



## **‘A sharp knife above his head’: the trials and sentencing of three environmentalist brothers in Tibet**

**ICT special report, August 4, 2010**

*“[On the day of Karma Samdrup’s sentencing to 15 years], his two Chinese lawyers could see that: ‘The sharp knife was already raised above his head, ready to fall in an instant’”*

- Blogpost by Woesser, June 25, 2010. [http://woesser.middle-way.net/2010/06/15\\_25.html](http://woesser.middle-way.net/2010/06/15_25.html)

### **Summary**

Lawyers for Karma Samdrup, a leading Tibetan environmentalist and philanthropist sentenced to 15 years imprisonment on June 24 on highly dubious charges of involvement in a 12-year old case of grave robbing, learned yesterday that his appeal was summarily rejected on July 7 – the same day the court had received the case file. The court had neglected to inform either his lawyers or Karma Samdrup’s wife of its decision.

Karma Samdrup is one of three brothers who are all now either imprisoned or serving “re-education through labor” following charges that are believed to have been rigged after their efforts to stop the poaching of endangered species clashed with the local authorities.

This ICT report presents new information and analysis of the legal shortcomings of the cases. It includes translations of key Chinese-language documentation relating to the cases, a copy of Karma Samdrup’s complete sentencing document, and an analysis of the case by one of his Chinese lawyers, unprecedented in its scope and highlighting the efforts of Chinese and Tibetans to directly challenge the authorities on legal issues.



**Karma Samdrup  
(Photo: Rong Yin)**

A young Tibetan teacher, Tashi Topgyal, became the sixth person to be detained in connection with the brothers’ cases when he disappeared into police custody on July 5. The other two people are Rinche Dorje, a monk and friend of Karma Samdrup who had

worked as his translator, and Sonam Chonpel, who last year petitioned for two of the brothers to be released. The six cases are seen as indicative of a broadening crackdown against secular society in Tibet.



**Chime Namgyal**

Karma Samdrup's elder brother, the environmentalist Rinchen Samdrup, was sentenced on July 3 to five years. (See ICT report 'Award-winning Tibetan environmentalist on trial today,' July 3, 2010, <http://savetibet.org/media-center/ict-news-reports/award-winning-tibetan-environmentalist-trial-today>). Karma Samdrup, who founded the Snowlands Three Rivers Environmental Protection Group, told the court that he had been severely tortured in detention. Their disabled brother Chime Namgyal is serving 21 months in a labor camp, and can no longer walk or eat without assistance after being tortured. The brothers' mother was seriously injured after she was beaten unconscious by armed police who were detaining them, and 20 villagers who petitioned on behalf of the brothers were interrogated and tortured.

President of the International Campaign for Tibet Mary Beth Markey said: "These cases testify to the politicization of the Chinese legal system and should have a chilling effect on any person or entity seeking to engage China on the basis of rules-based procedures and agreements. Governments who see China as an important player on global issues, including on environmental issues, should take a hard look at these cases. They are indicative of China's inability and unwillingness to provide legal protection to anyone that runs afoul of political interests."

The three brothers were previously acclaimed even in the Chinese state-run media as model citizens and pillars of their local community, and there is no evidence that they were involved in any political activities. Their imprisonment and the weakness of the charges against them are indicative of the current repressive climate and crackdown against secular society in Tibet, in which the Chinese authorities are becoming more aggressive and inventive at using the law and courts to serve political purposes rather than upholding justice.

The imprisonment of the brothers appears to have been driven by the Tibet Autonomous Region authorities. Officials in Tibet are keenly aware of local resentment since the protests that have swept Tibet from March, 2008 onwards and, as a result, a pattern seems to be emerging of attempting to silence individuals who are well-educated and influential in their community, possibly because such individuals have the potential to represent an alternative – and therefore potentially subversive, from an official perspective – pole of authority to government and Party structures.

As a result of their detentions, there has been a detrimental impact on environmental conservation work in the three brothers' home area. Led by Rinchen Samdrup, hundreds of villagers had been engaged in litter collection, monitoring illegal hunting, and planting

hundreds of thousands of trees. The brothers' village is in the Yangtze River watershed, so Chinese conservationists regard tree-planting there as not only essential for the local environment, but also for the protection of water and soil on the upper reaches of the Yangtze. With the detention of Rinchen Samdrup and now Tashi Topgyal, one of the best-educated Tibetans in the local community, the work is no longer continuing and local Tibetans in the area are said to be frightened and intimidated.



**Rinchen Samdrup**

The case against Karma Samdrup also been exceptional because it is the first time that there has been international media coverage of the trial of a prominent Tibetan before the verdict was officially handed down. That coverage was possible because of Karma Samdrup's Chinese lawyers and his wife, Dolkar Tso, making information public on blogs that have now been closed down by the authorities. In a blog written a day after her husband's sentencing to 15 years, Dolkar Tso said that she wished to express her deep gratitude to the two Chinese lawyers who defended him. She wrote: "We are striving for truth and justice together, no matter if we are Chinese or Tibetan. [...] I thank these two lawyers, I thank all friends of all nationalities, and from the beginning to the end, I have not felt alone." (embed link: <http://www.highpeakspureearth.com/2010/06/dolkar-tso-thanks-karma-samdrups.html>).

#### DETAILS OF INDIVIDUALS DETAINED

- Karma Samdrup, 42, a well-known philanthropist and founder of the Snowlands Three Rivers Environmental Protection Group. He was sentenced to 15 years imprisonment on June 24 on charges related to an incident of grave robbing in 1998, and for which he was cleared of all suspicion of wrong-doing at the time. During the trial, which was branded "a complete fake" by his lawyer, Karma Samdrup described in detail the torture he had been subjected to in pre-trial detention, but the judge dismissed his testimony as "irrelevant." [embed link to ICT report on Karma Samdrup]
- Rinchen Samdrup, 44, Karma Samdrup's brother. He was sentenced on July 3 to five years imprisonment on charges of "incitement to split the nation" after an oblique reference to the Dalai Lama appeared on a website he ran; [embed link <http://savetibet.org/media-center/ict-news-reports/award-winning-tibetan-environmentalist-trial-today>]
- Chime Namgyal, 38, the brother of Karma and Rinchen Samdrup. He began serving a 21-month sentence in a labor camp in August 2009 on charges, which according to his sentencing document, included compiling information about the

local environment. As a result of having been tortured, he can no longer walk or eat without assistance. When Chime Namgyal and Rinchen Samdrup were detained on August 7, 2009, their elderly mother was beaten unconscious by police.

- Tashi Topgyal (Chinese transliteration: Zhaxi Duoqia), who was detained by about a dozen policemen in a raid on the place he was staying in Lhasa on July 5, is a well-educated Tibetan-language teacher from the same village as Rinchen Samdrup, namely Zirong Village in Gonjo (Chinese: Gongjue) County, in Chamdo (Chinese: Changdu) Prefecture in the Tibet Autonomous Region.<sup>1</sup> He also participated in Rinchen Samdrup's environmental protection work. He had been visiting the capital in order to ascertain the whereabouts of another Tibetan detained in connection with the case of the three brothers, Rinchen Dorje.
- Rinchen Dorje, Karma Samdrup's Chinese translator 12 years ago when conducting business in the Xinjiang Uyghur Autonomous Region north of Tibet, has been missing since March 2010 and is believed to be in detention.
- Sonam Chonpel, who is in his sixties, a cousin of the three brothers, is now serving 18 months in a 're-education through labor' camp.

