



MISSING FOR OVER 20 YEARS

Name: Gedhun Choekyi Nyima, the 11th Panchen Lama of Tibet (Tib: གཏུན་ཚེན་རྟེན་པོ་ཚེ)

Date and Place of birth: 25 April 1989, Lhari in Nagchu Prefecture, U'Tsang (Central Tibet). Chinese: Tibet Autonomous Region.

Disappeared: 17 May 1995

Reason for disappearance: To assert China's political control of the reincarnation of Tibetan Buddhist leaders.¹

Current location: Unknown.

Summary: On 14 May 1995 Gedhun Choekyi Nyima was recognized by His Holiness the Dalai Lama as the 11th reincarnation of the Panchen Lama, one of Tibet's most important religious leaders. Days later, on 17 May, Gedhun Choekyi Nyima and his family disappeared, and a number of Tibetans associated with the search for the 11th Panchen Lama were arrested and sentenced, accused of leaking information to the Dalai Lama.

Gedhun Choekyi Nyima: the 11th Panchen Lama

Gedhun Choekyi Nyima was just 6 years old in 1995 when he was recognized by His Holiness the Dalai Lama as the 11th reincarnation of the Panchen Lama, one of Tibet's most important religious leaders. The 10th Panchen Lama, a vocal advocate of Tibetan cultural and identity, had passed away suddenly in January 1989.

On 17 May 1995, Gedhun Choekyi Nyima was 'removed' from his home by Chinese authorities, along with his family. He was just six years old at the time and became the world's youngest political prisoners for many years. There has been no concrete evidence concerning his or his family's well-being or whereabouts for over 20 years.

The disappearance of Gedhun Choekyi Nyima by the Chinese authorities constitutes an "enforced disappearance" in violation of the UN Convention for the Protection of All Persons from Enforced Disappearance,² and is "a grave and flagrant violation of the human rights and fundamental freedoms" as proclaimed in the Universal Declaration of Human Rights.

While China is not party to the International Convention on the Protection of all Persons from Enforced Disappearance, China has signed, although not yet ratified, the International Covenant of Civil and Political Rights (ICCPR), and as a party to the Vienna Convention on the Law of Treaties, China is obliged to refrain from acts which would defeat the object and purpose of a treaty that it has signed, pending ratification.³

Enforced disappearances violate numerous substantive and procedural provisions of the ICCPR. These include the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment (Article 7) for the direct victims as well as for their families;⁴ the right to liberty and security of the person (Article 9);⁵ the right of detainees to be treated with humanity and with respect for the inherent dignity of the human person (Article 10);⁶ and the right to recognition as a person before the law (Article 16)⁷. It can also constitute a grave threat to the right to life (Article 6).⁸

Government Action for Gedhun Choekyi Nyima

Since his enforced disappearance in 1995, the Chinese Government has refused repeated requests for independent access to establish his health, well-being and whereabouts, claiming he was leading a normal life and did not wish to be disturbed. China justified his disappearance on the grounds that it was for his own protection against "splittist" forces.

In 2000, a Chinese delegation showed two photographs to EU officials during the EU/China human rights dialogue⁹ and also to UK officials during the UK/China human rights dialogue. The photographs showed a young boy, who apparently resembled the photograph of Gedhun Choekyi Nyima aged 6. In one picture, the boy was playing table tennis, with his face almost full on to the camera. The second photograph was a rear view of the back of the boy's head, as he wrote Chinese characters on a blackboard. Both photographs were taken indoors and offered no clues as to the boy's whereabouts.

Then UK Foreign Secretary, Robin Cook, confirmed that his office had been shown two photographs alleged to be of Gedhun Choekyi Nyima and that these were not handed over by Chinese officials. Mr Cook told the Foreign Affairs Select Committee that the UK Foreign Ministry would seek to obtain the photographs.¹⁰

Numerous governments and UN procedures have raised the case of the Panchen Lama since 1995, including The Committee Against Torture,¹¹ The Committee on the Rights of the Child,¹² The UN Special Rapporteur on Freedom of Religion or Belief,¹³ The Working Group on Enforced or Involuntary Disappearances,¹⁴ UN High Commissioner for Human Rights Ms. Louise Arbour,¹⁵ the European Parliament and US Congress as well as during the EU/China Summit and Human Rights Dialogues.

In October 2013, the UN Committee on the Rights of the Child expressed concern about the 11th Panchen Lama. The Committee stated it was "deeply disturbed" that China "has not allowed any independent expert to visit and confirm his whereabouts, the fulfilment of his rights and his well-being," and called on China "to immediately allow an independent expert to visit" him. The Committee also repeated its request for verification that the Panchen Lama was receiving a higher education. Chinese officials refused to respond stating only that an answer would be given at a later stage. No answer has been provided.¹⁶

For more than 20 years, Chinese officials have given diplomats and visiting delegations a number of different and misleading statements that have exacerbated concerns about the true whereabouts and well-being of Gedhun Choekyi Nyima and his family.

