

Note: names below appear as Chinese transliterations of the Tibetan, with the Tibetan names added in square brackets by ICT. Some details have been withheld so as not to compromise the security of some named individuals.

Tibet Autonomous Region Lhasa Municipal Intermediate People's Court

Criminal Court Judgment

La Xing Chu No. 52 (2000)

Public Prosecutor: Tibet Autonomous Region Lhasa Municipal People's Procuratorate.

Defendant: Jinmei Danzeng Nima, aka Renbuqin [Jigme Tenzin Nima, or Bangri Chogtrul Rinpoche], male, born 1966, Tibetan nationality, native of Nanqing County, Yushu Prefecture, Qinghai Province. Elementary school education. Self employed. Prior to arrest lived at No. 2, August 1st New Village, Lhasa. He was criminally detained by the Lhasa Municipal Public Security Bureau's Chengguan Precinct on August 27, 1999 on suspicion of endangering national security. He was arrested according to law on October 15, 1999 and is currently being held at the Lhasa Public Security Bureau's No. 7 Detention Center.

Defending attorney is Da Wa [Dawa] of the Tibetan Ri Guang Law Office.

Defendant: Nima Quzhen [Nyima Choedron], female, born January 16, 1968, Tibetan nationality, native of Nimu County, Tibet. College education. Self employed. Prior to arrest lived at No. 2, August 1st New Village, Lhasa. She was criminally detained by the Lhasa Public Security Bureau's Chengguan Precinct on August 27, 1999 on suspicion of endangering national security. She was arrested according to law on October 15, 1999 and is currently being held at the Lhasa Public Security Bureau's No. 7 Detention Center.

Defendant: La Zhen [Lhadron], female, born 1966, Tibetan nationality, native of Village No. 2, Niangre Township, Lhasa. Elementary school education. Peasant. Prior to arrest lived in Village No. 2, Niangre Township. She was criminally detained by the Lhasa Public Security Bureau's Chengguan Precinct on August 26, 1999 on suspicion of the crime of protecting criminals and covering up criminal acts. She was arrested according to law on October 16, 1999 and is currently being held at the Lhasa Public Security Bureau's No. 7 Detention Center.

Defendant: Qu Zhen [Choezom], female, born 1967, Tibetan nationality, native of Renbu Township, Renbu County, Tibet. Illiterate. Unemployed. Prior to arrest lived at Azhucang Compound, Cuomeilin Residents' Committee. She was criminally detained by the Lhasa Public Security Bureau's Chengguan Precinct on October 7, 1999 on suspicion of the crime of protecting criminals and covering up criminal acts. She was arrested

according to law on October 6, 1999 and is currently being held at the Lhasa Public Security Bureau's No. 7 Detention Center.

Defendant: Ni Ma [Nima], male, born 1959, Tibetan nationality, native of Village No. 7, Gangdui Township, Gongga County, Shannan [area], Tibet. Elementary school education. Unemployed. Prior to arrest lived at the [name withheld] Residents' Committee. He was criminally detained by the Lhasa Public Security Bureau's Chengguan Precinct on August 26, 1999 on suspicion of the crime of protecting criminals and covering up criminal acts. He was arrested according to law on October 16, 1999 and is currently being held at the Lhasa Public Security Bureau's No. 7 Detention Center.

On July 10, 2000, the Lhasa Municipal People's Procuratorate instituted proceedings against defendants Jinmei Danzeng Nima, Nima Quzhen, La Zhen, Qu Zhen, and Ni Ma with Lhasa Procuratorate Criminal Complaint No. 33 (2000) charging them with the crimes of inciting splittism in the country and protecting criminals and covering up criminal acts. A collegiate bench was formed by this court in accordance with law to try the case. The trial was not open to the public. The Lhasa Municipal People's Procuratorate appointed prosecutors Zhao Tao, Ci Duo and Suolang Ciren to represent the prosecution in court. Defendant Jinmei Danzeng Nima, defense attorney Da Wa, and defendants Nima Quzhen, La Zhen, Qu Zhen and Ni Ma attended the trial. The trial has now concluded.

The Lhasa Municipal People's Procuratorate charges:

1. In October 1996, Defendants Jinmei Danzeng Nima and Nima Quzhen falsified invitation letters from relatives living abroad and made duplicates of guarantor affidavit(s) for Zha Xi (since committed suicide to escape punishment) and his wife La Zhen. They also recommended Zha Xi to meet with renegade 'Tibetan Government' officials [name withheld] and [name withheld] in India. While in India, Zha Xi joined the "[organization name withheld]," an organization formed by external forces advocating splitting China, and accepted assignments that would endanger national security.

