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## RELENTLESS

Detention and Prosecution of Tibetans Under China's  
"Stability Maintenance" Campaign



# **Relentless**

**Detention and Prosecution of Tibetans Under China's  
"Stability Maintenance" Campaign**

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## Detention and Prosecution of Tibetans under China’s “Stability Maintenance” Campaign

- Map of China ..... i**
- Summary ..... 1**
- Recommendations..... 6**
  - To the Government of China ..... 6
  - To the United Nations..... 6
  - To Concerned Governments.....7
- Methodology..... 8**
- I. “Stability Maintenance” ..... 13**
  - Public Security Spending in Tibet ..... 15
  - Stability Maintenance in the TAR ..... 17
  - Stability Maintenance in the Eastern Tibetan Areas..... 21
  - Stability Maintenance and the Legal System.....23
- II. Activities and Ideas Targeted by Chinese Authorities ..... 29**
  - Drivers of Dissent..... 35
- III. The Criminalization of Sympathy ..... 40**
- IV. Protests and Shootings ..... 48**
  - Changes in Use-of-Force Rules? .....50
  - Village and Community Leaders ..... 53
  - A New Type of Protest: Support for Detained Community Leaders..... 57
- V. Sentencing ..... 59**
  - Trial Rates: The Likelihood of Prosecution..... 59
  - Local Variations .....63
  - Length of Sentences..... 64
  - Official Sentencing Records and “Elastic Sentencing” .....70

<b>VI. Shift of Dissent to Rural Areas .....</b>	<b>74</b>
Emergence of Protest “Cluster Sites” .....	76
<b>VII. Eyewitness View: The Trial of the Abbots of Karma Gon.....</b>	<b>81</b>
<b>Acknowledgments.....</b>	<b>86</b>



MAP OF CHINA



## Summary

We have followed the law in striking out and relentlessly pounding at illegal organizations and key figures, and resolutely followed the law in striking at the illegal organizations and key figures who follow the 14th Dalai Lama clique in carrying out separatist, infiltration, and sabotage activities, knocking out the hidden dangers and soil for undermining Tibet's stability, and effectively safeguarding the state's utmost interests [and] society's overall interests.

—Statement by Chen Quanguo, Tibet Autonomous Region Party Secretary, December 2013

This report documents the Chinese government's detention, prosecution, and conviction of Tibetans for largely peaceful activities from 2013 to 2015. Our research shows diminishing tolerance by authorities for forms of expression and assembly protected under international law. This has been marked by an increase in state control over daily life, increasing criminalization of nonviolent forms of protest, and at times disproportionate responses to local protests. These measures, part of a policy known as *weiwen* or “stability maintenance,” have led authorities to expand the range of activities and issues targeted for repression in Tibetan areas, particularly in the countryside.

The analysis presented here is based on our assessment of 479 cases for which we were able to obtain credible information. All cases are of Tibetans detained or tried from 2013 to 2015 for political expression or criticism of government policy—“political offenses.”<sup>1</sup>

Our cases paint a detailed picture not available elsewhere. Stringent limitations on access to Tibet and on information flows out of Tibet mean we cannot conclude definitively that our cases are representative of the unknown overall number of political detentions of Tibetans during this period. But they are indicative of the profound impact “stability maintenance” policies have had in those areas, and of shifts in the types of protest and protester Chinese authorities are targeting there.

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<sup>1</sup> See Appendix III for the complete list of cases at <https://www.hrw.org/node/289993/>.



Information on the cases comes from the Chinese government, exile organizations, and foreign media. Of the 479 detainees, 153 were reported to have been sent for trial, convicted, and sentenced to imprisonment. The average sentence they received was 5.7 years in prison. As explained in the methodology section below, the actual number of Tibetans detained and prosecuted during this period for political offenses was likely significantly higher.

Many detentions documented here were for activities that the Chinese authorities previously considered to be minor offenses or not politically sensitive. Many of those detained came from segments of society not previously associated with dissent. In addition, many of the detentions took place in rural areas where political activity had not previously been reported. From 2008 to 2012, the Tibetan parts of Sichuan province had posted the highest numbers of protests and detentions on the Tibetan plateau, but in 2013 the epicenter of detentions shifted to the central and western areas of the Tibetan plateau, called the Tibet Autonomous Region (TAR) since 1965, which until 1950 had been under the government of the Dalai Lama.

Our research found that many of those detained and prosecuted were local community leaders, environmental activists, and villagers involved in social and cultural activities, as well as local writers and singers. In the previous three decades, the authorities had rarely accused people from these sectors of Tibetan society of involvement in political unrest. Buddhist monks and nuns, who constituted over 90 percent of political detainees in Tibet in the 1980s, represent less than 40 percent of the 479 cases documented here.

Almost all the protests and detentions identified in this report occurred in small towns or rural townships and villages rather than in cities, where most protests and detentions in prior years were reported to have taken place. This suggests that dissent has increased in rural Tibetan areas, where nearly 80 percent of Tibetans live.

Our data also shows an overall decline in the total number of Tibetans detained for political offenses between 2013 and 2015, though this may be an artifact of the limitations on information, detailed in the methodology section below. Notably, however, the totals for these three years are significantly higher than for the 10 years before 2008 when stability maintenance policies were expanded following major protests centered in Lhasa (Ch.: Lasa), the capital of the TAR.

The changing nature of unrest and politicized detention in Tibet correlates with new phases in the stability maintenance campaign in the TAR and other Tibetan areas. Since 2011, authorities have intensified social control and surveillance at the grassroots level, particularly in the rural areas of the TAR. This has included the transfer of some 21,000 officials to villages and monasteries in the TAR, where they are tasked with implementing new management, security, and propaganda operations, and, more recently, the deployment of nearly 10,000 police in Tibetan villages in Qinghai. This has led to a surge in the creation of local Communist Party organizations, government offices, police posts, security patrols, and political organizations in Tibetan villages and towns, particularly in the TAR.

The implementation of these measures appears to explain many of the new patterns of detention, prosecution, and sentencing documented in this report. It was only after the rural phase of the stability maintenance policy in the TAR was implemented from late 2011 that the number of protests and resulting detentions and convictions increased dramatically in that region.

These detentions, occurring primarily in rural areas, indicate that the stability maintenance policy in the TAR has entered a third phase. The first phase entailed paramilitary operations in the immediate wake of the 2008 protests in Lhasa, when the authorities detained several thousand people suspected of involvement in those protests or associated rioting. The second phase, which began in late 2011 and is ongoing, involved the transfer of officials to run security and propaganda operations in villages, as described above. The third phase, which dates to early 2013, has involved increasing use of the surveillance and security mechanisms established during the second phase in rural villages of the TAR to single out activities deemed to be precursors of unrest. This has meant that formerly anodyne activities have become the focus of state attention and punishment, including social activities by villagers that had not previously been put under sustained scrutiny by the security forces.

In the eastern Tibetan areas—comprising parts of Qinghai, Sichuan, Gansu, and Yunnan provinces—politicized detentions also appear to correlate with stability maintenance measures. But in these areas, the government’s measures have been aimed primarily at stopping self-immolations by Tibetans protesting Chinese rule, most of which have taken place in the eastern areas. Beginning in December 2012 the authorities there conducted an

intensified drive to end self-immolations among Tibetans that resulted in a sharp increase in detentions and prosecutions of Tibetans for alleged connections to self-immolations, often with tenuous legal basis.

The government's introduction of grassroots stability maintenance mechanisms in the TAR and of measures against self-immolation in the eastern areas, including in many previously quiet rural areas, has resulted in certain Tibetan localities becoming sites of repeated protests and detentions, producing what could be called protest "cluster sites," previously unseen in Tibetan areas. These localities saw greater numbers of politicized detentions, recurrent cycles of protest and detention, higher average sentencing rates compared to other areas, and longer sentences for relatively minor offenses.

During 2013-2015, lay and religious leaders of rural communities often received unusually heavy sentences for expressions of dissent, especially if they were from a protest cluster site. Having a sensitive image or text on one's cellphone or computer could also lead to a long prison sentence, especially though not only if it had been sent to other people. Among those who received the longest sentences were people who tried to assist victims of self-immolations, leaders of protests against mining or government construction projects, and organizers of village opposition to unpopular decisions by local officials. Such activities, most of which were not explicitly political and did not directly challenge the legitimacy of the state, received markedly longer sentences than people shouting slogans or distributing leaflets in support of Tibetan independence.

The incidents described in this report indicate that outbursts of unrest and waves of politicized detentions occurred in specific localities at certain times rather than being evenly dispersed across the Tibetan areas. But the range of locations and the different social levels of protesters involved suggest that political, environmental, and cultural discontent is widespread among Tibetans in many parts of the plateau.

Deaths and ill-health of detainees also continued to be a serious problem in the period covered by this study. Fourteen of those detained, 2.9 percent of the total, were reported to have died in custody or shortly after release, allegedly as a result of mistreatment.

The cases also involve the detention of children, including a 14 and a 15-year-old, both monks, and at least one 11-year-old child detained after his father self-immolated.

The detentions, prosecutions, and convictions documented here reflect the impact of intensive new efforts by officials in Tibetan areas to prevent any repeat of the Tibet-wide protests that occurred in the spring of 2008. Yet the new policies have led to apparently unprecedented cycles of discontent in certain rural areas, and an overall increase in the types of activities that are treated as criminal challenges to the authority of the Communist Party or the Chinese state. The failure of the central government and local authorities to end these abusive policies and roll back intrusive security and surveillance measures raises the prospect of an intensified cycle of repression and resistance in a region already enduring extraordinary restrictions on basic human rights.

# Recommendations

## To the Government of China

- Unconditionally release from custody all persons detained without charge or convicted for peacefully exercising their rights to freedom of expression and belief, or for other conduct protected by international human rights law.
- Allow independent observers—including journalists, human rights monitors, and United Nations special procedures—unimpeded access to all areas covered by the “stability maintenance” campaign to verify the extent of human rights violations stemming from the campaign’s implementation.
- Ensure that all persons taken into custody have immediate access to lawyers and family members. Those taken into custody should be released unless promptly brought before a court and charged with an offense.
- End the collective punishment of community members for the actions, criminal or not, of local leaders or other members of their community.
- Conduct credible, transparent, and impartial investigations into all incidents from 2013 to 2015 that resulted in alleged extrajudicial killings, or alleged torture or other ill-treatment in custody. Make the findings of those investigations public and fairly prosecute anyone responsible for such abuses.
- Conduct credible, transparent, and impartial investigations into arbitrary detentions and deaths stemming from the March 2008 protests in Lhasa and across Tibetan areas.
- End interference by officials, party representatives, and the security forces in monasteries and other religious institutions.

## To the United Nations

- The UN secretary-general should urge China to honor the offer it made before the Human Rights Council in March 2009 to invite the UN high commissioner for human rights “at a time mutually convenient to both sides.”

- The UN high commissioner for human rights should specifically request to visit the Tibetan Autonomous Region and Tibetan Autonomous Areas in Qinghai and Sichuan provinces.
- The UN high commissioner for human rights, as well as the special rapporteurs and working groups on torture, enforced disappearances, and independence of judges and lawyers, should reiterate their requests to visit the region to assess the human rights situation.

## To Concerned Governments

- Urge the Chinese government to implement the following measures in Tibetan areas: provide information on all persons detained in connection with protests; end arbitrary detention and torture and other ill-treatment in detention; impartially investigate the use of excessive or lethal force by the security forces; and discipline or prosecute as appropriate members of the security forces implicated in serious abuses.
- Extend full and active support to the international investigation into the Tibetan protests led by the Office of the United Nations High Commissioner for Human Rights.
- Urge the Chinese government to review the official policies and practices in Tibetan areas that have contributed to unrest.
- Speak out, when cooperating with China on law enforcement or counterterrorism efforts, against the use of trumped-up public order and terrorism allegations to persecute or curtail the human rights of ethnic groups.

## Methodology

This report is based on Human Rights Watch's assessment of the cases of 479 Tibetans detained, prosecuted, or convicted in China in the 2013-2015 period for peaceful expression of opposition to or criticism of Chinese government policies.<sup>2</sup>

Information on 31 of the cases was obtained from official Chinese sources, including reports in the official media, reports given by the Chinese government to the United Nations, and a court document obtained by an overseas monitoring organization.<sup>3</sup>

Information on the remainder of the cases was obtained from reports by exile or foreign media organizations. These sources include Radio Free Asia (RFA), a Tibetan-language broadcasting service funded by the United States Congress and based in Washington, DC, and the Tibetan Centre for Human Rights and Democracy (TCHRD), an organization affiliated with the exile Tibetan administration based in Dharamsala, India. Also used were relevant reports from the Voice of America (VOA) Tibetan-language broadcasting service funded by the US Congress; *Phayul*, an online news site run by exiles based in Dharamsala; and the International Campaign for Tibet (ICT), an advocacy group based in Washington, DC. These organizations obtain their information from reports sent to them by local participants or witnesses in Tibet.

Because the Chinese government does not allow independent media reporting or human rights investigations, releases very little information on arrests and prosecutions of Tibetans, and has severely punished Tibetans for sharing information about such cases with outsiders, the available case descriptions are often incomplete and many details cannot be independently verified. Since 2008, moreover, the number of Tibetans crossing into Nepal and India to seek asylum has dropped from more than 2,000 per year to about 50, and few Tibetans have been allowed to travel abroad since 2012, further limiting the number of sources of information available about conditions in Tibet.

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<sup>2</sup> The total includes 52 cases of people detained before January 1, 2013, but sentenced after that date.

<sup>3</sup> For the court document, see Appendix I, Document 10. The information on the events in Karma township described in Section VII is based on a set of written statements supplied by local witnesses and given to a Human Rights Watch researcher. These are translated in Appendix I, Documents 1-9. All appendix materials can be found at <https://www.hrw.org/node/289993/>

Because of these limitations, as noted above, we cannot say for certain that our 479 cases are representative of all political detentions of Tibetans during the 2013-2015 period. But our cases, carefully vetted for reliability, shed light on recent developments in Tibetan areas not available elsewhere.

Human Rights Watch composed its database of cases from the sources listed above and compared the results to information in a more detailed database compiled from many of the same reports by the Congressional-Executive Commission on China (CECC), an initiative of the US Congress that investigates human rights and other issues in China, available at [www.cecc.gov/resources/political-prisoner-database](http://www.cecc.gov/resources/political-prisoner-database).<sup>4</sup> While there is substantial overlap, the Human Rights Watch database includes cases not in the CECC database for the 2013-2015 period, and vice versa.

Our approach was to include in our database only cases where the detainee or convicted prisoner was a clearly identifiable individual, typically because we had his or her name and identifying details; and where there are indications that the detainee was held for at least a week, indicating that the case was treated with some seriousness by local authorities.

Using this approach, we excluded reports of several dozen individual cases and at least three large groupings of cases: an announcement by Chinese authorities in February 2013 that 70 people had been detained in connection with Tibetan self-immolation protests in just one area of Qinghai, Malho (Ch.: Huangnan) prefecture in the previous two months;<sup>5</sup> a

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<sup>4</sup> There are a number of differences between the database compiled by the Congressional-Executive Commission on China (CECC) and that compiled by Human Rights Watch, but they vary by less than 1 percent on the total number of detentions in this period, and by less than 0.1 percent on average sentence length. While the CECC database includes 104 sentencing cases in this period, 13 of which were not included in the Human Rights Watch database, our database includes 146 cases, of which 60 (including 14 cases where names were not available) were not in the CECC database. These discrepancies related largely to differences as to which sources were consulted. Among the various statistics compiled for this study, such as name, date of incident, and length of sentence, most sources are broadly in agreement. However, the reasons given for a detention vary widely, since different reports on the same case focus on different aspects, and many issues may be involved in a single case. The CECC database is also the basis for our claim in the summary of this report that the numbers of politicized detentions in the 2013-2015 period, while lower than in the years following the 2008 unrest, appear to be higher than in the pre-2008 period. We acknowledge the CECC's systematic and extensive work in compiling its database of Tibetan political prisoners on which this report relies.

<sup>5</sup> "70 arrested in Qinghai over self-immolations," *China Daily*, February 8, 2013, [http://www.chinadaily.com.cn/cndy/2013-02/08/content\\_16213997.htm](http://www.chinadaily.com.cn/cndy/2013-02/08/content_16213997.htm); "70 held over string of self-immolations," *Xinhua*, February 7, 2013, [http://www.china.org.cn/china/2013-02/08/content\\_27920970.htm](http://www.china.org.cn/china/2013-02/08/content_27920970.htm).



Radio Free Asia report in December 2013 that detentions for political activities in Driru (Ch.: Biru) county, Nagchu prefecture, TAR had topped 1,000 over the previous three months;<sup>6</sup> and a report from the exile website *Phayul* in June 2014 that 60 people had been detained after a mining protest.<sup>7</sup> In all three cases, the sources we had lacked sufficient detail to meet the criteria described above for inclusion in our database. We know enough about the cases we excluded to determine that, as the descriptions in the previous paragraph suggest, they reinforce certain indications in our data, including the emergence of protest cluster sites in recent years, a rise in self-immolation-related arrests in eastern Tibetan areas, and increasing targeting of environmental protesters.

For one incident—the detention and prosecution of three abbots from Karma Gon monastery who were sentenced in April 2013—Human Rights Watch was able to obtain previously unpublished eyewitness accounts that not only confirmed the claims made by exile and other foreign media sources about the incident, but also provided details of far more extensive abuses and detentions than had previously been described. This documentation, much of which is included in Appendix I, suggests that the exile and foreign media reports understated rather than overstated or misrepresented the scale of abuses in that incident.

In addition, as the above description of some of the excluded cases indicates, our data likely significantly undercounts the number of political detentions in Tibetan areas in the 2013-2015 period. While complete Chinese government data for this period is not available, and the data that exists is unreliable and hard to interpret due to lack of clarity about what exactly is being counted, such data does suggest that the actual number of political detentions may be significantly higher.<sup>8</sup> For example, while Human Rights Watch identified a total of 41 self-immolation-related formal arrests or convictions throughout

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<sup>6</sup> “Three Young Tibetans Held for Burning Chinese Flag in Driru,” RFA, December 24, 2013, <http://www.rfa.org/english/news/tibet/flag-12242013152004.html>.

<sup>7</sup> “60 men held over anti-mining protests in Tongbar,” *Phayul*, June 16, 2014, <http://www.phayul.com/news/article.aspx?id=34990>.

<sup>8</sup> The government reported in February 2016 that the TAR procuratorate prosecuted 1,530 people in 2015 “who used religion to engage in splittist criminal activities and crimes of inciting rumors and affecting overall stability.” However, it is unclear how many of the cases “affecting overall stability” related to the expression of dissent and how many were ordinary criminal cases. See “西藏自治区人民检察院工作报告” (“Xizang zizhiq renmin jianchayuan gongzuo baogao, Tibet Autonomous Region People’s Procuratorate Work Report”), *China Tibet News*, February 15, 2016, [http://www.xzxw.com/xw/201602/t20160215\\_1074534.html](http://www.xzxw.com/xw/201602/t20160215_1074534.html).

Tibetan areas in 2013-2015, the authorities released figures in 2014 stating that in Qinghai province alone 33 people had been formally arrested in “criminal self-immolation cases” in the previous year.<sup>9</sup>

The Human Rights Watch numbers can also be compared with official figures for politically related arrests during earlier years. For example, Chinese authorities have stated that during the five years from 2008 to 2012, 304 people were formally arrested in the TAR and Qinghai for crimes of “endangering state security,” an average of 61 per year.<sup>10</sup> The Human Rights Watch database found an average of 44 formal arrests or convictions each year for political offenses for all Tibetan areas in the period 2013-2015, again suggesting that it has understated the total number of such offenses.<sup>11</sup>

The terms “detention” and “arrest” in this report refer to distinct processes in the Chinese legal system: detention denotes deprivation of liberty by the police on suspicion of an actual or potential offense, while arrest indicates the placing of a formal legal charge against the detainee. Arrests are less frequent than detentions, usually take place about three months after detention, and almost always lead to a formal trial, although individuals can also be detained for a year or more without being formally arrested or tried.

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<sup>9</sup> “The arrests of 33 people involved in 22 criminal self-immolation cases were approved, and 30 people were tried in 19 cases, with the courts of first instance sentencing 27 people in 17 cases.” See “青海省人民检察院工作报告—2014年1月22日在青海省第十二届人民代表大会第三次会议上 青海省人民检察院检察长 王晓勇” (“Qinghai xing renmin jianchayuan gongzuo baogao—2014 nian 1 yue 22 ri zai Qinghai sheng di shi'er jie renmin daibiao dahui di san ci huiyi shang Qinghai xing renmin jianchayuan jiancha zhang Wang Xiaoyong,” “Qinghai Provincial People's Procuratorate work report - the third meeting of the Conference of the Twelfth People's Congress of Qinghai province, on January 22, 2014 [by] Qinghai Provincial People's Procurator Wang Xiaoyong”), *Qinghai Ribao*, February 12, 2014, <http://news.12371.cn/2014/02/12/ART11392195834787799.shtml>.

<sup>10</sup> The TAR figures for 2008-12 are given in a pie chart in “西藏自治区人民检察院工作报告” (“Xizang zizhiqu renmin jianchayuan gongzuo baogao,” “Tibet Autonomous Region People's Procuratorate Work Report”), China Tibet People's Congress, November 7, 2013, <http://www.xizangrd.gov.cn/Articles/1855-5.htm>. The equivalent report for Qinghai province for this period states that during 2008-12 “the procuracy handled requests from public security and state security agencies for the approval of 152 arrests in 36 cases of endangering state security, and it examined and approved the arrests of 118 people in 31 cases.” The remaining 34 of the 152 individual cases may not have been determined until the following year. See “青海省人民检察院工作报告—2014年1月22日在青海省第十二届人民代表大会第三次会议上 青海省人民检察院检察长 王晓勇,” *Qinghai Ribao*. The crime of “endangering state security” includes “instigation to split the country,” also translated as “incitement to split the country” (PRC Criminal Law, 1997, article 103).

<sup>11</sup> Our data identified 84 politicized prosecutions and trials in 2013, 42 in 2014, and 7 in 2015. The dates of another 20 cases could not be established. Convictions relating to “endangering state security” represented only 26% of the cases identified by Human Rights Watch, since other charges were frequently used against Tibetan defendants in politicized cases.

Because of the research limitations noted above, it was often not possible to determine definitively which prisoners had only been detained and which had also been formally arrested or charged. We have assumed for the purposes of this study that those who were detained were not formally arrested or charged unless we received specific, credible information that they had been tried.

The term “case” is used in this report to refer to a specific individual who was detained rather than to a court case, which might include several individuals.

The names of Tibetan townships, counties, and prefectures have been given according to the Tibetan pronunciation, with the modern Chinese version, where known, added in parentheses at the first occurrence.

## I. “Stability Maintenance”

China’s “stability maintenance” policy has been described as a “range of policing and administrative methods aimed at preventing, controlling or punishing social dissent and social disorder.”<sup>12</sup>

The policy became increasingly important in Chinese politics after the Tiananmen crackdown in June 1989 and the collapse of the Soviet Union two years later.<sup>13</sup> In 1992, it was formally enshrined at the 14th Party Congress as an essential precondition for economic development.<sup>14</sup> In 1999, in response to the perceived threat posed to Chinese Communist Party (CCP) rule by the Falun Gong religious movement, a top-level “Leading Small Group” was established to oversee stability maintenance.<sup>15</sup> In 2007, under the leadership of Zhou Yongkang, the then-Party czar responsible for domestic security, stability maintenance became the principal objective in China’s domestic security operations, and was justified in state media as essential for China’s successful hosting of the 2008 Beijing Olympic Games.

To implement this policy, new security measures and institutions began to be introduced within the administrative structure from 2007 onward. Expenditure on public security increased rapidly, rising at an average of 18 percent per year till 2014. From 2009 onward, “*weiwen* service centers” were established in towns, streets, communities, townships, and villages throughout China to handle public security matters and related issues.<sup>16</sup> They were designated to coordinate efforts by local police stations (Ch.: *paichusuo*), offices dealing with petitions (Ch.: *xinfangban*), offices investigating and suppressing forbidden religious

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<sup>12</sup> Susan Trevaskes and Elisa Nesossi, “China’s Rigid Stability—Yu Jianrong 于建嵘 analyses a predicament,” *The China Story*, January 27, 2013, <http://www.thechinastory.org/2013/01/chinas-rigid-stability-an-analysis-of-a-predicament-by-yu-jianrong-%E4%BA%8E%E5%BB%BA%E5%B5%98/>.

<sup>13</sup> “维护大局, 维护稳定” (“Wei hu da ju, wei hu wending. Maintain Overall Situation, Maintain Stability”), *Renmin Ribao*, April 28, 1989; Wai Hei Samson Yuen, “The Politics of Weiwén: Stability as a Source of Political Legitimacy in Post-Tiananmen China,” *European Consortium for Political Research Joint Sessions Workshops 2014*, <https://ecpr.eu/Events/PaperDetails.aspx?PaperID=16450&EventID=12>, p. 10.

<sup>14</sup> Yuen, p. 11.

<sup>15</sup> The title of the Leading Small Group was 中央维护稳定工作领导小组 (Zhongyang wei hu wending lingdao xiaozu). Yuen, p. 15.

<sup>16</sup> The service centers are called 基层信访综治维稳中心 (Jiceng xinfang zongzhi weiwén zhongxin). Yuen, pp. 16-7.

movements such as the Falun Gong (Ch.: *fangxieban*), local courts, and local units of the CCP.

In addition, urban areas in China began to be sub-divided into “grid management units” (Ch.: *wangge hua*), roughly corresponding to a block or street. Each unit has an office with usually six or more staff who provide services to local residents. In Tibet in particular, the grid unit offices appear to focus on monitoring social issues, potential conflicts, and certain categories of individuals.

The implementation of these stability maintenance measures and the creation of these new offices and mechanisms has increasingly involved using ordinary citizens to conduct volunteer patrols, report crimes, and collect information on local residents or visitors.<sup>17</sup> Surveillance technology also has become a major part of *weiwēn* operations, with extensive use of video monitoring, so-called social stability databases, monitoring of individual residents and their movements, and profiling.