The mother of the three brothers, who is in her mid-seventies, was seriously injured and treated in hospital after being beaten unconscious when armed police detained two of her sons from home on August 7 last year, according to new information from the area. The same sources say that she was unconscious for several hours and taken to hospital in Yushu in neighboring Qinghai Province by relatives where she had to undergo an operation. The police officers who beat her were led by Chamdo Prefecture Deputy Party Secretary Chen Yue, who is believed to be still in the same position.

Twenty villagers from Gonjo county in Chamdo, the brothers' home area, were detained in Chamdo, interrogated and tortured for 40 days after they went to Beijing to petition against the brothers' detention.

### **ICT recommends:**

- The charges against Karma Samdrup, Rinchen Samdrup, serving five years, and their disabled brother Chime Namgyal, demonstrate serious violations of China's own Criminal Procedure Law and should be dropped.

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<sup>1</sup> The Chamdo area has been subject to particularly stringent restrictions since March, 2008. The Chinese government regards Chamdo as "a strategic bridge between the Tibet Autonomous Region and the neighboring provinces of Sichuan, Yunnan and Qinghai." (*Tibet Daily*, April 17). The region has been of particular strategic importance to Beijing since the Communist authorities gained control of central Tibet when Chamdo, eastern Tibet's provincial capital, fell to the People's Liberation Army on October 7, 1950. The Chinese authorities will mark the 60th anniversary of Chamdo's 'liberation' later this year. See ICT report 'Determination to resist repression continues in 'combat-ready' Chamdo, frontline of 'patriotic education,' December 2, 2009, [www.savetibet.org/media-center/ict-news-reports/determination-resist-repression-continues-'combat-ready'-chamdo-frontline-'patriotic-educa](http://www.savetibet.org/media-center/ict-news-reports/determination-resist-repression-continues-'combat-ready'-chamdo-frontline-'patriotic-educa).)

- There must also be a full accounting of the whereabouts and welfare of Tibetans detained and 'disappeared' in connection to this case, including Rinchen Dorje and Tashi Topgyal.
- The six individuals named in this report must be allowed unrestricted access to counsel of choice, appropriate access to family members, and access to proper medical care for those who need it.
- There should be an urgent investigation by the Chinese authorities the serious and detailed allegations of torture of Karma Samdrup, Rinchen Samdrup and Chime Namgyal in the light of regulations announced in June banning the admission of confessions obtained through torture. The Chinese government must comply with its obligations as a party to the U.N. Convention on Torture to ensure that the perpetrators of torture are held fully accountable and that effective measures are taken against any further occurrences of torture.
- International governments should urgently raise serious concerns about the importance of the three brothers' environmental work, which is in China's interests as well as Tibet's, following evidence that essential conservation efforts in the area have suffered following their detention.



## **The ‘unjust case’ against Karma Samdrup**

*“Only when he stood there [in the court] with his back to us, and started speaking, everyone’s sadness just poured out. We all rather closed our eyes, we didn’t want to look at this cold shadow, we just wanted to listen to this so very familiar voice – only this was really him, only this really managed to turn that poor fragile shadow into the person we remembered. [...] I never thought his cheekbones could be this high, his chin so pointy, his arms so skinny, there’s nothing left of his pot-belly. And he even tells us that over the past 20 days he had already recovered quite a bit, he had started eating regularly and does not have to suffer any maltreatment anymore. [But] the account we heard afterwards exceeded our worst imaginations, we heard about hundreds of different cruel torture methods, maltreatment around the clock, hitherto unheard of torture instruments and drugs, hard and soft tactics, and even of fellow prisoners being grouped together to extract a confession. If he did not reveal certain details he would be mentally tormented. If he wanted to eat or go to the toilet he had to write an “IOU”, an “IOU” which has already amounted to 660,000 RMB. The “purchased” food would first be crushed by people using their feet, there would be beatings for no reason, this was common and occurred too many times to count. He said in a sad voice that he had already prepared for death and he had written a letter to tell his relatives what to do. Two elderly interpreters had red eyes and started crying bitterly. The lawyer also almost started crying.”*

Blogpost entitled ‘Praying’ by Karma Samdrup’s wife, Dolkar Tso, published on June 23 about the trial of her husband. Translated into English by High Peaks Pure Earth, <http://www.highpeakspureearth.com/2010/06/praying-blogpost-by-dolkar-tso-wife-of.html>

Karma Samdrup, a 42-year old businessman, well-known collector of Tibetan art and founder of the award-winning Snowlands Three Rivers Environmental Protection Group, was sentenced to 15 years by a Xinjiang court last month. He was detained on January 7, 2010 following unsuccessful efforts to secure the release of his two brothers, Chime Namgyal and Rinchen Samdrup, who were detained on August 7, 2009 after their efforts to conserve wildlife clashed with the local authorities (see below).

In a Twitter communication following the conclusion of Karma Samdrup’s trial on June 24, his lawyer, Pu Zhiqiang, reported: “Karma Samdrup 15 yr sentence, 5 yr deprivation political rights, 10K RMB fine [US \$1,500].” The court in Xinjiang found Karma Samdrup guilty on what are regarded as trumped-up charges of involvement in excavating and robbing ancient tombs – similar to charges initially brought and allowed to drop in 1998. Pu Zhiqiang’s Twitter account has since been blocked. (Details in Reporters Sans Frontieres report <http://en.rsff.org/china-authorities-turn-their-sights-on-16-07-2010,37971.html>).



Bhuchung Tsering, ICT's Vice President for Special Programs, wrote: "The lawyer Pu Zhiqiang (specifically because of his ethnicity) symbolizes the new China that the international community wants to see, a China where everyone, whether Tibetan, Chinese, or anyone else are all equal. In recent years we have seen more ethnic Chinese scholars and lawyers looking at the Tibetan people through a new prism that is positive and inclusive. This is a positive development for China's own long-term future. Dolkar Tso, Karma Samdrup's indomitable wife, is fighting a system that politically claims Tibetans to be very much part of the nation but does not deign to treat them equally. She has raised the Tibetan quest for civil rights in China to a new level." (ICT blogpost, <http://weblog.savetibet.org/2010/06/29/a-tibetan%E2%80%99s-perspective-on-two-personalities-in-the-karma-samdrup-case/>).

The resurrection of a decade-old charge appears to indicate that no other evidence, such as possession of a Dalai Lama photograph or other incriminating article, was found to sentence Karma Samdrup to a long period in prison. The fact that the nine-page sentencing document was issued almost as soon as court proceedings finished fed suspicions among observers that the document had been largely drafted long before the verdict and sentence were announced in court.

"I think that procedurally, this entire case is a complete fake," said lawyer Pu Zhiqiang, speaking to a news magazine published out of Hong Kong, *Asia Weekly* ('The behind-the-scenes mystery in the unjust case against a leading Tibetan environmentalist' by Zhang Jieping, *Asia Weekly* Vol. 24, Issue 28, July 18, 2010).<sup>2</sup> The reporter, Zhang Jieping, summarizes the case as follows: "A 12-year old case of grave robbing against the Tibetan environmentalist Karma Samdrup has re-opened. At the time he was found not guilty and released, but he's now been sentenced to 15 years in prison. Some of the prosecution's evidence was extorted through torture, and there are alterations and additional signatures over practically all of the record. The sentencing document is full of mistakes, and the defense lawyers Pu Zhiqiang and Li Huiqing are determined to appeal." The writer Zhang Jieping adds that the lawyers were "left speechless" by the number of errors in the sentencing document.