2. Sometime around September 1998, Zha Xi twice plotted with defendants Jinmei Danzeng Nima and Nima Quzhen to change the flag flying at the Potala Palace Square.¹ Jinmei Danzeng Nima enthusiastically supported Zha Xi's plot and gave him 80,000 yuan [\$9,996] payment under the name of 'engineering fees.' On August 26, 1999, Zha Xi went to Potala Palace Square and used a previously prepared wire cutter to cut the steel cable on the flagpole. He pulled down the national flag and tore it up and was attempting to light a home-made explosive device when he was arrested by people's policemen on duty.² They also seized two explosive devices,

¹ There is a Chinese national flag flying in the Potala Square, in front of the Potala Palace. Tashi Tsering was attempting to replace it with the Tibetan national 'snow lion' flag, which is banned in Tibet

² Tashi Tsering was detained by four or five security police who reportedly beat him so badly that his hands and feet may have been broken, and his arm fractured. His head was struck against the back of the vehicle, and by the time he was dragged into the police van he was unable to walk. Tashi Tsering was charged in October 1999 and according to an official report given by the Chinese authorities to a Western government, he killed himself in his cell on February 10 2000. Unofficial

a Snow Mountain Lion Flag,³ a pair of large No. 9 wire cutters and an incriminating note from Jinmei Danzeng Nima from Zha Xi's bag.⁴

3. In February 1996, Jinmei Danzeng Nima and Nima Quzhen accepted 6,000 U.S. dollars from the renegade 'Tibetan Government'⁵ for use at the Ba Lang Foreign Language School. Since 1995 these two, while fully aware that the '[organization name withheld]' was an organization formed by external splittist forces, continued for a long time to indirectly accept funds from [name withheld], the [organization]'s representative. When this fund stopped in March 1998, defendants Jinmei Danzeng Nima and Nima Quzhen sent it a fax stating the "Jiacuo [Gyatso] Orphan School" was operated by the Dalai Lama and [name withheld] and requested continued funding. During this time, defendant Jinmei Danzeng Nima met with the chairman of this [organization] [name withheld] and accepted a copy of a reactionary article propagating 'Tibetan independence.' He requested that [name withheld] not use the name of the '[organization name withheld]' when providing funds. In order to obtain funding the two defendants concealed from the civil affairs agency the fact that they were getting funds from the renegade government and the '[organization name withheld].' They escaped detection by lying that Jinmei Danzeng Nima was a Communist Party member with a college education. After this case came to light our public security personnel confiscated a large amount of reactionary propaganda materials from the two defendants' home.

4. Defendant La Zhen, while fully aware that Zha Xi had joined the '[organization name withheld]' and was preparing to shout reactionary slogans in Chonglaya Village and replace the flag at the Potala Palace Square with a Snow Mountain Lion Flag, did nothing to report it to relevant departments and hence deliberately covered up Zha Xi's criminal plots and activities.

5. Defendant Ni Ma, having learned from La Zhen that on the morning of August 26, 1999 Zha Xi planned to carry explosives and a Snow Mountain Lion Flag to the Potala Palace Square or to the entrance of the government building, did nothing to report it to the relevant departments. Defendant Qu Zhen, fully aware that Zha Xi was going to the square on August 26, 1999 to 'die', did nothing to report this to the relevant departments. Even when the case was uncovered she still did not actively tell the circumstances to the public security bureau.

confirmation of the circumstances of his death could not be obtained. It is known that he was maltreated severely while in detention.

³ The Tibetan national flag, which is banned in Tibet

⁴ Prior to their arrests, Bangri Chogtrul Rinpoche and Nyima had been involved in refurbishing and repairing the school, and had found a building lot for a second home to house more children in need. Tashi Tsering was a well-known local building contractor from Lhokha prefecture (Chinese: Shannan) in the TAR who had been involved in construction work for the Gyatso school. Previously, Tashi Tsering had won an award from the local community for his work in creating new buildings and furniture for a school near Sera monastery. Foreign donors confirmed to ICT that in 1998 they had provided funds specifically for Tashi Tsering to repair the roof of the school. Another foreign sponsor confirmed that in June 1999 they had visited the area of land where the new school was to be built, and had discussed how a pre-existing brick wall could be taken down and moved so as to enlarge the play yard for the children (possession of the explosives described in the court report could be consistent with building work and reconstruction). The same donor said: 'Since Tashi Tsering was known to have done construction work for the Gyatso children's home in the past a budget line item of fees from Bangri Rinpoche to Tashi Tsering would have been seen by foreign sponsors as appropriate and the next correct step in the process of building the second orphanage - up-front deposits for construction work would be perfectly normal in most of the world.'

