mandela Rules" passed, standards on the treatment of prisoners enhanced for the 21st century, UNODC, 22 May 2015, *available at*: <http://www.unodc.org/unodc/en/press/releases/2015/May/mandela-rules-passed--standards-on-the-treatment-of-prisoners-enhanced-for-the-21st-century.html>.

<sup>12</sup> United Nations, Vienna Convention on the Law of Treaties, 23 May 1969, 1155 UNTS 331, Art. 26.

<sup>13</sup> Convention Against Torture, Art. 1.

<sup>14</sup> Convention Against Torture, Arts. 2, 5, 7.

<sup>15</sup> See Darius Rejali, TORTURE AND DEMOCRACY at 85, 89-90.

<sup>16</sup> Amendments to the Criminal Procedure Law, which took effect from January 1, 2013. incorporated into Chinese national law the requirement to exclude confessions obtained through torture. Association for the Prevention of Torture, January 13, 2013, [http://www.ap.torture.ch/en/news\\_on\\_prevention/china-banning-confessions-obtained-through-torture/#.VDVO\\_yldXvM](http://www.ap.torture.ch/en/news_on_prevention/china-banning-confessions-obtained-through-torture/#.VDVO_yldXvM).

Paltsal Kyab died in 2008 after about one month in detention.<sup>17</sup> His family was told he had died of natural causes. However, when they saw the body it was completely covered in bruises and burn marks. The officers that delivered Paltsal Kyab's body admitted he had been tortured and prohibited his family from taking photos or telling anyone.<sup>18</sup> Similarly, after Ngawang Jamyang's body was delivered to his family with clear signs of torture, they were threatened with execution if they told anyone outside Tibet.<sup>19</sup> Tenzin Choedak died two days after he was released on medical parole. When he arrived home he had a brain injury, which ultimately killed him, his jaw was dislocated, and all the bones in his feet were broken.<sup>20</sup>

In some instances, the PRC has tortured prisoners by denying them necessary medical care. In August 2014, security personnel fired into a peaceful protest. Three protesters who suffered gunshot wounds were detained and denied medical care in prison. Within a week of being detained they died due to their untreated wounds.<sup>21</sup> Goshul Lobsang was given pain inducing medication, put on a starvation diet, and denied medical care after he was arrested in 2010.<sup>22</sup> He was released on medical parole in less than three years and died less than six months after his release.<sup>23</sup>

The use of torture and the denial of medical care for prisoners violate the PRC's obligations under the Convention Against Torture. Additionally, no official has been investigated or prosecuted for torture. The use of torture, with impunity, has created a situation where Tibetan political prisoners are dying in detention. Death in detention as a result of torture violates the PRC's obligations under international law.

### The United Nations Standard Minimum Rules for the Treatment of Prisoners

The United Nations Standard Minimum Rules for the Treatment of Prisoners (SMR) is a more specific set of standards that build upon the human rights system to aid with the guidance for the treatment of prisoners while still allowing for legal, social, economic and geographical differences.<sup>24</sup> On 22 May 2015, the UN Commission on Crime Prevention and Criminal Justice

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<sup>17</sup> Tibet Protests in 2008-2009: Profiles of known Tibetans who Died in the Protests, TCHRD, [http://www.tchrd.org/wp-content/uploads/2013/03/tibet\\_protest\\_2010.pdf](http://www.tchrd.org/wp-content/uploads/2013/03/tibet_protest_2010.pdf)

<sup>18</sup> Ibid.

<sup>19</sup> Diru Crackdown: Senior Tibetan Buddhist scholar beaten to death in police custody, 19 December 2013, <http://www.tchrd.org/diru-crackdown-senior-tibetan-buddhist-scholar-beaten-to-death-in-police-custody/>

<sup>20</sup> Remembering the fearless 'ghost' Tenzin Chodrak (1981-2014), TCHRD, 30 Jan. 2015, *available at*: <http://www.tchrd.org/remembering-the-fearless-ghost-tenzin-choedrak-1981-2014/>.

<sup>21</sup> Three more Tibetans die of injuries following Karze shooting: five deaths in total, Free Tibet, *available at*: <http://freetibet.org/news-media/pr/three-more-tibetans-die-injuries-following-kardze-shooting-five-deaths-total>.

<sup>22</sup> Tibetan political prisoner on 'medical parole' dies of torture injuries, TCHRD, 21 Mar. 2014, *available at*: <http://www.tchrd.org/tibetan-political-prisoner-on-medical-parole-dies-of-torture-injuries/>.