According to the same article, Pu Zhiqiang submitted Karma Samdrup's appeal papers on July 3 – the same day that his brother Rinchen Samdrup was sentenced to five years imprisonment in Chamdo. However, it later transpired that the appeal was rejected immediately. Pu Zhiqiang posted a piece on his blog on August 2, 2010 in which he reported that Karma Samdrup's appeal was received by the appellate court on July 7, and rejected on the very same day. A judge at the court reportedly told him "there was no need to consider the case." Speaking to the Associated Press, Pu said "I don't know why they're in a such a hurry. What are they afraid of? What are they trying to cover up?" ('Court rejects appeal from Tibetan environmentalist,' AP, August 2, 2010.) According to

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<sup>2</sup> *Asia Weekly* is a weekly news magazine published out of Hong Kong. On its website, it states that it was the first global Chinese-language current affairs weekly in the world, and that it provides "the latest news and information from the region and the rest of the world for Chinese social elites, reporting and analyzing the news in language and with values familiar to the Chinese." [www.yzzk.com](http://www.yzzk.com).

his sentencing document, Karma Samdrup is not due to be released from prison until November 19, 2024.

### **Legal failings in the case against Karma Samdrup**

Pu Zhiqiang, Karma Samdrup's lawyer from the Huayi Law Offices in Beijing, has been consistent in his critique of the Chinese authorities' handling of the case against Karma Samdrup in his own blog writings and in interviews he has given to the Hong Kong and other international media. In comments reported by the *New York Times*, he said: "The court completely ignored the facts, trampled on the legal system and violated Karma's humanity." ('Tibetan Environmentalist Receives 15-Year Sentence,' NYT, June 24, 2010.)

Despite the numerous highly egregious failings in the case against Karma Samdrup in particular, it should be noted that the various procedural violations described below are not unique to this case, and can be characterised as routine in cases where the interests of the Party – or indeed the personal interests of Party and government officials – are challenged.

Karma Samdrup's sentencing document (see below), as with sentencing documents issued throughout all of the People's Republic of China, is not intended primarily as an account or transcript of his trial as it unfolded, but shows very selectively instead the processes of deliberation used by the court to reach the verdict and sentence. Karma Samdrup's sentencing document reveals that the quality and quantity of evidence used to convict him was seriously lacking, even by the low standards of evidence required by Chinese courts in comparison to international fair trial standards. And when the sentencing document is read in conjunction with other publicly available documents from the trial as well as commentaries on the case by Karma Samdrup's defense lawyers, the inescapable conclusion is that Karma Samdrup is facing one of the best-documented instances of injustice and judicial corruption to have emerged in China in recent years.

The irregularities discussed by Pu Zhiqiang include the fact that a Party body (the Xinjiang Politics and Law Committee) recommended the case against Karma Samdrup be re-opened, when it is only the police, prosecution and courts who are authorized to initiate such proceedings (the judge rebuked Pu in court when he made this point, claiming it wasn't relevant to proceedings); Karma Samdrup was refused access to see his lawyers – or family – during six months of pre-trial detention, and during which time he was severely and systematically tortured; the lawyers were informed on May 27 that the trial would start on June 1, leaving them only four days to prepare a defense, for which their access to the case files were severely limited (the trial was subsequently delayed); the lawyers were only allowed to meet with Karma Samdrup for 30 minutes on the day before the trial in a meeting video-recorded by police; evidence was doctored, with Pu Zhiqiang noting in court that witness statements purportedly from 12 years ago were evidently signed with the same pen as documents signed days before; no witnesses appeared in court, and at least one of the witnesses whose testimony was used to convict



Karma Samdrup may still be in jail, raising serious concerns about his testimony being extorted using torture or other inducements; and one of the judges was repeatedly handed written notes from an unknown source during the first two days of the trial, and when Pu asked if the judge was receiving instructions, the notes stopped coming but the judge then received numerous texted messages to his mobile phone. In addition, the fact that the nine-page sentencing document was issued almost as soon as court proceedings finished confirmed suspicions among observers that the document had been largely drafted long before the verdict and sentence were announced in court.

In her blogpost ‘Praying’ in which she also recounts how Karma Samdrup described in detail the torture he suffered in pre-trial detention, Dolkar Tso wrote about events of June 22 in the courtroom, a day before sentencing was handed down: “During the afternoon trial, the submission of evidence and translations was an endless process, endless but extraordinary. All of the evidence that was ‘temporarily put aside,’ to my understanding, contained many loopholes and contradictions. Even the lawyers seemed to think that much was illegal in the procedures and they raised their doubts. It was just a pity that the panel [of judges] discarded them as ‘unrelated to the respective issue’ or said that ‘this has already been clarified’.”

On the same day as Karma Samdrup’s sentencing, the Chinese authorities reported two new legal provisions intended to exclude evidence gained through torture (‘New regulation bans torture confessions,’ Xinhua, 24 June, 2010). While one of the measures is focused on excluding confessions extorted through torture in capital cases only, the second allows for a pretrial hearing where a defendant who has been tortured can dispute the legality of the evidence against him or her, and the prosecution then has to provide records to show that all evidence was legally acquired. However, the court completely dismissed Karma Samdrup’s claim he was tortured, saying there was “solid and ample additional evidence that can be used as the basis for deciding this case,” according to his sentencing document.

There are provisions in Chinese law that grant the police powers to deny defendants any legal representation prior to formal arrest if it is decided that the case involves “state secrets,” and that China’s national security might be compromised if sensitive evidence is shared or discussed in open court. This provision is frequently used against people suspected of political dissent and facing charges of “subversion of state power” or “incitement to split the nation”. However, the charges against Karma Samdrup arose solely from allegations of involvement in the theft of articles from a tomb in 1998. At no time did the authorities attempt any such ‘legitimate’ route as citing “state secrets” in order to limit his access to legal counsel.

Indeed, had the Criminal Procedure Law of the People’s Republic of China been adhered to by the Chinese authorities, Karma Samdrup would have been informed of his right to engage a lawyer, the lawyer would then have been able to “meet and correspond” with Karma Samdrup in custody, and the lawyer would have had full and unfettered access to all of the evidence against Karma Samdrup.

One of the more egregious irregularities in the authorities' handling of Karma Samdrup's case was an attempt to limit Pu Zhiqiang and Li Huiqing's access to evidence. Pu Zhiqiang described in a posting on his blog (see below) how on May 27, Li Huiqing went to Yanqi County Court – the court where Karma Samdrup was due to be tried – to get copies of the prosecution's evidence in order to start preparing the case for the defense, as per standard procedures. Li made copies of around 70 pages of evidence from the case file and was studying them back in his hotel room when a man introducing himself as Ma Zenghua knocked on his door, and explaining he was from Yanqi County Court asked to see the documents Li had copied, claiming he wanted to point out some inaccuracies in them. The Judge then refused to give back the copies of the documents, saying "this was a decision by the leaders," and that "because the case was sensitive" he couldn't let the file be copied. If Li Huiqing wanted to see the file, Ma explained, he'd have to go to the court to take abstracts by hand. Ma Zenghua is listed in the sentencing document as one of the three judges who presided over the case in court.

A key piece of evidence from 1998 that exonerated Karma Samdrup of any wrongdoing in the case was dismissed by the prosecution, according to Pu Zhiqiang's blogged account of proceedings and an interview he gave to *Asia Weekly*. The document, detailing the process of investigating and detaining Karma Samdrup and several other people implicated in the case, was drafted by the three police officers who investigated the theft of the artifacts from the protected tomb in 1998, and who concluded in the document that Karma Samdrup's involvement did not constitute a crime. Karma Samdrup was consequently released on bail, and was formally no longer regarded as a suspect in the case when his bail was allowed to expire. However, the lead prosecutor on the case in June 2010, Ms Kuang Ying, apparently successfully argued that this document was inadmissible in court because it didn't bear an official stamp and could therefore only be regarded as the police officers' personal opinion.

