

TRULKU TENZIN DELEK

Background Information:

Trulku Tenzin Delek Thupten Choekyi Nyima was born in 1950 to Tsepa Dorjee and Dolma Choezom in Lithang County, Kandze, Tibetan Autonomous Prefecture "TAP", Sichuan Province. He entered the monastery at the age of seven and sought his ordination from Khensur Shakpa.



In 1978 Trulku met with the late 10th Panchen Lama at Labrang Tashikyil Monastery to express concerns over Chinese authorities inflicting torture on local Tibetans. He got the permission from the Beijing to build a monastery and late Panchen Lama named it Kham Nalanda Thekchen Jhangchup Choling.

In early 1982, Trulku Tenzin Delek sought an audience with the Dalai Lama in Dharamsala, India, and thereafter stayed in Drepung Tashi Gomang Monastery, South India, for six years. In 1983, the Dalai Lama recognised him as the reincarnation of Geshe Adham Phuntsok and given the name Trulku Tenzin Delek.



When he returned to Tibet in 1987, Trulku was constantly scrutinized for alleged political activities and connections with the Dalai Lama. Until his arrest on 7 April 2002, Trulku was active in social welfare activities in Lithang County.

He then went to Beijing and secured an official permission from the late Panchen Lama who named the new monastery Kham Nalanda Thekchen Jhangchub choling. Between 1991 and 1995, Trulku Tenzin Delek

built seven monasteries and an old people's home in Nyagchuka County, Kardze, "TAP".

Later in 1997 he built a school in Geshe Lungpa Village of Nyagchuka County, which provided assistance to more than 160 orphans and children from poor nomads and farmers. Trulku fully financed the school with the supplies as food, clothing, salary etc. However, the local authorities termed the



school "illegal" and forcefully conducted "patriotic re-education" sessions in the school eventually leading to its closure in 2000. All wards of the school had to return to their respective homes.

Trulku vociferously campaigned against the environmental destruction in Kham region. Trulku maintained an independent religious stand on the



controversial issue of the 10th Panchen Lama's reincarnation that could have provoked another official action against him.

Trulku was very popular among the local people as significant portion of them trusted Tenzin Delek over district cadres, to solve

communal problems fairly and efficaciously, in part because of his willingness to approach provincial and central government officials when local efforts failed.

Bomb Blast Incident In Chengdu

In 2001, a series of bomb blasts ripped through Kardze “Tibetan Autonomous Prefecture” (TAP). On 3 April 2002, a bomb went off in the city’s main square (Tianfu) in Chengdu, the provincial capital of Sichuan resulting in 12 injuries and one death. Shortly afterwards, Chinese police arrested Lobsang Dhondup (Ch: Lorang Toinzhub).

The Chinese police alleged that Lobsang Dhondup was involved with the explosions. Later his room was ransacked and police found a photo of Trulku Tenzin Delek. It was how Trulku Tenzin Delek was linked to the entire incident. Both Trulku and Lobsang Dhondup had declared their innocence and the authorities could not produce any substantial evidence to corroborate their allegations, conviction and sentencing.

Arrest Of Trulku Tenzin Delek

Five days after the bombing incident, on the night of 7 April, 2002, a team of Sichuan Public Security Bureau (PSB) officers and People’s Armed Police (PAP) stormed into Trulku’s room at Kham Nalanda Thekchen Jangchub Choeling in Nyagchuk, Kardze “TAP” and arrested him. Along with four of his attendants were arrested Tsultrim Dhargyal, Ashar Dhargyal, Tamdin Tsering and Dhondup (lay) as an accomplice in the bomb blast.

Visitation Rights Denied While In Detention.

While in detention after their arrest there were many reports of a coercive interrogation, beatings and torture on Trulku Tenzin Delek and Lobsang Dhondup. There was hardly any information about their whereabouts for almost seven months following their arrest on 7 April 2002.

The prison staffs refused Trulku and four others to have an access to attorneys or to private visitors, thereby confirming allegations of torture and denying their right to assistance of a privately hired attorney. His disciples came to know about Trulku’s whereabouts on 29 November 2002 when both Trulku and Lobsang Dhondup were brought to Kardze Intermediate People’s Court for trial. No one has seen Trulku in person until the first court trial.

Court Trial and Sentencing

On 2 December 2002, a closed trial was held in Kardze People's Intermediate People's Court against Trulku Tenzin Delek and Lobsang Dhondup resulting in a conviction and sentencing. Only two relatives of Trulku were allowed to attend the court proceedings.

The Court sentenced Trulku Tenzin Delek to death with two years suspension and deprivation of political rights for life for "committing crimes concerning explosions". Additionally he was sentenced to 14 years' imprisonment and deprivation of political right for three years for "inciting the split of the country". Lobsang Dhondup was sentenced to immediate death penalty and deprived him of political rights for life for "committing crimes concerning explosions". He was also given 12 years' imprisonment and deprived of political rights for two years for "inciting the split of the country" as well as an additional three years of imprisonment for "illegally possessing firearms and ammunition".

Trulku Tenzin Delek maintains that he did not confess to any of the charges against him. Lobsang Dhondup had reportedly declared in the court, "Neither Trulku nor I am involved in any way with the bomb explosions. The trial was unfair."

After two officials from the Central Government have visited Trulku on 6 January 2003, Trulku began a hunger strike, saying that Chinese authorities had denied him a fair trial. Trulku is reported to have told the two officials that he did not wish to respond to their queries, as they were not interested in finding out the truth.

