

**NATIONS UNIES  
HAUT COMMISSARIAT DES NATIONS UNIES  
AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU  
CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS  
OFFICE OF THE UNITED NATIONS  
HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE  
HUMAN RIGHTS COUNCIL**

**Mandates of the Chair-Rapporteur of the Working Group on Arbitrary Detention; the Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; the Independent Expert on minority issues; and the Special Rapporteur on freedom of religion or belief**

REFERENCE: UA G/SO 218/2 G/SO 217/1 G/SO 214 (56-23) Minorities (2005-4)  
CHN 18/2011

30 August 2011

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; Independent Expert on minority issues; and Special Rapporteur on freedom of religion or belief pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 15/18, 16/16, 16/6, and 14/11.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the arrest and possible enforced disappearance in Hezhou of a **Buddhist monk from Lhabdrang Monastery, Mr. X**, on 20 August 2011.

According to the information received:

In the morning of 20 August 2011, the Buddhist monk Mr. X (also known as Akhu X and Lama X) was arrested in the hotel "Z-hong Yan" in Hezhou, Kanlho prefecture. When police and security personnel sealed off the hotel, they did not allow two of Mr. X's students to enter, warning them of dire consequence if they insisted further. The current fate and whereabouts of Mr. X are unknown.

On 21 August 2011, some 50 security personnel allegedly raided Mr. X's room at Lhabdrang Monastery, checking his belongings and seizing Compact Discs.

Mr. X was a former head of the Lhabdrang Monastery's vocational training centre and a Vice-Chair of the monastery's Democratic Management Committee. He had previously

given a video testimony in 2008, showing his face and full identity, regarding torture he suffered during a 42-day period of detention from 28 March 2008, following protests in Lhabdrang Monastery. Mr. X had been re-arrested on 4 November 2008, and released on 3 May 2009, reportedly due to insufficient evidence to make a criminal case against him.

As the current fate and whereabouts of Mr. X are unknown, if confirmed, these allegations may amount to an enforced disappearance.

While we do not wish to prejudge the accuracy of these allegations, we wish to appeal to your Excellency's Government to seek clarification of the circumstances regarding the arrest and unknown fate and whereabouts of Mr. X.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of Mr. X is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee his right not to be deprived arbitrarily of his liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights.

Furthermore, we would like to draw the attention of your Excellency's Government to the right to physical and mental integrity of Mr. X. This right is set forth inter alia in article 25 of the Universal Declaration of Human Rights.

We would also like to recall the rights of Mr. X to freedom of religion or belief, in accordance with the principles set forth in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief and with article 18 of the Universal Declaration of Human Rights. The General Assembly, in its resolution 65/211, urges States to step up their efforts to protect and promote freedom of thought, conscience and religion or belief, and to this end "(a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience and religion or belief to all without distinction, inter alia, by providing access to justice and effective remedies in cases where the right to freedom of thought, conscience and religion or belief or the right to freely practise one's religion, including the right to change one's religion or belief, is violated; (b) To ensure that existing legislation is not implemented in a discriminatory manner or does not result in discrimination based on religion or belief, that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief and that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or detention on that account and to bring to justice all perpetrators of violations of these rights".

Furthermore, we draw the attention of your Excellency's Government to international standards relevant to the protection and promotion of the rights of minorities. The provisions of

the 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities require under Article 1.1 that “States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity.” Article 2 states that “Persons belonging to national or ethnic, religious and linguistic minorities have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination. In addition, Article 4.1 of the Declaration establishes that: “States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law.”

In relation to the allegations according to which the fate and whereabouts of Mr. X are unknown, we would like to bring to your Excellency’s Government’s attention the United Nations Declaration on the Protection of All Persons from Enforced Disappearance which sets out necessary protection by the State, and in particular:

- article 2 (no State shall practice, permit or tolerate enforced disappearances);
- article 3 (each State shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction);
- article 6 (no order or instruction of any public authority, civilian, military or other, may be invoked to justify an enforced disappearance);
- article 7 (no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances);
- article 9 (right to a prompt and effective judicial remedy to determine the whereabouts of persons deprived of their liberty);
- article 10 (right to access of competent national authorities to all places of detention; to be held in an officially recognized place of detention, in conformity with national law and to be brought before a judicial authority promptly after detention; to accurate information on the detention of persons and their place of detention being made available to their family, counsel or other persons with a legitimate interest); and
- article 12 (right to the maintenance in every place of detention of official up-to-date registers of all detained persons).

We urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Mr. X are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of Mr. X in compliance with the above international instruments.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the above summary of the case accurate?
2. Please provide information on the fate and whereabouts of Mr. X. If his fate and whereabouts are unknown, please provide the details on any investigation or other queries which may have been carried out. If no queries have taken place, or if they have been inconclusive, please explain why.
3. Has a complaint been lodged with regard to the incidents mentioned above?
4. Please provide the details and where available, the results, of any judicial investigation, or any criminal charges and other inquiries carried out in relation to this case.

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

We would like to bring to the attention of your Excellency's Government that should the source submit the above mentioned allegation concerning Mr. X as a case to the Working Group on Enforced or Involuntary Disappearances, it will be considered by the Working Group according to its methods of work, in which case your Excellency's Government will be informed by separate correspondence.

Please accept, Excellency, the assurances of our highest consideration.

El Hadji Malick Sow  
Chair-Rapporteur of the Working Group on Arbitrary Detention

Jeremy Sarkin  
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

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