

Mandates of the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on minority issues

Ref.: AL CHN 15/2025
(Please use this reference in your reply)

8 August 2025

Excellency,

We have the honour to address you in our capacities as Working Group on Arbitrary Detention; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on extrajudicial, summary or arbitrary executions and Special Rapporteur on minority issues, pursuant to Human Rights Council resolutions 51/8, 54/14, 53/4 and 52/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the death of Mr. Tulku Hungkar Dorje Rinpoche, a Tibetan spiritual leader, who died in custody in Viet Nam on 28 March 2025.

According to the information received:

Mr. Tulku Hungkar Dorje, also known as Golog Rinpoche, was born in 1969. At an early age, he was recognized as the reincarnation of Do Khyentse Yeshe Dorje, a highly realized 19th century Nyingma master and tertön (treasure revealer). In 2004, he established the Gesar Welfare Foundation in Qinghai Province and in 2007, with approval from the Golok Prefecture government and education department, he founded the Hungkar Dorjee National Vocational School, aiming to provide free education to children from nomadic and rural communities and established several other schools in the preceding years. He also founded the Hungkar Compassion Medical Clinic, offering free medical care to underserved populations. He also regularly distributed food, clothing, and financial aid to populations in need. He was the abbot of Lung Ngon Monastery. He actively responded to community emergencies, such as medical evacuations and natural disasters and benefitted from a high level of respect among the Tibetan community.

In August 2024, Mr. Tulku Hungkar Dorje Rinpoche, was detained by members of the Qinghai Provincial Police Department and interrogated. The reasons for his detention are unclear. It has been reported that it may have been linked to failure to organize an "appropriately warm reception" for the People's Republic of China (China) government-appointed Panchen Lama, when he visited Golok Prefecture, and failing to implement government education policies in the schools he founded as well as after organizing a long-life prayer for His Holiness the Dalai Lama. It does not appear he was charged following his detention.

In September 2024, Mr. Tulku Hungkar Dorje Rinpoche left China and reportedly went to Viet Nam.

On 25 March 2025, he was arrested in Ho Chi Minh City, Viet Nam by Vietnamese police and Chinese individuals, believed to be officials, from his hotel. The reasons for his arrest are unclear. His fate and whereabouts were also unknown after his arrest.

On 29 March 2025, Vietnamese authorities visited his institute in Ho Chi Minh City stating that he had died due to a heart attack. He is not thought to have had a medical history of heart problems. Until his death was announced, his arrest was not confirmed and his fate and whereabouts were unknown. As such, he remained forcibly disappeared for four days.

On 1 April 2025, Chinese officials visited Lung Ngon Monastery in Golok Tibetan Autonomous Prefecture, and showed a death certificate, which reportedly referred to the cause of death as a heart attack. Members of the monastery were not allowed to keep it or make a copy.

On 3 April, monks at Lung Ngon monastery issued a public statement stating that Mr. Tulku Hungkar Dorje Rinpoche had 'exhibited signs of ill health,' had left for a religious retreat 'to an unknown place' and had 'suddenly died of illness' in Viet Nam on 29 March 2025. This was disputed by persons associated with him who reported that he had fled China after being released from detention. It is not clear whether Mr. Tulku Hungkar Dorje Rinpoche had his passport with him at the time of his travel as it is understood passports of high-profile Tibetan leaders are held by the relevant prefectures.

On the same day, 3 April 2025, a group of Chinese officials and monks travelled to Viet Nam to recover his body. The monks were reportedly told to sign a document stating that Tulku Hungkar Dorje Rinpoche had died and then leave Viet Nam. The monks refused to sign the document without seeing the body. His body was reportedly being kept in Vinmec Central Park International Hospital, Ho Chi Minh City.

On 18 April 2025, at around 11 p.m., his body was moved to the cemetery compound in Sakya Vietnam temple Ho Chi Minh City.

On 20 April 2025, at around 1 a.m., the body of Mr. Tulku Hungkar Dorje Rinpoche was reportedly cremated in Sakya Vietnam temple, Ho Chi Minh City, in the presence of Chinese and Vietnamese individuals presumed to be security officials. His cremation was reportedly without consent from his family.

His ashes have been returned to his monastery.