⁵ The Tibetan government in exile, based in Dharamsala, India

Factual evidence supporting the above-mentioned charges consist of the five defendants' confessions, Zha Xi's oral confession, the testimonies of witnesses Awang Quzha, Ciren Deji, Ga Ma, Ga Zhen, Bu Ciren and Qiang Zhen; photos of the site of the planned explosion; three documents certifying the results of examination of physical evidence; faxes sent and received and their translations; reactionary propaganda materials and their translations; vouchers for funds remitted from outside the country; physical evidence confiscated at the site; Lhasa Municipal Public Security Bureau testimony; photographs which distort the image of orphans;⁶ a note taken from Zha Xi's bag; and papers processed for Zha Xi's trip to India.

Defendants Jinmei Danzeng Nima and Nima Quzhen have violated criminal law by committing the crimes of attempting to split up the country and protect criminals and cover up criminal acts. The actions of La Zhen, Qu Zhen and Ni Ma each constitute the crime of protecting criminals and covering up criminal acts.

The Procuratorate has brought these charges to this Court based on Articles 103, 106 and 310 of the Criminal Law of the People's Republic of China and requests that severe punishment be meted out in accordance with law.

Defendant Jinmei Danzeng Nima argued in his own defense:

1. I did not tell Zha Xi to go to India nor did I help him arrange for a passport. There is no evidence as to where he processed the passport and what public security personnel he got to do it for him.

2. I did not cook up a premeditated plot with Zha Xi for him to go to the square and change the flag. Zha Xi once told me at a teahouse that he had a flag. I told him that he should not do anything bad. I did not give Zha Xi 80,000 yuan in the name of 'engineering fees.' I gave 80,000 yuan to Zha Xi for building housing, and I have the signed contract as proof. The stipulations in the contract are very clear. I also mailed a contract to [name withheld], and this can be checked out. Send [details withheld] a fax.

3. The complaint accuses me of accepting funds from the '[organization name withheld].' Cite some evidence. Actually, in India I received 6,000 U.S. dollars from an individual named [name withheld] as aid to the Ba Lang Foreign Language School. I do not know if [name withheld] was an official of the 'Tibetan Government' or not.⁷

4. As for the distorted pictures of the orphans, I do not know who took them. We had taken in some children and that's how they looked when they first arrived at the Jiacao Orphan School. We took them in because some parents did not take care of their children and the children ended up stealing things or begging on the streets. We did not take them in so that they could become advocates for Tibetan independence. That was

⁶ This could be a reference to the images of the orphans shown to foreign donors, which depict them as being poor and needy. The authorities might prefer this impression not to be conveyed to the outside world.

⁷ Bangri Chogtrul Rinpoche had visited India at least once in the 1990s, and just a month before his arrest, he had traveled to the US on a fundraising trip for the school, following an invite from a US sponsor.

not our goal. I paid for almost all the children's living expenses and school utilities out of my own pocket. At the time, the school had asked the Lhasa Municipal Government for instructions, and many city leaders visited the school. We taught the children Tibetan, Chinese and English. We urged them to support the Chinese Communist Party. For this reason, I had hung a portrait of Chairman Mao and the Chinese national flag at the school. From this you can see that I did not run the school for the sake of Tibetan independence. If you say I took money from the [organization name withheld], then how was it spent? There must be evidence. There must also be direct evidence as to what crimes I have committed. Without any evidence I will absolutely deny having committed any crime adjudicated. I have never engaged in any activity to split the country nor have I told anyone else to do so. I ask for a thorough investigation to clear up the facts and a fair judgment.

The defense counsel stated that there is no evidence to prove Jinmei Danzeng Nima used Nima Quzhen to introduce Zha Xi to the 'Tibetan Government' officials [name withheld] and [name withheld]. Zha Xi did not mention this in his oral confession either. On the matter of Zha Xi joining the '[organization name withheld]' while in India, whether he did so of his own volition or at the urging of Jinmei Danzeng Nima, the facts have not been validated. The matter of this defendant and Nima Quzhen twice plotting with Zha Xi to change the flag at the square around September 1998 has not been mentioned after several days of court investigation. It has also [not] been clearly shown how the three were plotting. The 80,000 yuan in question were money for building housing, as the contract testifies. It is clear from the facts that when Jinmei Dazeng Nima received the 6,000 U.S. dollars from the '[organization name withheld],' he was merely a student, not a staff member, of the Ba Lang Foreign Language School. Whether the Jiacao Orphan School was or was not run by the Dalai Lama or [name withheld], the prosecution did not present relevant evidence. There is no evidence that the pictures distorting the orphans were sent abroad. Therefore, the facts do not clearly show that defendant Jinmei Danzeng Nima committed the crime of trying to split the country as charged and the evidence is not sufficient. It is more appropriate, therefore, to charge him with the crime of protecting criminals and covering up criminal acts. We request the court to conduct a thorough investigation.