In addition, the *weiwēn* system has been made the main criterion for evaluating and promoting Party cadres in China, whose work is assessed according to contracts in which they undertake the prevention of political incidents, crimes, Falun Gong activities, and other forms of “disorder” in their areas.<sup>18</sup> By the same token, cadres can attract significant funding from higher government bodies if they claim to have discovered signs of a potential dissident group or organization in their area that needs to be neutralized. The evaluation scheme and the funding system have created incentives for cadres to make overstated or false accusations against suspected dissidents or critics. In effect, they reward cadres for excessive attempts to pre-empt unrest or protests of any kind. As a result, officials are particularly likely to act against those belonging to social categories associated with unrest or criticism of official policies, such as migrants and minorities.

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<sup>17</sup> “China: Alarming New Surveillance, Security in Tibet: Restrictions Tightened on Tibetans Despite Lack of Threat,” Human Rights Watch news release, March 20, 2013, <https://www.hrw.org/news/2013/03/20/china-alarming-new-surveillance-security-tibet>.

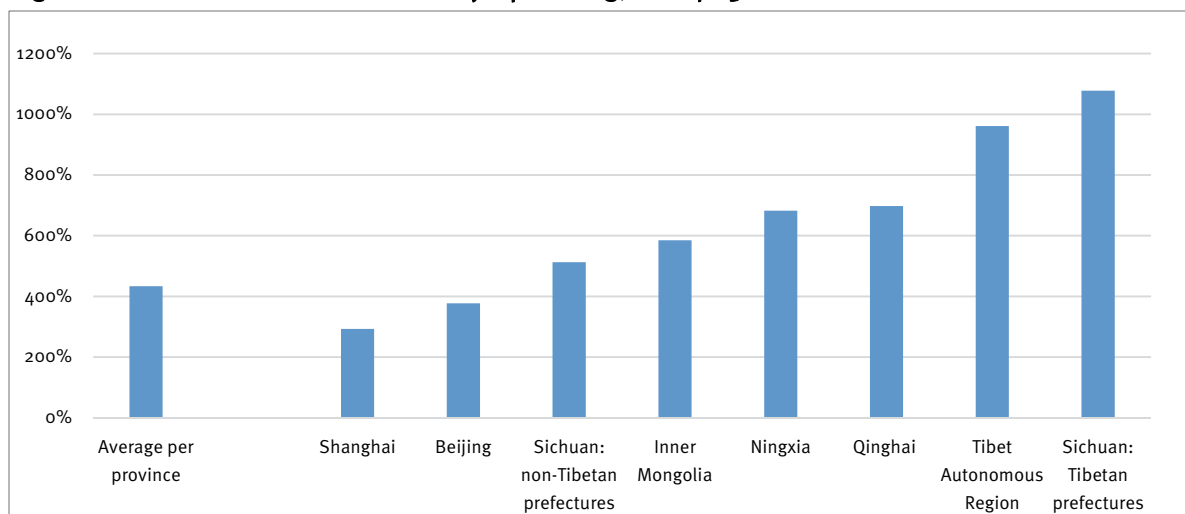
<sup>18</sup> Yuen, p. 24.

## Public Security Spending in Tibet

In 2007, when stability maintenance offices and mechanisms were put in place throughout China, additional steps were taken to boost security measures in Tibetan areas. In that year, spending on public security and policing in the TAR rose by 89 percent, compared to an average increase in all provinces and regions of only 35 percent.<sup>19</sup> This was despite the fact that there were few if any incidents of unrest in Tibet that year.

While spending on public security increased throughout China five-fold between 2004 and 2014, spending in the TAR on public security rose almost 10-fold over the same period.<sup>20</sup> In the two Tibetan prefectures of Sichuan province, expenditure on public security between 2002 and 2009 increased two and three times as fast, respectively, as in the non-Tibetan areas of the province.

**Figure 1: Increase in Public Security Spending, 2004-13**



Percentage increase in government expenditure on public security in Shanghai, Beijing, four autonomous regions, and in the Tibetan and non-Tibetan areas of Sichuan, 2004-2013. Source: China Statistical Yearbooks, 2005-2013; China Statistical Datasheet, 2014.

In 2008, when 100 to 150 incidents of unrest occurred in various parts of the Tibetan plateau, expenditure rose by a further 70 percent in the TAR, four times the increase in

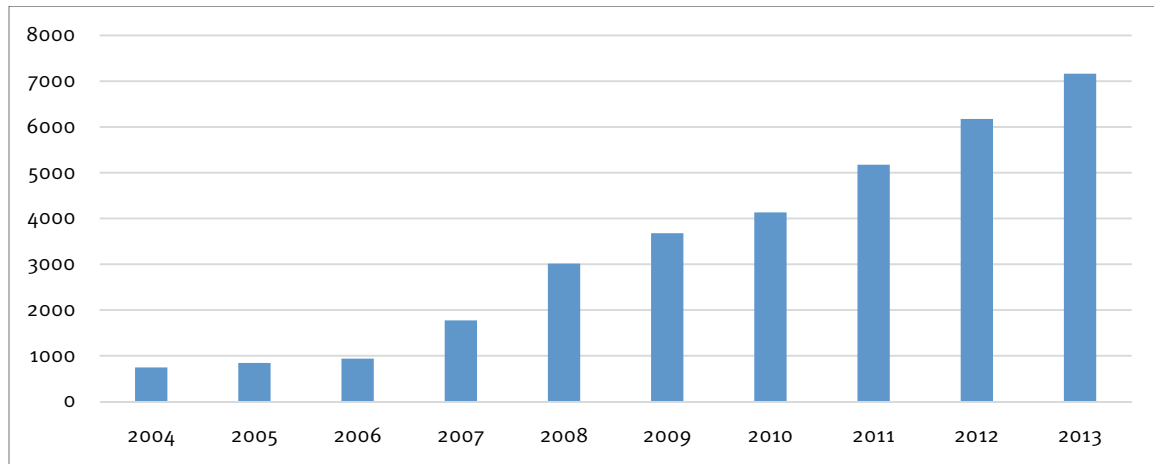
<sup>19</sup> China Statistical Yearbooks, 2005-2014, National Bureau of Statistics, Beijing, <http://www.stats.gov.cn/english/Statisticaldata/AnnualData/>.

<sup>20</sup> From 2004-2014, TAR public security spending increased by 964 percent, while national public security spending rose by 424 percent over the same period. Calculated from relevant data in volumes of the Chinese Statistical Yearbook, 2005-2014.

China as a whole—even though China experienced about 100,000 or more “mass incidents” that year, about 300 times the number of protests per person in the Tibetan areas of China. In the subsequent seven years, TAR expenditure on public security rose by an annual average of 36 percent, twice the national rate.

By 2013, the proportion of the TAR provincial budget allocated to public security was 7.1 percent, compared to the nationwide provincial average of 5.4 percent.<sup>21</sup>

**Figure 2: TAR Spending on Public Security, 2004-13**



Annual expenditure on public security in the TAR, 2004-2013, in millions of yuan. Source: China Statistical Yearbooks and China Statistical Datasheet, 2005-2014.

Exceptional increases in public security spending also took place when *weiwen* measures were put in place in the two prefectures in Sichuan province that have large Tibetan populations. Between 2002 and 2009, expenditure on public security increased by 619 percent in Ngaba (Ch.: Aba) Tibetan Autonomous Prefecture and by 957 percent in Kardze (Ch.: Ganzi) Tibetan Autonomous Prefecture, compared to an average increase of 374 percent in the 19 other prefecture-level units in Sichuan province. The sharp increase in spending began in 2006-2007 when these areas had little or no record of significant

<sup>21</sup> The proportion of the total annual expenditure of the TAR that was allocated to public security expanded from 5.6 percent to 7.1 percent over the nine years from 2004 to 2013. All regions of China that, like the TAR, have relatively small populations spread over large areas have higher than average policing costs per person, but the expenditure per person in the TAR (2,296 yuan per person, 3.8 times the average spent per person on policing at province level in China and by far the highest rate per person for public security spending by any province or region in the country) is still many times higher than other areas with low population density—2.6 times the rate per person in Xinjiang and 2.8 times the equivalent rate for Qinghai. See China Statistical Yearbooks, 2005-2014.

unrest, well before protests broke out in 2008.<sup>22</sup> These figures suggest that from about 2007, a year or so before the outbreak of unrest, officials in at least some Tibetan areas of China obtained stability maintenance funds at nearly twice the rate of officials in China as a whole.<sup>23</sup>

## Stability Maintenance in the TAR

The increases in expenditure on stability maintenance had direct impact on the lives of Tibetans. The first phase of stability maintenance in the TAR involved securing physical control of the streets immediately after the protests of March 2008. This task was carried out by China's paramilitary forces, the People's Armed Police, who maintained 24-hour street patrols in the TAR's capital, Lhasa, until 2014. From 2008 through most of 2011, public security officials focused primarily on detaining and prosecuting Tibetans suspected of involvement in protests or in the spread of ideas and information thought to cause dissent. The authorities contended that the protests had been orchestrated by the Dalai Lama and his supporters from their exile settlements in India and elsewhere, and accused them of sending provocateurs into Tibet.<sup>24</sup> The extended campaign of detentions and prosecutions which was launched at this time was documented by Human Rights Watch in the 2010 report, *"I Saw It with My Own Eyes."*<sup>25</sup>

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<sup>22</sup> In 2007, security spending in Kardze prefecture increased by 80 percent from the previous year, and in Ngaba prefecture by 95 percent. The average rate of increase in security spending that year in the other 19 prefectural-level areas of Sichuan was 47 percent (figures calculated from the China Statistical Yearbook, 2007 and 2008). See "China: End Crackdown on Tibetan Monasteries: Heavy-Handed Security Exacerbates Grievances, Desperation," Human Rights Watch news release, October 12, 2011, <https://www.hrw.org/news/2011/10/12/china-end-crackdown-tibetan-monasteries>.

<sup>23</sup> Qinghai and Gansu provinces have prefectures with substantial Tibetan populations but do not publish figures for public security spending by prefecture. Yunnan has a Tibetan-populated prefecture, but there has been little or no unrest there in recent decades.

<sup>24</sup> The claim of exile instigation was repeated in a White Paper on Tibet issued in April 2015: "Investigations by China's public security organs into incidents of self-immolation revealed clearly that they are being manipulated and instigated at the highest level by the Dalai group. Kirti Gomba in the Aba Tibetan and Qiang Autonomous Prefecture is where the greatest number of self-immolation incidents have taken place; it has been proved that these incidents have close links with the Dalai group." See "Tibet's Path of Development Is Driven by an Irresistible Historical Tide," State Council Information Office of the PRC, April 15, 2015, [http://www.china.org.cn/china/2015-04/15/content\\_35325433.htm](http://www.china.org.cn/china/2015-04/15/content_35325433.htm), p. 12. Some earlier Chinese media articles had accused the Dalai Lama as well as the "Dalai group" of orchestrating the incidents. See "China uses religious propaganda to counter Tibetan self-immolations," TCHRD, March 20, 2013, <http://www.tchrd.org/china-uses-religious-propaganda-to-counter-tibetan-self-immolations/>.

<sup>25</sup> Human Rights Watch, *"I Saw It with My Own Eyes": Abuses by Chinese Security Forces in Tibet, 2008-2010*, July 2010, [https://www.hrw.org/sites/default/files/reports/tibeto71owebwcover\\_o.pdf](https://www.hrw.org/sites/default/files/reports/tibeto71owebwcover_o.pdf). Despite numerous Chinese media statements about exile infiltrators operating in Tibet, the only major protest-related conviction for spying was that of Wangdu, an Australian NGO worker providing HIV/AIDS education in Lhasa. Wangdu was given a life sentence for spying for the exiles, though no supporting evidence was ever released. See "NGO worker sentenced to life imprisonment: harsh sentences signal



The second phase of stability maintenance in the TAR began with the October 2011 mass parade in Lhasa, which marked the deployment of 21,000 cadres to spend three years in each village in the TAR.<sup>26</sup> The decision to station resident officials, known as *zhucun gongzuo dui* or village-based work teams, at the village level was unprecedented in Tibetan if not Chinese history, and by late 2015 it had become clear that the program had been extended beyond the original end-date of October 2014 and would continue indefinitely.<sup>27</sup> According to an informed source who spoke with Human Rights Watch, it resulted from a political analysis of the 2008 protests that interpreted the protests as a sign of incorrect thinking among “the masses,” or ordinary Tibetans, including those in the countryside. This was a major shift from previous policy, which had been based on the theory that any protests were the work of a small number of “troublemakers” who had been manipulated or deployed by exiles.

The new approach, which overlapped with the ongoing revival of a Maoist political practice known as the “mass line,” involved establishing Party and government organizations at the grassroots level. In the TAR, this led to a new network of “grid unit” offices being established at block or street-level in towns, as well as “convenience police posts” at street-level. Permanent cadre teams installed in each monastery established “monastery management committees” to replace existing committees whose members had been elected from among the monks, or, in the case of village-level monasteries, set up local village committees to supervise them. In addition, volunteer security patrols and other unprecedented village-level security measures were established. Research by Human Rights Watch in 2013 showed that these steps were part of a dramatic increase in government presence and control at the grassroots level of society in the TAR.<sup>28</sup>

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harder line on blocking news from Tibet,” International Campaign for Tibet, December 22, 2008, <http://www.savetibet.org/ngo-worker-sentenced-to-life-imprisonment-harsh-sentences-signal-harder-line-on-blocking-news-from-tibet/#sthash.FMH8D9LP.dpuf>.

<sup>26</sup> “China: ‘Benefit the Masses’ Campaign Surveilling Tibetans: Cadre Teams in Villages Collecting Political Information, Monitoring Opinions,” Human Rights Watch news release, June 18, 2013, <https://www.hrw.org/news/2013/06/18/china-benefit-masses-campaign-surveilling-tibetans>.

<sup>27</sup> “China: No End to Tibet Surveillance Program: 21,000 Officials Stationed Indefinitely in Villages,” Human Rights Watch news release, January 18, 2016, <https://www.hrw.org/news/2016/01/18/china-no-end-tibet-surveillance-program>.

<sup>28</sup> “China: Alarming New Surveillance, Security in Tibet: Restrictions Tightened on Tibetans Despite Lack of Threat,” Human Rights Watch news release, March 20, 2013, <https://www.hrw.org/news/2013/03/20/china-alarming-new-surveillance-security-tibet>.

These measures appear to have been much more rigorous and extensive than equivalent stability maintenance implementation in other parts of China. Some, such as the placement of permanent cadre teams in monasteries, of grid units in villages rather than just towns, and of long-term resident cadre teams in every village, have only been introduced in the TAR and not in other parts of China, with the possible exception of Xinjiang.

In the TAR, the second phase of stability maintenance also involved unusual restrictions on internal movement within Tibetan areas. These measures, many of which were introduced after a number of self-immolations by Tibetans in 2011, included airport-style checkpoints in the center of Lhasa, identification requirements before using photocopiers or buying gasoline, and additional checkpoints on approach roads into the capital as well as within the city. Tibetans registered as residents of eastern Tibetan areas were banned from entering the TAR or Lhasa unless they could show special identification papers and official references, and after 2013 these restrictions also applied to Tibetans from certain rural areas of the TAR such as Nagchu as well as other areas directly neighboring Lhasa. These restrictions on entry into the TAR or Lhasa did not apply to ethnic Chinese or foreign travelers and appear to be discriminatory and illegal under Chinese law.<sup>29</sup> From April 2012, residents of the TAR were effectively banned from any foreign travel except on government business, a policy that is still in force.<sup>30</sup> Tibetans in some eastern Tibetan areas have also reported protracted difficulties in obtaining passports.

In early 2013 indications emerged of a third phase of stability maintenance: the new grassroots institutions began implementing security measures in communities. More management and surveillance mechanisms began operating in villages and urban areas, thus increasing official scrutiny of the activities of local residents. Authorities increasingly restricted certain social activities and community initiatives in villages. Before this time, the emphasis on stability maintenance work both in Tibet and nationally had been

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<sup>29</sup> The internal travel ban on entry into Lhasa by ordinary Tibetans not registered there seems to have been relaxed in or around late 2014. Neither the ban nor the relaxation were announced publicly.

<sup>30</sup> Human Rights Watch, *One Passport, Two Systems: China's Restrictions on Foreign Travel by Tibetans and Others*, July 2015, <https://www.hrw.org/report/2015/07/13/one-passport-two-systems/chinas-restrictions-foreign-travel-tibetans-and-others>.

reactive, with the focus on “dealing with sudden incidents” of disorder.<sup>31</sup> But the emphasis in the third phase shifted to a proactive or pre-emptive approach, with the focus on “eliminating invisible threats” through “preventive control” and “social management.”

Authorities increasingly used the new surveillance measures primarily to detect potential rather than expressed dissent. This included the recruitment of semi-formal security units in schools, workplaces, and neighborhoods including “factory security teams, school security teams, village security teams, monastery security teams, road maintenance teams, [and] red armband” teams.<sup>32</sup> TAR Party Secretary Chen Quanguo described the use of these new units in a speech in December 2013:

We have enhanced and extended the grid management model to communities, temples and monasteries, villagers’ groups, and residential areas to instantaneously report information to the higher levels, mediate contradictions, properly handle incidents, stabilize and control the situation, resolve contradictions within the network, and eliminate them in the budding stage, thereby considerably increasing the masses’ sense of security.<sup>33</sup>

Since 2012 officials have described the new objective of security policy in the TAR as “strengthen[ing] control of the roots [of instability] in order to eliminate unseen security threats at the root.” These efforts are aimed at the grassroots levels of society, meaning villages in the rural areas and lower income groups in towns. Official statements required local cadres to “strengthen levels of control over critical prefectures, critical social groups,

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<sup>31</sup> See for example, TAR Government Work Report for 2011-2012, Point 5, delivered to the 10th TAR People’s Congress, January 24, 2013, [http://tb.chinatibetnews.com/zhengfuzx/2013-02/08/content\\_1173506\\_9.htm](http://tb.chinatibetnews.com/zhengfuzx/2013-02/08/content_1173506_9.htm).

<sup>32</sup> The number of security personnel in the new units in the TAR was said to be 24,000 as of February 2015, according to the *Tibet Daily*: “As a high priority, local cadres and masses have been encouraged and organized into participation in security patrolling, investigation and control, joint border defense, control of neighborhood management,” so that “everyone is spy, everyone in production an efficient worker, every shepherd on security patrol, every village a fortress, vigilance everywhere.” See “བོད་རྫོང་ས་ཁྱིའི་ཤྲོགས་པ་དང་། འཇགས་ཚུགས་བརྒྱུ་བ་ཚོས་རྒྱུང་ལས་དོན་སྦྲོལ་བྱེད་ཀྱི་སྒྲིལ་ལྗོངས།” (“Bod ljongs kyi spyi tshogs bde ’jags phyogs bsdus bcos skyong las don skor gyi sgril gleng,” “Summary of Comprehensive Management of Social Stability work in the TAR”), *Tibet Daily*, February 3, 2015, [http://tb.chinatibetnews.com/sylm/syyw/201502/t20150203\\_308748.html](http://tb.chinatibetnews.com/sylm/syyw/201502/t20150203_308748.html).

<sup>33</sup> Chen Quanguo, “Innovate Social Management System, Ensure Society’s Lasting Peace and Order (Studying and Implementing the Guidelines of Third Plenary Session of 18th CPC Central Committee),” *Renmin Ribao*, December 13, 2013, p. 7.

and critical areas, guaranteeing no corners, no threats, and no gaps.”<sup>34</sup> These terms indicate that profiling is used to identify individuals or social groups who are considered likely to initiate unrest. The documents ordered the cadres to construct “nets in the sky and traps on the ground” and “copper ramparts and iron walls,” formulae that refer to attaining total coverage and complete containment in the surveillance and management of each locality, village, or monastery. These measures appear to have led to many of the detentions and prosecutions described in this report.<sup>35</sup>

## Stability Maintenance in the Eastern Tibetan Areas

In the eastern Tibetan areas that are administered by Sichuan, Qinghai, and Gansu provinces, the first phase of these so-called stability maintenance measures—such as police raids, widespread detentions, increased patrols, and other standard security procedures—took place in 2008 in locations where protests had occurred.<sup>36</sup> From 2009 onward, these measures were continued or reinforced with greater severity in localities whenever a self-immolation or other protest occurred. Beginning in 2012 if not before, ending self-immolations became the priority for stability maintenance work in those areas. This led to multiple detentions, arrests, and trials, as well as restrictions on travel and communications and further security measures.

The second type of stability maintenance measures—long-term control mechanisms that involve establishing new institutions for management and control within monasteries and in grassroots areas—began to be introduced in eastern Tibetan areas three to four years after they were introduced in the TAR. These consisted of pilot projects rather than province-wide policies. They included the establishment of police stations or police posts in certain larger monasteries, sending a small number of officials to reside in monasteries, and setting up new monastery committees led by cadres or government appointees in

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<sup>34</sup> TAR Party standing committee meeting statement on February 14, 2013, in “Important guiding points from Yu Zhengsheng and Guo Shengkun relayed and studied at TAR Party standing committee meeting,” *China Tibet News*, February 17, 2013, [http://tb.chinatibetnews.com/zhengfuzx/2013-02/17/content\\_1174989.htm](http://tb.chinatibetnews.com/zhengfuzx/2013-02/17/content_1174989.htm).

<sup>35</sup> “China: Alarming New Surveillance, Security in Tibet: Restrictions Tightened on Tibetans Despite Lack of Threat,” Human Rights Watch news release, March 20, 2013, <https://www.hrw.org/news/2013/03/20/china-alarming-new-surveillance-security-tibet>.

<sup>36</sup> “China: ‘Benefit the Masses’ Campaign Surveilling Tibetans: Cadre Teams in Villages Collecting Political Information, Monitoring Opinions,” Human Rights Watch news release, June 18, 2013, <https://www.hrw.org/news/2013/06/18/china-benefit-masses-campaign-surveilling-tibetans>.

certain counties with records of unrest, such as Nangchen (Ch.: Nangqian) county in Jyeku (Ch.: Yushu) prefecture, Qinghai.<sup>37</sup>

The first of the new grassroots mechanisms to be introduced province-wide in an eastern Tibetan area as part of stability maintenance was the establishment of village-level police stations or police posts throughout Qinghai in October 2015.<sup>38</sup> That month 5,000 police officials were sent to villages with 4,500 new recruits to carry out work such as “preventive control of social stability, fighting crime, monitoring social media and Internet messaging (*cha ‘phrin ‘tshol bsdu*), gathering information (*‘tshol zhib tho ‘god*), and management of the actual population.”<sup>39</sup> In December 2015, a high-level Qinghai official announced a new grassroots security scheme in Malho (Ch.: Huangnan) prefecture that would include “assisting, managing and controlling key persons,” especially in townships and villages, to “vigorously eliminate the danger of instability.”<sup>40</sup>

These reports about the gradual implementation of TAR-style stability maintenance mechanisms for long-term, institutional surveillance at the grassroots level in eastern Tibetan areas largely correlate with increased reports of politicized detentions in those areas. Nangchen in Jyeku prefecture, for example, and Rebkong (Ch.: Tongren) in Malho prefecture both saw increasing numbers of detentions at around the times these new measures were being tested in their areas.

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<sup>37</sup> “China expands new measures to directly control Tibetan monasteries,” TCHRD, May 18, 2014, <http://www.tchrd.org/china-expands-new-measures-to-directly-control-tibetan-monasteries/>.

<sup>38</sup> “མཚོ་སྔོན་ཞིང་ཆེན་གྱིས་ཉེན་རྟོག་པ་སྟོང་ལྔ་བཞུགས་པ་དང་བདུན་བརྒྱ་གོ་གསུམ་སྟོང་ འཛེན་དང་གདན་ཁུ་བྱས་ནས་གཞི་རིམ་གྱི་ཉེན་རྟོག་ལས་ཁུངས་ལྷན་ཁང་གི་རྒྱ་ལེན།” (“Mtsho sngon zhing cen gyis nyen rtog pa stong lnga dang bdun brgya go gsum shor ‘then dang gdan zhu byas nas gzhi rim gyi nhen rdog las khungs su mngag rgyu red,” “Qinghai province transfers 5,793 police personnel to grassroots-level police stations”), Qinghai Tibetan Language Broadcasting, October 8, 2015, [http://ti.tibet3.com/news/tibet/qh/2015-10/08/content\\_545020.htm](http://ti.tibet3.com/news/tibet/qh/2015-10/08/content_545020.htm).

<sup>39</sup> “མཚོ་སྔོན་གྱིས་ཉེན་རྟོག་པའི་སྟོབས་ཤུགས་གཞི་རིམ་དུ་སྒྲིགས་ནས་གྲོང་ཆེད་ཉེན་རྟོག་པ་གསོ་སྦྱོང་བྱས་ཤིང་ལས་གནས་ཐོག་བསྟོན་དགོས་པ།” (“Tsho sngon gyis nyen rtog pa’i stobs shugs gzhi rim du phyogs nas ‘grong tsho’i nyen rtog pa’ gso sbyong byas rjes las gnas thog bskyod dgos pa,” “Qinghai—once police forces complete training of ‘village police’ at the grassroots, they must go to their position”), *People’s Daily*, November 17, 2015, [http://tb.xzxw.com/xw/zqxw/201511/t20151117\\_923053.html](http://tb.xzxw.com/xw/zqxw/201511/t20151117_923053.html). In Tsekhog county, Qinghai, village police jobs were reportedly allocated randomly. See “Tibetan graduates petition local government for fairness in job offers,” International Campaign for Tibet, November 9, 2015, <https://www.savetibet.org/newsroom/tibet-tidbits/#sthash.HeaVz982.dpuf>.

<sup>40</sup> “ཁང་ཀོང་རོང་གིས་མ་རྩུ་ལུ་གྱི་གཏན་འཇགས་ལུ་རྒྱུ་བྱ་བར་རྟོག་ཞིབ་དང་རྩ་སྐྱུ་མཛུབ་སྟོན་བྱས།” (“Krang kong rong gis Rma lho khul gyi gtan ‘jags srung skyob bya bar rtog zhib dang lta skul mdzub ston byas,” “Zhang Gongrong carried out direction and supervision of inspection of Malho prefecture’s stability maintenance”), *China Tibet Net* in Qinghai Tibetan Language Broadcasting, December 25, 2015, [http://ti.tibet3.com/news/tibet/qh/2015-12/25/content\\_553674.htm](http://ti.tibet3.com/news/tibet/qh/2015-12/25/content_553674.htm).