Reportedly, the local Chinese authorities from the United Work Department have banned the dissemination of information about Mr. Tulku Hungkar Dorje Rinpoche or his teachings.

It is not clear whether a post-mortem has taken place nor whether any investigations have been conducted.

We would like to express concern about the arrest of Mr. Tulku Hungkar Dorje Rinpoche in 2024 in China, His arrest in Viet Nam in 2025, reportedly in the presence of both Vietnamese police and Chinese individuals, his subsequent enforced disappearance and death in custody, his reported cremation without consent from his family, and the alleged lack of any investigations complying with international standards.

Without making any judgment as to the accuracy of the information made available to us, the above allegations appear to be in contravention of the right of every individual to life as set out in article 3 of the Universal Declaration of Human Rights (UDHR) and article 6 of the International Covenant on Civil and Political Rights (ICCPR) which China signed on 5 October 1998. While China is yet to ratify the ICCPR, as a signatory State, China has an obligation to refrain from any acts which would defeat the object and purpose of the Covenant prior to its entry into force (article 18 of the 1969 Vienna Convention on the Law of Treaties). In addition, the right not to be arbitrarily deprived of life constitutes a jus cogens norm under international law.

We would like to refer to articles 6, 7, 9, 16 of the ICCPR, read alone or in conjunction with article 2.3, which guarantee the right to life; the prohibition of torture and other cruel, inhuman or degrading treatment or punishment; the right to liberty and security of person; the right to be recognized as a person before the law. We would like to highlight that States have a heightened duty of care to take any necessary measures to protect the lives of individuals deprived of their liberty by the State given that by arresting, detaining, imprisoning or otherwise depriving individuals of their liberty, States parties assume the responsibility to care for their lives and bodily integrity. Loss of life occurring in custody creates a presumption of arbitrary deprivation of life by the State authorities, which can only be rebutted on the basis of a proper investigation.

Investigations into deaths in custody must meet international standards, including the Revised United Nations Manual on the Effective Prevention of Extra-Legal, Arbitrary and Summary Executions ([The Minnesota Protocol on the Investigation of Potentially Unlawful Death \(2016\)](#)). Such investigations must be:

- **Independent and impartial** – this includes, amongst others, that investigators and investigative mechanisms must be, and must be seen to be, independent of undue influence.... Investigations must be independent of any suspected perpetrators and the units, institutions or agencies to which they belong. (Minnesota Protocol, para. 28)
- **Prompt** – this includes, amongst others, that the authorities must conduct an investigation as soon as possible and proceed without unreasonable delays (Minnesota Protocol, para. 23)
- **Effective and thorough** – this includes, amongst others, that the investigation should Determine the cause, manner, place and time of death, and all of the surrounding circumstance. The investigation must determine whether or not there was a breach of the right to life, including any failure to take reasonable measures which could have had a real prospect in preventing the death and to identify policies and systemic failures that may have contributed to the death. It

will almost always be the case that these aims will be materially assisted in some way by the performance of an autopsy. A decision not to undertake an autopsy should be justified in writing and should be subject to judicial review (Minnesota Protocol, para. 25-26) The participation of the family members or other close relatives of a deceased or disappeared person is an important element of an effective investigation (Minnesota Protocol, para. 35).

- **transparent** – this includes amongst others, that investigative processes and outcomes must be transparent, including through openness to the scrutiny of the general public and of victims’ families. States should, at a minimum, be transparent about the existence of an investigation, the procedures to be followed in an investigation, and an investigation’s findings, including their factual and legal basis. (Minnesota Protocol, para. 32)
- Depending on the circumstances, States also have a duty **to cooperate internationally** in investigations of potentially unlawful death (Minnesota Protocol, para 9).

In relation to the alleged cremation of Mr. Tulku Hungkar Dorje Rinpoche, we highlight that family members have specific rights in relation to human remains. Upon completion of the necessary investigative procedures, human remains should be returned to family members, allowing them to dispose of the deceased according to their beliefs (Minnesota Protocol para. 37).