The prosecution's charge against Karma Samdrup – and the crime for which the court convicted him – is cited in the sentencing document as Article 328, Clause 1, Item 1 of the Criminal Law of the People's Republic of China: "Excavating and robbing a site of ancient culture or ancient tomb which is designated as a major site to be protected at the national or provincial level for their historical and cultural value."

However, when Karma Samdrup was first detained in 1998 in connection with the case, he was suspected only of selling the items that had been stolen from the tomb site in a desert region of the Xinjiang Uyghur Autonomous Region. The charges against Karma Samdrup in June 2010 accused him not only of "excavating and robbing a site of ancient culture or ancient tomb," but also charged that he "organized and directed" the thefts at the tomb site, and that he "instigated others" to carry out the thefts, all of which appears to be based on testimonies from the people who conducted the robberies, who may still be in prison or under other forms of duress from the authorities.

The allegation that Karma Samdrup "encouraged and instructed" the people who carried out the first robbery at the tomb site to return and steal further items was crucial in implicating Karma Samdrup as complicit in the original theft, and instrumental in the

second theft. However, only Abliz Kerim, who was imprisoned in 1998 for carrying out the theft, claimed in his testimony to have been told by Karma Samdrup to carry out a second robbery at the site. Other witnesses were also imprisoned for their involvement in the same case, and said in their testimony only that they had heard Abliz Karim mention his conversation with Karma Samdrup, and not that they themselves had heard Karma Samdrup ask Abliz Karim to return to the tomb site and steal more items.

Pu Zhiqiang told *Asia Weekly*: “It’s a fact that a large amount of cultural artifacts have been stolen from Xinjiang, and that there’s an urgent need to punish people according to law who steal from Xinjiang’s tombs. But there’s surely no need for the authorities to drag a case up from more than 10 years ago and put so much effort into going to Beijing and then Chengdu to detain a Tibetan man, and mobilizing so many resources on the case – is that really worthwhile? [...] There’s one explanation that says Karma’s bad luck here was because he was behind mass petitions [to release his brothers] in his home area of Gonjo County in Tibet. [Villagers in Gonjo county presented a petition to the authorities expressing concern about the arrests of Rinchen Samdrup and Chime Namgyal]. But I think the police were a little blind on this one when they were providing evidence. [...] I provided a body of evidence that rebutted this, including a letter from Karma Samdrup to the petitioners in Zirong Village urging everyone to trust the government and to trust the Party, and that Secretary Wang should be given the space to solve the problems.”

The lawyer Li Huiqing told *Asia Weekly*: “The impression I got over the three days [of the trial] was that we were allowed to say what we wanted to say, and we said a lot, but none of the applications and requests we made in accordance with the law were supported by the court. For example, an examination of whether the evidence was legitimate? No. Witnesses should testify in court? No. They didn’t even reply to the key questions and rejected all of our applications. We requested a review process of illegal evidence be started, but in the end it was just brushed aside. Finally, the Procuracy presented a record proving that the investigative personnel had not extorted a confession through torture, but it was such an inept and clumsy denial which had been prepared in advance that it amounted to an acknowledgment confessions had indeed been extorted through torture.”

### **Rinchen Samdrup: trial and sentencing**

Sources close to Tibetans in the area believe that the case against Rinchen Samdrup appears to have been driven by the Tibet Autonomous Region authorities after local Party officials and police officers objected to interference in their hunting of endangered animals in Rinchen Samdrup’s home area of Gonjo County in Chamdo Prefecture.

According to Tibetan sources, the only evidence raised against Rinchen Samdrup in court during his trial on July 3, and which resulted in his five-year sentence, was an oblique reference to the Dalai Lama on a website he’d run in the line: “People say that Tibetans are barbarians and backward, but one of them won a Nobel Prize.” This was characterized by the court as “incitement to split the nation.” The same Tibetan sources said that Rinchen Samdrup did not even write the article in question; another source

claims nor did he even post the article to the site, although this has not been corroborated by other sources.

In the current repressive climate, when official rhetoric against the Dalai Lama has hardened, mentioning the Dalai Lama's name or keeping his photograph has become more dangerous. As in this case, the authorities can define almost anything as being an incitement to "splittism".<sup>3</sup> The fact that the charges appeared to be based on this one sentence, not even mentioning the Dalai Lama by name, both highlights the weakness of the case and indicates that TAR officials were confident that the central authorities would not challenge the verdict.

Rinchen Samdrup's trial on July 3 lasted less than two hours, and according to one source "everything seemed predetermined." The same source added that Rinchen Samdrup was stopped from speaking at one point when he appeared to be about to talk about his treatment in custody. In physical appearance, he had lost weight and appeared to be in pain.

In a blog about Rinchen Samdrup's work to protect Tibetan culture and the environment, the Tibetan writer Woesser said that over a period of a decade he made great efforts to preserve religious texts (blog translated into English by High Peaks Pure Earth <http://www.highpeakspureearth.com/2010/07/rinchen-samdrup-sentenced-to-5-years.html>).

Woesser wrote: "Rinchen Samdrup is a former monk, even now a devout believer and practitioner, familiar with Buddhism and Tibetan medicine and the only doctor in the local village. He is also a talented folk artist, poet, thangka painter, builder of stupas, manuscript board engraver, all of which he is good at. Spread over the floor are the pages of the major achievements of the great master of Tibetan Buddhism Changchup Dorje, the founder of Nyangla Temple, including Buddhist and Tibetan medical texts, due to the passage of time, many are damaged and only half are remaining having been destroyed during the Cultural Revolution. Over the last 10 years, Rinchen Samdrup wracked his brains and tried every means to save them. During a trip to Lhasa, he saw a computer and became very excited, he stayed in Lhasa to learn computer skills in the hope that he could enter the scriptures into the computer and preserve them forever."

Woesser wrote in the same blog that she has heard that police confiscated all of his computer discs and may even have destroyed them.

A detailed article by Chinese environmental journalist Feng Yongfeng praises Rinchen Samdrup for his environmental work, saying how helpful it is to the government's aims of ecological protection. The article, extracted below (translated into English in full by ICT <http://savetibet.org/media-center/ict-news-reports/award-winning-tibetan->

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<sup>3</sup> A court official in Shigatse in the TAR was quoted in 2005 as saying that the authorities imprison people for possession of a photograph of the Dalai Lama if they regard it as 'splittist'. See 'RFA: Three Tibetans, Previously Unknown, Sentenced for Dalai Lama Photos, Teachings,' September 2005 CECC Newsletter, <http://www.cecc.gov/pages/virtualAcad/index.phpd?showsingle=21714>

[environmentalist-trial-today](#)) appeared in the official *China Environment News* run by the Ministry of Environmental Protection in early February 2010, almost exactly six months after Rinchen Samdrup was detained in August 2009. Shorter versions of the same article appeared a month or so earlier on the official *People's Daily* and ChinaTibetNews websites. It is not known whether Rinchen Samdrup's arrest was known at the time by officials who posted the article, or whether this indicates a difference in perceptions of the case in the Tibet Autonomous Region and Beijing.