## Stability Maintenance and the Legal System

The abuses described in this report violate China's obligations under international human rights law. They also appear to violate Chinese domestic legislation and the constitution of the People's Republic of China (PRC).<sup>41</sup> Article 35 of China's constitution guarantees "freedom of speech, of the press, of assembly, of association, of procession and of demonstration." Article 36 of the constitution, along with article 11 of the Law on Regional National Autonomy, obligate the government to respect "freedom of religious belief." Article 238 of the Criminal Law and article 37 of the constitution explicitly prohibit unlawful detention. Criminal Procedure Law articles 33 and 37 ensure a suspect's immediate access to and communication with a defense lawyer. Under article 37 of the United Nations Convention on the Rights of the Child, which China has ratified, the detention and incarceration of children can only be in accordance with the law and as "a measure of last resort" for the shortest appropriate time, and children deprived of liberty are to be separated from adults. These protections are chronically violated in practice, with little accountability, especially for members of the security apparatus responsible for abuses. In 2015, new national security and anti-terrorism laws were enacted that contain vague and overly broad provisions which will make it easier to prosecute people in violation of their rights to freedom of expression and religion, among others.

In Tibetan areas within China and particularly in the TAR, there are further and more stringent limitations on the rights recognized in Chinese domestic law. Many of these additional limitations stem from the perceived threat of a "splittist" or pro-independence movement among Tibetans that Chinese officials say is orchestrated by the exiled Dalai Lama. This claim was first made in the late 1980s and has been repeated intensively since the 2008 protests. It is seen as justifying the use of police and courts in a wide range of legal or quasi-legal operations against people or groups viewed as supporting Tibetan independence, although the connection is often indirect or suppositional. The authorities routinely treat nonviolent expression of opinion and actions by Tibetans unrelated to Tibet's legal or political status as "hidden" or indirect forms of criminal separatist activity.

TAR Party Secretary Chen Quanguo's December 2013 statement demonstrates how the constant invocation of unspecified threats associated with the Dalai Lama has been used

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<sup>41</sup> Constitution of the People's Republic of China, 2004, [http://www.npc.gov.cn/englishnpc/Constitution/node\\_2825.htm](http://www.npc.gov.cn/englishnpc/Constitution/node_2825.htm).

to present security initiatives as necessary legal operations to defend society and the state:

We have followed the law in striking out and relentlessly pounding at illegal organizations and key figures, and resolutely followed the law in striking at the illegal organizations and key figures who follow the 14th Dalai Lama clique in carrying out separatist, infiltration, and sabotage activities, knocking out the hidden dangers and soil for undermining Tibet's stability, and effectively safeguarding the state's utmost interests [and] society's overall interests.<sup>42</sup>

This approach is associated with the introduction of major policy approaches in China known as “social management,” “social rectification,” and “preventive control” that required officials to shift the focus of security policy to “preventive” approaches to policing. This shift in emphasis was particularly prominent in Tibetan areas, as indicated in the 2013 annual work report of the TAR Higher People's Court, which stated the need to “innovate new methods of social management and engage fully in the core work of stability maintenance, so as not to give any opportunity to the separatists and to ensure continuous long-term and comprehensive security in society.”

These methods include formal detention of individuals deemed likely to commit an offense in the future, even if they had not carried out an offense so far, as well as the use of informal or extralegal detention of people who had not committed a formal offense in order to give them “legal education.” This happened in early 2012 when an estimated 2,000-3,000 Tibetans were detained and given various forms of political re-education for two to three months in schools, hotels, army camps, and other ad hoc premises after returning from religious teachings given by the exiled Dalai Lama in India.<sup>43</sup> In March 2015, TAR leader Gonpo Tashi appeared to refer to such measures when he advised a meeting on

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<sup>42</sup> Chen Quanguo, “Innovate Social Management System, Ensure Society's Lasting Peace and Order (Studying and Implementing the Guidelines of Third Plenary Session of 18th CPC Central Committee),” *Renmin Ribao*, December 13, 2013, p. 7.

<sup>43</sup> “China: End Crackdown on Tibetans Who Visited India,” Human Rights Watch news release, February 16, 2012, <http://www.hrw.org/news/2012/02/16/china-end-crackdown-tibetans-who-visited-india>.

stability maintenance work to “strengthen the detention of key individuals ... in order to do a good job of ideological education and guidance.”<sup>44</sup>

The association of preventive policing in Tibet with campaigns against support for the Dalai Lama was shown in the 2016 report of the procuracy in the TAR on its work and achievements during the previous year. The report focused on the success of the procuracy in having countered “covert conspirators,” threats “at the root,” communication channels leading to plots, and rumors:

With respect to preventive methods, the targeted nature of the anti-splittist struggle was uninterruptedly stepped up, [and] rectification, coordination, and vigilance were spontaneously carried out at all times, so that the struggle against self-immolation and conspiracy was fought deeply, and conditions harmful to stability were able to be eliminated at the root.

The smashing of various illegal organizations was strengthened, covert conspirators and organizers were thoroughly exposed, and their internal organizational systems and external channels of collusion were eradicated. Giving high importance to the solution of important cases, a group of important cases was solved. The use of religion to commit splittist crimes, the creation of rumors, and harming overall stability were resolutely smashed.<sup>45</sup>

The use of the courts to suppress protests was even more marked in the eastern Tibetan areas. From December 2012, following a new legal ruling by China’s Supreme Court, the charge of “intentional homicide” was used against those accused of involvement in self-immolation protests, including those said to have encouraged self-immolation or to have assisted a victim after self-immolation. In 2013, according to Chinese authorities, 33

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<sup>44</sup> “གཞི་རྩེ་གྲོང་ཁྱེར་གྱི་མི་འབྲུག་གི་ལྷན་སྐྱེད་ལས་དོན་གྱི་ལྷན་ཁྲིམ་ཚོགས་འདུ་འཚོགས་པ།” (“Gzhi rtse grong khyer gyis brtan lhing srung skyong las don gyi snyan zhu’i tshogs ’du ’tshogs pa,” “The Shigatse Municipality stability maintenance work report meeting was held”), *China Tibet News*, March 23, 2015, [http://tb.chinatibetnews.com/sylm/syyw/201503/t20150323\\_354487.html](http://tb.chinatibetnews.com/sylm/syyw/201503/t20150323_354487.html).

<sup>45</sup> “བོད་རང་སྐྱོང་ལྷན་ཁྲིམ་མི་དམངས་ཞིབ་དཔྱད་ཁང་གི་ལས་དོན་ལྷན་ཁྲིམ། (གནད་བསྡུས་) 2016 སོའི་ཟླ་དང་པོའི་ཚེས་29 ཉིན་བོད་རང་སྐྱོང་ལྷན་ཁྲིམ་མི་དམངས་འཐུས་མི་ཚོགས་ཆེན་ཀླབས་བསུ་པའི་ཚོགས་འདུ་མཇུག་པའི་པའི་ཚོགས་འདུ་(2016)”, *China Tibet News*, March 2, 2016, [http://tb.chinatibetnews.com/sylm/syyw/201603/t20160302\\_1096715.html](http://tb.chinatibetnews.com/sylm/syyw/201603/t20160302_1096715.html).



people were formally arrested in Qinghai province alone for involvement in cases of “criminal self-immolation,” among whom 27 were convicted by the end of the year.<sup>46</sup>

### The Supreme Court Opinion on Self-Immolation Cases

A December 2012 opinion issued by the Supreme Court marked a new stage in the effort to bring self-immolations to an end. It stated that persons who “organize, direct, and plot [self-immolations], as well as those who actively participate in inciting, coercing, enticing, abetting, or assisting others to carry out self-immolations, will be held criminally liable for intentional homicide.”<sup>47</sup>

The charge of intentional homicide in article 232 of the Revised Criminal Law had already been applied in an immolation-related trial in August 2011, over a year earlier. On that occasion, it was used against three Tibetan monks in Ngaba, Sichuan province who were said to have “plotted” or “assisted” in the protest. It was also alleged that after the immolation they “hid the injured monk and prevented emergency treatment.” The three monks were found guilty and sentenced to 10, 11, and 13 years in prison.

After the Supreme Court ruling was issued, the related charge of “inciting homicide” was used in numerous cases against those accused of less direct involvement in such protests. These included local monks, writers, community leaders, and bystanders who were accused of assisting or encouraging a self-immolator or of supporting the principle of self-immolating in some way.<sup>48</sup> Some exile reports claimed that those charged with inciting homicide may have only expressed personal sympathy with the families of people who had self-immolated.

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<sup>46</sup> “青海省人民检察院工作报告—2014年1月22日在青海省第十二届人民代表大会第三次会议上 青海省人民检察院检察长王晓勇” (“Qinghai xing renmin jianchayuan gongzuo baogao—2014 nian 1 yue 22 ri zai Qinghai sheng di shi'er jie renmin daibiao dahui di san ci huiyi shang Qinghai xing renmin jianchayuan jiancha zhang Wang Xiaoyong,” “Qinghai Provincial People's Procuratorate work report—the third meeting of the Conference of the Twelfth People's Congress of Qinghai Province, on January 22, 2014 [by] Qinghai Provincial People's Procurator Wang Xiaoyong”), *Qinghai Ribao*, February 12, 2014, <http://news.12371.cn/2014/02/12/ART11392195834787799.shtml>.

<sup>47</sup> “Official Opinion Urges Criminal Prosecution of Persons Linked to Self-Immolations,” CECC, January 18, 2013, <http://www.cecc.gov/publications/commission-analysis/official-opinion-urges-criminal-prosecution-of-persons-linked-to;> “China Outlines Criminal Punishments for Tibetan Self-Immolations,” *Dui Hua Human Rights Journal*, December 5, 2013, <http://www.duihuahrjournal.org/2012/12/china-outlines-criminal-punishments-for.html>. For the original source in Chinese, see “我国将协助他人自焚行为定为故意杀人罪” (“Woguo jiang xiezhu taren zifen xingwei ding wei guyi sharen zui,” “China will treat others who assist in acts of self-immolation as intentional homicide”), *Gannan Ribao* in *Renmin Wang*, December 9, 2012, <http://politics.people.com.cn/n/2012/1209/c1001-19836846.html>; “煽动自焚者必将受到法律严惩” (“Shandong zifen zhe bi jiang shoudao falu yancheng,” “Incitement to self-immolation will be severely punished by law”), *Gannan Ribao*, December 3, 2012, <http://gn.gansudaily.com.cn/system/2012/12/03/013508017.shtml>.

<sup>48</sup> “Acts of Significant evil—the Criminalization of Tibetan Dissent,” International Campaign for Tibet, July 2014, <http://www.savetibet.org/acts-of-significant-evil/>; “China uses religious propaganda to counter Tibetan self-immolations,” TCHRD, March 20, 2013, <http://www.tchrd.org/china-uses-religious-propaganda-to-counter-tibetan-self-immolations/>.

Other legal charges used in many of the politicized trials since January 2013 include “endangering state security” or “jeopardizing social stability.”<sup>49</sup> The meanings of such charges are not defined precisely in Chinese law and can be widely used against any person suspected of dissent or even challenging an official. Article 83 of the 2012 revision of the PRC’s Criminal Procedure Law entitles the police to detain people incommunicado “in cases involving crimes of endangering state security or terrorist activity,” or when notifying relatives of an individual’s detention “has the potential to interfere with the investigation.”<sup>50</sup> Under such circumstances, legal assurances such as due process rights for detainees are effectively withdrawn.

Since at least mid-2014, officials have invoked terrorism with some frequency as a principal concern of “stability maintenance” work in the Tibetan context. For example, in July 2013, Deng Xiaogang, a senior Party and government official who oversees the police and judicial system in the TAR, told a meeting of the People’s Armed Police in Lhasa that they should remain “pioneers in the maintenance of social stability, fists against sudden incidents, and the edge of the knife against terrorism.”<sup>51</sup> Yet there has been little indication of any credible terrorist threat in the area.<sup>52</sup>

As in the rest of China, in Tibet there are very limited legal safeguards against wrongful detention or prosecution. The acquittal rate in criminal cases was less than 0.1 percent in 2014, and is believed to be lower still in cases with political implications.<sup>53</sup> Because of the repressive attitude taken by the authorities toward any Tibetan expression of dissent,

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<sup>49</sup> Dui Hua noted a China-wide increase in indictments for endangering state security in 2013, but was unable to obtain a breakdown of the numbers of cases by province. Of the 31 cases that it identified from 2013, more than half were Tibetans implicated in self-immolation protests. See “State Security Indictments, Cult Trials Up in Xi Jinping’s 2013,” *Dui Hua Human Rights Journal*, January 7, 2015.

<sup>50</sup> “China’s New Criminal Procedure Law: “Disappearance Clauses” Revised,” *Dui Hua Human Rights Journal*, March 19, 2012, <http://www.duihuahrjournal.org/2012/03/chinas-new-criminal-procedure-law.html>.

<sup>51</sup> “西藏武警部队举行反恐维稳誓师大会 邓小平出席并讲话” (“Xizang wujing budui juxing fankong *weiwen* shishi dahui dengxiaogang chuxi bing jianghua,” “TAR People’s Armed Police corps hold maintenance of social stability and anti-terror dedication conference, Deng Xiaogang presides and delivers speech”), July 1, 2013, *Tibet Daily*, <http://cpc.people.com.cn/n/2013/0701/c117005-22033230.html>.

<sup>52</sup> Officials in the TAR invoked the threat of “terrorism” from as early as 2004, although no incidents of terrorism are known in the region at that period. See *Lasa Wanbao*, November 4, 2004 in “China relaunches “Strike hard” campaign to curb Tibetan dissidence and religion,” TCHRD, November 8, 2004, <http://www.tchrd.org/china-relaunches-strike-hard-campaign-to-curb-tibetan-dissidence-and-religion/>. About six incidents involving small explosions have been reported in eastern Tibetan areas since 2000, with one reported fatality.

<sup>53</sup> Terence McCoy, “China scored 99.9 percent conviction rate last year,” *Washington Post*, March 11, 2014, <http://www.washingtonpost.com/news/morning-mix/wp/2014/03/11/china-scored-99-9%-conviction-rate-last-year/>.

Tibetan defendants face additional difficulties in accessing the due process rights to which they are entitled under Chinese law. Judicial authorities have reportedly often ignored or blocked the right of Tibetan defendants to have independent legal representation in politicized cases.<sup>54</sup> We are aware of only one case during this period—that of the abbots of Karma Gon, discussed in Section VII and Appendix I—where Tibetan defendants had independent legal representation.

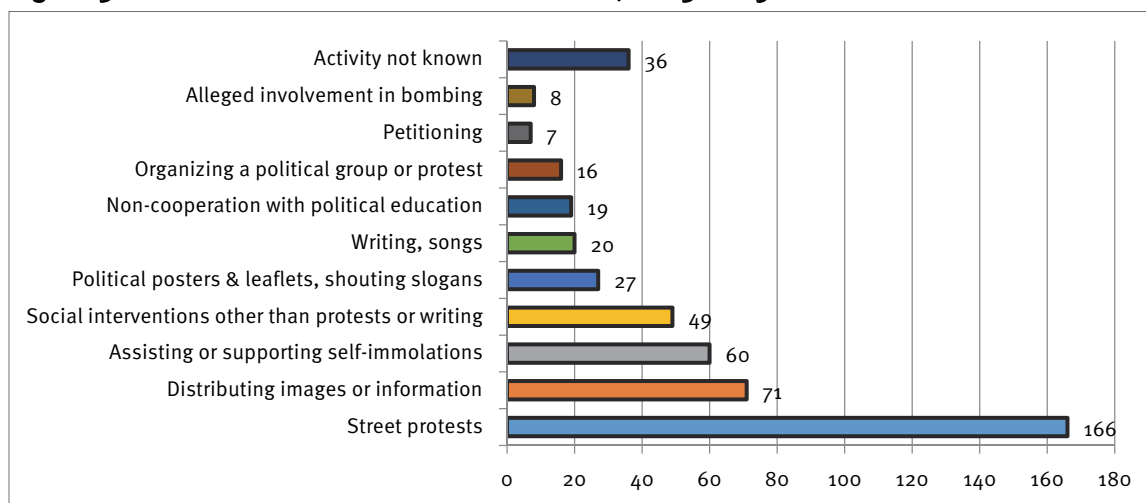
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<sup>54</sup> For example, shortly after major protests in Ngaba prefecture, Sichuan province, local judicial authorities told lawyers at a meeting on April 29, 2008, that “all legal personnel should ... strengthen their attitude for the struggle against separatism in defense of the political stability in Aba prefecture.” See Aba Prefecture People’s Government’s Official Website (中国阿坝网, Zhongguo Aba wang), [www.abazhou.gov.cn](http://www.abazhou.gov.cn), April 30, 2009. In April 2008, a group of 18 prominent human rights lawyers in China ordered by the judicial authorities in Beijing to withdraw their offers of assistance in “sensitive cases” involving Tibetans. See “China: Rights Lawyers Face Disbarment Threats,” Human Rights Watch news release, May 30, 2008, [http://china.hrw.org/press/news\\_release/china\\_rights\\_lawyers\\_face\\_disbarment\\_threats](http://china.hrw.org/press/news_release/china_rights_lawyers_face_disbarment_threats).

## II. Activities and Ideas Targeted by Chinese Authorities

Our database of 479 cases suggests that most Tibetans detained for political reasons in the 2013-2015 period were detained for participating in peaceful public protests. This group includes people who participated in street protests, shouted slogans, produced leaflets, or put up posters criticizing the government.<sup>55</sup> Except for an incident where stones were thrown and another where some cars were damaged, none of the protests between 2013 and 2015 are reported to have threatened life or property; rather they involved the exercising of rights to assembly or expression protected under international law.<sup>56</sup>

**Figure 3: Activities that Resulted in Detention, 2013-2015<sup>57</sup>**



<sup>55</sup> Self-immolations in the report period were evidently a form of public political protest, but thus far none of the surviving self-immolators (about 40 out of the 147 self-immolators since 2009 may have survived) are known to have been charged with any crime. However, any action seen as encouraging self-immolation was treated by the authorities as a criminal act.

<sup>56</sup> See page 48 on the 2013 incident involving damage to vehicles in Pema county, Golok, and the 2014 stone throwing incident in Sog county, Nagchu. A video from an August 13, 2013 protest against mining in Dzatoe county, Qinghai showed a boy picking up a stone to throw at police, but not if he threw it; see “Machine gun fire in Tibet: exclusive video of police breaking up environmental protest,” Free Tibet, October 21, 2013, <http://freetibet.org/news-media/pr/machine-gun-fire-tibet-exclusive-video-police-breaking-environmental-protest>. There were nine convictions or detentions in this period related to alleged violence during protests that had occurred before 2013, including a 2012 protest that ended in violence in Serta, Kardze prefecture (see footnote 120) and a 2012 petrol bomb incident in Derge, Kardze prefecture (see footnote 71). For the purposes of this report, self-immolations have been treated as nonviolent actions in the sense that they do not involve violence against others.

<sup>57</sup> “Social interventions” refer to activities that, unlike public demonstrations or political writing, were not explicitly political in nature; for example, organizing prayer events, purchasing animals to prevent slaughter, carrying out educational activities, or arguing with officials about an issue such as house demolition, road building, overlooking a popular local candidate for a village election, or official interference in the recognition of the reincarnation of a local lama.

Examples of incidents of protest and leaflet-distribution included a march on March 10, 2013, by five monks from Mangge monastery in Sershul (Ch.: Shiqu) county, Kardze prefecture, Sichuan province. The monks paraded with an image of the Dalai Lama and shouted slogans calling for freedom, democracy, and support for the “Middle Way” approach to the Tibet issue, a reference to the Dalai Lama’s proposal for a negotiated settlement with China.<sup>58</sup> In another case, four village leaders in Palyul (Ch.: Baiyu) county, Kardze prefecture, Sichuan province, were detained for leading a protest two months earlier against a mining company’s attempts to force villages to sell mining rights, reportedly for gold, on their land.<sup>59</sup> In February 2014, public security officials in Sog (Ch.: Suo) county, Nagchu prefecture, TAR, detained four monks for distributing or posting leaflets calling for Tibetan independence and the return of the Dalai Lama and stating, “There are no human rights in Tibet.”<sup>60</sup>

Cultural or religious actions that were seen as veiled support for the Dalai Lama were treated in some cases as forms of indirect protest and led to detentions. This was the case with six people who recognized the Dalai Lama’s 80th birthday on July 6, 2015, by either wearing t-shirts with celebratory phrases, or attempting to organize a horse race festival or hold a public prayer session.<sup>61</sup>

The second most frequent action that led to detention or prosecution among the cases in our database—71 people, or 15 percent of the total—was possessing information or images that were not approved by the government, and distributing these via phones or other forms of social media. Many of these cases involved photographs of the Dalai Lama or footage of a street protest that had been captured and shared via a mobile phone. Nearly a third of these cases of information distribution involved images or information relating to

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<sup>58</sup> “Five Protesting Tibetans Held on ‘Uprising Day,’” RFA, March, 10, 2013, <http://www.rfa.org/english/news/tibet/uprising-03102013113033.html>; “China arrests five Tibetans on uprising anniversary,” TCHRD, March 11, 2013, <http://www.tchrd.org/china-arrests-five-tibetans-on-uprising-anniversary>.

<sup>59</sup> “Tibetan Mine Protesters Detained in Palyul,” RFA, April 24, 2014, <http://www.rfa.org/english/news/tibet/mine-04242014135332.html>.

<sup>60</sup> “Young Tibetans in Restive Prefecture Detained for Independence Call,” RFA, February 12, 2014, <http://www.rfa.org/english/news/tibet/call-02122014125508.html>.

<sup>61</sup> “Tibetan Monk From Phugu Monastery Detained in China’s Sichuan Province,” RFA, July 27, 2015, <http://www.rfa.org/english/news/tibet/monk-from-phugu-monastery-detained-in-chinas-sichuan-province-07272015163619.html>; “2 Arrested in Machu County,” Phayul, June 08, 2015, <http://www.phayul.com/news/article.aspx?id=36122>; “Tibetan Protester is Detained Again After Celebrating Dalai Lama’s Birthday,” RFA, August 6, 2015, <http://www.rfa.org/english/news/tibet/detained-08062015165513.html>.

self-immolations. For example, in February 2013 authorities sentenced Ngawang Tobden, a 20-year-old student of traditional Tibetan painting in Lhasa, to two years of re-education through labor after he was stopped for a routine check in the street and found to have pictures of Tibetan self-immolations and the banned Tibetan flag on his mobile phone.<sup>62</sup>

The third type of action that led to detention was assisting or supporting a self-immolator, of which sixty people, 13 percent of the total, were accused. Nine of these cases led to trials and long sentences. Some of the defendants faced serious charges, such as having deliberately encouraged or facilitated a suicide protest, regarded as a form of homicide. But a significant proportion of those detained or tried for supporting a self-immolation had apparently carried out only minor activities after the self-immolation had taken place.

Yarphel, from Rebkong county, Qinghai province, for example, had carried a photograph of his son in the funeral procession after his son had immolated himself. In Dzamthang county, Ngaba prefecture, Sichuan province, a defendant had merely conducted prayers for self-immolators. Two defendants were monks from Yadzi (Ch.: Xunhua) county, Tsonub (Ch.: Haidong) prefecture, Qinghai province, who had visited the family of a self-immolator to say prayers and show support. Fourteen other defendants from Sichuan province appear to have been detained for trying to stop police from confiscating the body of a self-immolator. Though the exact actions that led to their detentions and those of others in this category remain unclear, all appear to have been a friend, relative, or fellow monk of a self-immolator, or simply a bystander who witnessed an immolation, and were then accused of some form of complicity (see Section III).

Forty-nine other cases, or one in 10 of the detentions analyzed by Human Rights Watch, involved cultural, religious, or social activities. Most of these were likely not thought of by the participants at the time as political challenges to the government. Gyurme Tsultrim, a lama, was detained in Nangchen county, Qinghai province, in November 2013 for giving a speech about the importance of Tibetan language, according to exile reports.<sup>63</sup> In January 2014, a group of eight Tibetans from Karma (Ch.: Gama) township in Chamdo (Ch.: Changdu) county, TAR, were detained reportedly for campaigning to improve literacy in

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<sup>62</sup> “Tibetan youth sentenced over self-immolation photos in mobile phone,” *Phayul*, February 22, 2013, <http://www.phayul.com/news/article.aspx?id=33082>.

<sup>63</sup> “Chinese Authorities Detain 16 Tibetans Rallying for Religious Leader’s Release,” RFA, December 26, 2013, <http://www.rfa.org/english/news/tibet/rally-12262013143513.html>.

their community.<sup>64</sup> Another case involved three monks in Pema (Ch.: Baima) county, Golok (Ch.: Guoluo) prefecture, Qinghai province, who had arranged to buy back 300 yaks in February 2014 from local slaughterhouses to prevent their death. The three men—Ringpu, 50, Yutruk, 51, and Salshap, 47—were senior monks from the Golog Gangshar monastery, and were taken to the local county seat for detention after they bought the animals.<sup>65</sup>

Before the current *weiwen* program was extended to rural areas in the aftermath of the 2008 unrest, either in the form of the anti-immolation policy in the eastern Tibetan areas or the drive to pre-empt dissent at the grassroots level in the TAR, it is highly unlikely that these activities would have been seen as political issues or resulted in detention.

Other activities that led to detentions involved monks or villagers refusing to cooperate with local officials on a local policy decision or campaign. For example, in Shag Rongpo village, Nagchu prefecture, TAR, villagers clashed with local officials in July 2013 over the selection of a child as the reincarnation of the lama who had formerly headed the local monastery. In December 2014, three Tibetans were detained in Gade (Ch.: Gande) county, Golok prefecture, Qinghai province, for trying to vote in a village election for the leader of a local voluntary organization instead of for the officially approved candidate.<sup>66</sup> In May 2015, four villagers and two village leaders from Chabcha (Ch.: Gonghe) county, Tsolho (Ch.: Hainan) prefecture, Qinghai province had opposed the demolition of shacks that had been constructed without official permission.<sup>67</sup> Another case involved 19 monks from four monasteries in Lhasa who apparently had not taken part in political education sessions in their monasteries. Seven other detainees were Tibetans who had organized petitions to release a local religious leader from prison or return confiscated land.