In past years, visitors to China and Tibet have been told the Panchen Lama is in Gansu, Heilongjiang in north-eastern China, in the vicinity of Beijing, or at his home in Nagchu and there have been unsubstantiated rumours that he had died. In September 2006, an official religious delegation from China touring Norway, including Abbot Khadi Lobsang Champa of Dargye Monastery in Garze County, vice chairman of Sichuan Province Buddhist Association, told Tibetans that the "Panchen Lama now lives in Nagchu, which is his birth place and doing his studies".¹⁷

“ While the Chinese authorities have admitted taking him, they have continually refused to divulge any information about him or his whereabouts, making his case an enforced disappearance. A number of human rights mechanisms including the UN Committee against Torture, the UN Committee on the Rights of the Child, as well as Special Rapporteur on Freedom of Religion or Belief, have all called for his whereabouts to be revealed, to no avail. ”

UN Working Group on Enforced or Involuntary Disappearances, 8 April 2011

On 18 October 2009, Zhu Weiqun, the Vice-Minister of the United Front Work Department of the Chinese Communist Party told a German reporter, “As for the child recognized [by the Dalai Lama], he is our child, a Tibetan child and our citizen. So we will provide facilities to ensure his healthy growth.”... “The Dalai Lama’s illegally recognized child is of course growing up healthy in China. He will grow into a useful man to China and to the Tibetan people.”¹⁸

In July 2010, Hao Peng, deputy head of the Communist Party and executive vice-chairman of the Tibet Autonomous Region, told a foreign journalist that “the young Tibetan person ... is studying and living in quite good condition” ... “He and his family members do not want to be disturbed so we have to respect their wishes and we cannot arrange a visit.”¹⁹ In the same year, Padma Choling, Governor of the Tibet Autonomous Region, told Associated Press “As far as I know, his family and he are now living a very good life in Tibet”, repeating the claim that the family did not wish to be disturbed.²⁰

In September 2015, Norbu Dhondup, a Chinese official from the United Front Work Department of the TAR told reporters that the Panchen Lama is living “a normal life, growing up healthily and does not wish to be disturbed.”²¹

Later in 1995, China selected another child to be its chosen 11th Panchen Lama. The selected child was Gyaltsen Norbu, born in February 1990. Neither China nor the exiled Tibetan leadership recognise each other’s choice of 11th Panchen Lama. Gyaltsen Norbu is currently a member of the Chinese People’s Political Consultative Conference (CPPCC).²²

Urgent Request for evidence of Gedhun Choekyi Nyima well-being

Over 20 years have now passed since Gedhun Choekyi Nyima and his family have been seen. Deep concern for his well-being, particularly given China’s statements that provide no evidence of his health and safety.

As shown, it is not unprecedented for China to use photographic evidence to show the alleged status of Tibet’s Panchen Lama. We therefore call on governments and the UN Special Procedures to make a renewed attempt to re-engage the authorities in Beijing and press for substantial evidence of the Panchen Lama’s well-being. Furthermore we urge that governments express serious concern for Gedhun Choekyi Nyima’s continued enforced disappearance and urge China to comply with the numerous urgent appeals made about this case, including the United Nations Committee for the Rights of the Child’s request in 2013, to which China has not yet responded.²³

In particular we appeal to Governments and the United Nations Special Procedures and Treaty Bodies to urge the Chinese government to:

- Promptly sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance.
- Provide tangible evidence about the well-being and specific whereabouts of Gedhun Choekyi Nyima in the form of date-verifiable material.
- Allow independent access by a government or UN Special Procedures body to meet Gedhun Choekyi Nyima and his family.
- Release Gedhun Choekyi Nyima and his family immediately and unconditionally, and ensure that their future safety is guaranteed.
- Prosecute those responsible for the disappearance of the Panchen Lama promptly before civilian courts in fair trials without recourse to the death penalty.
- Ensure the Panchen Lama, including his family, are provided with full and effective reparation to address the harm they have suffered, including restitution, compensation, rehabilitation and satisfaction.