## **DOCUMENTS AND TRANSLATIONS**

ICT has translated and analyzed documents in this report, including the following:

- Information on all six detentions in this case, including the teacher Tashi Topgyal and details of others affected, including the brothers' mother, who was beaten unconscious when armed police detained two of her sons during a raid on the family home.
- New details on Rinchen Samdrup's trial and his personal background;
- The first translation into English of Karma Samdrup's sentencing document and substantial details on the case by Karma Samdrup's lawyers, Pu Zhiqiang and Li Huiqing. The case reveals serious violations of China's Criminal Procedure Law, analysed in this report. Pu Zhiqiang's micro-blogging (Twitter) site, on which he announced news of the verdict against Karma Samdrup, was closed down on July 15, and his personal blog was closed down for the 12<sup>th</sup> time in his career;
- Two letters to the court by Karma Samdrup's lawyers, expressing concerns about failings in legal procedures;
- A revealing July 18 interview with Karma Samdrup's lawyers from *Asia Weekly*, a leading Hong Kong news magazine;
- The sentencing document detailing the charges against Chime Namgyal and his 21-months 're-education through labor' sentence;
- An article by a Chinese journalist about Rinchen Samdrup's ground-breaking work in environmental protection, published in the Chinese state media even after his detention;
- Translations into English of blogs by well-known Tibetan writer Wooser and Karma Samdrup's wife Dolkar Tso;
- Extracts from a new book on Tibet's environment entitled 'Heavenly Beads' with vivid detail on Karma Samdrup's life, and his brother Rinchen Samdrup.

## KARMA SAMDRUP'S CASE

### **Karma Samdrup's sentencing document**

The following document, translated by ICT, is Karma Samdrup's sentencing document. The original document is nine pages long and was issued moments after the trial concluded, raising suspicions that it had been prepared – along with the verdict and sentence – long before the trial proceedings had concluded.

Yanqi Hui Autonomous County People's Court  
Xinjiang Uyghur Autonomous Region  
Criminal Sentencing Document

[Uyghur and Chinese stamp: Copy]

(2010) Yanqi Doc No. 61

Prosecuting organ, Yanqi Hui Autonomous County People's Procuracy

Defendant Rukai Gama Sangzhu [Ruka Karma Samdrup], male, born May 8, 1968, ID No. 542123196805080015, Tibetan, educated to elementary school level, from Maidong Village, Xiangpi Township, Gongjue County, Tibet Autonomous Region; private entrepreneur; resides at No 8, Unit 1, Block 19 Xiaojiahe Xingrong Street, Wuhou District, Chengdu City, Sichuan Province. On March 18, 1998, taken into detention by Ba Prefecture [Bayingguoleng Mongolian Autonomous Prefecture] Public Security Bureau on suspicion of committing the crime of reselling cultural relics; on April 29 of the same year, bail while awaiting trial [*qubao houshen*] was granted; on November 30, he was again taken into criminal detention; on December 7, bail while awaiting trial was granted, and on December 6, 1999, bail while awaiting trial was canceled. On January 7, 2010, he was once again taken into criminal detention by Nuoqiang County Public Security Bureau on suspicion of committing the crime of reselling cultural relics, and on February 8 of the same year he was arrested according to law. He is currently detained in the Yanqi Hui Autonomous County Detention Center.

Defense Lawyer Pu Zhiqiang, a lawyer from Beijing Huayi Law Offices

Defense Lawyer Li Huiqing, a lawyer from Beijing Huayi Law Offices

By means of Yanqi Criminal Prosecution Suit (2010) No. 62 [*sic*], Yanqi Hui Autonomous County People's Prosecution accuses the defendant Ruka Karma Samdrup with the crime of grave robbing, and presented its suit to this court on May 21, 2010. This court convened a collegiate panel of judges in accordance with the law and tried the case in open and public court. Yanqi Hui Autonomous

County People's Procuracy representative prosecutors Kuang Ying and Yang Chaohong appeared in court to support the public suit; the defendant Ruka Karma Samdrup and his defense lawyers Pu Zhiqiang and Li Huiqing, and his translators Buggeduo [Bu Kardor] and Jiumei Ciren [Gyurme Tsering] arrived at court to participate in the suit. Trial of this case has now concluded.

Yanqi Hui Autonomous County People's Procuracy charges that: in early February 1998, six people including Abulizi Keranmu [Abliz Kerim], Liang Zhigang and Kuerban Jiamali [Qurban Jamal] (all already sentenced to criminal punishment) went to the ruins of the ancient town of Loulan [The Kroraina Ruins] on the north bank of the Luobu Nao'er in Nuoqiang County, and robbed Luolan tombs, stealing cultural relics including a carpet, cushions and shoes etc from a coffin in an ancient tomb located in position 98L-M, and then took them to Urumchi City. In mid-February 1998, Abliz Kerim made contact with the defendant Ruka Karma Samdrup in order to sell the goods, and let Ruka Karma Samdrup into his home in order to see the "goods." After Ruka Karma Samdrup had been to Abliz Kerim's home to see the "goods," he purchased several of the relics including the carpet, the embroidered cushion and the shoes for a price of 84,000 [US \$12,360] *yuan*. During their conversation, Ruka Karma Samdrup learned from Abliz Kerim that in the same tomb there remained such relics as a decorated coffin and mummified remains. He expressed a willingness to purchase them, and asked Abliz Kerim to again go to steal the coffin and the mummified remains, asking that when cutting he shouldn't damage the decorative paintings on the coffin's panels, and that he should wrap it up well. Abliz Kerim then bought a 2020 model automobile [Beijing Jeep] and with Liang Zhigang he acquired the necessary tools for the work, including a handsaw and foam rubber for packing. In early March of the same year, Abliz Kerim got Aihemaiti Ruzi [Ahmed Rozi], Aihemaiti Manglike [Ahmed Menglik] (already sentenced to criminal punishment), and Aierken [Erkin] (handled in a separate case) to once again go to the tomb originally robbed at ruins of the ancient town of Loulan to dig the coffin out from the ancient tomb and remove the mummified remains. From within the coffin they stole such items as one woman's cotton dress, one pair of cotton trousers, one pair of socks, two fabric veils, a painted box and a painted platter, and in accordance with Ruka Karma Samdrup's request, they sawed off the coffin's decorated panels and wrapped them well in foam rubber. On route back in the car, they happened upon a patrol of Xinjiang Uyghur Autonomous Region Cultural Relics Bureau workers, and fearing being discovered, Abliz Kerim etc unloaded the stolen items including the decorated coffin panel and hid them in a nearby patch of tamarisk. After returning to Urumchi, Abliz Kerim met with Ruka Karma Samdrup at the Global Hotel, where they discussed such matters as retrieving the coffin and other stolen items. Due to rapid developments in the case, Abliz Kerim and Ruka Karma Samdrup were apprehended and the above-described cultural relics were recovered.

In accordance with the above accusations, the prosecuting organ presented such evidence to support their charge as reading out and presenting in court the



defendant Ruka Karma Samdrup's confession and defense, witness testimony, material evidence, documentary evidence, appraisals and conclusions, and records of investigations conducted at the scene.

The prosecution considered that in accordance with the above facts and evidence, the defendant Ruka Karma Samdrup contravened laws and regulations on the protection of cultural relics, incited others to steal from Loulan tombs in the ruins of the ancient town of Loulan, actions which contravene regulations within Clause One of Article 328 of the Criminal Law of the People's Republic of China, the facts of the crime are clear, the evidence is solid and ample, and criminal responsibility for the crime of grave robbing should be pursued. The defendant Ruka Karma Samdrup played a major role in the commission of a joint crime, and in accordance with provisions in Clause One of Article 26 of the Criminal Law of the People's Republic of China, he is the main culprit. In accordance with the provisions of Article 141 of the Criminal Procedure Law of the People's Republic of China, this suit is presented and sentence is requested according to law.

