

GENERAL  
ASSEMBLY  
Human Rights Council  
Fourteenth Session  
Item 3

Interactive Dialogue: JOINT STUDY ON GLOBAL PRACTICES IN RELATION TO SECRET DETENTION IN THE CONTEXT OF COUNTERING TERRORISM OF THE SPECIAL RAPPORTEUR ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS WHILE COUNTERING TERRORISM; THE SPECIAL RAPPORTEUR ON TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT; THE WORKING GROUP ON ARBITRARY DETENTION; AND THE WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES (A/HRC/13)

Joint NGO Statement by Ms. Leslie BUTTERFIELD on behalf of Helsinki Foundation for Human Rights and Society for Threatened Peoples

Mr. President,

We wish to thank the Joint Report and applaud its observation that: "Secret detention violates the right to personal liberty and the prohibition of arbitrary arrest or detention. No jurisdiction should allow for individuals to be deprived of their liberty in secret for potentially indefinite periods, held outside the reach of the law, without the possibility of resorting to legal procedures, including habeas corpus."

The report raises three cases of Tibetans who were detained in secret, although these represent only a small example of those Tibetans who have been and are currently held secretly since the Tibetan Uprising in 2008. For instance, in April 2008, Chinese authorities removed approximately 1,200 monks from Drepung and Sera Monasteries, transferring more than half of them to Golmud in Qinghai province to a military detention center guarded by People's Armed Police. An independent report stated that the monks were forced to participate in "rule of law education" classes and "patriotic education," subjecting them to beatings and psychological torture. Some of the monks who lived near Qinghai were released after three months;

however, it was not until August 2008 that others began to be released. The current whereabouts and well being of the 1,200 monks is unknown.

Mr. President,

One the cases cited in the Joint Report is that of Tibetan singer and blogger, Mrs. Jamyang Kyi who described her detention in a blog post after her release, stating: "My heart cracked like a dried out riverbank with feelings of sadness, hopelessness, frustration and anger. Each interrogation session aroused a different kind of fear in me. One day in the middle of an interrogation, I thought instead of enduring this, it would be better to be killed by a single bullet."

During those days when I was thrown in front of the six gates of hell, the person I thought of most was my kind and dear mother. Although it has been nearly three years since she passed away, she is very much alive in my heart. What is comforting is the realization that my dear mother has already left me. Otherwise, if she were alive and to witness my incarceration in prison, I know she would go insane."

We wish to alert the Joint Report that in November 2008, the Committee Against Torture (CAT) while expressing concern over secret detentions facilities in the People's Republic of China urged the State party "should ensure that no one is detained in any secret detention facility. Detaining persons in such conditions constitutes, per se, a violation of the Convention. The State party should investigate, disclose the existence of any such facilities and the authority under which they have been established and the manner in which detainees are treated, and make reparations to the victims of enforced disappearances where appropriate.

Mr. President,

While supporting the Joint Report opinion that "secret detention amounts to an enforced Disappearance", we wish to remind the Council of our continued concern on the whereabouts and well being of the 11th Panchen Lama of Tibet, Gedhun Choekyi Nyima who has been held in secrecy since May 1995 when he was six years old. We urge the Chinese authorities to respond to the recommendations of the Working Group on Enforced or Involuntary Disappearances and the UN Committee on the Rights of the Child on the whereabouts of this spiritual leader of the Tibetan people.

I thank you, Mr. President

3 June, 2010