



Released on medical parole
in?

Submission
12/4/98

Report on the enforced or involuntary disappearance of a person

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མང་གཙོ་འཕེལ་རྒྱས་
ལྗོངས་ལྟེ་གནས་ཁང་།

TIBETAN CENTRE FOR HUMAN RIGHTS AND DEMOCRACY

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I. Identity of the person subjected to enforced or involuntary disappearance

1. Family name : N/A
2. First name : Gyaye
3. Second name: Phuntsok
4. Sex : Male
5. Birth date or age (at time of disappearance) : 68
6. Nationality : Tibetan
7. Civil status (single, married, etc) : Single
8. Identity document : N/A
9. Profession : Administrator
10. Address of usual residence: Gyaye village, Rigmon Township, Ghongo County Tsolho Tibetan Autonomous Prefecture in Qinghai Province.
11. Activities: Throughout his career, Gyaye Phuntsok sought to initiate positive, constructive activities for the benefit of the Tibetan people. Phuntsok helped to set up a school for poor Tibetan children in the area with private donations and German aid in 1978. There is one German man who teaches English in the school. This school is the first of its kind to have English as one of the subjects.

During former Communist Party Secretary Hu Yaobang's visit to the area in June 1980's Phuntsok reported to him on the grievances and the problems and difficulties faced by the Tibetan people in his area. Later in November 1984 Phuntsok along with a group of nomads claim for the return of the half of the land confiscated by the Northwest Lanzhou military battalion. His efforts resulted in the return of half of the lost land. He secured water and electricity for Tibetan families. For these reasons, he was elected by the local nomads to represent them at the County level. He was then appointed by the Chinese authorities as the member

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for Gong-hai County. Of Tsolho Tibetan Autonomous Prefecture's Political Consultative Committee (Qinghai province).

In March 1992, Gyaye Phuntsok went to India on religious pilgrimage, with valid Chinese travel documents. Upon his return, the Chinese officials in his area became suspicious about his visit to India. He was interrogated several times and placed under strict surveillance by the intelligence wing of the Public Security Bureau. In August 1998, Phuntsok's house was raided and material containing speeches by H.H the Dalai Lama was found and confiscated. Gyaye Phuntsok was then arrested. At the time of his arrest, he was working as a administrator of the school.

II. Date of disappearance

12. Year, month, day and hour when missing person was arrested or abducted: August 1998.
13. Year, month, day and hour when missing person was last seen : August 1998.
14. Other indications relating to the date of disappearance : Gyaye Phuntsok's house was raided and searched. After finding some booklets containing speeches by H.H the Dalai Lama. He was arrested and taken away in a truck by officials of the National Security Department. According to reliable sources inside Tibet, Phuntsok is believed to be held in Qinghai, but exact location of incarceration is not known.

III. Place of disappearance

15. Place where missing person was arrested or abducted: From his house in Gyaye village Rigmon Township, Ghongo County, Tsolho Tibetan Autonomous Prefecture in Qinghai Province.
16. Place were missing person was last seen : At his residence.
17. If subsequent to the disappearance of the person information was received about him/her being detained, please indicate, if possible the place (official or others) and period of detention, as well as the source of information, in

particular witness who have seen the disappeared person in captivity:
None.

18. Other indications concerning the place of disappearance:
None.

IV. Forces believed to be responsible for the disappearance:

19. If the person was arrested or abducted, please indicate who carried out the arrest: The officials of the National Security Department carried out the original arrest in August 1998.

20. If the forces or agents who carried out the arrest or abduction cannot be identified, state why you believe that the government authorities, or persons linked to them, are responsible for the disappearance:

After his arrest, some of the nomads from his area tried to trace him but to no avail. When they inquire about Gyaye Phuntsok the officials of the National Security Department threatened them by saying they could also be imprisoned if they persist.

21. If the arrest or abduction took place in the presence of witnesses indicate the names of the witnesses. If the witnesses have not identified themselves or wish to withhold their names, indicate if they are relatives, neighbours, passers by etc : The arrest was witnessed by neighbours and bystanders whose identity must be protected for fear of official reprisals.

22. If any written evidence of the arrest exists, please describe (arrest, order, communiques, officials notes, letters etc):

None: Tibetans involved in nationalists activities are detained arbitrarily or "in arbitrary fashion" without any official warrant. Case of Phuntsok's disappearance was neither published in any media nor there was an official communique, or comment by any officials etc.

23. If a search took place of the missing person's domicile, office or place of work, (or that of any other person connection with him / her), before, during or after the disappearance, please indicate and describe the search:

Prior to his arrest Phuntsok's house was raided by the officials of the National Security Department and thoroughly searched: some booklets containing speeches of H.H the Dalai Lama were confiscated.

24. If someone was questioned concerning the disappeared person by agents of the security services, official authorities or other person related to them, before or after the arrest (or disappearance), please indicate and provide available information concerning the questioning:

Not known.

V. *National action (legal or other) on behalf of the missing person.*

Not available

25. Nature of the action:
Other measures taken at the national level (letters, petitions, etc, or the steps taken before the civil or military authorities):

In China, recourse against arbitrary official action should be provided by the Administrative Litigation Law, adopted in 1992. However little is known by the public about this procedure and it is seldom used. Our Tibetan sources indicate that they are not aware of such procedure.

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A. *Habeas corpus, amparo or similar*

None .

Note: Tibetan remains denied of these rights by the Chinese authorities.

B. *Criminal complaints:*

None.

C. *Other measures taken at the national level:*

Other than the seldom invoked Administrative Litigation Law, there is no legal provision for national action against abuse of administrative power in China. While the ordinary Chinese have a

tradition of petitioning the emperor, and resume writing this type of letter to obtain redress, restitution after the "liberalisation" that followed Chairman Mao's demise, occasionally obtaining some satisfaction, ordinary Tibetans have no such history or tradition of dealing with Chinese authorities.

At the local level only, verbal appeals can be addressed to the Public Security Bureau, and they are generally rejected. Moreover, Tibetans fear approaching the authorities because their links to detainees may bring problems or pressure to bear on their family members or friends.

VI. *Measures taken at the international level on behalf of the missing person:*

None.

VII. *Related cases of arrest or disappearance, in particular missing relatives or children:*

None.

VIII. *Information concerning the author of the present report*

The Tibetan Centre for Human Rights and Democracy is a non-governmental organisation based in Dharamsala. The main objective of the Centre is to monitor and research human rights developments in Tibet. This information is mainly sourced from people who have recently arrived from Tibet. The case is filed on behalf of the Tibetan Centre for Human Rights and Democracy.

26. Relationship with the missing person:

The Tibetan Centre for Human Rights and Democracy TCHRD is responsible for promotion, observation and protection of human rights situation in Tibet and the Tibetan community. It is the duty of TCHRD to report on any disappearance of Tibetan nationals. This information on Gyaye Phuntsok was sourced from a neighbour who is now in exile in India.

27. Contact details for TCHRD are:

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Please state whether the author of the present report wishes his / her identity to be kept confidential:

The identity of the actual source of the report must remain confidential. There have been many cases of official reprisals, including the arrest and torture of relatives or associates or persons reporting human rights violations. The report may be credited to TCHRD. The Tibetan Centre for Human Rights and Democracy remains in contact with the sources of allegations of human rights violations and provides follow-up information on cases.

Date: April 16, 1998

Signature of author:



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