Regarding the facts prosecuting organ's charges and the evidence presented in court, the defendant Ruka Karma Samdrup argued that the crime he is charged with in the suit does not comply with the facts; the accusation that he incited Abliz Kerim to rob from a grave was untrue, and that there is no evidence to confirm this; and that his confession was extorted through torture. Legal arguments presented by his defense lawyers Pu Zhiqiang and Li Huiqing: the evidence presented by the prosecution cannot prove that the defendant's actions constituted the crime of grave robbing; the testimonies of the witnesses Abliz Kerim and Nu'ermaimaiti [Nurmuhemmad] had no legitimacy; the defendant Ruka Karma Samdrup's confession was obtained through torture prior to the trial, and could not be included as decisive evidence, other evidence did not prove that the defendant had committed a crime, and the court should therefore declare the defendant innocent.

It was shown during the trial that in early February 1998, six people including Abliz Kerim, Liang Zhigang and Qurban Jamal (all already sentenced to criminal punishment) went to the ruins of the ancient town of Loulan on the north bank of the Luobu Nao'er in Nuoqiang County, and robbed Loulan tombs, stealing cultural relics including a carpet, cushions and shoes etc from a coffin in an ancient tomb located in position 98L-M, and then took them to Urumchi City. In mid-February 1998, Abliz Kerim made contact with the defendant Ruka Karma Samdrup in order to sell the goods, and let Ruka Karma Samdrup into his home in order to see the cultural relics. After Ruka Karma Samdrup had been to see at Abliz Kerim's home to see, he purchased several of the relics including the carpet, the embroidered cushion and the shoes for a price of 84,000 *yuan*. During the two people's conversation, Ruka Karma Samdrup learned from Abliz Kerim that in the same tomb there remained such relics as a decorated coffin and mummified remains. He expressed a willingness to purchase them, and incited Abliz Kerim to again go to steal the coffin and the mummified remains and told

him how, asking that when cutting he shouldn't damage the decorative paintings on the coffin's panel, and that he should wrap it up well. Abliz Kerim then bought a 2020 model automobile [Beijing Jeep] and with Liang Zhigang he acquired the necessary tools for the work, including a handsaw and foam rubber for packing. In early March of the same year, Abliz Kerim got Ahmet Ruzi, Ahmet Menglik (already sentenced to criminal punishment), and Erkin (handled in a separate case) to once again go to the tomb originally robbed at ruins of the ancient town of Loulan to dig the coffin out from the ancient tomb and remove the mummified remains. From within the painted wooden coffin they stole such items as one woman's cotton dress, one colorful undergarment, one pair of cotton trousers, one pair of socks, two fabric veils, a painted box and a painted platter, and in accordance with Ruka Karma Samdrup's request, they sawed off the coffin's decorated panels and wrapped them well in foam rubber. On route back in the car, they happened upon a patrol of Xinjiang Uyghur Autonomous Region Cultural Relics Bureau workers, and fearing being discovered, Abliz Kerim etc unloaded the stolen items including the painted coffin panel and hid them in a nearby patch of tamarisk, and then fled the scene. After returning to Urumchi, Abliz Kerim met with Ruka Karma Samdrup at the Global Hotel, where they discussed regaining the coffin and other stolen items. Due to rapid developments in the case, Abliz Kerim and Ruka Karma Samdrup were apprehended and the above-described cultural relics were recovered. Following confirmation and testimony issued by the Xinjiang Cultural Relics and Archaeological Research Academy, the 98 L-M tomb that was raided by Abliz Kerim located at N40° 41' 20.8'', E90° 07' 04'' is an ancient tomb that falls within the scope of a focus state cultural artifact protection work unit announced in February 1988. Assessments and conclusions provided in evidence from the Xinjiang Uyghur Autonomous Region Cultural Relics Assessment Committee confirm that the stolen woman's cotton dress, the undergarment, the cotton trousers and the cotton socks are Grade I national cultural relics; the painted coffin and the carpet were Grade II national cultural relics; the two fabric veils, the wooden vessel and the embroidered cushion were Grade III cultural relics; and the painted box and painted platter were normal state cultural relics.

The above facts are proven by the following evidence as presented and substantiated in court by the prosecuting organ:

1. Witness testimony.

a) Testimony by the witness Abliz Kerim and identifying records prove: (i) the fact that Ruka Karma Samdrup asked Abliz Kerim to get him some "old stuff" from long ago; (ii) the fact that Ruka Karma Samdrup purchased six cultural relics stolen by Abliz Kerim etc from an ancient tomb for the price of 84,000 *yuan*; (iii) the fact that when Ruka Karma Samdrup was purchasing the above described cultural relics from Abliz Kerim, upon learning that such cultural relics as painted coffin still remained in the tomb and with a high purchasing price as an incentive, he incited Abliz Kerim to steal and sell him the painted coffin,

mummified remains and other cultural relics still in the tomb, and conveyed to him a method of stealing and transporting the painted coffin. Abliz Kerim then used 31,000 *yuan* of the 84,000 *yuan* acquired from selling cultural relics to buy a vehicle, in which he returned to the original tomb with Ahmet etc, and in accordance with the method of stealing the painted coffin described to them by Ruka Karma Samdrup, they stole from inside the coffin one woman's cotton dress, one undergarment, one pair of cotton trousers, one pair of cotton socks, two fabric veils, a painted box, a painted platter; (iv) the fact that Abliz Kerim once discussed this matter with An Qibang, namely that Ruka Karma Samdrup wanted the painted coffin and the mummified remains, and that money was not a problem; (v) following recognition by Abliz Kerim of Ruka Karma Samdrup in a photograph that he was the individual from whom he had received payment for the six cultural relics.

b) Testimony by the witness Liang Zhigang proves: (i) the fact that Liang Zhigang heard Abliz Kerim say once that he knew a very wealthy Tibetan called Karma (Ruka Karma Samdrup), and that this Tibetan wanted some early silks and carpets and that there were some in "the Gobi Desert" in Xinjiang, whereupon Liang Zhigang and Abliz Kerim etc went to steal from the tomb; (ii) the fact that Abliz Kerim once said in his home to Liang Zhigang that Ruka Karma Samdrup wanted the painted coffin and the mummified remains in the desert, that he wanted all the things inside the coffin, and furthermore that Ruka Karma Samdrup said that money was not a problem. He said that they should use a saw to saw open the coffin, then wrap it up well. Abliz Kerim and Liang Zhigang then together bought two hand-saws and foam rubber to wrap and protect the painted coffin.

c) Testimony by the witness An Qibang proves: (i) An Qibang learned in a conversation with Ruka Karma Samdrup that Ruka Karma Samdrup and Abliz Kerim were involved in the antique business, including old carpets and old fabrics; (ii) the fact that Abliz Kerim once told An Qibang that he sold all of his "best stuff" to Ruka Karma Samdrup, that he'd used the money from selling things to buy a white Jeep, that a few days later he was going to go back to the ancient town of Loulan to bring back the painted coffin for Ruka Karma Samdrup, and that he'd already finalized everything with Ruka Karma Samdrup; (iii) the fact that Ruka Karma Samdrup is able to communicate in Chinese.

d) Testimony by the witness Nu'er Maimaiti (a criminal detained in the same prison as Ruka Karma Samdrup) proves: (i) the fact that Ruka Karma Samdrup incited and instructed Abliz Kerim on how to steal from a tomb; (ii) the fact that Ruka Karma Samdrup spent 84,000 *yuan* on purchasing the six cultural relics stolen by Abliz Kerim; (iii) the fact that Ruka Karma Samdrup attempted to escape legal sanction by asking the witness Nurmuhemmad to help him by colluding on his confession.

