

PUBLIC

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Further Information on UA 290/04 (ASA 17/054/2004, 15 October 2004) – Fear of execution

PEOPLE'S REPUBLIC OF CHINA Tenzin Deleg Rinpoche (m)

The Chinese authorities have not yet made any official announcement about the fate of Tenzin Deleg Rinpoche, amid conflicting reports about when the two year period of suspension on his death sentence comes to an end. Mass appeals now could help to save his life.

The two-year period of suspension on his death sentence expired on 2 December, according to some sources. Others claim it will not expire until 26 January 2005, two years after his unsuccessful appeal.

Under Chinese law, prisoners serving a two-year period of suspension on a death sentence are executed only if they commit a particularly serious crime while in prison. According to Amnesty International's research, these crimes are limited to attempted or actual murder of fellow inmates or prison staff, or, in some cases, attempts to escape from prison.

Tenzin Deleg Rinpoche, a religious leader from a traditionally Tibetan area of Sichuan Province, was detained on 7 April 2002, reportedly on suspicion of involvement in an explosion that had taken place in the main square of the provincial capital, Chengdu, a few days earlier. The Chinese authorities have never clarified what his involvement in the incident was alleged to have been. Another man, Lobsang Dhondup, was detained on 3 April 2002 at the scene of the explosion on suspicion of planting the bomb. Both men were also charged with producing and distributing "splittist" leaflets advocating independence for Tibet.

They were reportedly tortured for several months before their trial in November 2002. Official documents claim that they both "confessed" to their crimes, but at his sentencing on 2 December 2002, Tenzin Deleg Rinpoche reportedly shouted his innocence in court. Tenzin Deleg Rinpoche was sentenced to death, suspended for two years, for "causing explosions" and "inciting separatism". Lobsang Dhondup was sentenced to death on the same charges, and on an additional charge of possessing explosives.

Tenzin Deleg Rinpoche's appeal against his sentence was rejected on 26 January 2003. It remains unclear whether Lobsang Dhondup appealed against his sentence, but he was executed immediately after the appeal hearing, despite assurances from senior Chinese officials to US and EU diplomats that the case would receive a "lengthy review".

BACKGROUND INFORMATION

Amnesty International believes that the proceedings against Tenzin Deleg Rinpoche and Lobsang Dhondup fell far short of international fair trial standards, and that their sentences are a serious miscarriages of justice. In the light of this, the organization maintains that the criminal justice system in China is currently so flawed it cannot provide a fair trial in capital cases, and that the Chinese authorities must therefore impose an immediate moratorium on the death penalty. (For further information, see *Executed "according to law"? – the death penalty in China*, AI Index: ASA 17/003/2004, and *Miscarriage of justice? – the trial of Tenzin Deleg Rinpoche and related arrests*, AI Index: ASA 17/029/2003.)

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- urging the authorities to stay the execution of Tenzin Deleg Rinpoche;
- urging the authorities to give Tenzin Deleg Rinpoche's family and the international community full details of his current status;
- pointing out there are still serious concerns that Tenzin Deleg Rinpoche's detention, trial and sentencing appear to have involved severe miscarriages of justice;
- urging the Chinese authorities to conduct a full and open review of the evidence and legal procedures used to convict and sentence Tenzin Deleg Rinpoche and Lobsang Dhundup, and to punish any officials found to have abused their powers.

APPEALS TO:

Governor of the Sichuan Provincial People's Government

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Salutation: Dear Governor

Director of the Sichuan Provincial Department of Justice

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Salutation: Dear Director

Minister of Justice

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Salutation: Your Excellency

COPIES TO: diplomatic representatives of the People's Republic of China accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 17 January 2005.