The detainees in these cases appear to have been punished by detention only, not prosecution, likely because their actions did not imply any challenge to China's claim to

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<sup>64</sup> "Chinese Authorities Detain Eight Tibetans Over Links to Grassroots Campaign," RFA, January 6, 2014, <http://www.rfa.org/english/news/tibet/movement-01062014193533.html>.

<sup>65</sup> "Three Tibetan Monks Detained for Freeing Yaks Headed to Slaughter," RFA, February 19, 2014, <http://www.rfa.org/english/news/tibet/yaks-02192014162424.html>.

<sup>66</sup> "Nearly 70 Tibetans Detained Following Clash Over Forced Vote," RFA, January 7, 2015, <http://www.rfa.org/english/news/tibet/vote-01072015144955.html>.

<sup>67</sup> Phuntsok Yangchen, "6 Tibetans arrested for protesting demolition of 'illegal' dwellings," *Phayul*, May 13, 2015, <http://www.phayul.com/news/article.aspx?id=36041>.

Tibet. Yet they were cultural, religious, or social activities that Chinese law does not prohibit, and previously they would have most likely not led to punishment.

The final group consists of activities that have always been considered among the most serious crimes in Chinese law, such as publishing explicit criticism of the government, organizing a protest (rather than just taking part in one), or starting a political group. At least 20 of those detained were authors or singers who had written articles, books, or songs that authorities considered criticism of the government or its claims. Five Tibetans were accused of organizing a protest in Pema county, Golok, in January 2013 which included “religious flags and reactionary slogans.” Two were accused of organizing a protest by villagers in Diru county, Nagchu prefecture, TAR, against a demand that they display the Chinese flag on China’s National Day in October 2013.<sup>68</sup> Four were held for leading protests in November 2013 against Chinese mining operations at a mountain in Diru county regarded as sacred.<sup>69</sup> Four others were detained in Serta (Ch.: Seda) county, Kardze prefecture, Sichuan province, for being members of a “secret political group,” named as the “Anti-Communist Party Association.”<sup>70</sup> All these activities are believed to have been peaceful.

Eight out of the 479 detentions or convictions in the 2013-2015 period were of Tibetans accused of indirect involvement in an incident that included an act of violence. These eight Tibetans were sentenced in August 2014 to between three and nine years in prison because of their association with a Tibetan who had set off a petrol bomb in a suicide protest outside a police station in Derge (Ch.: Dege) county, Sichuan province, in February 2012.<sup>71</sup> Eleven other cases involved Tibetans associated with incidents that led to violence, although it is unclear if these Tibetans were themselves accused of acts of violence. One was a Tibetan detained in March 2013 for alleged involvement in a protest in Serta county,

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<sup>68</sup> “China sentences two Tibetan village leaders to 10 years’ imprisonment in Diru County,” TCHRD, April 3, 2014, <http://www.tchrd.org/china-sentences-two-tibetan-village-leaders-to-10-years-imprisonment-in-diru-county/>.

<sup>69</sup> “China arrests two Tibetan singers in Diru,” TCHRD, December 6, 2013, <http://www.tchrd.org/china-arrests-two-tibetan-singers-in-diru/>.

<sup>70</sup> “Tibetan writer and four others sentenced to more than 5 years in prison,” TCHRD, August 7, 2013, <http://www.tchrd.org/tibetan-writer-and-four-others-sentenced-to-more-than-5-years-in-prison/>.

<sup>71</sup> “China sentences eight men in Tibet over a petrol bomb blast,” *Tibet Post*, August 5, 2014, <http://thetibetpost.com/en/news/tibet/4156-china-sentences-eight-men-in-tibet-over-a-petrol-bomb-blast>; Phuntsok Yangchen, “China sentences eight Tibetans up to 9 years’ imprisonment,” *Phayul*, August 6, 2014, <http://www.phayul.com/news/article.aspx?id=35164>.



Sichuan province, in January 2012 that had ended in violence.<sup>72</sup> Although the incident occurred in 2012, as with the petrol bombing it led to detentions or convictions during the 2013-2015 period. There were only two incidents of violence that took place from 2013 to 2015, according to available reports: one involved six people who participated in a protest in Pema county, Golok prefecture, Qinghai province, in January 2013 that caused “damage to seven vehicles,” and the other involved four monks from Dowa Shartsa Monastery in Sog county, Nagchu prefecture, TAR, who were said to have thrown stones in February 2014 at a building in the monastery used by a resident cadre team.<sup>73</sup>

Apart from the above-described 19 cases, the activities that led to detentions—taking part in nonviolent protests, shouting slogans, distributing images or messages on social media, or contesting a decision by local officials—appear to have been legitimate, peaceful forms of expression of opinion protected under international law.

Analysis of the activities that led to the detention and prosecution of Tibetans from 2013 through 2015 strongly suggests that authorities became increasingly intolerant of what they viewed as precursors of dissent. Only 37 of the 479 cases of detention Human Rights Watch documented involved explicit support for independence, and many of the activities summarized above had not previously been construed as serious threats to the state.

The authorities treated activities such as campaigns supporting environmental protection, complaints about education policies, and efforts at local conflict resolution as attempts to undermine the state, and hence as potentially criminal acts. Complaints by local community leaders, petitions about local grievances, certain social and cultural activities, some forms of cultural or political writing, and, in some cases, performances by local singers were seen as forms of protest or as potential precursors of dissent.

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<sup>72</sup> The protest in Serta in January 2012 ended with Chinese security forces opening fire on the crowd, killing at least five; see footnote 120.

<sup>73</sup> The source on the detentions from Pema county, Golok prefecture, in 2013 does not specify whether these detainees were held for taking part in a protest or for damage to property; see footnote 118. For the purposes of this report, self-immolations have been treated as nonviolent actions in the sense that they do not involve violence against others, and cases of alleged incitement to self-immolate have been treated as unproven, based on the evidence so far provided by the authorities (see “Incitement or Sympathy? An Edited Confession,” below). See page 48 on the February 2014 stone-throwing incident in Sog county. The four monks had posted about 40 leaflets stating, “There are no human rights in Tibet,” calling for Tibetan independence, and appealing for the return of the Dalai Lama, so it is likely that they were primarily accused of political offenses rather than or as well as acts of violence.

This contrasts sharply with earlier findings. For example, in 1992 a detailed study of 360 cases of Tibetans detained or convicted for political activities between 1987 and 1991 found that “the vast majority” had been imprisoned for taking part in or organizing protests calling for Tibetan independence, or for spreading information about them. These activities included taking part in protests, displaying the Tibetan national flag, writing slogans on stones or walls, publishing and distributing leaflets, compiling prisoner lists, and talking to foreigners about political conditions in Tibet.<sup>74</sup>

Our data for 2013-2015 indicates a significant increase since the 1990s in the types of activities that led to detention. These included giving moral support to the families of imprisoned protesters, giving speeches about Tibetan language use, running a literacy campaign, petitioning, criticizing local environmental policies, and seeking the return of confiscated land. Many of these detentions for new types of offenses in rural communities correlated with the implementation of stability maintenance in those areas.

## Drivers of Dissent

We have seen that the activities that led to detentions included protests, shouting slogans, leafleting, circulating information, criticizing officials, and assisting self-immolators. We have also seen some of the issues and concerns that lay behind these actions. It is clear that these included a far wider range of topics than in the 1980s and 1990s, when almost all dissent had focused only on support for Tibetan independence and an end to Chinese rule.

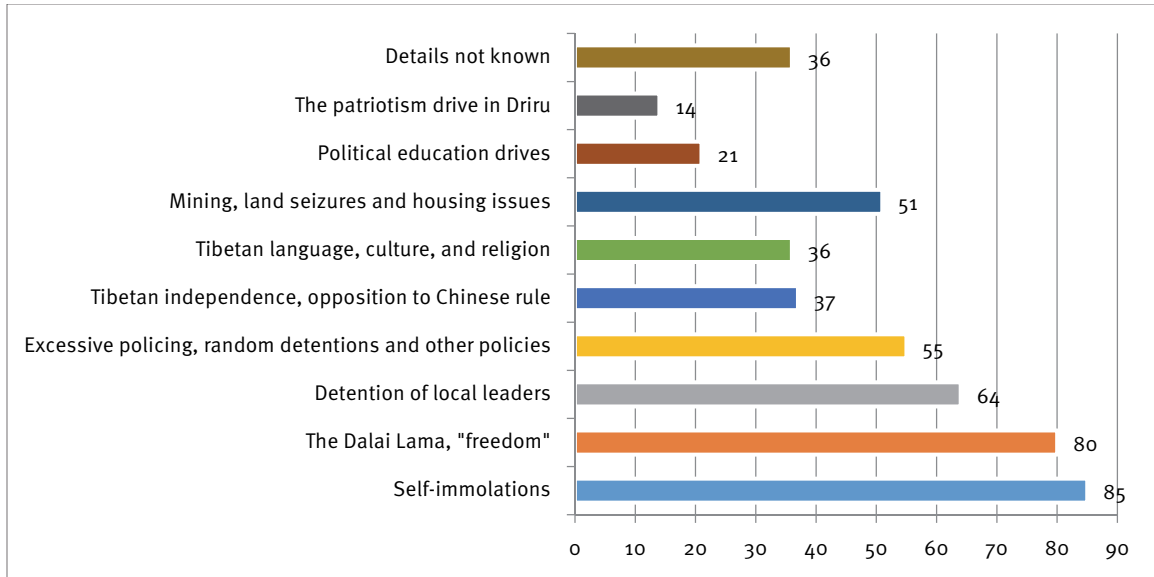
Another way to assess the data is by looking at the substantive concerns that motivated the protesters and others who ended up in detention. The main concern behind detentions in 2013-2015 was support for the Dalai Lama. In many cases, this included a general wish for freedom, an ideal associated with his policies. In some cases, this extended to support for Tibetan independence. Equally prevalent was support for self-immolators, especially in eastern Tibetan areas. Concerns about local mining operations and about excessive actions by local police were also common sources of dissent. Other concerns arose from the state of Tibetan culture and related decisions by local officials. All of these suggest a

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<sup>74</sup> *Political Prisoners in Tibet*, Asia Watch Committee (US) and Tibet Information Network, 1992, p. 5. The report listed the total number of known political cases in this period as 680. Asia Watch was a division of Human Rights Watch.

marked disaffection with government or Party policies at either the national or local level, and several were issues not known to have previously resulted in detention or prosecution, especially in rural Tibetan areas.<sup>75</sup>

**Figure 4: Main Concerns that Led to Expressions of Dissent, 2013-2015<sup>76</sup>**



The largest single group of issues concerned questions about Tibet and the Dalai Lama. Eighty detentions, or about 17 percent of the total, had resulted from expressions of support for the Dalai Lama, or a related but less specific objective like “freedom.” The 21 detentions that resulted from opposition to political education drives in monasteries likely represented disapproval by the monks of official attacks on the Dalai Lama, whom they are generally required to criticize in political education sessions. Only about 8 percent of those detained or sentenced in this period had made explicit calls for Tibetan independence.

<sup>75</sup> The number of politically related detentions and convictions in our database declined during 2013-2015, but we were unable to ascertain if this was due to the extensive limitations on reporting, the criteria used in our selection of which cases to include, increasing effectiveness of security policies leading to greater reluctance of Tibetans to express their views, or to some other factor.

<sup>76</sup> “Self-immolations” here refers to 85 cases that indicated a primary concern about or response to self-immolations, including holding prayers for a self-immolator, having images of a self-immolation on one’s phone, or writing in support of self-immolations. This category included 60 cases of actions (listed in Figure 3 above) that were directly connected to the carrying out of a self-immolation, such as allegedly helping arrange a self-immolation, encouraging a person to self-immolate, or preventing police from seizing the body of a self-immolator.

The immediate concern in about 18 percent of the detentions was to express support or sympathy for self-immolators, whether by trying to stop police from confiscating the body of a self-immolator, taking part in prayers, or distributing pictures or news of a self-immolation. These actions may have been construed as support for the aims of the self-immolators, who often left messages that called for the return of the Dalai Lama and “freedom,” and expressed concern about Tibetan language, culture, religion and, in some cases, independence.<sup>77</sup>

A significant number of detentions were not directly concerned with broad political issues such as the future or status of the Tibetan nation. Instead, they reflected more immediate concerns about the behavior of local officials and abuse of their powers. The most striking of these issues involved 64 of the 479 detentions documented—the villagers who were detained after protesting against the detention of a local leader. Forty-three other cases, or 10 percent of the total, involved concern about a local police response to minor protests, and another 12 cases involved unclear but similar concerns. The initial 14 cases of detention in Driru county, Nagchu prefecture, in October 2013 resulted from the police response to a protest against local officials who tried to force villagers to display Chinese flags. In this case the demonstrators may have been reacting, at least initially, to the actions of local officials rather than seeking to directly challenge China’s claim to sovereignty over Tibet.

A third concern that featured prominently in these cases was about Tibetan language or culture. There were 36 detentions of this type in the cases documented. In these instances the police saw the concerns about preserving culture as challenges to social order or excuses to encourage opposition to Chinese rule. For example, in March 2013 two Tibetan school students, Wangchuk Dorje and Jampa Gyaltzen from Malho Nationalities Middle School in Rebkong county, Qinghai province, were each sentenced to four years for leading a protest of over a thousand students against the reduction in the use of Tibetan language in the school syllabus.<sup>78</sup> In May 2013 public security officials detained Pema Rigzin, a singer and music-producer, in Chengdu, Sichuan province, apparently related to the

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<sup>77</sup> The Human Rights Watch database lists 85 cases directly or indirectly related to self-immolations, including cases of people detained for circulating images of immolation events, whereas the CECC database indicates that 69 cases were related to immolations. The variance reflects differing coding of cases that involved more than one political issue.

<sup>78</sup> “Tibetan Student Leader Jailed, Nuns Released,” RFA, June 12, 2013, <http://www.rfa.org/english/news/tibet/jailed-06122013154738.html>. The original protest on November 9, 2012 also called for the return of the Dalai Lama.

production of politically themed songs including “We Should Learn Tibetan.”<sup>79</sup> In May 2014 police detained singer Gebe (or Gebhe) in Zungchu (Ch.: Songpan) county, Sichuan province, after he performed a song that called on Tibetans not to “ignore our mother tongue” or “forsake all our traditions.”<sup>80</sup>

Similar cases included the January 2014 detentions of a group in Karma township, Chamdo county, TAR, that had campaigned to improve literacy, and the July 2013 detentions of nine people who opposed the imposed choice of a child as the reincarnation of a local lama in Shag Rongpo, Nagchu prefecture, TAR.<sup>81</sup>

Lastly, a significant number of the detentions arose out of concern about threats to the environment or land rights, or out of disputes over resettlement repayments or land confiscation. These were relatively new issues, but they accounted for at least 51 of the documented detentions. In particular, opposition to mining companies and government construction projects that were seen as environmentally or culturally damaging became increasingly prominent in this period. This has become a prevalent feature of rural protests in Tibetan areas.

In August 2013 there were protests in Dzatoe (Ch.: Zadoi) county, Jyeku prefecture, Qinghai province, concerning mining activities in the area.<sup>82</sup> In April 2013 residents of Jyeku protested the demolition of homes that had been recently rebuilt by local residents following an earthquake three years earlier, leading to clashes with the police and injuries on both sides.<sup>83</sup> As with at least four other protests concerning construction or mining projects, it involved one hundred or more participants.<sup>84</sup> At least 25 of the 68 reported

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<sup>79</sup> “Tibetan Singer Jailed Four Years For Belting Out Patriotic Songs,” RFA, November 29, 2014, <http://www.rfa.org/english/news/tibet/singers-11292014130459.html>.

<sup>80</sup> “Tibetan Singer Held After Belting Out Song Calling for Language Protection,” RFA, May 26, 2014, <http://www.rfa.org/english/news/tibet/song-05262014160729.html>.

<sup>81</sup> “Chinese Authorities Detain Eight Tibetans Over Links to Grassroots Campaign,” RFA, January 6, 2014, <http://www.rfa.org/english/news/tibet/movement-01062014193533.html>; “Ancient Tibetan monastery under siege over reincarnation issue; mother of two attempts suicide protest,” TCHRD, September 10, 2013, <http://www.tchrd.org/ancient-tibetan-monastery-under-siege-over-reincarnation-issue-mother-of-two-attempts-suicide-protest/>.

<sup>82</sup> “Machine gun fire in Tibet: exclusive video of police breaking up environmental protest,” Free Tibet.

<sup>83</sup> “Tibetans Detained for Protesting Destruction of Their Homes,” RFA, April 11, 2013, <http://www.rfa.org/english/news/tibet/homes-04112013153745.html>.

<sup>84</sup> The Dzatoe campaign against excessive mining led to mining operations being curtailed, as they were in fact only preliminary trial operations. But local reports received by Human Rights Watch assert that the authorities are slowly moving local residents away from the mining area to allow recommencement of the mining operations. See “Chinese Mining is

protests by Tibetans since January 2013 involved mining or land seizure and construction. At least six of the 25 protests ended with participants being wounded, beaten, or fired upon by security forces.

Other examples of environmental protests include an August 2014 protest against mining in Topgyal, Namling county, Shigatse prefecture, TAR;<sup>85</sup> a January 2013 protest against a local mining company in Palyul county, Kardze prefecture, Sichuan province;<sup>86</sup> November 2013 protests against Chinese mining operations in Diru county, Nagchu prefecture, TAR;<sup>87</sup> and opposition by villagers in Chabcha county, Qinghai province in May 2015 to demolition of temporary homes that were said by officials to be unauthorized.<sup>88</sup>

Local police and officials do not appear to have regarded these environmental and land rights cases as veiled efforts to support the Dalai Lama or promote Tibetan independence; instead, they were seen as damaging social order and stability. Yet they were treated with equal or greater severity than the cases directly calling for political objectives such as the return of the Dalai Lama or Tibetan independence.

They may have been seen as precursors of a potential emerging pan-regional pro-independence movement, in line with new government policies emphasizing “preventive” security. The stability maintenance philosophy, as explicated by leaders in Lhasa and other Tibetan areas, required local officials to view disagreement within the local community in this framework, since even the smallest activities were to be considered precursors of serious unrest. Thus almost all forms of policy criticism, including in rural communities where debate had previously been relatively open, seem to have been liable in this period to being treated as challenges to the state itself.

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Ordered Stopped in Tibetan Protest-Hit Dzatoe,” RFA, October 23, 2014, <http://www.rfa.org/english/news/tibet/stopped-10232014153844.html>.

<sup>85</sup> “Thirteen Wounded as Chinese Police Open Fire on Tibetan Anti-Mine Protesters,” RFA, October 10, 2014, <http://www.rfa.org/english/news/tibet/wounded-10012014142936.html>.

<sup>86</sup> “Tibetan Mine Protesters Detained in Palyul,” RFA, April 24, 2014, <http://www.rfa.org/english/news/tibet/mine-04242014135332.html>.

<sup>87</sup> “China arrests two Tibetan singers in Diru,” TCHRD.

<sup>88</sup> Phuntsok Yangchen, “6 Tibetans arrested for protesting demolition of ‘illegal’ dwellings,” *Phayul*, May 13, 2015, <http://www.phayul.com/news/article.aspx?id=36041>.

### III. The Criminalization of Sympathy

The increase in criminalization of previously tolerated activities was most conspicuous in the treatment of Tibetans accused of some connection, however remote, with self-immolation protests. As far as is known, those who carried out self-immolations, if they survived, were not prosecuted, though they were regarded to some extent as victims of misleading propaganda by outside forces.<sup>89</sup> However, others connected even tangentially with their protests were treated as criminals.

Our data includes information on 36 self-immolation protests, all in eastern areas of the Tibetan plateau, and on the detentions of 60 known individuals—13 percent of Tibetans detained for politicized offenses—who were accused of some degree of involvement in those incidents. At least 53 of them were tried and convicted for involvement in or support of self-immolations, and were given sentences ranging from 1 to 20 years, with an average sentence of 4.8 years. Those 53 cases constituted a third of all cases we documented in which prison sentences were imposed on Tibetans for political activities.

The actual number of those detained in connection with self-immolations was certainly much higher than 60: in February 2013 official media in China reported that 70 people had been detained in connection with self-immolations in parts of Qinghai and Gansu provinces, and that at least 56 of them had been formally arrested.<sup>90</sup> Since those reports were published, 32 further immolations have taken place.

These detentions and prosecutions appear to reflect the high priority given by authorities in the eastern Tibetan areas to stop the wave of suicide protests. In August 2011, prosecutions were brought against three monks in Ngaba county, Sichuan province who

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<sup>89</sup> At a press conference in March 2012, the Chinese Premier, Wen Jiabao, said of the self-immolators, “The young Tibetans are innocent and we feel deeply distressed by their behaviors.” See “China opposes clergy self-immolations to disrupt social harmony in Tibetan-inhabited areas,” *Xinhua*, March 14, 2012, [http://news.xinhuanet.com/english/china/2012-03/14/c\\_131466743.htm](http://news.xinhuanet.com/english/china/2012-03/14/c_131466743.htm).

<sup>90</sup> The official media reports from China did not give the names or other details about the detainees and Human Rights Watch has not been able to include them in its list of political detainees from this period. See “70 arrested in Qinghai over self-immolations,” *China Daily*; “70 held over string of self-immolations,” *Xinhua*. For the Chinese-language version of the report, see [http://politics.gmw.cn/2013-02/07/content\\_6660525.htm](http://politics.gmw.cn/2013-02/07/content_6660525.htm). Some but not all of these cases would have overlapped with unofficial reports from outside China of 87 detentions between 2013 and 2015 for offenses relating directly or indirectly to self-immolation events.

had allegedly “assisted” in a self-immolation protest, resulting in sentences of 10 to 13 years.<sup>91</sup> After the Supreme Court ruling of December 2012 that classed self-immolations as forms of intentional homicide, government and Party officials immediately began a series of exemplary prosecutions as a deterrent that treated any connection to a suicide protest as a serious criminal offense.

Courts in eastern Tibetan areas handed down lengthy sentences for Tibetans accused of involvement in self-immolations. In nine of these cases, tried between January and February 2013, Tibetans were convicted of “intentional homicide” under article 232 of the PRC Criminal Law and were described in the official Chinese media as having caused or persuaded a person to self-immolate.<sup>92</sup> The defendants received sentences ranging from seven years to a suspended death sentence.

A number of countries have laws that criminalize suicide and attempts to intentionally advise, encourage, incite, abet, or assist another in committing suicide. However, the statements and films produced by Chinese authorities concerning the Lobsang Konchok case and other similar cases do not provide clear evidence of a criminal act by those defendants. Instead, they reflect government efforts to politicize the justice process at the expense of defendants’ rights.

About a third of the 60 people detained in the 2013-2015 period for immolation-related activities appear to have been chance bystanders at a self-immolation. Their cases highlight the fraught political context that has come to surround these forms of protest. In a number of these cases, the police detained bystanders for acts such as preventing the police from extinguishing the flames or from taking a victim for medical treatment. These

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<sup>91</sup> “County Court Convicts Monks of Intentional Homicide for Sheltering Self-Immolation Monk,” Congressional-Executive Commission on China, October 18, 2011, <http://www.cecc.gov/publications/commission-analysis/county-court-convicts-monks-of-intentional-homicide-for-sheltering>.

<sup>92</sup> One case involved Phagpa, a 27-year-old from Rebgong, Qinghai, who received a 13-year sentence because he allegedly “helped plant thoughts [in the mind of a local monk] such as, ‘Self-immolators are heroes who sacrificed lives for Tibetan freedom,’ and ‘Self-immolation is good for Tibetan freedom.’” No further evidence was given to indicate he was doing more than expressing a widely held opinion. See Wang Huazhong, “Man gets 13 years over inciting self-immolation,” *China Daily*, February 8, 2013, [http://www.chinadaily.com.cn/china/2013-02/08/content\\_16216398.htm](http://www.chinadaily.com.cn/china/2013-02/08/content_16216398.htm). A second case involved seven Tibetans who were arrested from Hezuo, Gansu, for “urging” people to self-immolate or taking and sharing photographs of the protests. See “Chinese Police apprehend 7 self-immolation suspects,” *Xinhua*, January 15, 2013, [http://news.xinhuanet.com/english/china/2013-01/15/c\\_132104861.htm](http://news.xinhuanet.com/english/china/2013-01/15/c_132104861.htm).



cases could justify criminal charges.<sup>93</sup> But in other cases, there appears to be have been minimal evidence that a crime had been committed, let alone one deserving a custodial sentence.

### Incitement or Sympathy? An Edited Confession

Official reports in the Chinese media provide detailed information about one immolation-related case. Lobsang (Lorong) Konchok, a 40-year-old monk from Kirti monastery in Ngaba prefecture, Sichuan province, was tried along with his nephew, Lobsang Tsering, 31, in January 2013.

The government said that the case proved that there was a coordinated attempt to “goad” or “incite” people to self-immolate. It accused Lobsang Konchok of having tried to persuade and organize eight people to immolate themselves, and said that he had done so on instructions from “the Dalai Lama clique,” a term used by Chinese authorities to refer to the exile leadership and its supporters in India. Three of the eight had carried out self-immolations and died as a result of their protests, according to official reports.

The case of Lobsang Konchok was presented in the official media in China as the government’s main evidence for its accusations that the exile Tibetan leadership had arranged and promoted self-immolations in Tibet. In December 2012, a documentary about the case was produced by Chinese Central TV, China’s main broadcasting service, with versions posted online with subtitles and narration in English. The documentary included a series of statements made by Lobsang Konchok on camera to an unseen interviewer. These statements were presented in the video as self-incriminating. In one of the clips, Konchok says:

Those who committed self-immolation, I said, were heroes of the Tibetan cause who were acting not for personal interests. They died for the sake of other people.... [Another monk called Tsenam and I] talked about self-immolation in support of the Tibetan cause in the winter of 2011. I told him, those who commit self-immolation were heroes.<sup>94</sup>

The narrator comments: “Tsenam, who was from a small remote monastery, was naturally overawed by Lobsang Gongchok’s words about immolators being heroes.”

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<sup>93</sup> “Tibetan Trio Jailed for Preventing Police From Stopping Self-Immolation,” RFA, October 23, 2013, <http://www.rfa.org/english/news/tibet/jail-10232013205242.html>.