In a secretly recorded message, smuggled out of Tibet, Trulku said: "*Whatever [the authorities] do and say, I am completely innocent...Around that time, one of my friends called me and asked if [Lobsang Dhondup] was my relative. Then I became suspicious that something serious was going on. When I heard about the explosions and arrest of Lobsang Dhondup, I suspected that I might be wrongly accused and arrested-that I might become a scapegoat.*" The Chinese police and prosecutors imprisoned and tried Trulku Tenzin Delek solely on the alleged confession of Lobsang Dhondup.

RETRIAL AND APPEAL

On 17 December 2002, Tsering Lolo, brother of Trulku Tenzin Delek, hired two prominent attorneys Zhang Sizhi and Li Huigeng from Beijing, to represent to defend their case.

On 18 December 2002, Trulku Tenzin Delek sent a letter through Tsering Lolo to Zhang Sizhi and Li Huigeng, appealing for their representation on his case. Zhang and Li had famously represented other dissidents in 1991 and in 1995.

On 25 December 2002, Li telephoned Judge Wang Jinghong of the Sichuan Provincial Court to arrange for their representation and for an interpreter. Judge Wang suggested that they hire a local translator and made travel arrangements. However, the re-trial was a closed trial one attorney Li Huigeng had not anticipated.

On 26 December 2002, Judge Wang Jinghong called attorney Li Huigeng and made several inquiries over relations between Trulku Tenzin Delek and Lobsang Dhondup, and other unclear details of the case. Li and Zhang Sizhi paid to get access to official document on 6 January 2003.

On 27 December, attorney Li called Judge Wang and sought permission to meet and talk with Trulku Tenzin Delek. Judge Wang knew that Trulku was detained in Dartsedo Detention Centre and even gave him road directions from Chengdu to Dartsedo. The same day, Lithang County PSB officers arrested Tsering Lolo on charges of hiring lawyers for Trulku.

On 28 December, Zhang Sizhi and Li Huigeng met with Wang Lixiong, to discuss the representation. Mr. Lixiong felt that only lawyers from outside of the Sichuan would work beyond governmental control and be strong advocates. On 29 December, Judge Wang under pressure from higher authorities did not allow them to represent Trulku. Instead two court-appointed lawyers represented them. It was “politically motivated” and Trulku was never been consulted on the change of lawyers. In the case of Trulku Tenzin Delek, he was denied of the right to have a fair trial as well as the right to hire attorney as enshrined in International Covenant on Civil and Political Rights (ICCPR) of United Nation declaration.

Right to Privately hired attorney denied

When a person is charged with a crime, he has the right to hire an attorney, with whom he can have full contact. This right is universal and is expressed in such agreements as the ICCPR and the Fundamental Freedoms. The United Nations has established the standard of full access to the defendant's attorney of choice, requiring that "*communication of the detained or imprisoned person with the outside world, and in particular his family or counsel, shall not be denied for more than a matter of days.*"

Conclusion:

The trial of Trulku Tenzin Delek and Lobsang Dhondup violated many fundamental principles of free and fair trial as enshrined in China's constitution. Tibetan Centre for Human Rights and Democracy (TCHRD) firmly believe that China refused Trulku his right to hire lawyers to represent him in a public trial.

By denying the right to a public trial and the right to an attorney, China denied Trulku the right to a fair trial. Wang Lixiong has written, "Trulku Tenzin Delek is a lama who is respected by all the people. By putting the label of a terrorist on him and putting him on trial and clamping the death sentence on him the Chinese police might think they have accomplished something great." Wang Lixiong wrote about Tenzin on a Chinese language website. Wang Lixiong wrote that he does not believe that Trulku Tenzin Delek is involved in the bombings: "By this act the Chinese police have used one arrow to kill two deer. The Chinese police have cut Trulku Tenzin Delek down to size and have claimed success in solving the mystery of the April bomb blasts."

Trulku's case shows the common form of human rights abuses includes arbitrary arrest and detention, lengthy incommunicado detention, and denial of due process. With such perverse rules of legal process in operation, a high incidence of wrongful conviction becomes a virtual certainty. TCHRD urges the Beijing leadership to free Trulku Tenzin Delek unconditionally, to improve the legal system and to provide him a fair trial.

RECOMMENDED ACTION:

Please send immediate telegrams/ telexes/ faxes/ express/e-mails or airmails in English, Tibetan, Chinese or in your own language: (*A An Zha Xi is the Chinese name of Trulku Tenzin Delek. Please use the Chinese name in letters to the authorities.*)

Expressing shock and dismay at the execution of Lobsang Dhondup and the reaffirmation of Trulku Tenzin Delek's sentence. Requesting Chinese Government to guarantee the safety of Trulku Tenzin Delek.

- Ø Urging United Nation's Secretary General and UN High Commissioner for Human Rights to intervene in the matter
- Ø Requesting for a fair review on the court decision.
- Ø Requesting representatives either from independent human rights monitoring organisations or United Nations to visit Trulku Tenzin Delek.
- Ø Urging Chinese authorities to stop using "terrorism" as an excuse to persecute peaceful Tibetan nationalists.

Please write to:

President Hu Jintao of the People's Republic of China

Central Committee Zhongnanhai Xi Cheng Qu

Beijingshi

People's Republic of China

Salutation: Your Excellency

Also please write to:

Madam Loiuise Arbour

High Commissioner for Human Rights

High Commissioner UN

Palais des Nations

1211 Geneva 10 Switzerland

Salutation: Dear Commissioner