

**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 Enforced or Involuntary Disappearances; Independent Expert on Minority Issues; Special Rapporteur on freedom of religion or belief; and Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression**

REFERENCE: UA G/SO 217/1 G/SO 214 (67-17) G/SO 214 (56-23) Minorities (2005-4)CHN 20/2011

4 October 2011

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; Independent Expert on Minority Issues; Special Rapporteur on freedom of religion or belief; and Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 16/16, 16/6, 14/11 and 16/4.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding In this connection, we would like to draw the attention of your Excellency's Government to information we have received concerning the continued harassment and repression of the monastic community in and around the Ngaba Kirti Monastery and the self-immolation of two young monks, **Mr. Lobsang Kalsang Harutsang** (aged 18) and **Mr. Lobsang Kunchok** (aged 18), on 26 September 2011.

According to the information received:

On 26 September 2011, at approximately 10:30 a.m., the two aforementioned monks are reported to have called for "religious freedom in Tibet" and set themselves alight in protest at the severe repression inflicted on the monastic community, in particular in the Kirti monastery, Ngaba County.

Reportedly, Chinese security forces and the police extinguished the fire and the two monks were taken away to an unknown location. It has been alleged that one monk has died following the self-immolation. The whereabouts and information related to their condition remains unknown. If these allegations are confirmed, these cases may amount to enforced disappearances.

This latest incident follows the death on 16 August 2011, of Mr. Tsewang Norbu (29 years old), from the Nyitso monastery in Kardze, Sichuan, a monk also calling for religious freedom.

Furthermore, it has been reported that the above mentioned events follow the severe restrictions imposed upon the monks in the Kirti monastery since March 2011, including restrictions on freedom of movement during the last five months. Reportedly, 300 monks have forcibly been taken away and expelled from the monastery. It has been further reported that at least five people have been sentenced to three years imprisonment in criminal proceedings. Their names are Lobsang Khedup, Lobsang Gyatso, Dhonyoe Dorjee, Lobsang Dhargay and Kunchok Tsultrim. The exact charges and details of the aforementioned persons are unknown.

It is further alleged that there continues to be harassment of monks by hundreds of cadres residing in the Kirti monastery and roads have also been blocked following the events on 26 September 2011, with a heavy police presence in the area.

In addition, since 16 March 2011 and following the self-immolation of Mr. Phuntsog, both the Internet and mobile messaging services have been disconnected and remain inaccessible in Ngaba County.

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

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 abovementioned events.

In relation to the allegations according to which the fate and whereabouts of the above named 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 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).

Without in any way implying any determination on the facts of the case, We/the Special Rapporteur 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 Universal Declaration of Human Rights, 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 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 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 "(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; [...] (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 their country, without any discrimination on the basis of religion or belief [...] (g) To ensure, in particular, the right of all persons to worship, assemble or teach in connection with a religion or belief and their right to establish and maintain places for these purposes, and the right of all persons to seek, receive and impart information and ideas in these areas; [...] (h) To ensure that, in accordance with

appropriate national legislation and in conformity with international human rights law, the freedom of all persons and members of groups to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected; (i) To ensure that all public officials and civil servants, including members of law enforcement bodies, and personnel of detention facilities, the military and educators, in the course of fulfilling their official duties, respect freedom of religion or belief and do not discriminate for reasons based on religion or belief and that all necessary and appropriate awareness-raising, education or training is provided; (j) To take all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, discrimination, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, as well as incitement to hostility and violence, with particular regard to members of religious minorities in all parts of the world; [...] (l) To prevent any distinction, exclusion, restriction or preference based on religion or belief that 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”.

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 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.”

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 when relevant to the case under consideration:

1. Are the facts alleged in the above summary of the case accurate?
2. Has a complaint been lodged with regard to the incidents mentioned above?
3. 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.

4. Please provide information on the fate and whereabouts of Mr. Lobsang Kalsang Harutsang and Mr. Lobsang Kunchok. 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.

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 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.

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

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

IZSÁK Rita  
Independent Expert on Minority Issues

Frank La Rue  
Special Rapporteur on the promotion and protection of the right to freedom of  
opinion and expression