<sup>94</sup> “Facts about the Self immolations in Tibetan Areas of Ngapa,” Chinese Central TV, December 27, 2012 <https://www.youtube.com/watch?v=ID1hI528-hA>. The extract begins at 2:40. This translation is taken from the CCTV video subtitles. A 41-minute CCTV documentary about other cases of self-immolation from Ngaba prefecture, Sichuan province was released online in May 2012 in five 7-9 minute segments. See “The Dalai Clique and the Self-immolation Event,” Chinese Central TV, May 2012, <http://youtu.be/d5rHgm5LyCY>.

Konchok continues:

[Tsenam] agreed with what I said—“Those who commit self-immolation are heroes.” He gave me his mother’s name and his age, and told me everything about his family. I said to him, just go ahead and do it.

Lobsang Konchok’s statements on camera can be seen as inciting Tsenam to commit suicide, as claimed by the narrator, or as an admission that he had expressed sympathy for the self-immolator and his plans. A month after the documentary was broadcast, Lobsang Konchok was convicted of incitement to homicide and given a suspended death sentence. His nephew was sentenced to 10 years in prison.<sup>95</sup> At the time, Human Rights Watch expressed concerns about the confession, which was filmed in custody and appears to have been heavily edited, and about the credibility of the official allegations.<sup>96</sup>

For example, on January 31, 2013, a court in Sangchu (Ch.: Xiahe) county, Gansu province, ruled that two Tibetans, Dugkar Kyab and Yangmo Kyi, “Created disturbances near the self-immolation site [that] resulted in a crowd gathering, causing a chaotic scene, and disrupting both business in the shopping area and road traffic.” They were sentenced respectively to three and four years in prison.<sup>97</sup> In September 2013 police detained a 41-year-old Tibetan businessman, Rinchen Dargye, in Tawu (Ch.: Daofu) county, Sichuan province, for preventing authorities from removing the body of a monk who had self-

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<sup>95</sup> Huang Zhiling, “Suspects tell court they incited monks to fiery suicides,” *China Daily*, January 27 2013, [http://usa.chinadaily.com.cn/china/2013-01/27/content\\_16177900.htm](http://usa.chinadaily.com.cn/china/2013-01/27/content_16177900.htm); Jonathan Kaiman, “Chinese court convicts two Tibetans for ‘encouraging self-immolation,’” *Guardian*, January 31, 2013, <http://www.theguardian.com/world/2013/jan/31/chinese-court-tibetans-encouraging-immolation>.

<sup>96</sup> “China: Stop Sentencing Tibetans for ‘Inciting’ Immolations: Harsh Penalties for Tibetans Charged In Connection With Deaths,” Human Rights Watch news release, February 1, 2013, <https://www.hrw.org/news/2013/02/01/china-stop-sentencing-tibetans-inciting-immolations>.

<sup>97</sup> “Six other Tibetans were jailed for their roles in a self-immolation in October by a court in northwest China’s Gansu province. The Xiahe County People’s Court convicted Padma Tamdru, Kelsang Gyamuktso, Padma Co and Lhamo Tamdru of murder and sentenced them to 12, 11, 8 and 7 years in jail, respectively. Two others, Do Gekyap and Yang Monje, were convicted of ‘picking quarrels and provoking trouble’ and sentenced to four and three years, respectively. The court heard the first four attacked police trying to rescue Togye Rinchen, who had set himself on fire. While the other two created a disturbance, they took the man away and he later died, the court found.” See “8 jailed over self-immolation cases,” *Xinhua*, February 1, 2013, [http://www.china.org.cn/china/2013-02/01/content\\_27855269.htm](http://www.china.org.cn/china/2013-02/01/content_27855269.htm); “Tibetans Punished Over Burnings: But China is pursuing ‘politicized prosecutions,’ a human rights advocate says,” January 31, 2013, <http://www.rfa.org/english/news/tibet/punished-01312013165323.html>; “China sentences another 6 Tibetans over self-immolation,” *Xinhua*, February 1 2013, <http://english.people.com.cn/90785/8116870.html>; “Six Tibetans sentenced up to 12 yrs over self-immolation,” TCHRD, February 1, 2013, <http://www.tchrd.org/six-tibetans-sentenced-up-to-12-yrs-over-self-immolation/>.

immolated.<sup>98</sup> In November 2014 eight people received up to five years in prison for trying to stop police from seizing a self-immolator's body in Ngaba county, Sichuan province.<sup>99</sup> According to a number of exile reports, these detainees had been trying to recover the body of the victim so that the normal traditional funeral rites could be performed; police appear to have been acting under strict instructions to seize the body of any self-immolator in order to prevent a public funeral or other ritual from taking place. Again, it is not clear in these cases what crime the defendants had allegedly committed or why the court handed down such long sentences—exile sources and some foreign media reports alleged that the defendants in some of these cases were sentenced for having merely expressed political opinions that were similar to those of the immolators.

In a number of other immolation-related cases, the authorities prosecuted close relatives or friends of the self-immolators, seemingly for having failed to prevent a self-immolation or for having shown sympathy for the victim afterwards. These should not constitute criminal offenses under domestic Chinese law and appear inconsistent with the principles of individual criminal responsibility, the ban on collective punishment, and the right to freedom of expression under international law.<sup>100</sup>

These cases included the detention in December 2014 of the father (Chime Dorje, also known as Chidor), mother (Chenpa), and brother (Yime) of a 19-year-old nomad woman who immolated herself in Ngaba county, Ngaba prefecture, Sichuan province; the exact reasons for the detentions are not known. At least four other cases of the detention or trial of relatives of self-immolators have been reported, including the conviction of the uncle (Yarphel) of a 25-year-old traditional artist who self-immolated in Rebkong county, Malho

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<sup>98</sup> "Tibetans Punished Over Burning Protest and for Pulling Down Chinese Flag," RFA , September 17, 2013, <http://www.rfa.org/english/news/tibet/punished-09172013154807.html>.

<sup>99</sup> "Eight Tibetans Jailed For 'Aiding' Self-Immolation Protest," RFA, November 6, 2014, <http://www.rfa.org/english/news/tibet/jailed-11062014170122.html>.

<sup>100</sup> See, for example, Rome Statute of the International Criminal Court, art. 25.

prefecture, Qinghai province.<sup>101</sup> Yarpel was given a one-year, three-month sentence for leading the funeral procession for his nephew.<sup>102</sup>

In some immolation-related cases, courts have handed down lengthy sentences for activities that previously had been tolerated, such as expressing sympathy for the victims of the suicide attempts.<sup>103</sup> In November 2012, two monks from Bindu in Yadzi county, Tsonub prefecture, Qinghai province, received sentences of three years each after they visited the home of a self-immolator and led prayers or sought donations to assist his family, according to exile reports.<sup>104</sup> In at least six cases of Tibetans sentenced in connection with self-immolations, the official reports by the authorities themselves indicated that the activities of the defendants were inconsequential. For instance, in February 2013, according to a document issued by the court, judges in Rebkong county, Qinghai province sentenced Gyadehor, a 60-year-old Tibetan herdsman, to four years in

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<sup>101</sup> “Tibetan woman, 19, dies of self-immolation: Police detain family members,” TCHRD, December 23 2014, <http://www.tchrd.org/tibetan-woman-19-dies-of-self-immolation-police-detain-family-members/>. Other detentions of a relative of a self-immolator include an unknown number of relatives of the self-immolator among the eight people detained in December 2014 after a self-immolation in Me’uruma township, Sichuan province, resulting in sentences of up to 5 years each (“Eight Tibetans Jailed For ‘Aiding’ Self-Immolation Protest,” RFA); the nephew (Tenzin Zoepa) of a woman who immolated herself in May 2015, Sanggyal Tso, in Chone county, Gansu province (“China detains nephew of dead Tibetan self-immolator, pressures family members to call it ‘natural death,’” TCHRD, June 3 2015, <http://www.tchrd.org/china-detains-nephew-of-dead-tibetan-self-immolator-pressures-family-members-to-call-it-natural-death>); the husband (Drolma Kyab) of Konchog Wangmo, who reportedly immolated herself in March 2013 in Dzoerge county, Sichuan province, leading to him receiving a suspended death sentence (“Tibetan Woman Dies in Burning Protest,” RFA <http://www.rfa.org/english/news/tibet/protest-03172013110949.html>); “Breaking: Tibetan woman self-immolates on eve of Xi’s appointment as president,” *Phayul*, March 17 2013, <http://www.phayul.com/news/article.aspx?id=33216>; Yan Shuang, “Police dismiss reports of Tibetan woman’s self-immolation,” *Global Times*, March 19 2013, <http://www.globaltimes.cn/content/769060.shtml#.UUoMvlfkrXR>).

<sup>102</sup> “Chinese Police Free Tibetan Monk, Detain Activist,” RFA, December 30, 2013, <http://www.rfa.org/english/news/tibet/free-12302013143828.html>; “China detains uncle of Tibetan self-immolator in Rebkong,” TCHRD, February 4 2013, <http://www.tchrd.org/china-detains-uncle-of-tibetan-self-immolator-in-rebkong/>.

<sup>103</sup> The issue of Tibetans detained or arrested for alleged offenses connected to self-immolations is studied in detail with relation to 98 cases in “Acts of Significant Evil,” International Campaign for Tibet, Special Report, July 2014, <http://www.savetibet.org/acts-of-significant-evil/>, sec. 9.

<sup>104</sup> “Youth sentenced for contacting Tibetan journalist, Two monks arrested,” *Phayul*, January 7 2013, <http://www.phayul.com/news/article.aspx?id=32775>; “Tibetan Monks are Jailed for Leading Prayers,” RFA, June 4 2013, <http://www.rfa.org/english/news/tibet/prayers-06042013172552.html>. In another case, a monk named Tamdrin from Dzamthang county, Sichuan province, was sentenced to four years and six months in prison in April 2013 for “separatist” activities after conducting prayers and post-death rituals for Tibetan self-immolators, according to an exile report. See “Zamthang—Tibetan monk sentenced to four and half years’ jail,” *Phayul*, November 23, 2013, <http://www.phayul.com/news/article.aspx?id=34266>.

prison for “inciting splittism” because three months earlier he had brought cash and other goods “to console families of self-immolators.”<sup>105</sup>

Other defendants in this period were deemed to have shown support for a self-immolation by storing or sending phone messages or images about them. In March 2013, a court in Tsoshar prefecture, Qinghai province gave three Tibetans (Gyurmey Thabke or Jigme Thabke, Kalsang Dondrub, and Lobsang) sentences of up to six years for “using others’ self-immolation incidents to disseminate text and images relating to Tibetan independence.”<sup>106</sup>

In a similar case, at least three monks from Zilkar Monastery in Tridu (Ch.: Chenduo) county, Qinghai province, were detained on suspicion of providing information to foreign media about a double self-immolation. One of the monks, Tsultrim Kalsang, received a 10-year sentence for “intentional homicide” in July 2013 from a court in Xining, Qinghai.<sup>107</sup>

In some cases, possession of information about a self-immolation even without dissemination was enough basis for a prison sentence, as in the case of a 20-year-old *thangka* painter, Ngawang Tobden, who received a two-year sentence in Lhasa in February 2013 for photographs of self-immolations that were found on his phone.<sup>108</sup>

In the most serious cases of Tibetans accused of supporting or aiding self-immolations, there was little if any information reported in official media that supported the charges. A substantial number of the immolation-related detentions and prosecutions appear to have been carried out as punishment for expressions of sympathy or support for self-immolators as part of a politically driven decision to use the courts to curtail self-immolation protests.

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<sup>105</sup> The court also described the Tibetan as having “spread opinions related to ‘Tibetan independence,’” apparently while he was visiting the family. See “China jails Tibetan man for inciting secession,” *Xinhua*, February 8, 2013, [http://news.xinhuanet.com/english/china/2013-02/08/c\\_132160758.htm](http://news.xinhuanet.com/english/china/2013-02/08/c_132160758.htm).

<sup>106</sup> *The People’s Daily* reported on March 18, 2013, that the three Tibetans from Haidong prefecture had received sentences of four to six years for distributing images and texts relating to immolations. See “Tibetans imprisoned for Texts, Images as Immolations Continue,” *Dui Hua Human Rights Journal*, March 21, 2013, <http://www.duihuahrjournal.org/2013/03/tibetans-imprisoned-for-text-images-as.html>.

<sup>107</sup> “Tibetan Monks Detained in Raid: Chinese police round up Tibetans suspected of challenging Beijing’s rule,” RFA, September 4, 2012, <http://www.rfa.org/english/news/tibet/raid-09042012155726.html>.

<sup>108</sup> The phone reportedly also contained pictures of the Tibetan national flag and other politically sensitive images. See “Tibetan youth sentenced over self-immolation photos in mobile phone,” *Phayul*.

Authorities in many of these cases used collective punishment to intimidate potential practitioners or supporters of self-immolation protests. This practice was made explicit in a November 2012 statement by authorities in Malho prefecture which ordered the cancellation of all “benefits received by the households of self-immolators under public benefit policies,” and announced that “all projects running on state funds in self-immolators’ villages must be stopped.” The officials extended those cancellations to any families, monks, or monasteries who take part in “instances of greeting and making contributions to family members of self-immolators,” and ordered criminal investigations to begin against any “laypeople and monks who organized to greet family members” of immolators.<sup>109</sup> Similar steps had been taken in Lhasa in May 2012 after a double immolation there.<sup>110</sup> This suggests that Chinese government and Party officials have increasingly sought to criminalize minor, primarily social, acts to fulfill a larger political objective.

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<sup>109</sup> “China: Tibetan Immolations, Security Measures Escalate: November Brings 23 Deaths in 27 Immolations,” Human Rights Watch news release, November 29, 2012, <https://www.hrw.org/news/2012/11/29/china-tibetan-immolations-security-measures-escalate>.

<sup>110</sup> The Lhasa measures banned all Tibetans from the same region as the two immolators and any neighboring regions outside the TAR from entering the TAR without written police guarantees. See “China: Attempts to Seal Off Tibet from Outside Information: Escalating Restrictions on Media and Travel in Tibetan Areas,” Human Rights Watch news release, July 13, 2012, <https://www.hrw.org/news/2012/07/13/china-attempts-seal-tibet-outside-information>.

## IV. Protests and Shootings

Apart from self-immolations, at least 68 street protests took place in Tibetan areas from 2013 to 2015. These street protests varied widely in size and issue. There were no reports in official Chinese media about Tibetan protests during this period, but a statement published by the Malho prefectural government on its website in early 2014 referred to four incidents that had taken place in Qinghai province in 2013.<sup>111</sup>

At least 10 of the 68 protests involved over one hundred participants. These incidents took place in small, often remote localities where gatherings of that size likely posed significant security concerns for local officials, since the proportion of the local population involved was much higher than in most urban incidents, and the number of police or paramilitary forces immediately available would have been small. Fourteen other protests involved only one or two people.<sup>112</sup> Most of these solo protests took place in late 2015 in the county town of Ngaba, Sichuan province, where the wave of self-immolations had begun in 2009. The monks and others in the area decided to shift from self-immolation protests to solo protests because of the punishment inflicted on family members or associates after self-immolations, according to foreign media reports.<sup>113</sup>

Eighteen of the street protests expressed support for the exiled Dalai Lama, while nine others included calls for freedom or human rights. Similar concerns were indicated by self-immolators who chanted slogans during their protests or who left messages about their

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<sup>111</sup> "Make Malho Tibetan Autonomous Prefecture a prefecture advanced in nationality unity campaign," Malho prefectural government, February 27, 2014, <http://www.hnztzb.gov.cn/QHCMS/Template/hntzb/news/154/1392864424069.html>. The statement appeared in Chinese on April 29, 2013 at <http://www.qhnews.com/2012zt/system/2013/05/29/011097554.shtml>; reposted in 2015 at <http://www.hnztzb.gov.cn/QHCMS/Template/hntzb/news/81/1390553807734.html>. The statement described "illegal" political protests involving Tibetans in Qinghai province in 2013 on January 24-25 (Pema), March 14 (Rebkong and Tsekok), and March 15 (Tongde). These incidents were previously unknown to outside observers.

<sup>112</sup> These solo protests became particularly frequent between July and September 2015, when nine such demonstrations were staged by local monks or, in three cases, by young women—Oekar Kyi, Dorje Drolma, and Dekyi Drolma. See "Young Tibetan Woman Detained Following Solo Protest in Ngaba," RFA, August 25, 2015, <http://www.rfa.org/english/news/tibet/detention-08252015154121.html>; Tenzin Monlam, "Fifth solo protest against China in two weeks," *Phayul*, September 16, 2015, <http://www.phayul.com/news/article.aspx?id=36499>.

<sup>113</sup> "New solo protest by young man in Ngaba is part of emerging trend," International Campaign for Tibet, December 21, 2015, <http://www.savetibet.org/new-solo-protest-by-young-man-in-ngaba-is-part-of-emerging-trend/>; Benjamin Haas, "Tibetan monks shy away from self-immolation as families threatened," AFP, December 22, 2015, <http://news.yahoo.com/tibetan-monks-shy-away-self-immolation-families-threatened-063248965.html>.

intentions. Seven of the street protests were about educational or religious issues, such as a November 14, 2014 protest by middle-school students in Dzorge (Ch.: Ruo'ergai), Sichuan province, against a government directive that was seen as likely to reduce Tibetan-language education in the area.

Eighteen protests in this period resulted in multiple detentions and in the use of force by local security forces, with scores of protesters reported to have been beaten or wounded by security forces in 11 of the protests. In six of these cases, security forces are also reported to have opened fire on protesters. On July 6, 2013, security forces fired on Tibetans holding a picnic to celebrate the Dalai Lama's birthday in Tawu county, Sichuan province; 10 people were reported to have been seriously wounded. Photographs of the picnic shortly before the shooting began do not indicate any provocation or violence.<sup>114</sup> On October 9, 2013, security forces reportedly shot dead four protesters and injured up to 50 others when they fired on demonstrators in Sengtang village, Driru county, Nagchu prefecture, TAR.<sup>115</sup> Thirteen people were reportedly wounded on August 9, 2014, when police opened fire at an anti-mining protest in Topgyal, Namling (Ch.: Nanmulin) county, Shigatse (Ch.: Rikaze) prefecture, TAR.<sup>116</sup> Security forces reportedly opened fire during a protest in August 2014 against the detention of a community leader in Sershul county, Kardze prefecture, Sichuan province, leading to the deaths of between three and seven protesters.<sup>117</sup> Details about these incidents are unclear, and Chinese authorities have not released any information about these incidents or why shooting might have occurred.

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<sup>114</sup> "Shooting in Tawu on Dalai Lama's birthday: update," International Campaign for Tibet, July 26, 2013, <http://www.savetibet.org/shooting-in-tawu-on-dalai-lamas-birthday-update/#sthash.S6l1TLjS.dpuf>.

<sup>115</sup> The cause of the demonstration is not clear from the report, but appears to have been a protest against excessive force by police in response to actions taken by other villagers earlier that week to oppose the patriotism drive in Driru. See "Four Tibetans Shot Dead as Protests Spread in Driru County," RFA, October 11, 2013, <http://www.rfa.org/english/news/tibet/shoot-10112013200735.html>.

<sup>116</sup> "Thirteen Wounded as Chinese Police Open Fire on Tibetan Anti-Mine Protesters," RFA.

<sup>117</sup> "Three more Tibetans die from shooting by Chinese police—rights group," Reuters, August 20, 2014, <http://uk.reuters.com/article/uk-china-tibet-idUKKBNoGK1A720140820>. A report by a foreign advocacy organization produced evidence indicating that police had opened fire during a protest against mining in Dzatoe county, Qinghai, on August 13, 2013, but this was not confirmed by exile reports on the incident. See "Machine gun fire in Tibet: exclusive video of police breaking up environmental protest," Free Tibet.



## Changes in Use-of-Force Rules?

Seven of the public protests in this period reportedly ended with security forces beating a number of demonstrators, and six ended with security forces opening fire on demonstrators (three in the TAR and three in Sichuan province). Proportionately, troops opened fire more often on rural protests in this period than had been the case with previous urban protests, with the result that nearly 10 percent of the protests in this period, not including self-immolations, ended with casualties and deaths.

In the past, security forces in Tibetan areas generally resorted to the use of firearms to suppress protests only after violence or rioting by demonstrators. But there were no reports of violence by protesters during 2013-2015 except for two minor incidents—one during a protest in Pema county, Golok prefecture, on January 25, 2013, that led to “damage to seven vehicles,”<sup>118</sup> and another in February 2014 when four monks in Sog county, Nagchu prefecture, TAR, were said to have “thrown stones” at a building housing government officials.<sup>119</sup>

Details of the events leading up to the shootings by security forces in this period are unclear. It is possible that there was violence by protesters that was not reported, but after previous incidents of police shootings, official Chinese media usually published reports describing violence by protesters prior to the shooting, apparently to offset potential criticism.<sup>120</sup> That there were no official media reports about protests in this period may be an indication that they did not include significant incidents of violence by protesters.<sup>121</sup>

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<sup>118</sup> The Malho government February 2014 statement refers to a protest in Pema county, Golok, on January 25, 2013, noting only that the seven vehicles were damaged and that one person was given a prison sentence for an unspecified crime, five were given “security detention” (*bde srung bkag 'jug*) and 81 were given “security punishment” (*bde srung chad gcod*). The meaning of the latter term is unclear.

<sup>119</sup> “Young Tibetans in Restive Prefecture Detained for Independence Call,” RFA.

<sup>120</sup> In early 2012, for example, the Chinese press carried a series of reports on protests in Serta and Dranggo counties in Sichuan, stating that in one case “a mob of dozens, some wielding knives and hurling stones, had attacked a police station. They destroyed two police vehicles and two fire engines, and stormed into nearby shops and a bank.” See Tania Branigan, “Tibetan killed as Chinese forces fire teargas at protesters in Sichuan,” *Guardian*, January 24, 2012, <http://www.theguardian.com/world/2012/jan/24/chinese-fire-teargas-tibetan-protesters>. Reports by Tibetan exiles say that the security forces opened fire on protesters at these incidents, leading to up to six deaths. The Chinese media have rarely if ever reported protests in Tibet that have not reportedly involved violence by Tibetans.

<sup>121</sup> As noted above, the January 25, 2013 protest in Pema county, Golok prefecture, was said to have included “damage” to seven vehicles, but no further details were given about the extent of this damage.

Analysis of sentencing during this period appears to support the conclusion that the Tibetan protests were largely peaceful. Only a relatively small number of those detained for protests since 2013—just 31, or 24 percent—were sent for trial, and none of the defendants are known to have been accused of violence. Those who were tried for taking part in a protest received sentences of 4.8 years on average, not far below the norm, and the 15 people convicted of organizing protests were on average sentenced to 4.5 years.

These sentences, whether for minor participants or organizers, were much shorter than those handed down after earlier protests that are known to have involved violence. For example, the last known Tibetan protest where the Chinese media reported significant violence by demonstrators was in Drango (Ch.: Luhuo), Sichuan province, in January 2012, for which 10 Tibetans received sentences of 10 years or more. In this context, the fact that sentences of 4 to 6 years were handed down for the street protests in the 2013-2015 period suggests they did not involve significant violence by the protesters.

This raises additional concerns about the use of lethal force by security forces in suppressing village-level protests in Tibet. International legal standards provide that law enforcement officers may only use lethal force in self-defense or if the life of another is in imminent risk.<sup>122</sup> In recent years, when Chinese security forces have opened fire on Tibetans, questions were raised about whether the use of lethal force was justified, but in all of those cases there was at least evidence that the shootings had been in response to violence by demonstrators. Until recently, it had appeared to be the case that the security forces in Tibetan areas were operating under use-of-force rules that allowed them to open fire during a protest only in situations that involved protester violence.

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<sup>122</sup> The United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials provide that all security forces shall, as far as possible, apply nonviolent means before resorting to force. Whenever the lawful use of force is unavoidable, the authorities must use restraint and act in proportion to the seriousness of the offense. Law enforcement officials should not use firearms against people “except in self-defense or defense of others against the imminent threat of death or serious injury.” See Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc. A/CONF.144/28/Rev.1 at 112 (1990), art. 9.

## The Profile of Detainees: Occupation, Gender, and Age

The profile of the Tibetans detained in 2013-2015 changed from previous years. In the 1980s and 1990s, over 90 percent of those detained for political offenses were monks and nuns from Lhasa. But in the period after January 2013, monks, together with two nuns, represented only 39 percent of detainees. The majority were laypeople, including students, writers, traders, herders, and villagers, who came from a wide variety of walks of life. They were predominantly from the sector referred to in China as “the masses,” which includes non-skilled and semi-skilled workers, farmers, and small traders.

Almost all of those detained or sentenced in this period were men; only 31 detainees, or 7 percent, were women. The majority were under 30; of the 186 cases where the age is known, 45 percent were in their 20s and 15 percent were teenagers. But people from all age groups were involved in protest or dissent during this period; 24 percent of the detainees were over 40. The average age of the detainees was 30.2 years, and median age 27 years.

Age of detainees (where known)	Number of known cases (n=186)	Percentage of known cases
0-19	27	15%
20-29	84	45%
30-39	31	17%
40-49	26	14%
50-77	18	10%

The youngest reported detainee was Lobsang Jamyang, a 15-year-old monk at Kirti monastery in Ngaba, Sichuan province, who was detained for staging a solo protest in the main street of Ngaba county town in September 2015, calling for the return of the Dalai Lama. Another 15-year-old detainee, Lobsang Yeshe, was detained in February 2014, one of four monks from Dowa Shartsa Monastery in Sog county, Nagchu prefecture, TAR, who were detained for putting up about 40 leaflets that stated, “There are no human rights in Tibet,” and called for Tibetan independence and the return of the Dalai Lama. The monks were also accused of throwing stones at a building in the monastery used by a cadre team that had been recently deployed to take up residence in the monastery for the first time, a direct indication of local resentment concerning *weiwèn* policy implementation at the grassroots level.<sup>123</sup>

The oldest detainee in this period was Jamyang Tsering from Dzogang (Ch.: Zuogong) county, Chamdo prefecture, TAR. He was sentenced in December 2014 when he was 77 years old to 18 months in prison. He was accused of encouraging Tibetans to support the Dalai Lama’s position concerning the heterodox worship of the deity known as Dorje Shugden, which the Dalai Lama has banned among his immediate followers.<sup>124</sup>

<sup>123</sup> “Young Tibetans in Restive Prefecture Detained for Independence Call,” RFA.

