



བོད་ཀྱི་འགྲོ་བ་མིའི་ཐོབ་ཐང་དང་
མང་གཙོ་འཕེལ་རྒྱས་
ཞུགས་པའོ།

TIBETAN CENTRE FOR HUMAN RIGHTS AND DEMOCRACY

Patron
His Holiness the Dalai Lama

**International
Advisory Board**
Bishop Desmond Tutu
Jose Ramos Horta
George Fernandes

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Michael C. van Walt van Praag
Sulak Sivaraksa

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Vice Chairman
Tempa Tsering

Executive Director
Lobsang Nyandak

Date: 26 October 2000

Ms. Tamara Kunanayakam

Secretary

UN Working Group on Enforced or Involuntary Disappearance

Office of the UN High commissioner for Human Rights

Palais Wilson

1201 Geneva

Dear Kunanayakam,

Sub: Cases of disappearance occurred in the Chinese administered Tibet

I am approaching the distinguish members of the UN Working Group on Enforced or Involuntary Disappearances today, firstly to thank the working group for its repeated expression of concern on the emerging pattern of disappearances in Tibet. The Tibetan Centre for Human Rights and Democracy remain indebted to the working group and its dedicated staff to help us to determine the whereabouts of disappeared Tibetan political prisoners and help to prevent inhuman treatment of prisoners. We highly appreciate the timely communication to the Chinese authorities and to us which in fact encourages and serves as an added supplement to further our effort to minimise recurring human rights abuses including cases of disappearances in Tibet. In 1999 the centre has received communication concerning cases of Bhu-Khog and Jigme Gyalpo. But still number of disappearance cases continue to occur in Tibet that evidently indicate that human rights of the Tibetan people continue to be tampered.

There are a total of 57 known unresolved cases of disappearance occurred in Chinese administered Tibet since 1996. Of these Chinese authorities acknowledged the captivity of Gedhun Choekyi Nyima, the eleven Panchen Lama recognized by the Dalai Lama and his parents but their whereabouts are still not known. We have, so far, submitted several cases to the working group for their attention including eleven year-old Gedhun Choekyi Nyima, Bhu-khog, Jigme Gyalpo, Gaye Phuntsok, Tsering Dorjee, Ngawang Samphel. Out of these submissions in the last two years the Centre has received communication from working group on Bhu-Khog and Jigme Gyalpo.

Released

Released

on Medical

Parole

*release
after 15 days*

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I feel it worthwhile to mention that many of the disappeared cases were prominently reported in the working group report E/CN.4/1997/34. We are thankful for the same. We pray to the working group not to discontinue considering cases where it considers that it can no longer play any useful role in trying to elucidate them, in particular if the source could not provide any follow-up information on the cases. Due to many difficulties in obtaining information in Tibet and the nature of the case (cases which occurred in rural Tibet), the only primary source is the recent Tibetan escapees from Tibet.

In such cases before considering the case clarified, should make every effort to investigate the reasons behind the action or non-action of the source or the family concerned.

I am enclosing herewith the cases that were submitted earlier to the working group as a reminder for immediate action to follow-up the matter with Chinese authorities to locate the disappeared cases and their well-being at the earliest possible.

Thank you for your co-operation and many best wishes in your endeavour.

Sincerely yours

Kalsang Topgyal (Mr.)
Personnel for UN Affairs

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Report on the enforced or involuntary disappearance of a person

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

1. Family name : N/A
2. First name : Tsering
3. Second name: Dorje
4. Sex : Male
5. Birth date or age (at time of disappearance) : 26
6. Nationality : Tibetan
7. Civil status (single, married, etc) : Single
8. Identity document : N/A
9. Profession : Translator
10. Address of usual residence:
Rebkong county in Malho Tibetan Autonomous Prefecture
(Ch: Huangnan TAP).
11. Activities: Tsering Dorje was detained on August 15, 1999 while working as a translator for two foreign Tibet specialists, Gabriel Lafitte and Daja Meston, who were travelling in the region to investigate the impact of the proposed World Bank development project. While the two foreigners have been released, the whereabouts and physical condition of Tsering is still unknown. Tsering became a junior middle school teacher in 1997. In Summer of 1998 he worked as an official translator for the Brussels-based non-governmental organisation Medecins Sans Frontieres in Yushu county (Jyekundo Tibetan Autonomous Prefecture), Qinghai. Tsering Dorje was employed to carry out translation work for the project, which concentrated on primary health care and hygiene education for the Khampa herding community in the area. He was also employed last year as official translator on a project funded by the European Union in Darlag County, Golog Prefecture, Qinghai. The project, which was aimed at increasing the productivity of livestock, improving pasture and generating

income in Golog, promoted the active participation of herders .