Defendant Nima Quzhen argued in her own defense: The complaint accusing me of the crimes of trying to split the country and protect criminals and cover up criminal acts is not appropriate. I did not commit those crimes. My mistake was to accept money from the '[organization name withheld].' I accepted foreign aid because the school was in financial need at the time. I did not help arrange for Zha Xi's passport when he went to India; I only helped purchase airplane tickets. Regarding the matter of Zha Xi going to the square to change the flag, Jinmei Danzeng Nima and I did not plot with Zha Xi, and the 80,000 yuan was not given to him in the name of 'engineering fees.' This money was for building the orphanage. I did not distort the pictures of the orphans. I did not make false reports to the civil affairs department. The complaint states that a large amount of reactionary propaganda material was taken from my house. That is not true; I only had two pamphlets at my house.

Defendant La Zhen argued in her own defense: We do have a relative named Ba Zhu who can verify that Zha Xi and I did not have the funds to travel to India. However, later Zha Xi got the passports and we were able to go to India. In regard to Zha Xi I did not report to the relevant departments because I had three small children

at home. Zha Xi had always been a very honest person in the past, and I never thought Zha Xi would do something like that. My actions do constitute the crime of protecting criminals and covering up criminal acts, but once the case was brought to light, I have already reported everything I know to the public security agency. I ask for leniency.

Defendant Qu Zhen argued in her own defense: On the evening before the case was uncovered, Zha Xi was drunk and came to my place to tell me how he was going to go and die. So the accusation against me of committing the crime of protecting criminals and covering up criminal acts is true. I have small children at home with no one to look after them. I ask the court for leniency in my punishment.

During the court's investigation, defendant Ni Ma did not try to defend himself other than to relate the process of how he looked for Zha Xi.

After investigations and the trial hearings, the following is now clear to this Court: defendants Jinmei Danzeng Nima and Nima Quzhen (husband and wife) officially established the Jiacao Orphan School (locally known as the Handicapped Youth Association) in Lhasa on May 15, 1995. Location: Next to the Xijiao Jiacao Residents' Committee. Association members included: Defendant Nima Quzhen as legal representative, Jinmei Danzeng Nima as Association Chairman, and members Gongga Jiacao, Luobu Ciren, Nima, Zha Xi and Qi Mei. They started caring for over 20 orphans and hired [name withheld] and other teachers who had returned from study in India to teach the students Tibetan, Chinese and English. Prior to the school being established, Jinmei Danzeng Nima had gone to India and met the Dalai Lama and the renegade 'Tibetan Government' official [name withheld]. He told them about opening an orphan school in Lhasa and the difficulties they had. He obtained 6,000 U.S. dollars from [name withheld] which he asked someone to bring back to Lhasa to finance the school. After returning to Tibet he established the association, Defendants Jinmei Danzeng Nima and Nima Quzhen continued their work at the school and secretly taught Tibetan independence to the orphans in order to create the conditions for fostering future Tibetan independence activists. The school's financial resources came primarily from outside the country, from [name withheld] and [name withheld] of the '[organization name withheld]'. Despite the fact that defendants Jinmei Danzeng Nima and Nima Quzhen had been fully aware since 1995 that the '[organization name withheld]' was an organization promoting the splitting of the country formed by forces outside the borders, they accepted funds indirectly from [name withheld], the representative of that [organization], over a long period of time. In March 1998, the [organization] abruptly stopped its funding. Defendants Jinmei Danzeng Nima and Nima Quzhen sent them a fax claiming "the Jiacao Orphan School was opened by the Dalai Lama and [name withheld] and requests continued financial support." During this time, Defendant Nima Quzhen met a member of that [organization], [name withheld], and accepted a reactionary magazine that had "Tibetan independence" as its theme. At the same time she suggested to [name withheld] that the name "[organization name withheld]" not be used when giving them funds. In order to obtain more funds, defendants Jinmei Danzeng Nima and Nima Quzhen purposely distorted the images of the orphans in the pictures they planned to send to foreign foundations. On May 13, 1997 the civil affairs agency notified that a "sorting out and consolidation" campaign of documents would be carried out, but the two defendants hid the truth and did not report the funding