<sup>23</sup> Tibetan political prisoner on 'medical parole' dies of torture injuries. TCHRD 2014 *available at*: <http://www.tchrd.org/tibetan-political-prisoner-on-medical-parole-dies-of-torture-injuries/>.

<sup>24</sup> United Nations Standard Minimum rules for the Treatment of Prisoners. Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977

adopted an updated version of the SMR, which was called the “Mandela Rules.”<sup>25</sup> The Mandela Rules are the product of four intergovernmental expert group meetings that worked to update the SMR, which is now 60 years old.

Neither the SMR nor the Mandela Rules are legally binding on States. The SMR is a universally acknowledged benchmark for the treatment of prisoners that have helped shaped many States’ national legislation, including the PRC’s.<sup>26</sup> It is too early to tell if the Mandela Rules will be as influential.

Because of the influence of the SMR, the intergovernmental panels that worked on drafting the Mandela Rules were well attended. The PRC was represented at every intergovernmental panel meeting.<sup>27</sup> In one instance, the PRC sought to codify a loophole that would allow impunity for death in detention as long as the prisoner does not die when physically in custody.<sup>28</sup> In Tibet, prison officials will grant ‘medical parole’ to prisoners who are likely to die so that they do not in custody.<sup>29</sup> Ultimately, the Mandela Rules adopted part of the PRC’s suggestion. Rule 71(1) of the Mandela Rules suggests an independent investigation of any “custodial death, disappearance, or serious injury.”<sup>30</sup> Rule 71(2) suggests an independent investigation if there are reasonable grounds to believe that there was torture or cruel, inhumane, or degrading treatment in the prison.<sup>31</sup> This would include cases where torture in prison caused the prisoner’s death—even if the prisoner died outside of prison. Unfortunately, the PRC has not followed this standard.

In July 2015, a prominent Tibetan lama Tenzin Delek Rinpoche died in Chuangdong Prison near Chengdu, capital of Sichuan Province.<sup>32</sup> Family members and supporters, who had called for Tenzin Delek Rinpoche’s release and denounced his treatment, called for an investigation into his cause of death. The PRC refused to carry out an investigation and detained Tenzin Delek

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<sup>25</sup> David Fathi, Victory! UN Crime Commission Approves Mandela Rules on Treatment of Prisoners, ACLU, 27 May 2015, available at: <https://www.aclu.org/blog/speak-freely/victory-un-crime-commission-approves-mandela-rules-treatment-prisoners>.

<sup>26</sup> Summaries of replies from Member States to the Notes Verbales of 8 March 2011 and 11 September 2012, 30 Nov. 2012, UN Doc. No. UNODC/CCPCJ/EG.6/2012/CRP.1, available at: [https://www.unodc.org/documents/justice-and-prison-reform/EGM-Uploads/IEGM-SMR\\_II\\_CRP\\_prepared\\_by\\_the\\_Secretariat.pdf](https://www.unodc.org/documents/justice-and-prison-reform/EGM-Uploads/IEGM-SMR_II_CRP_prepared_by_the_Secretariat.pdf).

<sup>27</sup> See Thematic Report on the Standard Minimum Rules for the Treatment of Prisoners (SMR), Anti-Torture Initiative with the United Nations Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, available at: <http://antitorture.org/smr/>.

<sup>28</sup> Response of the government of China to Note Verbale CU 2013/129/DO/JS, United Nations Office on Drugs and Crime, UN Doc. No. UNODC/CCPCJ/EG.6/2014/Gov.19, 9 Oct. 2013, para. 2.

<sup>29</sup> Tibetan political prisoner on ‘medical parole’ dies of torture injuries. TCHRD 2014 available: <http://www.tchrd.org/tibetan-political-prisoner-on-medical-parole-dies-of-torture-injuries/>.

<sup>30</sup> United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules), Rule 71(1), UN Doc No. E/CN.15/2015/L.6/Rev.1, available at: <http://www.penalreform.org/wp-content/uploads/2015/05/MANDELA-RULES.pdf>.

<sup>31</sup> United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules), Rule 71(2), UN Doc No. E/CN.15/2015/L.6/Rev.1, available at: <http://www.penalreform.org/wp-content/uploads/2015/05/MANDELA-RULES.pdf>.

<sup>32</sup> Death of Tibetan Lama in Prison: Family Members Released From Detention but Banned from Contacting Outsiders, TCHRD, 7 Aug. 2015, available at: <http://www.tchrd.org/death-of-tibetan-lama-in-prison-family-members-released-from-detention-but-banned-from-contacting-outsiders/>.