<sup>124</sup> “Elderly Tibetan is Jailed For Discouraging Worship of Controversial Deity,” RFA, December 12, 2014, <http://www.rfa.org/english/news/tibet/worship-12122014152106.html>.

Perhaps police or paramilitary forces in rural areas responded unusually aggressively to even peaceful protests during the 2013-2015 period because they took place in remote rural areas where the police might have been afraid of being outnumbered and cut off from support. Whatever the reason, the available information raises serious concerns about unjustified use of firearms and physical force by the authorities in those incidents, and indicates that the use-of-force rules may have changed for handling protests in those areas. This again suggests the possible influence of the *weiwen* policy in pressuring officials to use increasingly harsh methods to prevent or suppress grassroots dissent.

## Village and Community Leaders

The detention of village or community leaders and the incidence of village protests in support of them are among the most striking features of political protests in the 2013-2015 period, and appear to be a new phenomenon in the Tibetan areas. These actions are another indicator of the impact of the new stability maintenance measures in the Tibetan countryside.

The detention of religious leaders has been a frequent practice by the authorities in certain Tibetan areas since at least the late 1980s, and this continued in the current period—but far more cases were reported from village and local communities than in the past, many were given exceptionally long sentences for what appear to be minor activities, and for the first known time, a number of local lay leaders were also detained and convicted.

From 2013 to 2015, 28 religious leaders from local monasteries were detained, 6 percent of the total number detained or sentenced. They included seven abbots, six monastic teachers, nine chant masters, three monastic disciplinarians, and three senior lamas.

The details of many of their cases are obscure, but at least four of them appeared to have run afoul of the authorities for giving speeches campaigning for the spread of Tibetan language and culture. Five others appear to have been accused of refusing to support political education drives in their monasteries. Several of these senior figures were given prison sentences for what would normally be seen as minor offenses, such as the detention of Khenpo Kartse in June 2014 for “harboring criminals.”<sup>125</sup>

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<sup>125</sup> “Khenpo Kartse faces heavy sentence,” Students for a Free Tibet, <https://www.studentsforafreetibet.org/news/khenpo-kartse-faces-heavy-sentence>, translated from Tsering Woesser, “今天，堪布朵瑪才旺被捕半年整,” (“Jintian, kanbu duo ma

Some of the sentences received for apparently minor issues were unusually long. For example, Lobsang Tenzin, 60, regarded as a *trulku* or reincarnated Buddhist teacher, was sentenced in December 2014 to 10 years in prison for encouraging local residents to support the Dalai Lama's viewpoint regarding the heterodox worship of the controversial deity known as Dorje Shugden.<sup>126</sup> Another case with an unusually long sentence involved Tenzin Lhundrup, the senior monk from Driru county, Nagchu prefecture, who was sentenced to 12 years in May 2015, apparently for supporting protests against mining operations in the area.<sup>127</sup>

At least 16 lay leaders of villages or communities were also detained in this period.<sup>128</sup> They were mainly from villages in Driru and Chamdo counties in the TAR; from Pema county in Golok prefecture and Nangchen county in Jyeku prefecture, both in Qinghai province; or from Palyul county in Sichuan province.

Among these, five village leaders were given prison sentences averaging 7.3 years. Tenzin Rangdrol, a village leader from Shagchu township in Driru, was detained in October 2013 and given a 5-year sentence reportedly for attempts to “split the nation,” a charge which local villagers disputed and protested against.<sup>129</sup> Another village head, Washul Dortrug, 50, was given a 10-year sentence in July 2013 after a self-immolation took place near his village in Golok, Qinghai.<sup>130</sup> In the TAR, two village leaders from Driru—Ngangdrag, 54, and Rigsal, 31—were given 10-year sentences for their alleged involvement in instigating opposition among villagers to the requirement to fly Chinese national flags on National Day in 2013.<sup>131</sup> A sixth village leader—Bachen Gawa, the head of Buzhung village, also in Driru—died in custody in November 2014, allegedly from mistreatment by police. All that is

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cai wang bei bu bannian zheng,” “Khenpo Karma Tsewang Has Been Detained for Exactly Half a Year Now”), June 7, 2014, [http://woeser.middle-way.net/2014/06/blog-post\\_7.html](http://woeser.middle-way.net/2014/06/blog-post_7.html).

<sup>126</sup> “Elderly Tibetan is Jailed For Discouraging Worship of Controversial Deity,” RFA.

<sup>127</sup> “Senior Tibetan Buddhist scholar sentenced to 12 years in prison,” TCHRD, July 13, 2015, <http://www.tchrd.org/senior-tibetan-buddhist-scholar-sentenced-to-12-years-in-prison/>.

<sup>128</sup> The CECC database indicates that 15 detainees were lay community leaders or teachers, whereas the Human Rights Watch database counts 21 such detainees, a result of different definitions.

<sup>129</sup> “Tibetan Writer, Eight Others Jailed in Driru,” RFA, December 3, 2013, <http://www.rfa.org/english/news/tibet/jailed-12032013161956.html>.

<sup>130</sup> See the CECC database Washul Dortrug case summary, <http://ppdcecc.gov/QueryResultsDetail.aspx?PrisonerNum=7078>. It cites a July 22, 2013 exile news report from *Tibet Express*, no longer available.

<sup>131</sup> “China sentences two Tibetan village leaders to 10 years’ imprisonment in Diru County,” TCHRD.

known about his case is an exile report that he opposed the introduction of stability maintenance policies in the village and was removed from his position by local officials.<sup>132</sup>

### Deaths in Custody

Exile sources reported the deaths of 14 Tibetan detainees while in custody or shortly after release in 2013-2015, allegedly from beatings and other mistreatment by police or lack of medical treatment. All had been detained in connection with protests or expressions of dissent. These cases included:

- Kardo, a monk, died in prison in Dzogang county, Chamdo prefecture, TAR, in April 2013, a week after being detained for possessing recordings of speeches by the Dalai Lama.<sup>133</sup>
- Konchok Drakpa, 25, died in custody in December 2013 after he was detained, reportedly for leading a protest in May 2013 in Driru county, Nagchu prefecture, against mining operations at the mountain of Naglha Dzamba, which is regarded as sacred.<sup>134</sup>
- Ngawang Jamyang, 45, senior monk and scholar at Tarmo Monastery in Driru county, Nagchu prefecture, TAR, died in custody in Driru in December 2013.<sup>135</sup>
- Goshul Lobsang, 43, from Machu (Ch.: Maqu) county, Kanlho (Ch.: Gannan) prefecture, Gansu, died in March 2014, five months after release in poor health from prison, allegedly as a result of beatings.<sup>136</sup>
- Tashi Peljor, 34, a monk from Wenpo monastery in Chamdo county, TAR, died in March 2014, a day after being detained in connection with possession of writings by the Dalai Lama.<sup>137</sup>

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<sup>132</sup> "Extrajudicial killing, arbitrary detention and religious repression continue in restive Tibetan county," TCHRD, December 15, 2014, <http://www.tchrd.org/arbitrary-arrests-extrajudicial-killing-and-religious-repression-continue-in-restive-tibetan-county/>.

<sup>133</sup> Also spelt Kaldo. "Chinese Police Beat Monk to Death Over Banned Cassettes," RFA, May 14, 2013, <http://www.rfa.org/english/news/tibet/cassettes-05142013132742.html>.

<sup>134</sup> "Young Tibetan Mining Protester Dies in Prison After 'Torture,'" RFA, June 2, 2014, <http://www.rfa.org/english/news/tibet/protester-02062014163940.html>.

<sup>135</sup> "Senior Tibetan Monk Beaten to Death in Chinese Police Custody," RFA, December 19, 2013, <http://www.rfa.org/english/news/tibet/beaten-12192013165055.html>.

<sup>136</sup> "Goshul Lobsang tortured with pain-inducing injections, leaves a defiant note after untimely death," TCHRD, March 31, 2014, <http://www.tchrd.org/goshul-lobsang-tortured-with-pain-inducing-injections-leaves-a-defiant-note-after-untimely-death/>.

<sup>137</sup> "Tibetan Monk Dies After Being Severely Beaten in Detention," RFA, March 5 2014, <http://www.rfa.org/english/news/tibet/beaten-03052014152512.html>.

- Lobsang Yeshe, a village leader in his 60s, died in a Lhasa hospital in July 2014 while serving a two-year sentence in Chushul (Ch.: Qushui or Quxu) prison near Lhasa, TAR, for taking part in a protest against a gold mine a year earlier.<sup>138</sup>
- Jinpa Tharchin, 18, died in detention from untreated injuries incurred in a protest in Sershul county, Sichuan, in August 2014.<sup>139</sup>
- Tsewang Gonpo, 62, and Yeshe, 42, died in detention from untreated injuries incurred in the same protest in Sershul county, Sichuan, in August 2014.<sup>140</sup>
- Bachen Gawa, a village leader in Driru county, Nagchu prefecture, TAR, died in custody in November 2014.<sup>141</sup>
- Tenzin Choedrak, 34, former aid worker for a Swiss nongovernmental organization in Lhasa, died shortly after release from Chushul prison near Lhasa, TAR, in December 2014.<sup>142</sup>
- Prominent lama Tenzin Delek Rinpoche, 65, from Nyagchuka (Ch.: Yajiang), Kardze prefecture, Sichuan province, died in custody in a prison in Chengdu, Sichuan, in July 2015 despite requests over several years that he be released for urgent medical treatment. He had been accused of indirect involvement in a series of small bombings in 2002, but a Human Rights Watch report in 2004 found that his conviction appeared to have been based on trumped-up charges.<sup>143</sup>

Human Rights Watch has been concerned about the mistreatment, including lack of adequate medical treatment, of detainees. Ten other Tibetans held for politicized offenses were released from prison early because of acute medical ailments. There have also been concerns about the health of a number of current detainees, including a prominent lama, Phurbu Rinpoche, 59, in Sichuan, and a leading businessman, Dorje Tashi, 44, in Lhasa.

These detentions of lay village leaders, normally seen as allies of the authorities, appear to have resulted from their having complained to officials about social, environmental, or

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<sup>138</sup> “Another political prisoner of Tibet dies in Chinese prison,” *Tibet Post*, 24 July 2015, <http://thetibetpost.com/en/news/tibet/4658-another-political-prisoner-of-tibet-dies-in-chinese-prison>.

<sup>139</sup> “Three more Tibetans die from shooting by Chinese police—rights group,” Reuters.

<sup>140</sup> Ibid.

<sup>141</sup> Also known as Bachen Gyalwa or Gyelwa. See “Extrajudicial killing, arbitrary detention and religious repression continue in restive Tibetan county,” TCHRD.

<sup>142</sup> “Former Tibetan social activist serving 15 years’ sentence dead after less than 6 years in prison,” TCHRD, December 6, 2014, <http://www.tchrd.org/former-tibetan-social-activist-serving-15-years-sentence-dead-after-less-than-6-years-in-prison-2/>.

<sup>143</sup> Human Rights Watch, *Trials of a Tibetan Monk: The Case of Tenzin Delek*, February 2004, <https://www.hrw.org/reports/2004/china0204/>.

cultural issues in their communities. In some cases, the leaders had complained about the detentions of local villagers for actions that had not been considered sensitive or political in the past. As with the case of Bachen Gawa, these appear to have been direct responses to the implementation of *weiwen* policies in villages and local monasteries across the Tibetan plateau.

The use of long sentences was especially noticeable in the cases of community leaders from Driru county who were believed to have significant local influence. Thardoe Gyaltzen, for example, the administrator and chant master of Drongna Monastery in Driru, was accused of possessing images of the Dalai Lama and recordings of his speeches and Buddhist teachings; he was sentenced in December 2013 to 18 years' imprisonment for "inciting splittism," the third longest sentence given to any person in this period.

## **A New Type of Protest: Support for Detained Community Leaders**

At least seven protests since 2013—including three in which security forces opened fire on protesters—were of a type previously unreported. They consisted of demonstrations in rural areas that opposed the detention of a local village leader or community representative.

At least five of these incidents involved over one hundred people. In a January 2014 incident in Nangchen, Qinghai province, several hundred villagers staged a silent vigil to protest the detention of a respected monk, Karma Tsewang, who was the *khenpo* or abbot of the local monastery. Known as Khenpo Kartse, he was popular for his local environmental and social activities. He had been detained by police and officials who were searching for a monk suspected of involvement in a small explosion in Chamdo, TAR, three years earlier. A court later sentenced him to 2.5 years in prison for "harboring a criminal," though the grounds for the conviction were said by outside observers to be dubious.<sup>144</sup> The protest showed a strong expression of support by a community for their local leader.

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<sup>144</sup> When the police and officials failed to find the suspect, they detained Khenpo Kartse apparently because the missing monk had stayed in the monastery at some point. See "Khenpo Kartse faces heavy sentence," Students for a Free Tibet; "New information about imprisoned Tibetan abbot raises fears," International Campaign for Tibet, June 26, 2014, <http://www.savetibet.org/new-information-about-imprisoned-tibetan-abbot-raises-fears/>.



On August 12, 2014, hundreds of villagers and herders gathered in a small township in Sershul county, Kardze prefecture, Sichuan province, to call for the release of their village leader, Denma Wangdrak. The authorities had detained him the previous night after he reportedly had complained to local officials about the harassment of Tibetan women by Chinese officials who had come to the area to attend a community cultural performance.<sup>145</sup> Security forces opened fire on the crowd and up to a dozen people were wounded, according to exile sources. Other exile reports claimed that some of the wounded later died from their injuries, including a police officer who was accidentally shot. These reports could not be verified.<sup>146</sup>

The Sershul incident was one of three rural protests against the detention of community leaders since 2013 that ended with security forces shooting protesters. Another such incident took place on October 6, 2013, in Dathang township in Driru county, Nagchu prefecture, TAR, when security forces fired on demonstrators calling for the release of a local man, Dorje Draktsel; up to 60 people were reported by exile sources to have been wounded.<sup>147</sup> In July 2015 security forces reportedly opened fire when about 1,000 protesters gathered in Nyagchuka, Kardze prefecture, Sichuan province, in response to news of the death in custody of a well-known local lama, Tenzin Delek Rinpoche. He had been serving a life sentence for alleged involvement in explosions, a charge which many observers regarded as trumped-up by local officials.<sup>148</sup> No injuries were reported.<sup>149</sup>

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<sup>145</sup> “Chinese Police Open Fire at Tibetan Protest, Nearly A Dozen Wounded,” RFA, August 13, 2014, <http://www.rfa.org/english/news/tibet/shooting-08132014220307.html>. International Campaign for Tibet later reported that the shooting might have involved “anti-riot projectiles” rather than live ammunition, and noted an unconfirmed exile report that one of the wounded had died from their wounds. See “Tibetans with wounds after shooting denied medical treatment: deployment of military leads to mass detentions in village in Kham,” International Campaign for Tibet, August 18, 2014, <http://www.savetibet.org/tibetans-with-bullet-wounds-after-shooting-denied-medical-treatment-deployment-of-military-leads-to-mass-detentions-in-village-in-kham/>; “Chinese police ‘fire on Tibetan protesters,’” BBC, August, 15, 2014, <http://www.bbc.com/news/world-asia-china-28799422>. Two men were later detained for photographing the protest that led to the shooting. See “Two Tibetans Detained For Taking Photos of Kardze Protest,” RFA, September 3, 2014, <http://www.rfa.org/english/news/tibet/photos-09032014140930.html>.

<sup>146</sup> “Chinese police officer dies after Kardze shooting; pregnant wife of Tibetan killed commits suicide,” International Campaign for Tibet, August 28, 2014, <http://www.savetibet.org/chinese-police-officer-dies-after-kardze-shooting-pregnant-wife-of-tibetan-killed-commits-suicide>.

<sup>147</sup> “Chinese Police Fire on Unarmed Tibetan Protesters in Driru,” RFA, October 7, 2013, <http://www.rfa.org/english/news/tibet/unarmed-10072013172339.html>.

<sup>148</sup> Human Rights Watch, *Trials of a Tibetan Monk*.

<sup>149</sup> “Chinese Police Open Fire as Marchers Protest the Death of Popular Tibetan Monk,” RFA, July 13, 2015, <http://www.rfa.org/english/news/tibet/marchers-07132015172716.html>.

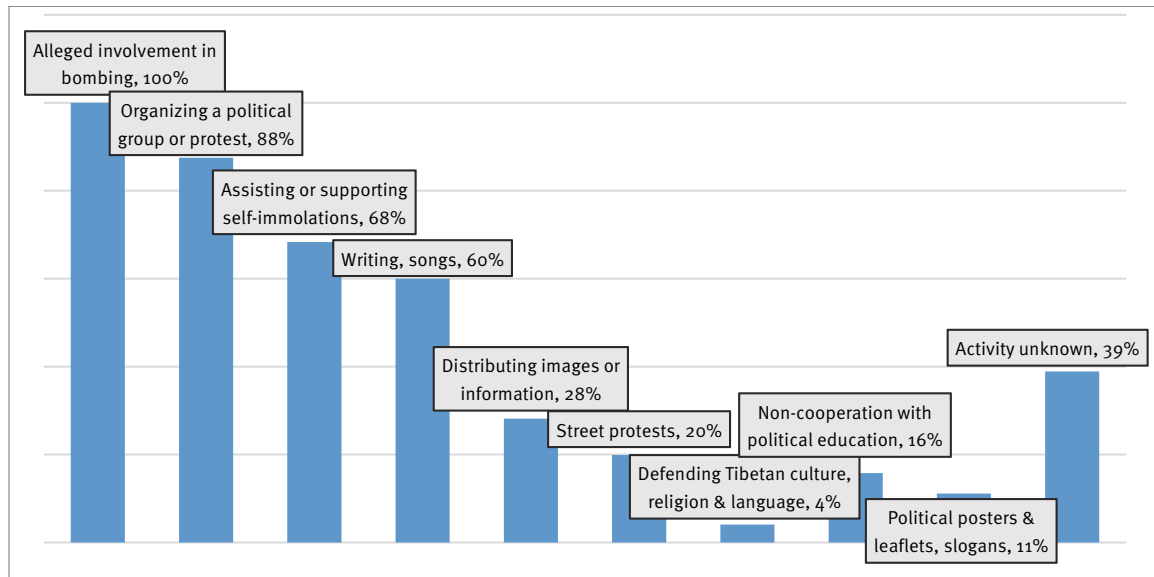
## V. Sentencing

This section looks at how many prisoners were sent for trial, what sentences they were given, and which offenses were most likely to lead to long sentences.

### Trial Rates: The Likelihood of Prosecution

Two-thirds of the detainees in our database were not formally arrested, as far as we know, and so were not prosecuted or sent for trial. As for how long these detainees remained in custody, there is little information. They may have been released after one or two weeks or could have been held far longer. If the police recommended to the procuratorate that a detainee be investigated for possible prosecution, it would have generally taken at least three months before a decision was made on whether or not to charge that person with a crime. During those months, almost all detainees would have remained in custody, as bail is extremely rare in Tibetan cases. As for the 153 detainees in our records who were prosecuted, their trials took place on average six months after detention.<sup>150</sup>

**Figure 5: Percentage of Sentenced Detainees by Type of Political Action**



Proportion of all detainees who were formally charged and sent for trial by different types of political action. For purposes of this chart, only the primary reason for detention, as we were able to determine, has been included in each case (some case descriptions include multiple reasons for detention).

<sup>150</sup> This calculation, while approximate, is based on data comparing the detention and trial dates in 97 cases in this period.

Which forms of protest or dissent were most likely to lead to prosecution and a trial? Figure 5 shows the different types of activities that led to a trial, rather than just to a period of detention without charge. This provides one measure by which to assess which activities were viewed most negatively by the authorities. It shows that, apart from acts allegedly involving violence or the organization of unrest, being detained in connection with a self-immolation or for writing something that was critical of the government were the activities most likely to lead to court trial during this period.

On average, 32 percent of the political detainees we have been able to identify in this period were prosecuted for a criminal offense. This was 50 percent higher than the trial rate for detainees in the previous five years (2008-2012).<sup>151</sup> Although the average number of political detentions had dropped to 160 per year from about 250 per year in the previous five years, detainees in the later period were more likely to be sent for trial.

Some types of activity appear to have been more dangerous than others, with most or all detainees held for that activity being sent for trial. For example, all of the eight Tibetans accused of association with the suicide protester who had placed a petrol bomb outside a police station in Derge county, Sichuan province, in February 2012 were prosecuted,<sup>152</sup> as were 14 of the 16 accused of being members of an underground political organization or organizing unauthorized protests (joining an illegal organization or organizing a protest are serious crimes under Chinese law).<sup>153</sup> In cases where people were detained for involvement in or showing support for a self-immolation, 68 percent were sent for trial. This reflects the high priority placed by the authorities on efforts to stop this form of protest. Writing also appears to have become a dangerous profession in Tibet, if it centers on political questions: 60 percent of the writers and singers detained for producing political texts or lyrics were tried and convicted.

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<sup>151</sup> 21 percent of political detainees were sent for trial in 2008-2012, according to information in the CECC database.

<sup>152</sup> This bombing was the only recent report we have identified of a planned act of political violence in a Tibetan area in the 2013-2015 period. A small bomb was also detonated in Karma Gon township in Chamdo prefecture in October 2011 (see Section VII).

<sup>153</sup> Acts of violence and organizing unauthorized political parties are strictly forbidden under Chinese law, and organizers of an action that is considered criminal are liable to more serious punishment than ordinary participants. See the revised PRC Criminal Law, 1997, art. 26.

## Writers and Singers

Writers and singers featured prominently in the list of detainees in this period, and a significant number of them received prison sentences for texts or lyrics deemed to constitute political agitation against the state. Twelve received prison sentences, with an average of 5.8 years.

Among them was the popular singer Lolo, 29, who had produced an album of songs that explicitly called for Tibetan independence, and was sentenced to six years.<sup>154</sup> The other six Tibetan singers who were convicted in this period had raised more general concerns about Tibetan culture or identity in their songs, and received shorter sentences, averaging 4.7 years. They included the singer Kalsang Yarphel (37 or 38) from Machu county, Gansu province, who received a four-year sentence, and his producer Pema Rigzin, who received a two and a half-year sentence, in November 2014, apparently for a song performed at a concert in late 2012 in the Lhasa area.<sup>155</sup>

The writer Jigme, a 36-year-old monk at Gartse Monastery in Rebkong county, Malho prefecture, Qinghai province, was given a five-year sentence in May 2013 for a book of essays on subjects such as the Dalai Lama, the Tibetan government-in-exile, Tibetan self-immolations, and government policies in Tibetan areas.<sup>156</sup> The writer Tobden from Diru county, Nagchu prefecture, received a five-year sentence for his writing about the political situation in his area.<sup>157</sup>

Writers received dramatically increased sentences if they were also accused of distributing information about local unrest, and even more so if they were from a hotspot like Diru. This was the case with Tsultrim Gyaltzen, 27, who wrote two books about Tibet, *Chimes of Melancholic Snow* and *The Fate of Snow Mountain*, under the pen name Shokdril, and was the editor of a journal called *New Generation*. He was sentenced in October 2013 to 13 years' imprisonment for "having engaged in separatist activities and disrupted social stability by spreading rumors."<sup>158</sup>

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<sup>154</sup> "Two Tibetans, monk and singer, sentenced to prison," TCHRD, March 13, 2013, <http://www.tchrd.org/two-tibetans-monk-and-singer-sentenced-to-prison/>.

<sup>155</sup> "Tibetan Musician Who Produced Songs For Popular Singer is Jailed," RFA, December 1, 2014, <http://www.rfa.org/english/news/tibet/song-12012014195105.html>. Yarphel's songs reportedly included "We Should Learn Tibetan" and "We Should Unite."

<sup>156</sup> "Writer Gartse Jigme Sentenced to Five Years in Prison," VOA, May 15, 2013, <http://www.voatibetanenglish.com/content/article/1661798.html>; "Tibetan Receives Five-Year Prison Term for His Writings," RFA, May 16, 2013, <http://www.rfa.org/english/news/tibet/writings-05162013170531.html>. A translation of an essay by Gartse Jigme is provided by TCHRD at <http://www.tchrd.org/my-words-are-not-tainted-by-lies-and-deception-gartse-jigme-2/>.

<sup>157</sup> "Tibetan Writer, Eight Others Jailed in Diru," RFA.

<sup>158</sup> "Crackdown in Diru widens: Tibetan writer and a former policeman detained," TCHRD, October 14, 2013, <http://www.tchrd.org/crackdown-in-diru-widens-tibetan-writer-and-former-policeman-detained/>.

About 40 percent of those detained for taking part in street protests against excessive policing and unjustified detentions were sent for trial, even if the protests were not attacks on China's claims to Tibet or on its policy concerning the Dalai Lama. Similarly, 33 percent of village and community leaders—whose complaints all seem to have been about local questions of policy, cultural respect, or environmental issues—were formally arrested, charged, and sentenced. In the past, protests about police excesses would likely have been viewed as having limited significance and not as major threats to the state, and complaints by local community leaders would not have led to detention at all. The high proportion of formal arrests and prosecutions in these cases again suggests the impact of the new stability maintenance measures, which called for rigorous punishment of the smallest signs of dissent.

Conversely, the most explicit forms of political defiance had about the same average rate of prosecution as that of the total cases compiled; only 34 percent of those detained for expressing explicit support for the Dalai Lama, whether in protests or by distributing leaflets or phone messages, were charged and sent for trial. Although open support for Tibetan independence is normally treated as the most serious of all political crimes in Tibet, only 32 percent of detainees who raised the forbidden Tibetan flag or called for Tibetan independence were formally arrested. Only 11 percent of people detained for shouting slogans or handing out leaflets about the Dalai Lama or Tibetan rights were formally charged and tried. These are unusual findings. They may reflect the fact that the stability maintenance measures required local officials to show that they were treating small issues of contention or criticism as so-called hot issues—causes or topics that are not political challenges to the state but which could potentially trigger major unrest. In almost all cases studied here, many of these seem to have been treated more seriously than acts of explicit political confrontation.

Those who were detained for involvement in other kinds of activities were less likely to be sent for trial. Twenty-eight percent of those detained for distributing unauthorized images or ideas via social media in our cases were prosecuted, and 20 percent of people detained for participating in but not organizing a street protest or a protest against a mining operation were sent for trial.

