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**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL,
POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING
THE RIGHT TO DEVELOPMENT**

Joint written statement* submitted by Transnational Radical Party (TRP), a non-governmental organization in general consultative status, Asian Indigenous and Tribale Peoples Network (AITPN), Femmes Africa Solidarité (FAS), Society for Threatened Peoples, France Liberté: Fondation Danielle Mitterrand, International Fellowship of Reconciliation (IFOR), Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students), non-governmental organizations in special consultative status, and International Educational Development (IED), Inc., International Federation for the protection of the rights of ethnic, religious, linguistic and other minorities, Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP), and Saami Council, non-governmental organizations on the Roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 February 2008]

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- This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The unresolved case of Enforced disappearance of Gedhun Choekyi Nyima, the Eleventh Panchen Lama

In May 1995, Chinese authorities abducted, from his home, six year-old Gedhun Choekyi Nyima, XIth Panchen Lama officially recognized by the Dalai Lama in accordance with the Tibetan Buddhism reincarnation procedures and tradition. Almost thirteen years later, no independent entity has seen him which means his whereabouts and welfare remain unknown.

On 25 April 2008, Gedhun Choekyi Nyima will turn 19. The complete absence of verifiable information about both his physical and mental state will continue to be a cause of great concern. The Panchen Lama's case exemplifies the practice of enforced disappearance in the People's Republic of China (PRC). PRC infringes upon an entire range of human rights embodied in the Universal Declaration of Human Rights and set out in both international covenants on human rights as well as in other major international human rights instruments.

According to the UN Declaration on the Protection of all Persons from Enforced Disappearance¹, the systematic practice of disappearance is of the nature of a crime against humanity and constitutes a violation of the right to recognition as a person before the law, the right to liberty and security of the person, and the right not to be subjected to torture; it also constitutes a grave threat to the right to life.

Since Gedhun Choekyi Nyima's enforced disappearance, numerous governments, parliaments, UN human rights mechanisms and independent organizations have pressed the Chinese authorities to disclose the whereabouts and well being of Gedhun Choekyi Nyima and his family.

For instance, the UN High Commissioner for Human Rights, Ms. Louise Arbour, raised the case to the Chinese authorities during an official visit to China from 29 August- 2 September 2005.

Likewise, the Special Rapporteur on Religious Freedom and Belief, Ms. Asma Jahangir, on 9 June 2005 raised her concern, "about the grave interference with the freedom of belief of the Tibetan Buddhists who have the right to determine their clergy in accordance with their own rites and who have been deprived of their religious leader."

During review of PRC's second periodic report at the fortieth session of the Committee on Rights of Child (CRC) on 24 November 2005, Beijing's ambassador to the UN in Geneva, H.E. Sha Zhukhang, told the committee that the child and his family "do not wish to be disturbed by foreign visitors because that could have negative effects². However, the Committee in its concluding observation urged China to "*allow an independent expert to*

¹ UN Declaration on the Protection of all Person from Enforced Disappearance adopted by General Assembly Resolution 47/133 on 18 December 1992

² "Gedhun Choekyi Nyima the XIth Panchen Lama turns 18: Still disappeared," *Press Release, TCHRD*, 25 April 2007, also available at <http://www.tchrd.org/press/2007/ps20070425.html>

visit and confirm the well-being of Gedhun Choekyi Nyima while respecting his right to privacy, and that of his parents.”³

China has ignored this call from the CRC by giving various excuses for denying access to the Panchen Lama and his family. In response to questions submitted by Reuters in 2006, the State Council Information Office said China had not arranged meetings between the boy and foreign organizations or media out of respect for the family’s wishes not to be disturbed⁴.

While recognising the case of Gedhun Choekyi Nyima as unresolved case, the Working Group on Enforced and Involuntary Disappearance stated that it “would appreciate being provided by the Government of China with documents supporting its statement that he and his parents had appealed to the Government for protection and at present are “leading normal lives and enjoying perfect health.” China again ignored this call.

At the fourth session of the UN Human Rights Council (March 2007) in a joint statement, 15 NGOs described the enforced disappearance of the Panchen Lama as a “continuous crime”.

In July 2007, information provided by the Chinese authorities concerning the fate of the Panchen Lama came from Mr. Nyima Tsering, Vice-Chairman of the Tibet Autonomous Region (TAR) who stated in the official Chinese news agency, Xinhua, “*the boy chosen by the Dalai Lama as the reincarnation of the Panchen Lama, which is illegal and invalid, is living a normal life in Tibet. He is studying at a senior high school, his brothers and sisters are either studying or working.*”⁵ He further elaborated, referring to Gedhun Choekyi Nyima, by saying, “*the boy is patriotic. He does not want his life to be disturbed. We respect his wish.*”⁶

The Chinese government’s continued detention of the 18-year-old boy and his family for more than a decade now is a crime against humanity. It is a clear violation of domestic and international human rights law. It is also a matter of great concern that such a prominent religious figure of Tibetan Buddhism is denied his right to pursue traditional religious studies and training according to Tibetan’s religion and culture. The Chinese authorities should provide verifiable information on the Panchen Lama’s whereabouts and well-being and release him and his family unconditionally.

We appreciate that the Working Group on Enforced or Involuntary Disappearance’s latest report to the Council⁷ includes new information from the source concerning the case of Gedhun Choekyi Nyima. We urge the Working Group and the Special Rapporteur on Freedom of Religion or Belief of the Council to consider continuous interventions to the Chinese authorities to ascertain the truth about the fate of the Eleventh Panchen Lama.

³ <http://daccessdds.un.org/doc/UNDOC/GEN/G05/451/39/PDF/G0545139.pdf?OpenElement> [para. 45(e)]

⁴ Sophia Cao, “China says Tibetan boy not political prisoner” *Reuters*, as reported in *the New York Times*, 28 April 2006, http://chinadigitaltimes.net/2006/04/china_says_tibetan_boy_not_political_prisoner_reuters.php

⁵ “Dalai Lama urged to abandon secessionist” *Xinhua*, 29 July 2007, available at http://en.tibet.cn/forum/tad/t20070729_274218.htm

⁶ *Ibid*

⁷ <http://www2.ohchr.org/english/bodies/hrcouncil/docs/7session/A-HRC-7-2.doc> (under para 79 of document A/HRC/72)

In conclusion, we strongly urge the People's Republic of China to allow an independent body to meet Gendun Choekyi Nyima as recommended by the Committee on Rights of the Child and others. Such a concrete step will enable the international community to fully verify the current status of Gedhun Choekyi Nyima and his family.