Rinpoche's sister and niece for almost two weeks. They were banned from contacting people outside Tibet after their release.<sup>33</sup>

The PRC's approach to death in detention is to hide it and prevent information from reaching the international community. During the intergovernmental panels on updating the SMR, the PRC attempted to institutionalize its efforts. When that failed, it ignored the intent of the Mandela Rules and its own international obligations. The PRC's flaunting of the Mandela Rules in July was particularly egregious because of when it happened. Tenzin Delek Rinpoche's sisters were detained on 17 July 2015. On 19 July 2014, Lobsang Yeshe, a community leader who was arrested in 2014, died in detention as a result of beatings he received during his detention.<sup>34</sup> And 18 July 2015 was the first Mandela Prisoner Rights Day. The Commission on Crime Prevention and Criminal Justice created the day of observance when it adopted the Mandela Rules.<sup>35</sup>

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<sup>33</sup> Death of Tibetan Lama in Prison: Family Members Released From Detention but Banned from Contacting Outsiders, TCHRD, 7 Aug. 2015, available at: <http://www.tchrd.org/death-of-tibetan-lama-in-prison-family-members-released-from-detention-but-banned-from-contacting-outsiders/>.

<sup>34</sup> DEATH IN DETENTION: China refuses to release body of former village head turned political prisoner to family members, TCHRD, 23 Jul. 2015, available at <http://www.tchrd.org/death-in-detention-china-refuses-to-release-body-of-former-village-head-turned-political-prisoner-to-family-members/>

<sup>35</sup> United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules), 22 May 2015, UN Doc No. E/CN.15/2015/L.6/Rev.1, para. 7.

### III. Conclusion

Death in detention is an increasing problem in Tibet. Since 2008, TCHRD has discovered 29 instances of death in detention in Tibet. The actual number of Tibetans who died because of their treatment in detention is significantly higher because of restrictions on communications. Officials in charge of prisons also attempt to conceal the cause or location of a death. Victims are released on medical parole to hide the reason for their death. Family members are prohibited from speaking about how or why their relative died.

That death in detention happens is a violation of the PRC's obligations under the Convention Against Torture. That they are allowed to happen with impunity violates the PRC's obligations to prosecute torturers and accepted standards for investigation. As a result, Tibetans who are detained in the PRC face a potential death sentence, regardless of why they were detained. Chonjor was detained in early December 2011. He was transferred transferred to the People's Armed Police's custody on 9 December 2011. His family was told Chonjor died on 10 December 2011. No reason was ever given for his initial detention.<sup>36</sup> Deaths in detention also severely impact the surviving family members. In the case of Tenzin Delek Rinpoche's death, his relatives were detained for trying to get information about how he died.<sup>37</sup> Ngawang Jamyang's family members were threatened with execution if they told people that he had died.<sup>38</sup> When Tenzin Choedak was released on medical parole, his family took him to a hospital in Lhasa to try and save him. He survived two days after his release.<sup>39</sup>

The PRC has accepted international legal obligations to prevent torture, protect human rights, and take the steps necessary to stop death in detention. As the recent deaths of Tenzin Delek Rinpoche and Lobsang Yeshe demonstrate, the PRC has not followed these obligations. Instead, Tibetans continue to face torture and risk death in detention and the torturers enjoy impunity.

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<sup>36</sup> Tibetan beaten to death by police in Labrang, ICT, 15 Dec. 2011, available at <https://www.savetibet.org/tibetan-beaten-to-death-by-police-in-labrang/>

<sup>37</sup> Death of Tibetan Lama in Prison: Family Members Released From Detention but Banned from Contacting Outsiders, TCHRD, 7 Aug. 2015, available at: <http://www.tchrd.org/death-of-tibetan-lama-in-prison-family-members-released-from-detention-but-banned-from-contacting-outsiders/>.

<sup>38</sup> Diru Crackdown: Senior Tibetan Buddhist scholar beaten to death in police custody, TCHRD, 19 Dec. 2013, available at <http://www.tchrd.org/diru-crackdown-senior-tibetan-buddhist-scholar-beaten-to-death-in-police-custody/>

<sup>39</sup> Remembering the fearless 'ghost' Tenzin Chodrak (1981-2014), TCHRD, 30 Jan. 2015, available at: <http://www.tchrd.org/remembering-the-fearless-ghost-tenzin-choedrak-1981-2014/>.