Efforts to defend or improve cultural, religious, and other practices in the community showed a much lower prosecution rate of 4 percent, presumably a recognition that these

acts, which accounted for 11 percent of the total detentions, were not explicit political challenges. We found no evidence that any of the 64 people detained for protesting against the detention or punishment of the lay leader of their village or community, or any of the seven detained for petitioning, were formally charged. These figures show that despite the increasing focus of the security forces on activities not previously considered criminal or threatening to the state, officials still distinguished some types of activity as relatively low-risk and as not requiring formal trials or long sentences.

## Local Variations

The trial rate appears to have varied in different parts of the Tibetan plateau. Our data suggests that 24 percent of those detained in the TAR for political offenses during this period were sent for trial, as opposed to in Qinghai, where 37 percent of political detainees were tried (see Figure 7 below). The rate in Gansu was also high, at 42 percent, while Sichuan had a trial rate of about 29 percent, closer to the average of 32 percent for this period.

At the local level, certain counties or towns showed a more aggressive attitude toward prosecutions than others. In Rebkong county, Malho prefecture, Qinghai, which is widely regarded in Qinghai as a focus of dissent, 16 of the 20 people detained for political offenses were sent for trial, more than twice the average rate for all Tibetan cases in the 2013-2015 period. In Derge county, Kardze prefecture, Sichuan province, our data suggests that all political detainees from 2013 to 2015 were sent for trial. In Ngaba prefecture, TAR, the trial rate for political detainees was 43 percent, well above the average. These figures suggest that these counties' procuratorates were more aggressive in their decisions, or that police in those areas detained only those whom they considered to be the most serious threats.

The trial rates for different types of political action suggest that:

- Leaders or organizers of a protest were punished more severely than normal participants in an action;
- Prominent individuals with social influence, such as community leaders, religious professionals, writers, or singers, were more likely to be prosecuted than less influential people;

- Political actions that did not involve physical actions in public space or writing were less likely to lead to a trial;
- People detained for an action or issue that had been singled out as a political priority for containment in this period, such as support for self-immolations or distributing information via social media, were more likely to face trial;
- Protests about broad political issues such as China’s claim to Tibet or its treatment of the Dalai Lama were treated more severely than those about complaints about local policies, but less severely than priority issues like self-immolation and information distribution; and
- Activities that were seen as “hot issues” that might trigger future unrest were likely to end up with a trial, even if they were not a direct political challenge to the government or its claims.

## Length of Sentences

Sentences handed down since 2013 highlight how courts penalized particular kinds of behavior that are protected under international law.

According to the data collected, the courts convicted all of the 153 people brought before them for political offenses during this period except for one—the popular singer Gonpo Tenzin, who was released on bail for medical reasons and whose trial has not concluded.<sup>159</sup> The remaining 152 detainees were given prison sentences with an average length of 5.7 years, and a median sentence of 4 years. The sentences ranged in length from one year to a suspended death sentence, usually equivalent to 20 years. A one-year sentence was handed down in two cases, one involving support for a self-immolation and one arising from a protest calling for freedom. There were two suspended death sentences in political cases, both given to people accused of inciting or causing a self-immolation to take place.

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<sup>159</sup> Gonpo Tenzin, 25, a resident of Shagchu, Driru county, TAR, was detained possibly in connection with a CD he recorded in 2013 entitled “How Can We Have New Year’s Celebrations in Tibet?” According to the CECC database, on April 30, 2014, the Chinese government informed the UN Human Rights Committee that officials had criminally detained Gonpo Tenzin on December 2, 2013, formally arrested him on January 1, 2014, on the charge of inciting separatism, and later released him on bail to seek treatment for “various medical problems.” See “China arrests two Tibetan singers in Diru,” TCHRD.

Sentencing patterns in this period indicate certain anomalies that again appear to be a reflection of the *weiwen* policy and its impact on policing and judicial practices at the grassroots level. In general, defendants who had been involved in local issues that involved little or no public protest—such as distributing images on phones, writing political texts, and supporting self-immolators—tended to receive longer sentences than those involved in street protests against excessive policing or calls for Tibetan independence.

**Table 2: Average Sentences by Type of Political Action or Issue**

Political Action or Issue	Total no. Detained	No. Sent for Trial	Sentences in Years		
			Lowest	Highest	Average
Protests against the patriotism drive in Driru	14	6	9	13	10.3
Distributing images or information	71	20	2	18	6.9
Protesting about mining, land seizures or housing issues	51	8	2	13	6.8
Writing, songs	20	12	2	13	5.8
Assisting or supporting self-immolations	60	41	1	20	5.7
Taking part in a street protest	166	31	1	12	4.8
Calling for the return of the Dalai Lama or "freedom"	80	27	1	18	4.6
Organizing a political group or protest	16	15	2	13	4.5
Alleged involvement in bombing	8	8	3	9	4.1
Tibetan independence, opposition to Chinese rule	37	12	6	2	3.5
Activism for Tibetan language, culture, or religion	36	8	2.5	4	3.5
Political posters & leaflets, shouting slogans	27	3	2	2.5	2.3
Non-cooperation with political education	19	3	2	2	2.0
Petitioning	7	0	0	0	0
Activity not known	36	11	7	13	8
Overall Average Sentence: 5.7 years					



The actions that were most strongly condemned in Chinese media reports about the Tibetan political situation in this period were support for self-immolations and the Dalai Lama. In the cases we documented, the 41 people convicted of supporting or assisting self-immolations received sentences of 5.7 years on average, reflecting the overall average sentence length given for political offenses in this period. The other high-profile forms of political activity in Tibet—taking part in protests or making statements supporting the Dalai Lama—led to sentences of 4.6 years on average, below the norm. As with trial rates, sentences for pro-independence activities—repeatedly portrayed in speeches by Chinese officials as the most serious Tibet-related offense in China—were surprisingly low, with an average of 3.5 years. Even the eight people convicted of association with the suicide bombing at a police station in February 2012 were given sentences that averaged 4.1 years, also below the norm. The crimes most publicized in official speeches and articles were not necessarily the ones that received the harshest sentences in Tibetan areas in this period.

The offenses that instead attracted the highest sentences on average were relatively low-profile or local activities. They consisted primarily of protests about local officials and issues, especially in rural areas. It appears that they did not involve explicit challenges to the state's claims to sovereignty over Tibet. For example, the eight villagers who were sentenced for protesting against local mining projects or against cases of land seizure received 6.8 years on average, above the norm, even though these cases were only of local significance.

Distributing unauthorized information also attracted sentences of above-average length: the 20 Tibetans in our cases convicted for sending information about self-immolations or other incidents of protest from their phones or computers were sentenced to an average of 6.9 years each. In some instances, the defendants were accused of sending the information abroad, which can lead to more serious punishment. Examples of such cases include those of Choepa Gyal, sentenced to six years by a court in Malho prefecture, Qinghai province, in April 2013 for using the QQ Internet chat service to send images and separatist information abroad; Namkha Jam, sentenced to six years in the same trial for photographing self-immolations and sending images and information to domestic and

overseas groups; and Chagthar, sentenced to four years for editing and distributing images and text about self-immolations.<sup>160</sup>

However, sentences were severe even in cases where the distribution was local and limited to private circulation. This can be seen in the case of Jamyang Gyatso and Namgyal Wangchug, two monks from Riwoche (Ch: Leiwuqi) county, Chamdo prefecture, TAR, who were sentenced to 7 and 5 years, respectively, in May 2014 for sending images of Tibetans wearing fur-trimmed robes to their own WeChat group.<sup>161</sup>

The documented cases that led to the highest average sentences combined features of both a local village-level concern and a larger challenge to the state's claims to sovereignty. They involved the six villagers from Diru who first objected to the requirement by officials that they fly Chinese national flags in their village on China's October 1 National Day in 2013. Five of the six received 9 or 10-year sentences and one received a 13-year sentence.<sup>162</sup>

Protesters from Diru in general received especially harsh sentences, presumably because of a policy requiring officials to end the repeated incidents of unrest there. At least 20 Diru residents were given sentences for political offenses during this period, receiving 9.1 years on average, about four years or 62 percent above the norm for political offenses in all Tibetan areas at this time. This included five who had taken part in protests about mining operations and cases of land seizure in Diru—although these were purely local issues

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<sup>160</sup> "China confirms sentencing four Tibetans for "inciting separatism" TCHRD, April 15, 2013, <http://www.tchrd.org/china-confirms-sentencing-four-tibetans-for-inciting-separatism/>.

<sup>161</sup> Jamyang Gyatso, 32, and Namgyal Wangchug, 43, were convicted in May 2014 under articles 13.1.(2), 13.2, and 64 of the PRC Criminal Law for sending the photographs of Tibetans wearing fur to their Wechat group. The court report in Chinese (Riwoche County People's Court Verdict in Criminal Case (2014) First Court No. 03) is available at <http://xzlwq.gov.cn/lwq/Article/ShowArticle.asp?ArticleID=382>. For English translation and commentary, see "Two Tibetans receive harsh prison sentences for online anti-fur campaign," TCHRD, September 18, 2014, <http://www.tchrd.org/two-tibetans-receive-harsh-prison-sentences-for-online-anti-fur-campaign/>.

<sup>162</sup> Tsultrim Nyandrak, 40, received a 9-year sentence; Yulgyal, 26, Kelsang Choklang, Ngangdrag, 54, and Rigsal, 31, all received 10 years each; and Tsultim Gyaltsen, 27 (a writer with the penname Shokdril) received a 13-year sentence. See "Writer among two sentenced to harsh prison terms of 10 to 13 years in Diru County," TCHRD, April 4, 2014, <http://www.tchrd.org/writer-among-two-sentenced-to-harsh-prison-terms-of-10-to-13-years-in-diru-county/>; "Repression escalates in Tibet's Diru County: Tibetan youth beaten to death, 2 others given heavy sentences and another disappeared," TCHRD, February 7, 2014, <http://www.tchrd.org/repression-escalates-in-tibets-diru-county-tibetan-youth-beaten-to-death-2-others-given-heavy-sentences-and-another-disappeared/>; "China sentences two Tibetan village leaders to 10 years' imprisonment in Diru County," TCHRD.

unrelated to issues of state sovereignty, they received sentences of 9.6 years on average. They included Dorje Dragtsal, a layman, sentenced to seven years;<sup>163</sup> Choekyab, a layman, sentenced to 13 years; and Tsekar Thrinley, a 22-year-old singer, sentenced to nine years.<sup>164</sup> All of them were accused of “instigating” protests in May 2013 or earlier against mining at a mountain called Naglha Dzamba, locally regarded as sacred.

In another case, a senior monk from Diru, Tenzin Lhundrup, was sentenced to 12 years in May 2015, also apparently for involvement in protests against mining operations in the area.<sup>165</sup> By contrast, three Tibetans from Chamdo prefecture who were convicted for mining protests received two years each, suggesting that more rigorous sentences were given for protests in Diru than for similar incidents elsewhere in Tibet.

The aggressive state response to the incidents in Diru, many of which seem to have been mainly of local significance, suggests that officials during this period were not primarily worried about demands for independence or about anti-mining protests as such. Rather, they seemed to have been concerned with halting the spread of dissent of any kind in rural areas. This reflected the pressure placed on local officials at the grassroots level as part of stability maintenance to suppress any issues, however minor or local, that might lead to further unrest, particularly among the grassroots population. Local officials were therefore under extreme pressure from the central authorities to crack down on any incidents or potential incidents of unrest.

Carrying out this directive, however, may have come at the cost of alienating formerly quiescent sectors of the population, such as villagers, lay leaders, local monastic teachers, environmental activists, and writers, at least in certain areas of the Tibetan plateau.

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<sup>163</sup> “Repression escalates in Tibet’s Diru County: Tibetan youth beaten to death, 2 others given heavy sentences and another disappeared,” TCHRD. His sentence reportedly included 7 years for the mining protest, 1 year for “obstructing” local Party officials, and 3 years for “wantonly lending money.” The first known protest against mining on this mountain had taken place in 2010, but tensions on the issue escalated from 2013.

<sup>164</sup> “Diru Crackdown: Three Tibetans sent to prison for up to 13 years, singer gets 9 years in prison,” TCHRD, December 23, 2013, <http://www.tchrd.org/diru-crackdown-three-tibetans-sent-to-prison-for-up-to-13-years-singer-gets-9-years-in-prison/>.

<sup>165</sup> Some reports say that Tenzin Lhundrup may have also been sentenced for giving speeches about the importance of Tibetan language. See “Senior Tibetan Buddhist scholar sentenced to 12 years in prison,” TCHRD.

The policy driven nature of prosecution and punishment during the 2013-2015 period can also be seen in the pattern of sentences handed down for a single type of protest. For example, a wave of detentions and court trials of Tibetans for alleged involvement in self-immolations followed a decision by the central authorities in Beijing to make stopping self-immolations a policy priority, signaled by the Supreme Court ruling in December 2012 approving use of the most serious charges in self-immolation cases (see “The Supreme Court Opinion on Self-Immolation Cases” in Section I). Nine of the 41 Tibetans convicted of immolation-related activities in our cases received sentences of 10 years or more each—the most prominent case being that of Lobsang Konchok, who was given a suspended death sentence in January 2013 for allegedly encouraging people to self-immolate (see “Incitement or Sympathy? An Edited Confession” in Section III).

A larger number of very short sentences were given to detainees who were classed as minor offenders or “accomplices.” Our research found 37 such cases where defendants received sentences of 3.1 years each on average, including five who received 1.5 years or less. This sentencing pattern suggests policy driven use of the judicial system in which officials and judges were under pressure to show a high number of convictions on a given issue as a public deterrent. The need to impress higher-level officials by achieving a large number of detentions and arrests was indicated by frequent articles that appeared in the Chinese media in early 2013 that boasted scores of immolation-related detentions and arrests, and by repeated statements by leaders describing their fundamental policy objective as the absolute prevention of all protests.<sup>166</sup>

In February 2015, for example, Deng Xiaogang, a deputy party secretary in the TAR, said the priority for the leadership was “making the non-occurrence of incidents a bottom line and minimum target,” and called on officials to “firmly grasp with the two hands of Anti-splittism and Anti-terrorism, continually strengthen and refine targeted and preventive measures, [and] effectively manage different types of danger.” In order to achieve these objectives, Deng ordered officials to:

Strengthen and refine the ten methods for Maintaining Social Stability ...  
control people through ID papers, and investigate all suspect persons,

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<sup>166</sup> “70 arrested in Qinghai over self-immolations,” *China Daily*; “70 held over string of self-immolations,” *Xinhua*. For the Chinese-language version, see [http://politics.gmw.cn/2013-02/07/content\\_6660525.htm](http://politics.gmw.cn/2013-02/07/content_6660525.htm).

vehicles and objects. [By] taking responsibility to control key persons and carrying out detailed and thorough methods, control those that need controlling and restrict those that need restricting, so that not even one can get out and not even one can get in. Strengthen combat training to deal with sudden occurrence of incidents decisively, fiercely strike down according to law and corner the enemy in order to safeguard the lives and property of the masses.<sup>167</sup>

Such statements indicate that there was political pressure on local officials and the security forces to obtain arrests and convictions of Tibetans for actually or potentially expressing dissent or causing unrest. The longest individual sentences given for political offenses in this period were the two suspended death sentences imposed for instigating or causing self-immolations, a reflection of the political campaign to end self-immolations in the eastern Tibetan area. Most of the other severe sentences handed down in this period were also for activities that did not call for independence, threaten state survival, or, as far as publicly available information suggests, involve violence. Rather, they were given for protests about mining operations, writing about current events including unrest, or village protests against forced patriotism drives and other local policies. In the new political climate these were apparently seen as potential sources of instability and treated as criminal or delinquent acts.

## Official Sentencing Records and “Elastic Sentencing”

Human Rights Watch found that in cases against suspected dissidents where the details of charges are known, the authorities frequently brought serious charges for acts that were inconsequential, or brought minor social order charges for activities that were of a political nature but protected under international (and seemingly Chinese) law. The terms of the law appear to have been “stretched” to fit these offenses, and to ensure that exemplary sentences were handed down.

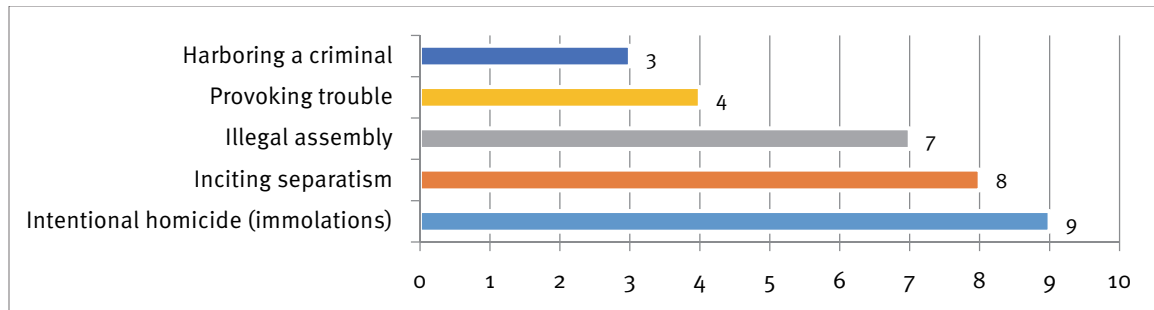
In about a fifth of the cases of Tibetans tried for political activities in this period for which Human Rights Watch has information, the authorities provided details about the charges

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<sup>167</sup> “Deng Xiaogang teleconference on Maintaining Social Stability,” *China Tibet News*, February 4, 2015, [http://tb.chinatibetnews.com/zw/ldhd/201502/t20150204\\_310130.html](http://tb.chinatibetnews.com/zw/ldhd/201502/t20150204_310130.html).

and the sentences. In these 31 cases, information from authorities was released through reports in the official media in 22 cases, published in reports submitted by the Chinese government to the United Nations in four cases,<sup>168</sup> or found in court documents obtained by overseas organizations in five cases.<sup>169</sup>

**Figure 6: Official Reports of Charges Against Tibetans, 2013-2015<sup>170</sup>**



Source: CECC data.

Nine of the 31 Tibetans in these officially confirmed cases were convicted of “intentional homicide,” apparently because they had instigated or assisted a self-immolation. Seven of these cases were prosecuted in Gansu province, and one each in Sichuan and Qinghai. These were all treated as serious or extremely serious crimes and received an average sentence of 10.9 years, far higher than for any other category of political offense in this period. However, as noted above, a number of these cases appear to have involved minor acts such as expressing sympathy to a relative of a self-immolator or sending text messages about a self-immolation (see Section III). These cases and the resulting long sentences reflect the political determination of eastern Tibetan authorities to suppress support or sympathy for self-immolators.

The same official reports confirm that eight Tibetans were charged in this period with “instigating splittism” or “inciting splittism,” terms that refer to encouraging support for

<sup>168</sup> The cases of Gonpo Tenzin, Shawo Tashi, Pema Trinle, and Chagdor were noted in a submission by the Chinese government to the UN Human Rights Committee on April 30, 2014.

<sup>169</sup> See, for example, the sentencing document in the case of three abbots from Karma Gon monastery in Chamdo prefecture who were sentenced in April 2013 for “harboring criminals.” The document was obtained by China Human Rights Defenders (*Weiquanwang*) and displayed on their website at <http://wqw2010.blogspot.com/2013/08/3.html>. See Appendix I, Document 11 for the translation of this document. All appendix materials can be found at <https://www.hrw.org/node/289993/>

<sup>170</sup> There were 31 defendants whose cases were confirmed by official reports, but one was convicted of two crimes, both “instigating splittism” and “intentional homicide.”

Tibetan independence.<sup>171</sup> These seem to have involved minor activities. For example, according to a report filed by the Chinese government with the UN, in January 2013 a court sentenced two Tibetans from Ngaba county, Sichuan to four years each for unspecified actions that involved “inciting separatism.”<sup>172</sup> According to exile media reports, the two were musicians who had simply distributed a DVD called “The Unbearable Pain of an Open Wound,” which contained songs that praised self-immolation protesters, the Dalai Lama, and other Tibetan religious leaders.<sup>173</sup>

In 11 other cases confirmed by official reports, the courts sentenced detainees on charges that did not indicate any political content, such as “picking quarrels,” “obstructing traffic,” or “illegal assembly.” But the same reports gave details that made it clear that the charges had been used to penalize the detainees for perceived political actions. For example, a court document obtained by exiles states that two Tibetans were sentenced in May 2014 in Chamdo prefecture to five and seven years in prison for “picking quarrels and provoking trouble.”<sup>174</sup> The court document stated that the two defendants had used their phones to transmit images of Tibetans wearing traditional Tibetan robes trimmed with leopard fur, along with captions criticizing Tibetans for wearing such clothes (criticism of the use of animal furs from endangered species is associated with support for the Dalai Lama).<sup>175</sup> The court found that the defendants had sent the images to a WeChat group with 15 members.<sup>176</sup>

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<sup>171</sup> Revised PRC Criminal Law, 1997, art. 103, para. 2.

<sup>172</sup> According to the CECC database. See, for example, [http://www.cecc.gov/sites/chinacommission.house.gov/files/CECC%20Pris%20List\\_20131010\\_1308%20rec.pdf](http://www.cecc.gov/sites/chinacommission.house.gov/files/CECC%20Pris%20List_20131010_1308%20rec.pdf), nos. 2013-00209 and 2013-00210. The Chinese government provided information to the UN Human Rights Committee stating that an unidentified court had sentenced singers Pema Trinle and Chagdor on January 3, 2013, to four years each in prison for “inciting separatism,” a crime under art. 103(2) of the Revised PRC Criminal Law, 1997.

<sup>173</sup> “Two Tibetan singers secretly sentenced but whereabouts unknown,” TCHRD, June 13, 2013; “Tibetan Singers Who Praised Self-Immolations Jailed,” RFA, June 13, 2013, <http://www.rfa.org/english/news/tibet/praised-06132013144450.html>. A song translation is available at <http://highpeakspureearth.com/2013/music-video-this-is-how-it-is-by-chakdor/>.

<sup>174</sup> Revised PRC Criminal Law, 1997, art. 293.

<sup>175</sup> The Dalai Lama said in a public statement in 2006 that he disapproved of people wearing furs from endangered species, triggering a movement against this practice among Tibetans in Tibet. See Emily Yeh, “Blazing Pelts and Burning Passions: Nationalism, Cultural Politics, and Spectacular Decommodification in Tibet,” *Journal of Asian Studies*, Vol. 72. Issue 02 (2013): pp. 319-44.

<sup>176</sup> Riwoche County People’s Court Verdict in Criminal Case (2014) First Court No. 03, <http://xzlwq.gov.cn/lwq/Article/ShowArticle.asp?ArticleID=382>; “Two Tibetans receive harsh prison sentences for online anti-fur campaign,” TCHRD.

In the January 31, 2013 case of “disrupting business and traffic” in Sangchu, Gansu province, discussed above, the court sentenced the two defendants, Dugkar Kyab and Yangmo Kyi, to three and four years respectively for “picking quarrels and provoking trouble.” Exile sources reported that they had been helping others to recover the body of a self-immolator in order to return it to the family.<sup>177</sup>

In April 2013, a court in Chabcha, Qinghai, sentenced seven Tibetan students from a vocational school to three to four years each for “illegal assembly.”<sup>178</sup> The case resulted from a November 2012 demonstration. No other details were given about the incident that led to their convictions. According to exile sources, however, the students had taken part in a peaceful protest against an official booklet distributed in their school that described Tibetan self-immolators as “terrorists” and the Dalai Lama as a “political itinerant,” terms that would have been seen by many Tibetans as derogatory and culturally offensive.<sup>179</sup>

The reports in official media provide few details about what suspects had actually done that led to their prosecutions. Instead, these reports seem intended to persuade the public that the accused had anti-social or anti-state intentions, such as encouraging others to commit suicide or fomenting separatism, but did not demonstrate criminal behavior. In these cases, officials, apparently under pressure to show results in their efforts to implement the expanding *weiwèn* policy, used exaggerated or unfounded charges of a general nature to obtain convictions for activities that were relatively minor or were deemed by the government to be politically unacceptable.

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<sup>177</sup> “8 jailed over self-immolation cases,” *Xinhua*; “Tibetans Punished Over Burnings: But China is pursuing ‘politicized prosecutions,’ a human rights advocate says,” RFA. Some reports say that Yangmo Kyi received a six-year sentence, but she was released in December 2015.

<sup>178</sup> Tshe ring rgya mtsho, “[http://ti.tibet3.com/news/tibet/qh/2013-04/17/content\\_457369.htm](http://ti.tibet3.com/news/tibet/qh/2013-04/17/content_457369.htm)” (“Gung ho rdzong mi dmangs lhrims khang gis ‘11.26’ khrims ‘gal gyi khrom skor byes pa’i gyod don ‘dri bcod byas pa,” “Gunge County People’s Court has held a trial in the case of the ‘Nov. 26’ illegal demonstration”), China Tibet Network, April 17, 2013, [http://ti.tibet3.com/news/tibet/qh/2013-04/17/content\\_457369.htm](http://ti.tibet3.com/news/tibet/qh/2013-04/17/content_457369.htm).

<sup>179</sup> “Chabcha student protesters sentenced up to four years,” TCHRD, April 17, 2013, <http://www.tchrd.org/chabcha-student-protesters-sentenced-up-to-four-years/>.



## VI. Shift of Dissent to Rural Areas

As we have seen, the nature of dissent among Tibetans from 2013 to 2015, and the corresponding responses by authorities, differed significantly from previous periods. Protests took place more often in villages and rural townships and less often in urban areas, and significantly more individuals in rural areas were detained for peaceful expression than before. This shift correlates with the government's rollout of new security policies in Tibetan rural areas.<sup>180</sup>

Between 2008 and 2012, almost all political incidents and detentions involving Tibetans took place in the eastern Tibetan areas that are part of Qinghai, Gansu, and Sichuan provinces, where slightly more than half of all Tibetans live, rather than in the TAR or its capital, Lhasa. There were three major incidents in or close to Lhasa in March 2008, but from then until the end of 2012, 75 percent of all reported politicized detentions and 94 percent of self-immolations took place in eastern Tibetan areas. During those five years, the epicenter of Tibetan unrest was Sichuan, where over half of all politicized detentions of Tibetans were carried out.<sup>181</sup> The TAR saw relatively little political activity during this period, with about a fifth (21 percent) of detentions and prosecutions taking place there.