they had received from the renegade "Tibetan Government" and the "[organization name withheld]." They lied that Jinmei Danzeng Nima was a Communist Party member with a college degree and were thus able to escape detection and pass the investigation. From July to October 1996, Jinmei Danzeng Nima and Nima Quzhen supplied forged invitation letters from relatives abroad and other documents for Zha Xi (since committed suicide to escape punishment) and his wife, defendant La Zhen. They also helped Zha Xi purchase airline tickets to Nepal. On or around the end of 1996 to July of 1997, Zha Xi and La Zhen went to Nepal, met [name withheld] of the renegade "Tibetan Government" upon the recommendation of Jinmei Danzeng Nima. Following this meeting, Zha Xi joined the "[organization name withheld]" in India, an organization formed by external splittist forces. He also accepted assignments from that association to shout reactionary slogans, conduct disruptive demonstrations and collect military intelligence in Lhasa. He returned to Tibet carrying a photograph of the Dalai Lama and a tape about the renegade "Tibetan Government." He joined the Jiacao Orphan School and association in Lhasa. From this time on he started a long association with Jinmei Danzeng Nima and Nima Quzhen. During 1997, Zha Xi made preparations to carry out his assignment of shouting slogans and conducting disruptive demonstrations in Chongla [elsewhere 'Chonglaya'] Village but did not succeed. Around September of 1998 in Lhasa's Xiasa Su and other places, Zha Xi and Jinmei Danzeng Nima met to discuss changing the flag at the Potala Palace Square. Jinmei Danzeng Nima said that the time for this had not yet arrived. After this meeting Jinmei Danzeng Nima told defendant Nima Quzhen about Zha Xi's intention to go to the square to raise the flag, so Nima Quzhen also knew that Jinmei Danzeng Nima and Zha Xi had discussed this. In August 1999, Zha Xi made a "Snow Mountain Lion Flag" at his home in Niangre Township. He also obtained some dynamite which he put into tin cans to use as explosive devices. These activities were discovered by his wife, defendant La Zhen. Prior to this Zha Xi had told his wife that he had joined the [organization name withheld] while in India and had accepted assignments from them, as well as his intention to organize a demonstration in Chonglaya Village. La Zhen opposed his plans. On August 25, 1999 a dispute arose between Jinmei Danzeng Nima, Nima Quzhen and Zha Xi over the 80,000 yuan engineering fee for the building and repairing of the orphan school. Jinmei Danzeng Nima and Nima Quzhen took Zha Xi to the local police station but the matter was not resolved, so the three agreed to return to the police station the next morning. That afternoon Zha Xi got drunk. He said goodbye to his family and went to defendant Qu Zhen's place to tearfully tell her that he intended to go to Potala Palace Square the next day to 'die.' He asked Qu Zhen to place a white cloth over his body at about 3:00 p.m. After this he left Qu Zhen and returned to Niangre Township. Jinmei Danzeng Nima and Zha Xi had agreed long before this that August 26 would be the day for changing the flag. That morning Jinmei Danzeng Nima and Nima Quzhen pretended to wait for Zha Xi at the police station. At about 8 or 9 in the morning, Zha Xi left his home with the Snow Mountain Lion Flag, explosive devices and wire cutter. He lied to his wife defendant La Zhen that he was going to the work site. La Zhen did not believe him and followed him out. Zha Xi had to get a taxi and when they were in the vicinity of the restaurant run by defendant Ni Ma, he pushed La Zhen out of the taxi and told her to wait there. Then he took another cab directly to Potala Palace Square and proceeded to the flag platform. He used his wire cutter to cut the steel cable used to hoist the flag. Then he pulled down the national flag and tore it up and got ready to replace it. This was when he was discovered by the people's policemen on site. When he tried to ignite an explosive device, he was caught by people's policemen on duty. During this time, the defendant [La Zhen] waiting at Ni Ma's, [knowing that] Zha Xi had left with the explosives and other things, asked Ni Ma for

help in finding Zha Xi. When Ni Ma learned of all this he thought that Zha Xi might have gone to the main entrance of the autonomous region government. He went with La Zhen to the main entrance of the autonomous regional government, Bajiao Street, as well as the Chengguan District Government to look for Zha Xi but did not find him. They then called Zha Xi's cellphone from a public phone in the Chongsaikang area. The call was answered by a person who said he was a friend of Zha Xi's. He told them to wait in the vicinity of the Lhasa Food Factory. Ni Ma and La Zhen were arrested by public security personnel there. Following this, defendants Jinmei Danzeng Nima, Nima Quzhen and Qu Zhen were arrested one after the other. When the case was uncovered, two home-made explosive devices and a Snow Mountain Lion Flag were confiscated from Zha Xi at the location in Potala Square; a pair of large wire cutters and a note from Jinmei Danzeng Nima were found in Zha Xi's bag. At the home of Jinmei Danzeng Nima and Nima Quzhen, a book entitled 'yi ke gou ya' (A Hound's Tooth) and a large amount of extremely reactionary propaganda articles and materials were found

After examination by the Court, the evidence bear out the above facts as follows:

1. Zha Xi's oral confession confirms all the different facts including the fact that defendants Jinmei Danzeng Nima and Nima Quzhen had provided help and contacts when he went to Nepal and India. After meeting the renegade 'Tibetan Government' official [name withheld] and others in India, he wrote a pledge to join the [organization name withheld] organized by external forces that advocated splitting up the country and accepted assignments from that association. After returning to China he participated in Jinmei Danzeng Nima and Nima Quzhen's school association. He confesses that on the surface the school was legal but in fact it was for training Tibetan independence activists. Its primary source of funding was from out of the country. Through the instigation of and secret plotting with Jinmei Danzeng Nima, the two set August 26, 1999 as the day for changing the flag at the square. This matter was also known to defendant Nima Quzhen. Zha Xi had also told defendant Qu Zhen about how he intended to go the square to "die." He told defendant La Zhen about joining the [organization name withheld] and accepting assignments from it. The matter of going to the police station on August 25 to resolve a dispute over the 80,000 yuan was merely a ploy to cover Jinmei Danzeng Nima's involvement so that he could continue to work.