## IV. Recommendations

To the PRC:

- Work with the international community to end death in detention;
- Allow State visits by the Special Rapporteur on torture and other cruel, inhumane, and degrading treatment or punishment;
- Create an independent panel capable of investigating and punishing torture;
- Investigate all deaths of prisoners that could reasonably be caused by torture;
- Investigate all allegations of torture.

To the Committee Against Torture:

- Publically condemn torture in Tibet and other parts of the PRC;
- Request information about the cause of death of Tenzin Delek Rinpoche and other Tibetans who have died in detention;
- Request a State visit to the PRC—including to prisons where prisoners have died because of their treatment.

## Appendix

### Stories of deaths in detention

#### Lobsang Yeshi

Lobsang Yeshi was the head of Kewa village, Tsawa Zogang. The village was close to a Chinese mining operation. The mining operation has caused numerous protests, including two incidents on 7 May 2014, when Tibetans committed public suicide to protest the mining.<sup>40</sup> The police and military were brought in to stop the protests. Lobsang Yeshi was arrested on 12 May 2014. He was suspected of organizing protests on 9-10 May 2014.<sup>41</sup>

Lobsang Yeshi and the other protesters were detained for almost a year before he was sentenced to two years in prison for his role in the protests. He was transferred to Chushul prison in Lhasa. Throughout his detention, Lobsang Yeshi was tortured and beaten. As his health deteriorated, Lobsang Yeshi was taken to a hospital in Lhasa, where he died on 19 July 2015. Lobsang Yeshi was in his sixties and the father of eight.

#### Tenzin Delek Rinpoche

Trulku Tenzin Delek was born in 1950 in Lithang County, Kardze (Chinese: Ganzi) Tibetan Autonomous Prefecture in Sichuan Province, in the Tibetan province of Kham. He entered the monastery at seven years of age and sought his ordination from Khensur Shakpa.

In 1978, Tenzin Delek Rinpoche discussed concerns about the Chinese torturing Tibetans with the previous 10<sup>th</sup> Panchen Lama. He was recognised as the reincarnation of Geshe Adham Phuntsok by the current Dalai Lama, who gave him the name Trulku Tenzin Delek Rinpoche. Some of his work included building a monastery in Tibet. During the Cultural Revolution, which ended in 1976, all of 12 of the over 6,000 monasteries in Tibet were destroyed.<sup>42</sup> For six years (1991-1997) Rinpoche built seven monasteries, hospital, a home for the elderly and a school to educate orphans and children from poor families in Nyagchuka (Chinese: Yajiang) County in Kardze Tibetan Autonomous Prefecture. He was also an active environmentalist and a teacher to hundreds of thousands of followers and disciples. In addition to building monasteries, Tenzin Delek Rinpoche helped local communities solve problems with the local government. He was so effective that people would rely on him rather than the district cadres to mediate disputes.

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<sup>40</sup> Second Tibetan Stabs Himself in Mining Protest, Free Tibet, *available at*: <http://freetibet.org/news-media/pr/second-tibetan-stabs-himself-mining-protest>.

<sup>41</sup> DEATH IN DETENTION: China refuses to release body of former village head turned political prisoner to family members, TCHRD, 23 Jul. 2015, *available at* <http://www.tchrd.org/death-in-detention-china-refuses-to-release-body-of-former-village-head-turned-political-prisoner-to-family-members/>

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[http://teachers.guardian.co.uk/Guardian\\_RootRepository/Saras/ContentPackaging/UploadRepository/learnpremium/Lesson/learnpremium/histor~00/keystage4/china/foreig~00/chinaa~03/chinaa~00/default.htm](http://teachers.guardian.co.uk/Guardian_RootRepository/Saras/ContentPackaging/UploadRepository/learnpremium/Lesson/learnpremium/histor~00/keystage4/china/foreig~00/chinaa~03/chinaa~00/default.htm)

Tenzin Delek Rinpoche was placed under surveillance after he returned to Tibet in 1987. Even though he was never charged, the surveillance was because of perceived political activities and connections with the Dalai Lama.

In 2001, a series of bomb blasts exploded in Kardze Tibetan Autonomous Prefecture. On 3 April 2002, a bomb was set off at Tianfu Square in Chengdu. Chinese officials used the bombing as a pretext to arrest, convict, torture, and eventually kill Tenzin Delek Rinpoche.