This continued from 2013 to 2015, as most acts of protest—52 out of the 68 documented street protests and all of the 36 self-immolations—took place in eastern Tibetan areas. The Tibetan part of Sichuan remained by far the most active area for protests.<sup>182</sup>

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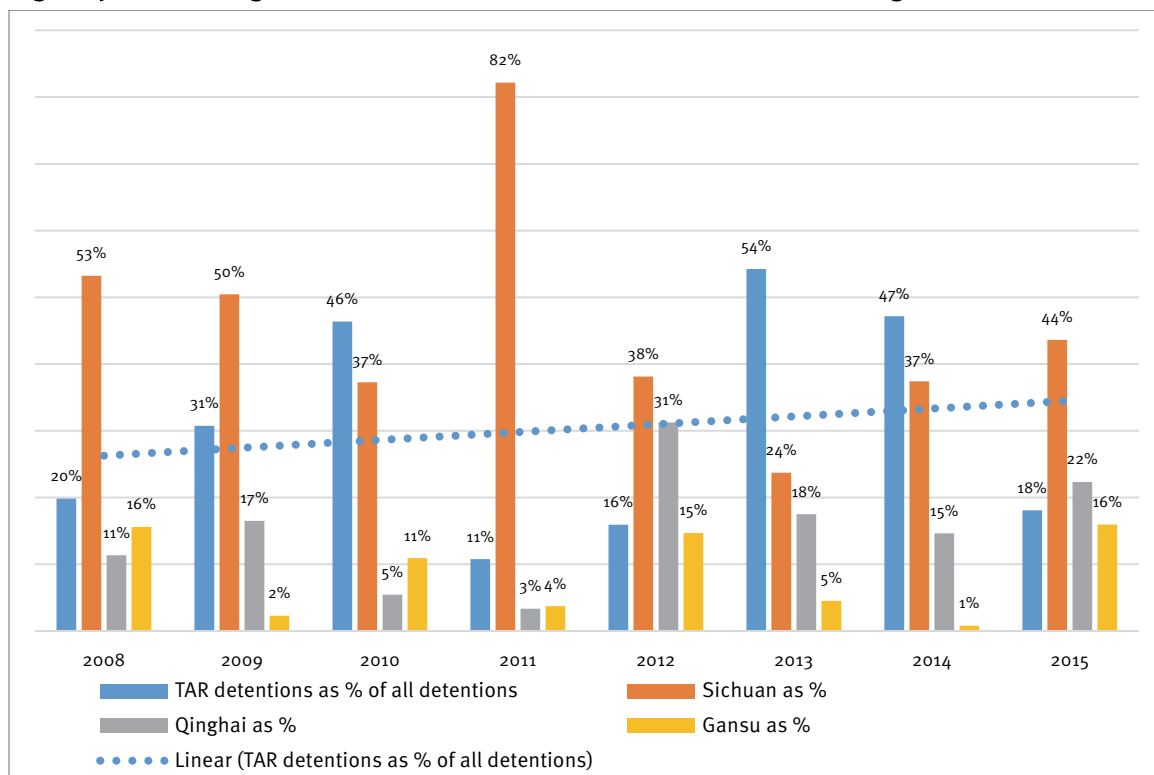
<sup>180</sup> This also correlates with China's "new socialist countryside" policies, which in Tibetan areas have focused on rehousing and relocating large numbers of villagers and nomads. As we noted in an report on those policies, "While the main justification for the rehousing and relocation policies in Tibetan areas have been economic, the Chinese government has also made clear that these policies are an integral part of larger political objectives such as combating ethno-national or 'separatist' sentiment among Tibetans, and are designed to strengthen political control over the Tibetan rural population." See Human Rights Watch, *"They Say We Should Be Grateful": Mass Rehousing and Relocation Programs in Tibetan Areas of China*, June 2013, <https://www.hrw.org/report/2013/06/27/they-say-we-should-be-grateful/mass-rehousing-and-relocation-programs-tibetan>.

<sup>181</sup> Of the 1,507 cases of politicized detention logged by CECC for the years 2008 to 2012 inclusive, 54 percent were from Sichuan, 14 percent from Qinghai, and 11 percent from Gansu. There were 21 percent reported from the TAR.

<sup>182</sup> Our database includes 31 protests and 18 self-immolations in Sichuan during this period, 15 street protests and 7 self-immolations in Qinghai, and 5 street protests and 11 self-immolations in Gansu. One protest was reported in Yunnan.

But the pattern of politicized detentions in 2013-2015 was quite different from the previous five years, as the largest proportion of those detentions took place in the TAR. Detentions became almost as frequent there as in all the eastern Tibetan areas combined (see Figure 7). In the TAR from 2013 to 2015, 179 detentions, including 45 cases resulting in sentences, were reported, more than in any other province-level Tibetan area.<sup>183</sup> The number of politicized detentions in the TAR increased by 76 percent in 2012 and by 88 percent in 2013. Apart from self-immolations, which remained almost entirely an eastern Tibetan phenomenon, the TAR became once again an important focus of unrest and dissent.

**Figure 7: Percentage of Political Detentions in Each Province or Region**



Proportion of documented politicized detentions in each province-level Tibetan area, 2008-2015. Note that absolute numbers of political detentions declined from about 250 per year in 2008-2012 to 160 per year in 2013-2015.

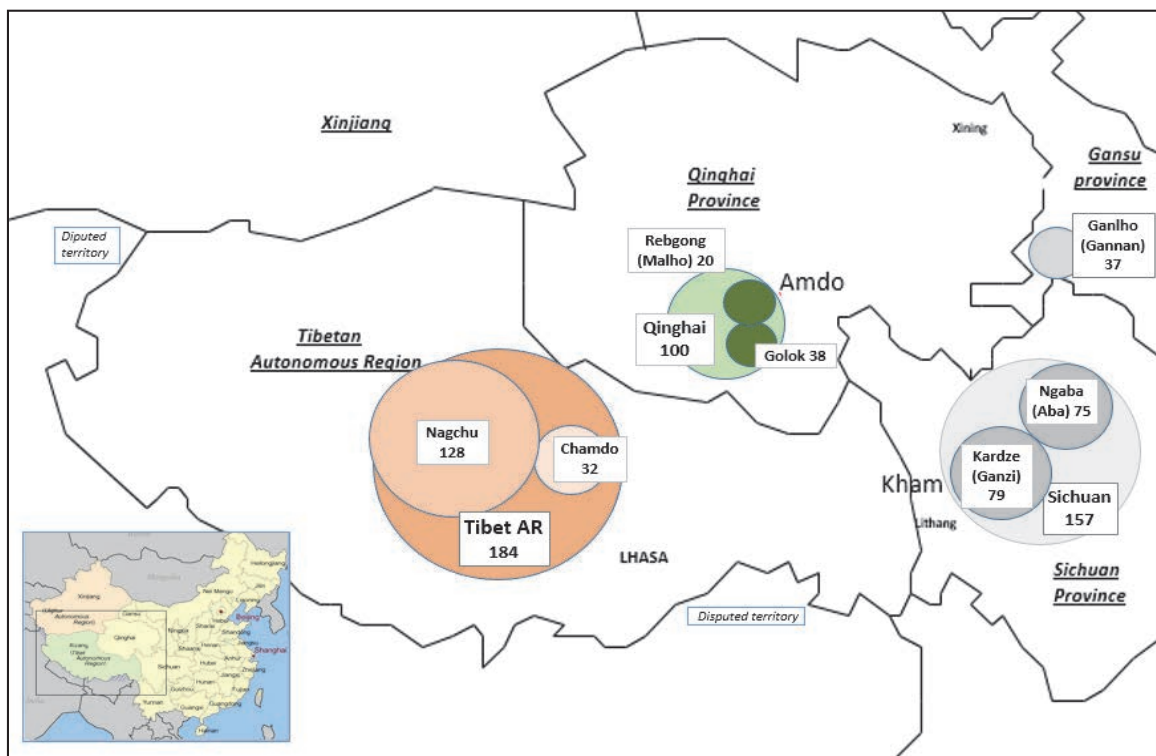
<sup>183</sup> Our data shows that from 2013 to 2015 there were 142 political detentions including 46 cases that ended with sentences in Sichuan; 78 political detentions including 37 sentences in the Tibetan areas within Qinghai; and 28 detentions including 16 sentences in the Tibetan areas of Gansu. These figures do not include the 52 cases of prisoners detained before January 1, 2013, but sentenced after that date, such as the three abbots from Karma Gon whose cases are detailed in Section VII. No political detentions or sentencing cases were reported from the Tibetan area of Yunnan.

As noted above, this was not the only change. Previous detentions of Tibetans from the TAR had taken place in urban areas, primarily Lhasa, with very few reported from rural areas. But from 2013 to 2015, at least 70 percent of the detentions documented in the TAR were from small rural communities or townships.

The rollout of the *weiwēn* policy in the TAR again seems to explain the increase in politicized detentions from the region. The second phase of the *weiwēn* policy in the TAR started with the public parade in the main square of Lhasa on October 10, 2011, which heralded the sending of cadres teams to live in every village in the region. The 76 percent increase in politicized detentions in the TAR over the following year, which were almost all from rural areas, correlated with the deployment of those teams. When the third phase of *weiwēn* implementation in the TAR started in late 2012 with urban cadres being sent for the first time to directly control village life, the number of politicized detentions in the region rose by 88 percent over the preceding year, almost entirely from rural communities.

## Emergence of Protest “Cluster Sites”

Figure 8: Number of Documented Politicized Detentions in Tibetan Areas, 2013-2015



Number of Documented Politicized Detentions in Tibetan Areas, 2013-2015

The changing pattern of unrest in Tibetan areas revealed a new phenomenon: the emergence of protest “cluster sites,” often in relatively remote rural Tibetan areas or small towns. In many if not all cases, these were sites where recent political campaigns had led to major social and cultural disruption, such as the sedentarization of nomads in many eastern Tibetan areas and the construction of “new socialist villages” in the TAR.<sup>184</sup> The emergence of protests at these sites appears to reflect local resistance to the introduction of new stability maintenance measures at the grassroots level, which in rural areas refers primarily to villages, townships, and local monasteries.

Until phase two of the *weiwen* policy began in the TAR in October 2011, villages in Tibet, and in China generally, would rarely have had any resident cadres, police stations, or government offices. After the new administrative and security institutions were introduced, when villagers in the TAR would complain about a local issue arising from new policies, officials would frequently respond by implementing new security measures, including arbitrary detentions, political education requirements, and restrictions on residents’ travel or communications. These in turn typically led to protests that often ended with the intervention of paramilitary forces known as the People’s Armed Police (*wu jing*). In these cases, the new forms of state intervention in village or monastic life appear to have triggered a cycle of unrest and increasingly coercive control.

The most noticeable example of a protest cluster site was Driru county in Nagchu prefecture, TAR. Fifteen percent of all documented detentions throughout the Tibetan areas and 15 percent of all sentencing for political offenses during the study period involved residents from Driru. This does not include the hundreds of undocumented arbitrary detentions and enforced disappearances that were reported from Driru during these protests, particularly during the second half of 2013. These could not be included in this study because of lack of detail.

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<sup>184</sup> Both of these campaigns were documented by Human Rights Watch in its 2013 report, “*They Say We Should Be Grateful.*”

## The Diru Cluster Site

The cycle of recurrent village-level protests in Diru county, Nagchu prefecture, began in May 2013 with opposition by local villagers to a mining operation on Naglha Dzamba mountain, locally regarded as sacred. At around the same time, as part of new stability maintenance measures, officials initiated a drive to reform the management of certain monasteries in the area. Local residents and monks resisted, and the authorities' crackdown resulted in a number of detentions and the closure of several monasteries.

In September 2013, officials introduced a series of new re-education and “social management” measures in local villages. These included requiring local residents to fly national flags from the roofs of their houses. This drive, termed “coercive patriotism” by one advocacy group, triggered a protest in one village that resulted in a number of detentions, which were in turn followed by more protests and additional detentions. Armed police were sent to the area, and in early October 2013 these troops opened fire on demonstrators on two separate occasions.

The impact of these developments is evident from the detention data: 70 percent of the detentions and sentencings in the TAR after 2012 came from Nagchu prefecture, a largely rural, pastoral area north of Lhasa, and over half—71, or 55 percent—of the Nagchu detentions and sentencings came from Diru county.

Chamdo, an outlying county of the TAR relatively far from Lhasa, also saw a high number of incidents in this period; 9 percent of the detentions and sentencings in the TAR in this period took place in rural communities or townships there.

In the eastern Tibetan areas too there were concentrations of unrest in areas far from the regional center. One of these was Ngaba county in Sichuan, where at least 34 self-immolations have taken place since 2009. Eight percent of the detentions and 12 percent of the sentencings documented from all Tibetan areas occurred in Ngaba county. They stemmed from allegations of support or encouragement for self-immolations, sending photographs or text messages on phones about self-immolations or other protests, and producing songs lamenting the current situation.

In April 2014 two monks from Kirti monastery in Ngaba county—Lobsang Tenpa, 19, and Lobsang Gyatso, 20—were given two and three-year sentences for solo demonstrations they had staged calling for Tibetan freedom and the Dalai Lama’s return.<sup>185</sup> The most severe sentences in Ngaba were for monks from Kirti who were accused of persuading others to self-immolate or of sending information about self-immolations abroad, as in the case of Lobsang (Lorang) Konchok, given a suspended death sentence in January 2013, and his nephew, Lobsang Tsering, who was sentenced to 10 years at the same trial.

Other locales that saw especially intensive actions by the security forces to suppress dissent were Sershul county in Sichuan; Rebkong county and Golok prefecture in Qinghai; and Sangchu county in Gansu. In Gansu province, 55 percent of the cases took place in Sangchu, which is also the site of Labrang monastery, one of the largest in Tibet. The majority of the detentions in Sangchu related to alleged support for self-immolations or to distributing photographs or information about them, as well as some cases relating to a protest in April 2015 about a plan to build a highway through local grazing land.

**Table 3: Cluster Site Concentrations of Protest and Unrest, 2013-2015**

Province/Region	County	Politicized detentions and sentencings documented	Percentage of cases in province or region
<i>TAR</i>	Diriru (Biru)	71	39%
	Sog (Suo)	46	26%
	Chamdo (Changdu)	16	9%
<i>Sichuan</i>	Ngaba (Aba)	40	25%
	Serssul (Shiqu)	39	25%
<i>Qinghai</i>	Rebkong (Tongren)	20	20%
	Chabcha (Gonghe)	20	20%
	Golok (Guoluo) prefecture	38	38%
<i>Gansu</i>	Sangchu (Xiahe)	21	55%

The cluster sites in Qinghai and Sichuan covered several areas of those provinces, and many scattered incidents took place as well outside those sites. The distribution of unrest in Qinghai and Sichuan was thus relatively wide. In the TAR, however, the vast majority of incidents took place in just two of the region’s seven prefectures—Nagchu and Chamdo. There were few detentions or protests reported from the western or southern areas of the

<sup>185</sup> “Monk arrested in Ngaba for solitary protest,” *Phayul*, April 26 2014, <http://www.phayul.com/news/article.aspx?id=34839>.

TAR, and only a small number from the two main cities, Lhasa and Shigatse.<sup>186</sup> Thus, although there was a relatively high number of detentions in the TAR in this period, it does not necessarily indicate a general pattern of rising dissent among the wider population in the region. Instead, it shows a very marked increase in unrest in certain areas not known to have seen many such incidents in the recent past.

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<sup>186</sup> There were no protests in cities such as Lhasa or Shigatse—the 26 detentions from these areas mainly involved monks who, as far as we can tell from the limited information available, objected to political education sessions in their monasteries. No political detentions were reported from the Tibetan areas within Yunnan province in this period.

## VII. Eyewitness View: The Trial of the Abbots of Karma Gon

Detentions, prosecutions, and convictions are only a small part of the human story behind the suppression of dissent in Tibet. What happens to the families, friends, associates, and neighbors of a political detainee? How much does a single detention affect the local community and institutions in that area, and for how long? The answer to such questions is almost always hidden from the view of outsiders. But in one case, Human Rights Watch received detailed information about the background to a single trial in this period.

The information came from a cache of documents that were smuggled out of Tibet by a Tibetan and given to a Human Rights Watch researcher. They were written by Tibetans who were local witnesses to the series of events that led up to the trial.

The case had involved relatively minor charges against three defendants. Little more was known about the case than that there had been a minor protest in a small Tibetan township in 2011, and brief sentences were handed down to three local monks on minor charges nearly two years later. The new information, however, revealed that between the protest and the trial, authorities had imposed extensive waves of collective punishment, intimidation, and repression on the local community, lasting at least one year. Largely unknown to the outside world, these had involved detentions, beatings, threats, political indoctrination, travel restrictions, and other abuses, apparently in an attempt to get local residents to provide information about key suspects and to intimidate the population from any future dissent or criticism of the government or the Party.

The trial took place on April 28, 2013, in the Chamdo county court in the TAR. The court convicted the two senior abbots, Lodroe Rabsel and Namse Sonam, and a junior abbot and former disciplinarian, Dondrub Gyaltsen, and sentenced them to two and a half years each in prison for “harboring criminals.”<sup>187</sup> The monks belonged to Karma Gon, a well-known monastery affiliated with the Karma Kagyu school of Tibetan Buddhism, located in Karma township in Chamdo county, Chamdo prefecture, TAR.

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<sup>187</sup> The document was obtained by China Human Rights Defenders (Weiquanwang) and displayed on their website at <http://wqw2010.blogspot.com/2013/08/3.html>. For a full translation, see Appendix I, Document 11. All appendix materials can be found at <https://www.hrw.org/node/289993/>



The case had originated with an incident on October 26, 2011, when a small explosion took place at about 4 a.m. at the offices of the Karma township government.<sup>188</sup> No one was injured. Leaflets were found criticizing government repression and calling for Tibetan independence.

The documents received by Human Rights Watch consisted of a number of handwritten statements and photographs from residents of Karma Gon and the surrounding villages, together with an 81-page typescript giving a day-by-day account of events in Karma during the months after the explosion (see Appendix I for translations of the documents).

According to these documents, on the day after the incident, armed soldiers were stationed in front of the monastery and monks were required to give blood, handwriting samples, and fingerprints. Early on October 30, troops cordoned off the monastery and surrounding hilltops, but 200 of the monks in permanent residence had already fled. Police and soldiers went to the monks' family homes and allegedly "interrogated, beat, and detained their relatives, investigating each household."<sup>189</sup>

From October 31, a number of officials arrived, questioning the few remaining elderly monks and asking for contact information for the missing monks. One of the two senior abbots was detained, a five-day deadline was given for the missing monks to return, all travel by township residents was restricted, and local township officials were sacked and replaced by Party members who were considered more loyal.

Similar measures were repeated throughout the following month. All township residents aged 15 to 60 were photographed, registered, and interviewed; monks on meditation retreat in hermitages were ordered to leave; and the monastery was closed down. Several monks remaining at the monastery were detained, none of them for direct involvement in the explosion. On November 10, a large group of officials including the leader of Chamdo county came to the monastery and announced that no further contact was allowed with the two senior abbots, who were declared "members of the Dalai Clique." The remaining

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<sup>188</sup> "Monks Flee Monastery: Chinese authorities clamp down on a renowned Tibetan monastery following a bomb blast," RFA, October 30, 2011, <http://www.rfa.org/english/news/tibet/chamdo-10302011152550.html>.

<sup>189</sup> The information given here relating to the events in Karma township after the October 2011 explosion is taken from the documents received by Human Rights Watch from local witnesses. These are translated in Appendix I. All appendix materials can be found at <https://www.hrw.org/node/289993/>

monks were told that no one from the monastery was allowed to have anything to do with the abbots and were required to attend “patriotic education” sessions at the monastery. Family members of the two abbots were reportedly interrogated and beaten by officials demanding information about the monks who had fled.

The authorities gave the remaining 30 monks in the monastery seven days of “patriotic education,” after which they were required to “declare whether the Karma Gon incident was good or bad, whether nationality unity was needed or not, [and] how the Dalai Clique had to be struggled against.” The monks did not agree to make the required statements.

On November 20 the authorities detained 10 more monks, including Karma Gyaltzen, who was reportedly tortured in custody. On November 24 police detained a monk called Karma Sherab and two relatives of other monks, and over three days beat them severely, “knocking out teeth, pulling out hair, and leaving them unable to move, and looking as if they had been savaged by wild animals.” On November 25 a further deadline of seven days was given for villagers to hand over the missing monks.

On December 1 Rongtso Tenzin Phuntsok, a 46-year-old local villager and former monk at Karma Gon, set himself on fire in Karma township. He died five days later. In a document that appeared to be his final testament, he had written:

When Karma Gon abbots Lodroe Rabsel, Namse Sonam, and other members of the community, upholders of the unmistakable teachings of Buddhism, Tibet’s treasured heritage, are arrested and abused in this way, I would rather die in the name of all who feel grief for them than continue living.

On December 5 the authorities detained junior abbot Dondrup Gyaltzen, along with two laymen from a neighboring province.<sup>190</sup> On December 10 about 25 armed soldiers arrived at the monastery, and a dozen officials ordered the remaining monks to undergo another “patriotic education” session, requiring them to take a stand against the Dalai Lama. As of December 11, family members of monks from 40 or so households were believed to have

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<sup>190</sup> Dondrup Gyaltzen appears to have been detained on December 5, 2011, and then formally or “criminally” detained on January 7, 2012, according to the sentencing document in his case.

still been in detention along with 10 or more monks under the age of 15, as well as the 11-year-old orphaned son of Rongtso Tenzin Phuntsog. One monk who had fled from the monastery, Achuk, was caught, detained, and reportedly “stripped naked and beaten with rubber and iron clubs,” until “he was lying on the verge of death for two weeks.”

On January 4, 2012, officials required villagers to write statements opposing “splittism,” but many refused. On January 9 a senior official from Chamdo prefecture said that the detained abbot Lodroe Rabsel had a photo of the Dalai Lama in his room and was therefore a criminal. Further detentions took place on January 30, including of six monks and lay people. On February 3 two young monks were detained for writing leaflets calling for Tibet to be given freedom. Throughout February, officials went door to door getting villagers to fly Chinese national flags on their roofs and hang portraits of China’s four paramount leaders in their houses. On February 11 eight other Karma Gon monks or nuns were put under house arrest or taken to the prefectural seat for detention.

By March, the authorities had expelled about 60 of the remaining monks from the monastery and sent them back to live in ordinary society, leaving only 40 or so in residence, with no formal religious activities or studies allowed. A number who had gone to study at other monasteries in nearby provinces were detained or ordered to return home.

Details of events in Karma Gon after October 2012 are unclear, but it appears that no one was ever arrested for involvement in the original explosion or the leafleting that had occurred a year earlier. What happened afterward to the numerous people detained during the wave of abuse in Karma township that year is unknown; it is not clear how long they were held, how many were severely injured, or if any were charged with an offense. None of them are included in the statistics compiled for this report, as not enough detail was known about their cases, apart from those of the three abbots. The three were not suspected of involvement in the explosion, but had told all the monks in the monastery to flee once it became clear that police were going to round up and pressure all the monks to locate the culprits behind the explosion.

Whether the abbots had really known or protected those responsible for the explosion, as was alleged in court, is unclear. The documents received by Human Rights Watch and exile reports say that they were accused in political meetings at the monastery of supporting the

Dalai Lama, a nonviolent political offense, suggesting that they may have been punished for their political views.

Behind the case of the three lamas were an uncounted number of monks, villagers, children, and families whose lives were severely disrupted by the punitive steps taken by local officials after the initial protest. The Karma documents indicate that, apart from the three lamas, at least 56 people were detained, including children; at least 60 monks were expelled from their monastery; and four people were severely tortured or beaten. The case had impact well outside the local area: over two years after the original incident, a leading lama from Nangchen in Qinghai province, Karma Tsewang, known as Khenpo Kartse, was sentenced to two and a half years for allegedly “harboring” one of the monks who was on the run after from Karma in 2011.<sup>191</sup>

These reports cannot be verified, but they indicate the wider human and cultural cost that likely lies behind each case of detention, and even many cases of investigation and suspicion. They demonstrate the effect of the third phase of the stability maintenance policies from 2012 onward in the TAR, with their draconian insistence on local officials to identify, punish, and deter any activities in grassroots communities that could be seen as precursors of future dissent.

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<sup>191</sup> “Khenpo Kartse faces heavy sentence,” Students for a Free Tibet; “New information about imprisoned Tibetan abbot raises fears,” International Campaign for Tibet.

## **Acknowledgments**

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Since the widespread unrest in Tibetan areas in 2008, Chinese authorities have continued to detain, prosecute, and convict Tibetans who criticize the government or oppose its policies.

*Relentless* is based on a study of nearly 500 cases of Tibetan political detainees over the last three years. The report highlights how the detention of Tibetans is linked to the latest phase of China's "stability maintenance" policy, an initiative that has resulted in unprecedented surveillance and control in Tibetan villages and towns. Analysis of the location, frequency, and severity of the cases reveals how unrest in Tibet has moved to rural areas and small towns where dissent had not been reported previously, creating a new phenomenon of protest "cluster-sites" with concentrated cycles of unrest and repression.

Many of those detained and prosecuted had expressed support for the Dalai Lama or Tibetan independence. Others who had raised less contentious demands, such as ending mining in sacred areas or increasing use of the Tibetan language, or had shared forbidden photos on their phones, often ended up with longer prison sentences. Tibetans suspected of assisting self-immolators or even expressing support for them after the fact were also among those targeted. And many village and community leaders who complained to officials about village policy were detained, as were local villagers who rallied to their defense.

Human Rights Watch calls on the Chinese government to unconditionally release from custody all persons detained or convicted for peacefully exercising their rights to freedom of expression and belief, and to allow independent observers unimpeded access to Tibetan areas to assess conditions.

*(above) A police border security force unit participates in a drill with riot gear at a military base in Shigatse, Tibet Autonomous Region, China on October 24, 2015.*

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*(front cover) A paramilitary police officer stands guard in front of the Potala Palace in Lhasa, Tibet Autonomous Region, China on November 17, 2015.*

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