We note that in 2013, China accepted a recommendation as part of the Universal Periodic Review to ‘further guarantee the rights of life, education and health.’ We also note that the Committee Against Torture, concluding observations expressed concerned over ‘information that the procedures in place to investigate deaths in custody are often ignored in practice and relatives face many obstacles to press for an independent autopsy and investigation or to recover the remains. The Committee regrets that, despite its requests to the State party’s delegation to provide statistical data on the number of deaths in custody during the period under review, no information has been received on this subject, or on any investigations into such deaths (CAT/C/CHN/CO/5 para. 24).’ It recommended amongst others that ‘All instances of death in custody, allegations of torture and ill-treatment and refusal to provide medical treatment are promptly and impartially investigated by an independent body other than the prosecutorial authorities’ (ibid para. 25 (a)).

We note that states have obligations under international law not to aid or assist activities undertaken by other States and non-State actors that violate the right to life.

The Special Rapporteur on extrajudicial summary or arbitrary executions would like to convey his willingness to provide technical assistance to your Excellency’s Government in relation to the investigation of potentially unlawful deaths in line with international standards including the Minnesota Protocol.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As 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, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide details on the arrest of Mr. Tulku Hungkar Dorje Rinpoche in 2024. Please include information on the basis for his arrest, whether a warrant was issued and if so by which authorities, which authorities were involved in his arrest, where he was held, whether he was charged and any related court proceedings and the date upon which he was released.
3. Please provide information on any involvement of Chinese authorities in the arrest, detention and enforced disappearance of Mr. Tulku Hungkar Dorje Rinpoche in Viet Nam in March 2025.
4. Please provide any information available to your Excellency's Government on the date and time on which his death occurred, in which location and which authority was responsible for the location.
5. Please provide information on any investigations undertaken by your Excellency's Government into his death, including on their compliance with international standards including [The Minnesota Protocol on the Investigation of Potentially Unlawful Death \(2016\)](#).
6. Please provide information on his alleged cremation without the consent of his family on 20 April 2025 and how this complied with international human rights law. Please include information on whether any Chinese officials were involved in this process.
7. Please provide information on any restrictions placed upon the Lung Ngon monastery and the inhabitants of the surrounding area regarding distribution of Mr. Tulku Hungkar Dorje Rinpoche's teachings and discussion of this case, including the date of issue of any such instructions, the issuing authority, under which legal provisions and whether these complied with international human rights law.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Further, we would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please be informed that a letter on this subject matter has also been sent to the Socialist Republic of Viet Nam.

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

Matthew Gillett
Vice-Chair on Communications of the Working Group on Arbitrary Detention

Gabriella Citroni
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Morris Tidball-Binz
Special Rapporteur on extrajudicial, summary or arbitrary executions

Nicolas Levrat
Special Rapporteur on minority issues

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to article 3 of the Universal Declaration of Human Rights which states that "Everyone has the **right to life**, liberty and security of persons". We also refer to articles 6 of the ICCPR which establish respectively the right to life. We refer in particular to the UN Human Rights Committee general comment No. 36 on article 6, which provides that individuals are entitled "to be free from acts and omissions that are intended or may be expected to cause their unnatural or premature death, as well as to enjoy a life with dignity."

In relation to the protection of the right to life, we underscore the importance of conducting investigations into all suspected unlawful killings in line with international standards, particularly the Principles on Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions and the Revised United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (the Minnesota Protocol on the Investigation of a Potentially Unlawful Death (2016)). Failure to investigate and prosecute such violations is in itself a breach of the norms of human rights treaties.

We further underscore the importance of effective investigation and reiterate that, when the State detains an individual, it is held to a heightened level of diligence in protecting that individual's rights. Therefore, when an individual dies as a consequence of injuries sustained while in State custody, there is a presumption of State responsibility. In order to overcome the presumption of State responsibility for a death resulting from injuries sustained in custody, there must be a thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions (principle 9 of the Principles of the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions).

The prohibition of **enforced disappearance** has attained the status of *jus cogens*. In this regard, we wish to recall that the [United Nations Declaration on the protection of all persons from enforced disappearance](#) establishes that "all acts of enforced disappearance shall be offences under criminal law punishable by appropriate penalties which shall take into account their extreme seriousness (article 4), no order or instruction of any public authority, civilian, military or other, may be invoked to justify an enforced disappearance (article 6). Furthermore, 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 7), and the right to a prompt and effective judicial remedy must be guaranteed as a means of determining the whereabouts or state of health of persons deprived of their liberty and/or identifying the authority ordering or carrying out the deprivation of liberty is required to prevent enforced disappearances under all circumstances (article 9).