The persecution of Tenzin Delek Rinpoche and Lobsang Dhondup was during a time in which China had just implemented the ruse of 'war on terror' to crack down on legitimate dissidence and activism following the 9/11 attacks in New York. The Party Secretary of Sichuan Province at the time was Zhou Yongkang, who was known as a controversial hardliner. Ensuing Rinpoche's conviction Zhou was promoted as China's Minister of Public Security, a post he held firmly until 2012. The 'war on terror' impacted thousands of Tibetans through harsh policies and crack downs on areas in Tibetan regions. The promotion of Zhou Yongkang is not an isolated incident as many Party Secretaries were rewarded in this way after convictions of prominent figures.

Soon after, Rinpoche and Lobsang Dhondup were arrested by the police. The Chinese police accused Lobsang Dhondup, Rinpoche's nephew, of being involved with the explosions. When Lobsang Dhondup's room was searched they found a photo of Rinpoche. Lobsang Dhondup possessing a photo of his uncle and a respected community leader was used as evidence that Tenzin Delek Rinpoche was involved in the bombing. Before he was arrested, Tenzin Delek Rinpoche made an audio recording stating his innocence and that he was concerned about being framed (The audio recording was later smuggled out of Tibet).

Tenzin Delek Rinpoche was 52 years old when he was arrested. He was detained in a secret detention facility. After eight months he emerged from the secret detention for a closed door criminal trial at Sichuan Provincial People's Court. He was not allowed any form of legal defense, including a lawyer. The court sentenced Tenzin Delek Rinpoche to death with a two year reprieve. The court said that Tenzin Delek Rinpoche confessed that he was involved in planning bombings at Tianfu Square in Chengdu. Before Tenzin Delek Rinpoche was arrested he claimed that he was innocent. After the trial he denied that he had confessed. His nephew, Dhondup was sentenced to death and executed.

After Lobsang Dhondup's execution there was international outcry from rights activists who questioned the fairness of the trial. Due to the international pressure put on the PRC Rinpoche's suspended death sentence was commuted to life imprisonment.

During his imprisonment Tenzin Delek Rinpoche's health deteriorated. He suffered from a serious heart condition, high blood pressure, dizzy spells and problems with his legs that eventually prevented him from being able to walk properly. His medical condition deteriorated because authorities also refused to provide him adequate medical care. Tenzin Delek Rinpoche was not allowed to see a lawyer or have private visitors. Appeals from his family that Tenzin Delek Rinpoche be released so he could receive proper medical care were denied.

On 2 July 2015 three government officials from the Political and Legal Affairs Commission of Lithang County met with Tenzin Delek Rinpoche's sisters Donkar Lhamo and Sonam Dekyi. They were told to go to Chengdu to discuss their brother. After ten days in Chengdu without hearing any news, Tenzin Delek Rinpoche's sisters were told he had died.

Tenzin Delek Rinpoche died at 10 pm local time on 12 July 2015. He was 65 years old and had spent 13 years in prison. Prison authorities have refused to give his family an autopsy report and cremated his body against his family's wishes.<sup>43</sup> The authorities snatched his ashes from his family members without any explanation.

### **Kardze Shooting, August 2014: Jinpa Tharchin, Tsewang Gonpo, and Yeshe**

On 12 August 2014, Jinpa Tharchin, Tsewang Gonpo and Yeshe participated in a protest in Kardze Tibetan Autonomous Prefecture in Sichuan Province. They were protesting the arrest of Wangdak, a respected community leader, when security forces fired into the protest. Jinpa Tharchin, Tsewang Gonpo, and Yeshe were all shot and detained. During their detention, all three were denied medical care and eventually died. Their bodies were returned to their families on 18 August 2015. Tsewang Gonpo was 60 years old and Wangdak's uncle. Yeshe was 42 years old and Wangdak's cousin. Jinpa Tharchin was 18 years old and Wangdak's brother-in-law.<sup>44</sup>

### **Tenzin Choedak**

Tenzin Choedak (also known as Tenchoe) was a 33-year-old NGO worker before he died in a Chinese prison on 19 March 2014. In 2005, Tenzin Choedak went to school in northern India and returned to Lhasa, where he was born. He was arrested in April 2008 for being a ringleader of the March 2008 protests. He was sentenced to 15 years in prison. He died in less than six years.

Tenzin Choedak was tortured during his initial detention and was continually tortured until his release on medical parole when he died. Shortly before his death Tenzin Choedak was brought from Chushur prison to a nearby hospital in Lhasa. A witness said that he had a brain injury and was vomiting blood when he was admitted to the hospital.<sup>45</sup> He was also heavily shackled. His treatment during detention left him in such a terrible condition that he was almost unrecognizable. Authorities brought Tenzin Choedak to three different hospitals before they released him to his family.

