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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Asian Dignity Initiative, a non-governmental organization in special consultative status

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

[16 August 2024]

* Issued as received, in the language of submission only.



Human Rights of Tibetans in Tibet Autonomous Region (TAR), China and other Tibetan Autonomous Areas in China

Enforced Disappearance is a non-derogable offence. Article 1(2) of the convention provides that “No circumstances whatsoever, whether a threat of war, a state of warm internal political instability or any other public emergency may be invoked to justify enforced disappearance.” Yet the Chinese government continues to use enforced disappearances to intimidate and break persons it deems threats to “state security” and “social stability”.

In 2012, China amended its Criminal Procedure Law [1], introducing a provision in Article 73 that marked an unconventional departure from established legal norms. This provision enabled a practice known as “Residential Surveillance at a Designated Location (RSDL)”, which allowed Chinese authorities to detain individuals without formal arrest for up to six months. The detention occurs at a location chosen by the police, circumventing the need for disclosure, due process, and the possibility of judicial review.

This practice contravenes China’s obligation under international human rights treaties it had ratified, such as International Covenant on Economic, Social and Cultural Rights (ICESCR), International Covenant on the Elimination of All Forms of Racial Discrimination (CERD), Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). Tibetans inside Tibet Autonomous Region (TAR), China continue to be subjected to enforced disappearance, leaving their whereabouts shrouded in uncertainty for extended periods of time. Tibetans have been subjected to arbitrary detention, which often paves the way for incommunicado detention and eventually enforced disappearance.

On 23 November 2023, two Tibetan women Tsomo and Nyidon from Sershul (Ch: Shiqu) County, Kardze Tibet Autonomous Region (TAR), China were arrested for sharing audio files on Tibetan Buddhist teachings on two WeChat groups. Two weeks into detention, their condition and whereabouts remained unknown to their family members. [2]

In November 2023, four monks -sonam, Kalsang Tsering, Nyima, and Phuntsok were detained from a prayer session at Lhadong monastery in Nubling village, Gemar (Ch: Kema) Township, Dingri (Ch: Tingri) County, Shigatse (Ch: Xigaze) City. They were detained on the suspicion that they were detained on the suspicion that they were conducting prayer services for the exiled Tibetan spiritual leader His Holiness the Dalai Lama. The monks’ family members have no information about their situation raising concerns that they are held in undisclosed location vulnerable to torture and ill-treatment. [3]

On 26 March, a Tibetan monk named Pema from Kirti Monastery in Ngaba (Ch: Aba) was arbitrarily detained and subjected to incommunicado detention by the local Public Security Bureau Officers for staging a peaceful solo protest by holding a portrait of the Dalai Lama calling for the ‘return of Dalai Lama to Tibet Autonomous Region (TAR), China’ and ‘religious freedom in Tibet Autonomous Region (TAR), China’ on the stretch of a road known to the local Tibetans as ‘martyrs road’ in Ngaba county. Since then, there has been no information on his whereabouts and conditions. [4]

In the same month, Tibetan singer Gegjom disappeared hours after the police called him to the County police station in Kyungchu (Ch: Hongyuan) County, Ngaba Tibetan and Qiang Autonomous Prefecture, Sichuan Province. He was taken to the local police station after he performed a song titled “Tearful deluge of a sorrowful song” at a public event on Tibetan New Year. The song expresses the common grievances held by the Tibetans against Chinese rule and criticises the repressive policies of the Chinese Party-State. Tibetan singers engaging in peaceful dissent are immediately labelled by authorities as threats to the “national security” or “social stability.” [5]

Gegjom’s arbitrary detention mirrors a broader pattern of repression against minority rights and cultural expression in Tibet Autonomous Region (TAR), China. Despite China’s constitutional guarantees of freedom of expression, such rights are severely curtailed in practice. Gegjom’s arrest underscores the perilous travails for those daring to critique the Chinese government and highlights the alarmingly limited space for free expression in Tibet Autonomous Region (TAR), China.

Subjecting detainees to incommunicado detention in undisclosed locations for prolonged periods has become a norm in Tibet Autonomous Region (TAR), China. It is little surprise then that Tibetan political prisoners, upon release, frequently struggle with poor health conditions all through their lives. Some die prematurely in police custody, while others succumb to torture injuries after their release from incarceration. Either way, these deaths are direct results of unjust and unfair imprisonment for crimes that were never committed in the first place.

Among victims of enforced disappearance are Norsang and Lhadar from Tachen Township in Nagchu (Ch: Naqu) City, Tibet Autonomous Region (TAR), China. They were detained for resisting forced patriotic education in 2019 in the run up to the 70th founding anniversary of China. Norsang, 36, was forcibly detained by the Public Security Bureau (PSB) in September 2019 and Lhadar, 37, in October 2019. [6] When the news of their disappearance surfaced in May 2020, TCHRD submitted an urgent appeal to the WGEID to address their cases. The WGEID discussed the cases at its 122nd session and transmitted them to China on 2 November 2020 calling for information on the fate and whereabouts of the two.

In May 2021, it was learned that Norsang had died in Chinese custody a week after his detention in 2019. He was subjected to severe beatings and torture, which caused his death. The news of detention and death was delayed by months and years owing to the prevailing restrictions on all forms of communication in the region. Tibetans inside Tibet Autonomous Region (TAR), China continue to disappear every year, crippling the family life and community cohesion both already being dismantled and driven to the edge in all respects.

Recommendations

- Asian Dignity Initiative calls upon China to ratify this crucial international human rights instrument on enforced disappearance
- Asian Dignity Initiative calls upon China to replace Article 73 and Article 83 of the Chinese Criminal Procedure Law with internationally acceptable procedural safeguards for suspects of ‘endangering state security’ and ‘terrorism’.
- Asian Dignity Initiative calls upon China to immediately release all Tibetan political dissidents subjected to enforced disappearance and notify the families of their whereabouts and conditions.

The Tibetan Centre for Human Rights and Democracy (TCHRD) NGO(s) without consultative status, also share the views expressed in this statement.

1. Criminal Procedure Law, China Law Translate, <https://www.chinalawtranslate.com/en/criminal-procedure-law/>
2. Two women arrested for sharing clips of religious teachings, Phayul, 5 December 2023, <https://www.phayul.com/2023/12/05/49471/>
3. Four Tibetan monks are arrested in Tibet, Tibettimes, 24 November 2023, <https://en.tibettimes.net/2023/11/24/four-tibetan-monks-are-arrested-in-tibet/>
4. Lone Tibetan protester calling for return of Dalai Lama detained incommunicado in Ngaba, Tibetan Centre for Human Rights and Democracy, 8 April 2024, <https://tchrd.org/lone-tibetan-protester-calling-for-return-of-dalai-lama-detained-incommunicado-in-ngaba/>
5. China must release Tibetan singer Gegjom from Unjust Detention, Tibetan Centre for Human Rights and Democracy, 25 March 2024, <https://tchrd.org/china-must-release-tibetan-singer-gegjom-from-unjust-detention/>
6. Investigate death of Tibetan man detained for opposing China’s forced political education, Tibetan Centre for Human Rights and Democracy, 5 May 2021, <https://tchrd.org/investigate-death-of-tibetan-man-detained-for-opposing-chinas-forced-political-education/>