The Declaration also establishes that States should take any lawful and appropriate action to bring to justice persons presumed to be responsible for acts of enforced disappearance (article 14), and that the persons responsible for these acts shall

be tried only by ordinary courts and not by other special tribunal, notably military courts (article 16); not benefit from any amnesty law (article 18); and the victims or family relatives have the right to obtain redress, including adequate compensation (article 19).

We also wish to recall that the [Guiding principles for the search for disappeared persons](#) establish that the search for the disappeared should be undertaken without delay (principle 2); respect the right to participation of the family of the disappeared (principle 5); be considered a continuing obligation (principle 7); and be interrelated with the criminal investigation (principle 13).

In its [study](#) on transnational transfers and enforced disappearances, the Working Group noted the increasing practice of forced returns by States in violation of article 8 of the 1992 Declaration and the principle of *non-refoulement*. It further underlined the importance of preventing human rights violations by ensuring procedural safeguards upon detention and during the first hours of deprivation of liberty, including immediate registration, judicial oversight of the detention, prompt notification of family members, and the availability of a defence lawyer of one's choice. The Working Group observes that transnational transfers embody a denial of justice insofar as individuals are deprived of liberty in the form of secret detention and are removed from the protection of the law. They are, as such, deprived of the rights to an effective remedy and fair trial, in denial of the presumption of innocence. In addition, the individuals concerned are unable to challenge the lawfulness of their detention, denied access to legal representation, and often induced to forced confession of guilt under duress. The Working Group recalls that such practices can also facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment under certain circumstances.

Additionally, in the study on enforced disappearances and economic, social and cultural rights, the Working Group observed that the enforced disappearance of journalists, religious leaders or persons actively promoting the enjoyment of economic, social and cultural rights, are used as a repressive tool to deter the legitimate exercise, defence or promotion of the enjoyment of these rights. Due to their collective character, such measures also violate their economic, social and cultural rights, the rights of others engaged in related activities, and of the larger community of people who relied on the disappeared person to represent and fight for their rights ([A/HRC/30/38/Add.5](#)). The Working Group observes that transnational transfers embody a denial of justice insofar as individuals are deprived of liberty in the form of secret detention and are removed from the protection of the law. They are, as such, deprived of the rights to an effective remedy and fair trial, in denial of the presumption of innocence. In addition, the individuals concerned are unable to challenge the lawfulness of their detention, denied access to legal representation, and often induced to forced confession of guilt under duress. The Working Group recalls that such practices can also facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment under certain circumstances ([A/HRC/48/57](#)).

Finally, in its general comment No. 36, the Human Rights Committee recalls that enforced disappearance constitutes a unique and integrated series of acts and omissions representing a grave threat to life. The deprivation of liberty, followed by a refusal to acknowledge that deprivation of liberty or by concealment of the fate of the

disappeared person, in effect removes that person from the protection of the law and places his or her life at serious and constant risk, for which the State is accountable. It thus results in a violation of the right to life as well as other rights recognized in the Covenant, in particular, article 7 (prohibition of torture or cruel, inhuman or degrading treatment or punishment), article 9 (liberty and security of person) and article 16 (right to recognition as a person before the law). In addition, the right to life guaranteed by article 6 of the Covenant, including the right to protection of life under article 6 (1), may overlap with the right to security of person guaranteed by article 9 (1). Extreme forms of arbitrary detention that are themselves life threatening, in particular enforced disappearances, and violate the right to personal liberty and personal security and are incompatible with the right to life (paras. 57 and 58).

We would like to bring to your Excellency's Government attention the international standards regarding the protection of the **rights of persons belonging to minorities**, in particular article 27 of the ICCPR. Moreover, the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities refers to the obligation of States to protect the existence and identity of minorities within their territories and to adopt the appropriate measures to achieve this end (article 1), recognized that persons belonging to religious minorities have the right to profess and practice their own religion without discrimination (article 2), and requires States to ensure that persons belonging to minorities may exercise their human rights without discrimination and in full equality before the law (article 4.1).