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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; the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on the rights to freedom of peaceful assembly and of association

REFERENCE: UA G/SO 218/2 G/SO 217/1 G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (56-23) Minorities (2005-4)
CHN 15/2011

28 July 2011

Excellency,

We have the honour to address you in our capacity as 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; the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on the rights to freedom of peaceful assembly and of association pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 15/18, 16/16, 16/6, 14/11, 16/4, and 15/21.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received concerning the **tense situation in Kardze County, Sichun Province, and the arrest and detention of 54 individuals**. In this regard, it has been alleged that the fate and whereabouts of the following 47 individuals are currently unknown: Mr. **Tsewang Tashi** (18 years old); Mr. **Gyurmey Sonam** (18 years old); Mr. **Oser Phuntsog** (31 years old); Ms. **Tseyang**; Ms. **Ringa** (Rinchen Choetso); Ms. **Jampa Lhatso**; Mr. **Gowang** (Goyang, 30 years old); Ms. **Tsewang Dolma**; Ms. **Dega**; Mr. **Pema Tsering** (31 years old); Mr. **Passang Rinchen**; Ms. **Yeshi Lhatso** (22 years old); Ms. **Tenzin Lhatso** (27 years old); Ms. **Tashi Choedon**; Ms. **Ngawang Lhamo**; Ms. **Jampa Choedon** (31 years old); Ms. **Sheh Lhamo**; Ms. **Yanchen** (Tashi Tsetso, 28 years old); Mr. **Ngawang Lobsang** (37 years old); Mr. **Richen Gyatso** (21 years old); Mr. **Lama Tsering** (22 years old); Ms. **Lobsang Yangtso** (26 years old); Ms. **Lobsang Khando** (34 years old); Ms. **Thinley Dolma** (30 years old); Ms. **Choenyi Lhamo** (29 years old); Ms. **Jamtuk Dolma** (21 years old); Ms. **Dolma Palmo** (20 years old); Ms. **Choesang** (31 years old); Ms. **Peltuk** (34 years old); **Phurga** (40 year old); Mr. **Lobyang**; Ms. **Chunyi Lhamo** (29 years old); **Palmo**; **Dewang**; Ms. **Dekyi Lhamo** (18 years old); Ms. **Kunga Choezom** (22 years old); **Karma Yeshi**; Mr.

Karma Samten; Mr. **Jigtak**; Mr. **Sherab**; Mr. **Gaya Tashi**; Mr. **Urgen Samten**; Mr. **Karma Soepa**; Mr. **Karma Monlam**; Mr. **Dosam**, Mr. **Dorgay** and Mr. **Ngawang Phuntsok** (34 years old). If these allegations are confirmed, these cases may amount to enforced disappearances.

Furthermore, the following two monks of Kardze Dhargyal Monastery are detained at the Kardze Detention Centre: Mr. **Lobsang Choejor** (35 years old) and Mr. **Jampa Wangchuk** (46 years old). The following five named individuals have reportedly been sentenced in early July 2011 to three years imprisonment each: Mr. **Sonam Nyima** (19 years old); Mr. **Sonam Choegyal** (19 years old); Ms. **Jampa Choedon** (31 years old); Ms. **Sheh Lhamo** (21 years old); and Ms. **Yangchen** (Tashi Choetso, 28 years old).

According to information received:

Since 6 June 2011, and following peaceful protests in the Kardze County, Sichuan Province, there is a heavy police and army presence in the area. In this context, the abovementioned 54 persons have been arrested, reportedly in order to suppress the protests comprising mainly nuns and monks calling for “freedom of religion in Tibet”, thus creating a climate of fear in the area.

Furthermore, severe restrictions are reported to have been imposed on the freedom of movement of monks and nuns in particular, with prior permission being required to travel outside Kardze County. Moreover, individuals visiting the hospital reportedly need to seek written permission from local government authorities and must also be accompanied by a government official.

On 27 June 2011, two nuns, reportedly from the Lamdrak monastery, were arrested on their way to work at the “Tibetan Medical Clinic” for failing to produce their identity cards.

Furthermore, on 12 July 2011, eight monks are reported to have been arrested from the Surmang Monastery, Nangchen County, in Qinghai Province for refusing to participate in the celebration of the 90th anniversary of the Chinese Communist Party (CCP), and were reportedly taken to the Nangchen County Detention Center.

In light of the abovementioned events and developments in Kardze County, serious concern has been expressed that the right to freedom of religion or belief has been severely curtailed. Further concern is expressed about the physical and mental integrity of the persons named above whose fate and whereabouts remain unknown.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of the abovementioned 52 individuals is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee their right not to be deprived arbitrarily of their 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 (UDHR).

We would also like to appeal to your Excellency's Government to ensure the right 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 article 18 of the UDHR.

The General Assembly, in its resolution 64/164, urges States to step up their efforts to protect and promote freedom of thought, conscience and religion or belief, and to this end "(b) To ensure 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; [...] (d) To ensure that no one is discriminated against on the basis of his or her religion or belief when accessing, inter alia, education, medical care, employment, humanitarian assistance or social benefits, and to ensure that everyone has the right and the opportunity to have access, on general terms of equality, to public services in one's country, without any discrimination on the basis of religion or belief; [...] (h) To exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights law, to ensure that religious places, sites, shrines and symbols are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration and destruction; [...] (m) To prevent any distinction, exclusion, restriction or preference based on religion or belief which impairs the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis, and to detect signs of intolerance that may lead to discrimination based on religion or belief".

In relation to the allegations according to which the fate and whereabouts of 47 persons 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 Disappearances 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).

In addition, we would like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the UDHR, which provides that "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers".

We would also like to appeal to your Excellency's Government to take all necessary steps to ensure the right to freedom of assembly, as recognized in article 20 of the UDHR, which provides that "Everyone has the right to freedom of peaceful assembly and association."

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. Article 1.1 requires 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 states 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".

The Independent Expert on minority issues recalls to your Excellency's Government that she has requested to conduct a country visit to China on several occasions in order to consult constructively with your Excellency's Government on issues relevant to her mandate and looks forward to an early opportunity for the mandate to visit China.

We urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned 54 persons 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.

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 cases accurate?
2. Has a complaint been lodged with regard to the incidents and events mentioned above?
3. Please provide information on the fate and whereabouts of the 47 people mentioned above. If their fate and whereabouts are unknown, please provide the details of 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.
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 these cases.
5. Please provide the details of the abovementioned individuals and those currently in detention in relation to the events in Kardze County.

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 sources submit the above mentioned allegations concerning possible enforced disappearances as cases to the Working Group on Enforced or Involuntary Disappearances, they 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.

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 the above-mentioned 54 persons in compliance with the above international instruments.

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

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Chair-Rapporteur of the Working Group on Arbitrary Detention

Jeremy Sarkin
Chair-Rapporteur of the Working Group on Enforced or Involuntary
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Gay J. McDougall
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Heiner Bielefeldt
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Frank La Rue
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Maina Kiai
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