2. The defendant's confession and defense.

Parts of the defendant Ruka Karma Samdrup's confession and defense mutually corroborate the witness testimonies above. (i) the fact that Ruka Karma Samdrup got Abliz Kerim to get him "things" from long ago; (ii) the fact that upon purchasing the six cultural relics stolen by Abliz Kerim for 84,000 *yuan*, Ruka Karma Samdrup learned there was still a painted coffin and mummified remains in "the Gobi Desert," and that upon offering a high price as an enticement, asked Abliz Kerim to "bring back" the painted coffin; (iii) the fact that Ruka Karma Samdrup explained a way to steal the painted coffin, asking them not to damage the decoration on the painted coffin, to use saws to saw it open, and to pack it well in a packing case to "bring it back."

3. Records of investigations conducted at the scene and the Xinjiang Cultural Relics and Archaeological Research Academy evidence: prove the fact that the 98 L-M tomb that was raided by Abliz Kerim located at N40° 41' 20.8'', E90° 07' 04'' is an ancient tomb that falls within the scope of a focus state cultural artifact protection work unit announced in February 1988.

4. Appraisals and conclusions: evidence that among the cultural relics Abliz Kerim was incited to steal by Ruka Karma Samdrup and which were received by Ruka Karma Samdrup were (i) the woman's cotton dress, the undergarment, the cotton trousers and the cotton socks which are Grade I national cultural relics; (ii) the painted coffin and the carpet which are Grade II national cultural relics; (iii) the two fabric veils, the wooden vessel and the embroidered cushion which are Grade III cultural relics; (vi) and the painted box and painted platter which are normal state cultural relics.

5. Documentary evidence: Ba Prefecture Intermediate People's Court (1999) No. 4 Sentencing Doc proves the fact that in February 1998, Abliz Kerim sold the cultural relics stolen from a tomb – a carpet, a pillow, a wooden receptacle, a wooden platter, a wooden bowl and a pair of shoes – to the defendant Ruka Karma Samdrup for the price of 84,000 *yuan*, and the fact that the when the defendant Ruka Karma Samdrup [*sic* – sb Abliz Kerim?] had stolen the painted coffin, mummified remains and clothes, he would then sell them to the defendant Ruka Karma Samdrup.

The above evidence has been cross-examined by the court and legally obtained, and directly or indirectly proves the facts in the case, which are affirmed by this court.

This court considers that the defendant Ruka Karma Samdrup contravened laws and regulations on the protection of cultural relics, and incited others to steal from the Loulan tombs in the state cultural protection work unit ancient town of Loulan's ruins. His actions constitute the crime of grave robbing, and he should be punished according to law. The prosecuting organ charged the defendant Ruka Karma Samdrup with the crime of grave robbing and the facts of the crime have

been established and have the support of this court. The defendant Ruka Karma Samdrup played an important role in inciting Abliz Kerim to carry out a second robbery at the Loulan ancient tombs and is the main culprit, and he should be punished according to the role he played in the commission of a joint crime. With regard to the defendant and his lawyers' suggestion that the defendant's confession was extorted through torture, that witness testimony was illegitimate and constituted illegal evidence and therefore can not be used as decisive evidence in a case, upon examination during the trial and with regard to the defendant's confession before the trial and the legality of acquiring evidence such as witness testimony etc, the prosecuting organ has already presented solid and ample additional evidence that can be used as the basis for deciding this case. And therefore, the lawyers' suggestions are untenable. With regard to their claim that the crime with which the defendant is charged cannot be established and that the defendant should therefore be declared innocent, this is not adopted. In accordance with provisions within Item (i) of Clause 1 of Article 328; Clause 1 of Article 25; Clauses 1 and 4 of Article 26; Clause 1 of Article 29; Clause 1 of Article 56; Clause 1 of Article 55; Article 52; and Article 53 of the Criminal Law of the People's Republic of China, judgment is as follows:

The defendant Ruka Karma Samdrup committed the crime of grave robbing, and is sentenced to fixed term imprisonment of 15 years, deprivation of political rights for 5 years, and fined 10,000 *yuan*.

(The sentence term is calculated from the day sentence is passed. Time served in detention prior to sentencing shall be taken off the period of the sentence, with one day taken off the sentence served for every day in detention. Therefore, sentence will run from January 7, 2010 until November 19, 2024. The fine shall be paid in a one-off payment within 10 days of the day this ruling becomes effective.)

If this judgment is contested, an appeal can be lodged either through this court or directly to the Bayingguoleng Prefecture Intermediate People's Court within 10 days of the day after receipt of this sentencing document. Written appeals should be submitted as an original appeal with two copies.

Sentencing judge: Guo Yanzhi

Sentencing judge: Ma Zenghua

Sentencing judge: Xie Zhongcheng

June 24, 2010

Recorder: Ma Yan

[Uyghur and Chinese stamp] Yanqi Hui Autonomous County People's Court

[Uyghur and Chinese stamp] This copy does not differ from the original

**The behind-the-scenes mystery in the unjust case against a leading Tibetan environmentalist**

In this article, translated into English by ICT, the journalist Zhang Jieping interviews Karma Samdrup's two lawyers, Pu Zhiqiang and Li Huiqing for Asia Weekly, a leading Chinese-language news magazine in Hong Kong. The lawyers describe in detail the obstacles placed in their way as they tried to prepare for the case, and the procedural failings in the case, ranging from the prosecution withholding key evidence through to the judge in the case apparently receiving texted instructions on his mobile phone while the court was in session.

[http://www.yzzk.com/cfm/Content\\_Archive.cfm?Channel=ag&Path=2334747162/28ag1.cfm](http://www.yzzk.com/cfm/Content_Archive.cfm?Channel=ag&Path=2334747162/28ag1.cfm)

Asia Weekly, Vol. 24, Issue 28, July 18, 2010.

**Zhang Jieping: The behind-the-scenes mystery in the unjust case against a leading Tibetan environmentalist**

——Interview: Defense lawyers Pu Zhiqiang and Li Huiqing

A 12-year old case of grave robbing against the Tibetan environmentalist Karma Samdrup has re-opened. At the time he was found not guilty and released, but he's now been sentenced to 15 years in prison. Some of the prosecution's evidence was extorted through torture, and there are alterations and additional signatures over practically all of the record. The sentencing document is full of mistakes, and the defense lawyers Pu Zhiqiang and Li Huiqing are determined to appeal.

The case of a Tibetan in a Hui autonomous county in a Mongolian autonomous prefecture in the Xinjiang Uyghur Autonomous Region was held from June 22 to June 24, 2010, where the trial against Karma Samdrup in Yanqi County People's Court on charges of grave-robbing was said in the record to be a case of "multi-ethnic cooperation."

On June 24, there was the sound of a gavel falling in Yanqi People's Court, and Karma Samdrup was declared guilty at the trial of first instance on charges of instigating the excavation and theft of a coffin and mummified remains etc from the ancient Loulan tombs, and sentenced to a 15-year fixed term of imprisonment, deprivation of political rights for five years, and fined 10,000 renminbi (around US \$1500). On July 3, 2010 the two lawyers and members of Karma Samdrup's family submitted materials for an appeal hearing. Karma Samdrup, known as the

“King of Dzi” in Tibet, along with others including his younger brother Rinchen Samdrup have actively participated in Tibet’s cultural and environmental undertakings, but they have both recently been sentenced to prison. On July 3, Rinchen Samdrup was sentenced to five years imprisonment by Changdu Intermediate Court on charges of incitement to split the nation.