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<sup>43</sup> Prominent Tibetan reincarnate lama Tenzin Delek Rinpoche dies in prison. 2015 available: <http://www.tchrd.org/prominent-tibetan-reincarnate-lama-tenzin-delek-rinpoche-dies-in-prison/>.

<sup>44</sup> Three more Tibetans die of injuries following Kardze shooting: five deaths in total, Free Tibet, *available at*: <http://freetibet.org/news-media/pr/three-more-tibetans-die-injuries-following-kardze-shooting-five-deaths-total>.

<sup>45</sup> Tibetan Activist Dies After Suspected Beating, Torture in Jail, Radio Free Asia, 7 Dec. 2014, *available at*: <http://www.rfa.org/english/news/tibet/torture-12072014192110.html>.

When Tenzin Choedak was released to his family all the bones in his feet were broken, his kidneys were damaged, and his jaw was dislocated.<sup>46</sup> His family took him to the Mentsekhang (traditional Tibetan medical hospital) in Lhasa, where he died two days after being released.

### **Goshul Lobsang**

Goshul Lobsang was born in Bhelban (Ch: Awancang) Township in Machu (Ch: Maqu) County in Kanlho (Ch: Gannan) Tibetan Autonomous Prefecture, Gansu Province. In 2008, he went into hiding after he was charged with organising protests against the Chinese government. He was arrested on 29 June 2010 and according to a source in Tibet was “brutally beaten and tortured” by the Machu County Public Security Bureau who arrested him.<sup>47</sup>

In December 2010, about six months after his arrest, Goshul Lobsang was sentenced to 12 years in prison. During his detention, Goshul Lobsang was given pain inducing injections, had toothpicks and other sharp objects pierced and probed the skin underneath the tops of his fingernails and cuticles, deprived of sleep, and denied medical care. As a result of this treatment, Goshul Lobsang would temporarily lose the use of his hands and his health rapidly deteriorated.

On 27 October 2013, less than three years into his sentence, Goshul Lobsang was released on medical parole. Goshul Lobsang was given medical treatment after his release. Photos of him at home show his emaciated body and swollen feet. On 19 March 2014, Goshul Lobsang died because of his treatment during detention. He was 42 years old.

### **Ngawang Jamyang**

Ngawang Jamyang (also known as Ngawang Jampel) was a senior and highly respected monk when he, along with three other monks, all from Diru (Ch: Biru) County were arrested in November 2013. He had been previously imprisoned for two years in 2008 for “having relations with outside Tibet.” Their families were not given any information about why they were arrested, where they were being detained, or their wellbeing. Around the time of their arrest, there were ongoing protests in Diru County after Tibetans refused to fly the Chinese flag on their roofs in September 2013.

On 17 December 2013, authorities from Lhasa returned Ngawang Jamyang’s body to his family. It was clear, looking at Ngawang Jamyang’s body, that he had been beaten to death during his secret detention.<sup>48</sup> The authorities also brought a warning. They told Ngawang Jamyang’s family that they would be executed if they told anyone outside Tibet about Ngawang Jamyang’s death.

### **Tsering Gyaltzen**

Tsering Gyaltzen was a monk at Drango Monastery when he was arrested after a protest in Drango (Ch: Luhuo) County in Kardze Tibetan Autonomous Prefecture in Sichuan Province.

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<sup>46</sup> Remembering the fearless ‘ghost’ Tenzin Chodrak (1981-2014), TCHRD, 30 Jan. 2015, *available at*: <http://www.tchrd.org/remembering-the-fearless-ghost-tenzin-choedrak-1981-2014/>.

<sup>47</sup> Goshul Lobsang tortured with pain-inducing injections, leaves a defiant note after untimely death. TCHRD 2014 *available at*: <http://www.tchrd.org/goshul-lobsang-tortured-with-pain-inducing-injections-leaves-a-defiant-note-after-untimely-death/>.

<sup>48</sup> Deaths in Custody Torture in Tibet 2015 Tibet Watch submission to the Committee Against Torture February 2015, *available at*: [http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/CHN/INT\\_CAT\\_ICO\\_CHN\\_20091\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/CHN/INT_CAT_ICO_CHN_20091_E.pdf).

Tsering Gyaltzen was beaten during his arrest.<sup>49</sup> He was taken from the detention centre to a military hospital in Kardze where he died.<sup>50</sup> Tsering Gyaltzen's spine was broken. His body was never returned to his family.