II. Date of disappearance

12. Year, month, day and hour when missing person was arrested or abducted:

Tsering Dorje was arrested on August 15, 1999 at 7.15 am.

13. Year, month, day and hour when missing person was last seen :

Tsering was last seen on August 15, 1999 by Gabriel Laffitte, one of the westerners whom Tsering was assisting. Laffitte said that he saw Tsering Dorje on the road to Xining, and does not know where he was detained on arrival in the city. Tsering Dorje, Gabriel Laffitte and Daja Meston were detained together before Dorje was separated from the two.

14. Other indications relating to the date of disappearance :

Tsering Dorje, Gabriel Laffitte and Daja Meston were first detained together by 12 security personnel who entered their hotel room at 7:15 a.m. on 15 August 1999, The two foreigners were immediately separated from Tsering Dorje and taken to a hotel across the street where they were staying. Laffitte next saw Tsering Dorje on the road to Xining and does not know where he was detained on arrival in the city. Laffitte told TIN: "I caught a glimpse of him surrounded by security personnel. His shoulders were stooped, his head was hanging low in dejection. I have no idea where he is now, or the conditions under which he is being held. I am very concerned about his welfare and do not know whether he has been tortured".

III. Place of disappearance

15. Place where missing person was arrested or abducted:
Dulan County in Qinghai

16. Place where missing person was last seen : Tsering Dorje was last seen taken on the road to Xining, but does not know where he was detained on arrival in the city.
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:
Tsering Dorje was arrested by 12 security personnel from the hotel room in Dulan county where he was staying with Mr. Gabriel Lafitte from Australia and Mr. Daja Meston from the United States of America.
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:
At the time of their arrest by 12 security personnel Tsering Dorje, Gabriel Lafitte and Daja Meston were staying at the same hotel room. Tsering Dorje was later separated from the two foreigners and taken on the road to Xining and does not know where he was detained on arrival in the city. Chinese authorities have neither brought formal charges against Tsering nor has China officially confirmed Tsering's detention. Gabriel Lafitte, an Australian, and American Daja Meston were already released. Gabriel Lafitte was released on August 21 and returned to Australia following high level appeals from the World Bank and interventions by the Australian government. Meston, 29, suffered serious injuries after falling from a hotel-room window in an attempt to escape. Meston is now in his home town in the United States of America undergoing medical treatment.
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, bypassers etc :

An Australian, Gabriel Lafitte, and Daja Meston, an American who was working with Tsering Dorje, were the witnesses.

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

None:. Tsering Dorje's arrest was reported by Agence France Presse, Beijing on August 24, 1999. Xinhua, the official Chinese News Agency on 20 August quoted Mr. Zhu Bangyao, the Foreign Ministry spokesman of China accusing Mr. Lafitte and Mr. Meston of being "involved in activities inconsistent with their status in China and violated Chinese law. The news about Tsering Dorje was widely disseminated through email by Gabriel Lafitte after he was release and deported back to Australia.

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:

Tsering Dorje was arrested from a hotel room in Dulan county, Qinghai, together with Gabriel Lafitte and Daja Meston. Concerns over Dorje's disappearance was expressed by his Australian friend Gabriel Lafitte, Human Rights Watch and the U.S. State Department. According to our knowledge, no arrest warrants were issued when the security personnel raided the rooms of the three men.

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.*

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.

A. *Habeaus corpus, amparo or similar*

None .

Note: Chinese authorities do not provide these rights to Tibetans

B. *Criminal complaints:*

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.

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:*

Tibetan Centre for Human Rights and Democracy have on August 27, 1999 launched an urgent action appeal for the immediate release of Tsering Dorje. The appeal was addressed to the Chinese president Jiang Zemin and the president of the World Bank, James Wolfenson. The International Campaign for Tibet has also launched a similar campaign urging the Chinese authorities to release Tsering Dorje unconditionally. Despite such campaigns nothing was heard about Tsering's whereabouts or of his physical condition.

Organisation Addressed:

1. Mrs. Mary Robinson
Office of the UN High Commissioner for Human Rights

2. Mr. James Wolfenson
President, World Bank
1818 H Street, NW
Washington, DC 20433, USA

3. Jiang Zemin
The President of the PRC
Guoji Zhixi, Beijingshi
People's Republic of China

Date: August 27, 1999

Result: 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, India. The main objective of the Centre is to monitor and research human rights developments in Tibet. This information is mainly obtained from people who have recently arrived from Tibet. This 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.

27. Contact details for TCHRD are:
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Fax: +91 1892 23363/ 24957, Email: dsala@tchrd.org

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

No.

However 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: September 6, 1999

Signature of author:

Kalsang Topgyal
Field Officer
Tibetan Centre for Human Rights and Democracy
Dharamsala