Notes

1. In November 1995, Chinese authorities installed Gyaltsen Norbu as Panchen Lama, violating Tibetan religious traditions and practices concerning the reincarnations of lamas. Tibetans feel he has been selected by the Chinese authorities to ensure control of Tibet and assert their authority over a future incarnation of the Dalai Lama – <https://www.savetibet.org/china-attempts-to-legitimize-its-panchen-lama-through-a-major-speech-as-the-real-panchen-lamas-birthday-approaches/>
2. UN Declaration on the Protection of All Persons from Enforced Disappearance: <http://www.un.org/documents/ga/res/47/a47r133.htm>
3. United Nations, Vienna Convention on the Law of Treaties, 23 May 1969, United Nations, Treaty Series, article 18, <https://treaties.un.org/doc/publication/unts/volume%201155/volume-1155-i-18232-english.pdf>
4. Human Rights Committee, General Comment 31, The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, CCPR/C/21/Rev.1/Add.13, para. 18; Human Rights Committee, Quinteros v. Uruguay. Communication No. 107/198, para 14; Human Rights Committee, Lyashkevich v. Belarus Communication No. 887/1999, para 8.4 and 9.2.
5. Human Rights Committee, Concluding observations on Algeria, CCPR/C/DZA/CO/3, para. 11; Human Rights Committee, Chihoub v Algeria, Communication No. 1811/2008, para. 8.5; Human Rights Committee, Aboufaied v Libya, Communication No. 1782/2008, para. 7.4; Human Rights Committee, Berzig v Algeria, Communication No. 1781/2008, para. 8.5;
6. UN Commission on Human Rights, Report submitted by Mr. Manfred Nowak, independent expert charged with examining the existing international criminal and human rights framework for the protection of persons from enforced or involuntary disappearances, pursuant to paragraph 11 of Commission resolution 2001/46, 7 January 2002, E/CN.4/2002/71, para 17 and 25.
7. Report of the Working Group on Enforced or Involuntary Disappearances, E/CN.4/1435
8. Human Rights Committee, Mr. S. Jegatheeswara Sarma v. Sri Lanka, Communication No. 950/2000, U.N. Doc. CCPR/C/78/D/950/2000 (2003), para 9.3; Human Rights Committee, CCPR General Comment No. 6: Article 6 (Right to Life), 30 April 1982, para 4, available at: <http://www.refworld.org/docid/45388400a.html>
9. <https://freetibet.org/news-media/pr/panchen-lama-photo-charade>
10. <https://publications.parliament.uk/pa/cm199900/cmselect/cmcaff/574/0102517.htm>
11. Committee Against Torture, Concluding Observations, 2008, <http://www2.ohchr.org/english/bodies/cat/docs/CAT.C.CHN.CO.4.pdf>
12. Committee on Rights of the Child, Concluding Observations, 2013 http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCHN%2fCO%2f3-4&Lang=en; 2005 http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCHN%2fCO%2f2&Lang=en
13. <https://www.savetibet.org/china-informs-un-panchen-lama-receiving-good-cultural-education/>
14. UN Working Group* on Enforced or Involuntary Disappearances Statement, April 2011, <http://newsarchive.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10928&LangID=E>
15. <https://www.nytimes.com/2005/09/03/world/asia/un-official-urges-china-to-deepen-commitment-to-rights.html>
16. International Campaign for Tibet, 'China's rights record scrutinized by UN Committee', October 2013, <http://www.savetibet.org/chinas-rights-record-scrutinized-by-un-committee/>
17. Phayul, 'The official religious delegation from China says on the whereabouts of the Panchen Lama Gedhun Choekyi Nyima' September 2006, <http://www.phayul.com/news/article.aspx?id=13911>
18. Tibetan Centre for Human Rights and Democracy, <http://www.tchrd.org/2012/04/seventeen-years-and-counting-disappearance-of-panchen-lama/>
19. Free Tibet's Submission to the Conservative Party Human Rights Commission Freedom to Believe: Protecting and Promoting Article 18 Freedom of Religion in Tibet, July 2010. <http://freetibet.org/sites/default/files/CPHRCevidence2010.pdf>
20. United States Department of State, 2015 Report on International Religious Freedom – China, 10 August 2016, available at: <https://www.state.gov/j/drl/rls/irf/2015/eap/256099.htm>
21. China says missing Panchen Lama is living in Tibet, Associated Press, March 2010, http://www.realclearworld.com/news/ap/international/2010/Mar/07/china_says_missing_panchen_lama_is_living_in_tibet.html
22. International Campaign for Tibet, 'China attempts to legitimize its Panchen Lama through a major speech as the real Panchen Lama's birthday approaches', 21 April 2015, <http://www.savetibet.org/china-attempts-to-legitimize-its-panchen-lama-through-a-major-speech-as-the-real-panchen-lamas-birthday-approaches/>
23. UN Committee on the Rights of the Child (CRC), Concluding observations on the combined third and fourth periodic reports of China (including Hong Kong and Macau Special Administrative Regions), adopted by the Committee at its sixty-fourth session (16 September – 4 October 2013), 4 October 2013, CRC/C/CHN/CO/3-4, para 41(c).

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