### Chonjor

Chonjor was detained by local Public Security Bureau officers in the Labrang area (Chinese: Xiahe) in early December 2011. On 9 December he was handed over to the People's Armed Police. On 10 December, Chonjor's family asked about his whereabouts. They were told he died. Chonjor was from Sangchu County, Gansu Province and in his twenties when he died. A witness said that Chonjor was severely tortured before his death. No reason for his arrest was ever given.<sup>51</sup>

### Thinlay

Thinlay was detained after he participated in a peaceful protest in Kardze Tibetan Autonomous Prefecture in Sichuan Province in April 2009. He was detained for seven months without ever being charged or given a trial. During his detention he was severely beaten. When Thinlay was released he was paralysed and suffered brain damage.<sup>52</sup> Thinlay's family paid for his medical care after he was released. He died on 10 August 2011. Doctors said he suffered irreversible brain damage. He was 25 years old and is survived by his mother and his wife.<sup>53</sup>

### Paltsal Kyab

Paltsal Kyab was a nomad who joined the protests on 17 March 2008. At a protest in Charo township in Ngaba (Ch: Aba) Prefecture in Sichuan Province, Paltsal Kyab persuaded the protesters to remain non-violent.<sup>54</sup> Despite this, his name was added to a wanted list and he went to visit a relative in another town. Late at night on 9 April, police raided Paltsal Kyab's house. When they discovered he was not there, a police officer pointed a gun at Paltsal Kyab's 14-year-old son's head and asked where Paltsal Kyab was. Paltsal Kyab's wife was dragged from the room and asked the same question. Because they named different relatives, Paltsal Kyab's son was detained overnight. During his detention the 14-year-old boy was slapped, kicked, and punched. Paltsal Kyab turned himself in after he heard about the treatment of his family.<sup>55</sup>

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<sup>49</sup> Monk "disappears" from hospital after police beatings, TCHRD, 19 Sep. 2012, available at <http://www.tchrd.org/monk-disappears-from-hospital-after-police-beatings/>

<sup>50</sup> Torture and Impunity: 29 cases of Tibetan Political Prisoners 2008-2014, International Campaign for Tibet, available at: <http://www.savetibet.org/newsroom/torture-and-impunity-29-cases-of-tibetan-political-prisoners/>.

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<sup>52</sup> Torture and Impunity: 29 cases of Tibetan Political Prisoners 2008-2014, International Campaign for Tibet, available at: <http://www.savetibet.org/newsroom/torture-and-impunity-29-cases-of-tibetan-political-prisoners/>.

<sup>53</sup> 25-year-old Tibetan Political Prisoner Dies from Police Beating, Central Tibetan Administration, 12 Aug. 2011, available at: <http://tibet.net/2011/08/25-year-old-tibetan-political-prisoner-dies-from-police-beating/>.

<sup>54</sup> Deaths of two Tibetans after torture, International Campaign for Tibet, 21 May 2009, available at: <http://www.savetibet.org/deaths-of-two-tibetans-after-torture/>.

<sup>55</sup> *ibid.*

Paltsal Kyab turned himself in on 17 or 18 April 2008. He was then transferred to a detention facility in Ngaba on 27 April 2008. For a month, his family could not get any information about where he was or his condition. Then on 26 May 2008, they were told Paltsal Kyab had died in detention.

Officials told Paltsal Kyab's family he had died of natural causes and gave details about an illness he suffered that required he be hospitalized twice and impacted his stomach and kidney. Paltsal Kyab's family was sceptical about the claims because he was healthy when he turned himself in six weeks earlier and had always been healthy. Their scepticism was confirmed when they received his body. Paltsal Kyab's brother said that bruises completely covered his brother's body, "The whole front of his body was completely bruised blue and covered with blisters from burns. His whole back was also covered in bruises, and there was not even a tiny spot of natural skin tone on his back and front torso. His arms were also severely bruised with clumps of hardened blood."<sup>56</sup>

The police officers who delivered Paltsal Kyab's body admitted he had been tortured to death and prohibited his family from taking photos or telling anyone about his treatment. They also tried to pay the family to stay quiet. Paltsal Kyab's brother told the International Campaign for Tibet about his brother's treatment after he fled Tibet and began living in exile. Paltsal Kyab was 45 years old and is survived by his five children, his wife, and his brother.