2. A written note further verifies that it was Jinmei Danzeng Nima who sent Zha Xi to the square to change the flag.

3. Defendant Nima Quzhen's confession. She relates the process of how she got to know Jinmei Danzeng Nima and the circumstances surrounding the establishment of the school and association, how Jinmei had gone to India and accepted much funding from the renegade 'Tibetan Government' and [name withheld]'s [organization], how he met [name withheld] of the [organization], accepted reactionary publications and later sent faxes to them to request further funding, as well as how he reported false information to the civil affairs department. She knew Jinmei Danzeng Nima and Zha Xi were plotting to raise the flag. She had helped Zha Xi to buy airline tickets and saw Zha Xi off to India and was aware that the [organization] was organized by external

forces advocating splitting up China. She also knew about the distorted pictures of the orphans, and that the orphans had been adopted by people in the United States.

4. The testimonies of [three names withheld] bear out the fact that Jinmei Danzeng Nima and Nima Quzhen were the primary operators of the Jiacao School and that most of the funding came from abroad. These two people associated with foreigners out of the country and the schools' teachers were basically people who had returned from studying in India. Jinmei Danzeng Nima had made reactionary comments in the school.

5. The testimonies of [two names withheld] confirm that when they met Jinmei Danzeng Nima at Dalansa [likely to be a transliteration for Dharamsala], India, the latter entrusted them with 4,000 U.S. dollars to bring back to Lhasa.

6. The testimonies of [two names withheld] confirm that they had helped Jinmei Danzeng Nima and Nima Quzhen to press Awang Qujia and Ciren Deji for the funds, and that they had found out from Jinmei Danzeng Nima that these funds were from the 'Tibetan Government.' They confessed that it was unclear where the school's resources came from.

7. The testimony of [one name withheld] verifies that he had met Jinmei Danzeng Nima by chance in India in 1996 and that Jinmei Danzeng Nima had asked them to take some US dollars back for him.

8. The papers for Zha Xi to leave the country were processed with the help of Jinmei Danzeng Nima and Nima Quzhen.

9. Correspondence between the Jiacao School and foreign contacts and receipts of money received, foreign money remittance orders, bank records of remittances, telephone inquiry lists, search notes and reactionary publications all confirm that the Jiacao School had a close relationship with foreign organizations, that it had accepted large amounts of foreign funding and that it also accepted reactionary publications from external splittist forces.

10. Minutes of meetings verify that the Jiacao association held meetings and had an organized membership.

11. Lhasa Municipal Civil Administration and district civil administration documents show that on May 13, 1999 the district civil administration office sent out a notice regarding 'sorting out and consolidation' in social entities. The municipal civil administration forwarded this notice on May 17 and it was received by the Jiacao School.

12. Jiacao School's response [to the above] proves that Jinmei Danzeng Nima and Nima Quzhen did not truthfully report the situation in the school. Jinmei Danzeng Nima's education level and political status were falsified in the report.

13. The 23 distorted pictures of orphans are corroborated by Nima Quzhen's confession.

14. Defendant Jinmei Danzeng Nima's confession confirms that while in India he met the Dalai Lama, [name withheld], [name withheld], and [name withheld] and told them about the circumstances of the orphan school. He received 6,000 U.S. dollars from [name withheld] who suggested getting someone else to take the money to Lhasa and that it should be used to operate the school. He related how he came to know Zha Xi and how the matter of raising the flag was brought up between them. He also told this to defendant Nima Quzhen. This is corroborated by defendant Nima Quzhen's confession and that of Zha Xi.

15. Witness [one name withheld] testimony verifies that Zha Xi took explosives from his place.

16. The testimony of [name withheld] verifies that Zha Xi had gone to Chonglaya Village in 1997 and kept a motorcycle at that place. This is in agreement with the testimony of Zha Xi.

17. Defendant La Zhen's confession verifies that Ren Buqin (Jinmei) helped arrange their passports when she and Zha Xi went to Nepal and India. In India Zha Xi used a telephone number given to him by Jinmei to contact [name withheld], at whose home he had also kept money. Zha Xi and Luosang had conversations. After returning to Tibet Zha Xi's behavior was odd. Zha Xi had a close relationship with Jinmei. La Zhen learned from Zha Xi that he had joined the [organization name withheld] in India and accepted the assignment from them to organize a demonstration in Chonglaya Village. La Zhen discovered that Zha Xi had made a Snow Mountain Lion Flag and explosive devices at home. She gave details regarding the morning of August 26, 1999 when Zha Xi took the explosives, Snow Mountain Lion Flag and a wire cutter and went out. She also described the entire process by which she later asked Ni Ma for help in finding Zha Xi.

18. The confession of defendant Qu Zhen confirms that Zha Xi was acting strangely. Zha Xi was drunk when he came to Qu Zhen's home the evening of August 25, 1999 and tearfully said that he would be going to the square tomorrow to die. She also confirms that Zha Xi was associated with Jinmei.

19. Witnesses [11 names withheld, including Nyima Choedron] all testify that Zha Xi and Qu Zhen were intimate [had a sexual relationship] and that both were crying as they talked on August 25.

20. Defendant Ni Ma's confession gives details about how after learning Zha Xi's situation from La Zhen on August 26, 1999, he and La Zhen went looking for Zha Xi.

21. Notes taken at the crime scene, on-site photos and a detailed list of articles taken from the site proving that Zha Xi went to the site to change the flag, tools, the note in the bag and the large amount of reactionary propaganda and illicit money found –all these evidence corroborate each other and basically corroborate confessions made by the five defendants. This evidence can thus be verified.

Defendant Jinmei Danzeng Nima and his defense attorney submit that the evidence is inadequate to conclude that the defendant Jinmei Danzeng Nima carried out activities to split the country and he should be more appropriately charged with the crime of protecting criminals and covering up criminal activity. Investigation and trial hearings show that during the investigation phase by public security, defendant Jinmei Danzeng Nima admitted he had traveled to India, met with the Dalai Lama, [name withheld], [name withheld] and [name withheld] and received 6,000 dollars in funding from [name withheld] and that the Jiacao School was indeed [name withheld]'s idea in the first place. After returning to Tibet he met Zha Xi and discussed with him about raising the flag. That the school received funds from abroad is also corroborated by the testimonies of association members Gongga Jiacao, Luobu Ciren, Nima and the confessions of Nima Quzhen and Zha Xi. During the investigation phase by public security, Zha Xi had made 10 or more confessions about Jinmei Danzeng Nima, revealing his true face and situation. No discrepancy or contradictions have been found. It was really Jinmei Danzeng Nima's idea to have Zha Xi go to the square to engage in sabotage. This is also corroborated by the 80,000 yuan engineering fee. August 26 was the day set to resolve the dispute but Zha Xi proceeded directly to the square to change the flag and detonate explosives. Additionally, Zha Xi carried the note written by Jinmei Danzeng Nima. If there were any discrepancies in the confessions of the two, it would have been fabricated by Jinmei Danzeng Nima out of ulterior motives. This Court thus believes that the arguments posed by the defendant and his attorney are untenable and will not be accepted.

Defendant Nima Quzhen admits that accepting foreign funds was a mistake but believes that the charge against her of attempting to split the country is not appropriate. After investigation and trial, this Court is of the opinion that during the public security investigation phase she had admitted that after Jinmei Danzeng Nima returned to Tibet they had gone together to press for the money from the 'Tibetan Government'; she had helped Zha Xi to buy airplane tickets to go to India and actually saw him off. She knew about the discussion between Jinmei Danzeng Nima and Zha Xi concerning raising the flag and also knew that the [organization name withheld] represented was an organization formed by external reactionary forces. The fact was that, while being fully aware that this [organization] was a reactionary organization, she continued to take its funds and kept in close touch with it. The fact that they also accepted reactionary propaganda publications corroborated the confessions of Jinmei, Zha Xi and a wealth of other evidence. Hence, this Court believes her argument is also untenable.

Defendants La Zhen and Qu Zhen both admitted their actions constituted the crime of protecting criminals and covering up criminal acts. The facts have been verified. In addition after the case was uncovered, they had confessed everything to relevant departments. They request that they be given lenient sentences. Taking into account the facts, circumstances and corroborating evidence, their request shall be taken into consideration.

Defendant Ni Ma did not put up a defense. Based on the circumstances of this case, the facts show he helped La Zhen go to the main entrance of the autonomous region government to look for Zha Xi. This fact can be verified.

This Court is of the opinion that defendants Jinmei Danzeng Nima and Nima Quzhen collaborated with hostile external forces over a long period of time, participated in activities to split the country and destroy national unity. This truly constitutes the crime of trying to split the country. In the course of committing their crimes, defendant Jinmei Danzeng Nima was the first to make contact with external organizations and directed Zha Xi to carry out sabotage. The circumstances are particularly serious and he has committed a major crime that deserves severe punishment according to law.