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<sup>56</sup> *ibid.*

Table of known Tibetan deaths in detention since 2008

S.No	Name	Sex	Age	Charge/ Accusation	Date of Detention	Place of origin
1.	Yangkyi Dolma	F	42	Slogan-Shout-Speech	06/12/2009	Kardze County, Kardze TAP, Sichuan Province.
2.	Pema Tsepag	M	30	Slogan-shout-speech	23/01/2009	Dzogong County, Chamdo Prefecture TAR.
3.	Yeshi Tenzin	M	47	For disseminating political leaflets	07/10/2011	Sog County, Nagchu Prefecture, TAR.
4.	Tsultrim Gyatso	M	54	Unknown	22/01/2012	Hualong County, Tsonub TAP, Qinghai Province.
5.	Tsering Gyaltzen	M	43	Unknown	--/05/2012	Drango County,

						Kardze TAP, Sichuan Province.
6.	Ngawang Jamyang	M	45	Unknown	17/12/2013	Nakshul Township, Diru County, Nagchu Prefecture, TAR.
7.	Kaldo	M		Possessing H.H. recorded speech.	28/04/2013	Dzogong County, Chamdo Prefecture, TAR.
8.	Yeshi	M	42	Slogan-shout-speech	17/08/2014	Serchul County, Kardze TAP, Sichuan Province.
9	Tsewang Gonpo	M	60	Unknown	17/08/2014	Sersul County, Kardze TAP, Sichuan Province.

10.	Tenzin Choedak	M		Slogan-shout-speech.	05/12/2014	Lhasa City, Lhasa prefecture, Tibet Autonomous Region.
11.	Tashi Paljor	M	35	Propaganda	01/03/2014	Chamdo City, Chamdo Prefecture, Tibet Autonomous Region.
12.	Bachen Gyalwa (Ngawang Monlam)	M	N/A	Incitement	21/11/2014	Diru County, Nagchu Prefecture, Tibet Autonomous Region.
13.	Lo Palsang	M	N/A	Slogan-shout-speech.	17/08/2014	Sershul County, Nagchu Prefecture, Tibet Autonomous Region.
14.	Konchok Dakpa	M	20s	Unknown	--/12/2014	Diru County, Nagchu Prefecture, Tibet Autonomous Region.

15.	Karmey	M	22	Unknown except that he was detained for using phone near police station.	11/12/2014	Dharlak County, Golog TAP, Qinghai Province.
16.	Jinpa Tharchin	M	18	Slogan-shout-speech	17/08/2014	Kardze City, Kardze TAP, Sichuan Province.
17.	Goshul Lobsang	M	42	Ringleader of the 2008 protest.	29/06/2010	Machu County, Kanho TAP, Gansu Province.
18.	Bulug	M	50s	Unknown	25/03/2011	Dzorgang Township also in Jomda County, Chamdo Prefecture, TAR.
19.	Norlha Ashagtsang	M	49	Leading in organizing protest	27/12/2011	Ashak Tsang family in Pema Township,

						Jomda County, Chamdo Prefecture in the TAR.
20.	Thupten Lektsog	M	N/A	Unknown	--/01/2010	Meldrogungkar, Lhasa municipality, TAR.
21.	Ngawang Yonten	M		Involving March 2008 protest.	--/--/2008	Lhundrub County, Lhasa municipality, TAR.
22.	Thinley	M	N/A	Participating in March 2008 protest.	10/08/2011	Beri Serkhar in Kardze TAP, Sichuan Province.
23.	Tendar	M	N/A	Involvement in March 2008 protest at Lhasa.	19/06/2008	Unknown except that he was working at customer services department of a Chinese tele-communications company and lived in Lhasa.

24.	Paltsal Kyab	M	45	Unknown except that he involved in March 2008 protest.	--/05/2008	Charo township, Ngaba County, Sichuan Province
25.	Tenzin Delek Rinpoche	M	65	For exploding bombs and distributing separatist leaflets.	12/07/2015	Litang County, Kardze TAP, Sichuan Province.
26.	Lobsang Yeshi	M	60s	For his role in protest against mining near his village.	12 May 2014	Kewa village in Chamdo prefecture, Tibet Autonomous Region
27.	Karwang	M	32	Putting up poster calling for Tibet independence	Unknown	Nyagrang County, Kardze TAP, Sichuan Province.
28	Guldrak	M	29		2013?	Unknown
29	Phuntsok Rabten	M	27	For disseminating political leaflets	25/03/2009	Draggo (Ch: Luhuo) County, Kardze (Ch: Ganzi), Sichuan Province

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