Defendant Nima Quzhen secretly knew of Jinmei Danzeng Nima's activities. With full knowledge that the [organization] was an organization formed by external reactionary forces, she still accepted their funds and reactionary propaganda publications. The facts show that she actively participated in the crimes and should also be severely dealt with according to law.

Defendants La Zhen and Qu Zhen knew fully well the fact that someone was going to commit felonious activities but did nothing about it, failing to report it to the relevant departments in a timely manner. They did a certain amount of covering up and their actions already constitute the crime of protecting criminals and covering up criminal acts. However, after the case was uncovered, the two honestly confessed to the crimes and their attitude was good in that they admitted their guilt. Based on these circumstances the punishment should be lenient.

Defendant Ni Ma's actions in view of the circumstances of this case are judged to constitute criminal activity. However, considering the lack of legal basis but the extremely serious nature of Zha Xi's crimes, his crime shall also be judged as the crime of protecting criminals and covering up criminal acts. In considering the gravity of his offense, however, he shall be given a lighter sentence as compared to defendants La Zhen and Qu Zhen.

Based on the above, the procuratorate's charges against defendants Jinmei Danzeng Nima and Nima Quzhen that they have committed the crime of trying to split the country are deemed tenable and this Court accepts these charges. The procuratorate's charges against defendants La Zhen, Qu Zhen and Ni Ma of the crime of protecting criminals and covering up criminal acts are also in conformity with the facts. This Court affirms these charges.

In order to protect the unity of the motherland, strengthen national unity, strike hard at splittist activists and crack down on criminal activities which cover up crimes related to splitting the country, and in compliance with Article 103, paragraph 1, Article 310, Article 56, paragraph 1, and Article 64 of the Criminal Law of the People's Republic of China, this Court adjudicates as follows:

1. Defendant Jinmei Danzeng Nima is guilty of the crime of attempting to split the country. He is sentenced to life in prison and shall be deprived of political rights for his lifetime (prison term starting on the day this judgment goes into effect).

2. Defendant Nima Quzhen is guilty of the crime of attempting to split the country. She is sentenced to 10 years in prison and shall be deprived of political rights for 5 years. (Prison term counts from the day this judgment goes into effect. Time in custody before this judgment counts as prison time, hence the actual prison term shall start on August 27, 1999 and end on August 26, 2009)

3. Defendant La Zhen is guilty of the crime of protecting criminals and covering up criminal acts. She is sentenced to 2 years in prison. (Prison term counts from the day this judgment goes into effect. Time in custody before this judgment counts as prison time. Hence the actual prison term shall start on August 26, 1999 and end on August 25, 2001)

4. Defendant Qu Zhen is guilty of the crime of protecting criminals and covering up criminal acts. She is sentenced to 2 years in prison. (Prison term counts from the day this sentence goes into effect. Time in custody before this judgment counts as prison time. Hence the actual prison term shall start on October 7, 1999 and end on October 6, 2001.)

5. Defendant Ni Ma is guilty of the crime of protecting criminals and covering up criminal acts. He is sentenced to 1 year and 6 months in prison. (Prison term counts from the day this sentence goes into effect. Time spent in custody before this judgment counts as prison time. Hence the actual prison term shall start on August 26, 1999 and end on February 25, 2001.)

6. Items transferred with this case:

Illicit funds:

[Details of amounts of funding withheld]⁸

A reactionary book entitled 'yi ke gou ya' (A Hound's Tooth)

Other reactionary propaganda materials⁹

A pair of wire cutters

A Snow Mountain Lion flag

Explosive devices

⁸ A donor has confirmed that the school's bank account, containing donations for the children from overseas charities and individuals, was frozen by the authorities when the school was closed and have not been returned

⁹ The nature of these materials is not known, but anything including references to the Dalai Lama would generally be counted as 'reactionary' by the authorities

Should this judgment not be accepted, an appeal can be made through this Court or directly to the Tibet Autonomous Region High People's Court within 10 days from the day after receiving this judgment. The written appeal should be submitted with one original and three copies.

Presiding Judge: Qiang Ba [Champa]

Judge: Nima Guojie [Nyima Gonkyip or Gonjee]

Judge: Ba Zhu [Bagdro]

September 26, 2000

[Stamp of the Lhasa Municipal Intermediate People's Court]

Court Clerk: Dawa Ciren [Dawa Tsering]

For further information see:

School founder's sentence reduced: Bangri Rinpoche transferred to new prison, March 8, 2006, ICT report at <http://www.savetibet.org/news/newsitem.php?id=920>

Fears for School Founder in Prison, September 12, 2005 at <http://www.savetibet.org/news/newsitem.php?id=809>

New prison in Lhasa: increased surveillance for political prisoners, 'oppressive' cell-blocks January 20, 2006 <http://www.savetibet.org/news/newsitem.php?id=896>