Based on almost exactly the same evidence in 1998, the Xinjiang Autonomous Regional Procuracy deemed Karma Samdrup was innocent, and didn’t bring a case against him. It was inconceivable that 12 years later, this Tibetan businessman with a passion for charity could be arrested again and then given a heavy sentence following his confession being extorted through serious torture. The lawyers were left speechless by the number of errors in the sentencing document. Asia Weekly interviewed Karma Samdrup’s two lawyers, Pu Zhiqiang and Li Huiqing, and excerpts of the interview are reproduced below.

The accusation against Karma Samdrup of grave-robbing are from a 1998 case when he was deemed innocent, and so why has the case against him been re-opened now?

Pu Zhiqiang: The origin of this case, as far as we can see from public material, is that it was initiated by the Xinjiang Politics and Law Committee. The Bayingguoleng Prefecture Public Security Bureau’s Criminal Investigations Unit had issued an “Account of apprehending Karma Samdrup,” [*Gama Sangzhu zhuahuo jingguo*] which was submitted by the Bayingguoleng Procuracy to the court. This document says that on December 27, 2009, the Xinjiang Autonomous Regional Politics and Law Committee’s Law Enforcement Group discovered an old case during the course of their work for which they considered Karma Samdrup’s criminal responsibility should be pursued. The Autonomous Regional Politics and Law Committee and the Autonomous Regional Public Security Department passed the case to the Bayingguoleng Public Security Department for handling, and on December 30, 2009, the case was put on file for investigation and prosecution. Karma Samdrup was detained in Chengdu on January 3, and taken to Kuerle [Korla, in Xinjiang] and then to Kuqiang [Loulun, in Xinjiang], where the charge was changed and referred to Bayingguoleng Prefecture; the new charges were passed to Yanqi, and the Yanqi Procuracy filed a public prosecution, and Yanqi Court tried the case.

Twelve years ago Karma was a suspect, but after the Procuracy looked into the case they proved he was innocent and didn’t file a public prosecution. Why didn’t the same thing happen when the case was tried again? What new evidence is there?

Pu Zhiqiang: Within the evidence presented by the prosecution was a 1998 report on the conclusions from investigations of the grave robbery, describing the process leading to putting Karma Samdrup on bail awaiting trial [*qubao houshen*]. At the time, he wasn’t part of the case that was transferred for investigation and



trial, and in the report the investigating organ concluded that Karma Samdrup had not committed a crime. That is to say, the charges against Abliz et al in 1998 did not include charges against Karma, and the trial did not refer to him, not to mention actually trying him. The important changes now are explained by saying the case was misjudged at the time and that the most important culprit was released; but if the case was not misjudged at the time, then there is even less of a case against him now. In accordance with the principle of “Leniency for past wrong deeds” when applying the law, if actions in the past are not considered to constitute a crime under the Criminal Law at the time, even if those actions are considered a crime under the current Criminal Law, it should still be considered when handling the case that the person’s actions did not constitute a crime.

*Almost the entire record was altered*

In addition, in the evidence presented this time by the prosecution, there was nothing that was able to prove he committed a crime. Some of the evidence was extorted through torture, and almost all of the transcripts had been poorly altered or had signatures added, and most of it was the old records from 1998.

According to the 1998 record, when Karma was detained he didn’t have a translator for a long time and basically wasn’t able to communicate. Twenty days later he was assigned a translator, a Mongolian lama who spoke Mongolian and a little Tibetan learned from Buddhist scriptures, which was a dialect from Shigatse Prefecture and completely different to the Kham dialect. In the early period he didn’t have a translator, but later the translation was done based on the Mongolian lama with Shigatse dialect’s understanding of the Kham dialect that Karma spoke. This was then translated into Uyghur, and then finally a policeman who understood Uyghur translated the record into Chinese. It’s difficult to say how many errors occurred in this process. And so the final conviction was based on Karma’s 1998 record and Abliz’s record, which themselves were confessions extorted through torture by police, plus the stories of the grave-robbers. Not only does none of it equate with the truth, it’s actually getting further and further away from truth. I think that procedurally, this entire case is a complete fake.

What’s the basis for sentencing him to 15 years?

Pu Zhiqiang: Clause 1 of Article 328 of the Criminal Law clearly states that whoever robs an ancient tomb under the following circumstances shall be sentenced to fixed-term imprisonment of not less than 10 years, or life imprisonment or death. The first of these circumstances is “excavating and robbing a site of ancient culture or ancient tomb which is designated as a major site to be protected at the national or provincial level for their historical and cultural value.” The Loulan ruins are within Yanqi County, and are a nationally protected cultural site. And suppose Karma Samdrup was the main culprit, that it could be established he directed and instigated the actions, then sentencing him to more than 10 years, or life imprisonment or death is all within the legal scope of

the law. But Yanqi County Court doesn't have the authority to pass to pass a life sentence or the death sentence. This was for a single crime, and not punishment for a multiple crimes, and so according to my analysis prior to sentencing if he was convicted he would likely face a fixed-term sentence of 10 to 15 years, appended with deprivation of political rights. The final choice was 15 years, and it should be said that this sentence is quite harsh. However, Karma Samdrup did not commit a crime, so the sentence itself is not actually the key problem.

As the defense lawyers, what was your overall impression from the day you took over the case to the three-day court trial, and then the eventual sentencing?

Li Huiqing: It should be said that a case of grave-robbing is just an ordinary criminal case, it's just that here it touches upon minority nationalities. Just looking at it procedurally, from the beginning of January and going to see the litigants at the detention center in Loulan, the officer in charge of the case, Zhang Weidong approved our visit but then refused later visits, saying that the Autonomous Region had established a project team [*xiangmu zu*], and we didn't know if this was true or not. Come May when the case went to the Procuracy, the court announced that the trial would start on June 1 – under normal conditions it wouldn't have been this rushed.

*The judge wouldn't let the lawyers see the case file*

When I went to Yanqi detention center to see the litigant they told me there was no one there, and I had to go and consult the detention center director. A guard told me that this was a secret case. It was then that I realized this case was different and that there seemed to be forces interfering in the background. On May 27, Judge Ma told me there were a couple of problems in the case file that he wanted to point out to me, and he took the files away from me and fooled us! Once he had them in his hands he wouldn't give them back, saying the leaders had confirmed they couldn't be given to me, and that he wouldn't let me photocopy them. So from four o'clock in the afternoon of that day, Mr. Pu and I had to copy documents by hand until three in the morning of the next day, and we spent all of May 29 copying too. We kept on asking them to allow us to copy the files in accordance with the law, and with the trial due to start on June 22, they finally allowed us to make copies on June 21, but parts of the material had been removed.

Pu Zhiqiang: The "Account of apprehending Karma Samdrup" issued previously by the Bayingguoleng Prefecture Public Security Bureau had been removed as evidence by the prosecution when the trial started, perhaps thinking it was inappropriate and that it exposed the Politics and Law Committee's hidden hand. Thus, proof was turned into incomplete evidence. This amounted to taking something that in 1998 had closed the case against him and then using it to prove the account of his apprehension. When the trial started, I asked whether or not they were going to submit it, and the prosecution said they had already submitted

everything. I said okay then, I'll submit it as a supplement to your evidence. And so I took this document that we'd copied by hand, and submitted it as evidence for the defense. A good many items of evidence were submitted under these circumstances.

Li Huiqing: The impression I got over the three days was that we were allowed to say what we wanted to say, and we said a lot, but none of the applications and requests we made in accordance with the law were supported by the court. For example, an examination of whether the evidence was legitimate? No. Witnesses should testify in court? No. They didn't even reply to the key questions and rejected all of our applications. We requested a review process of illegal evidence be started, but in the end it was just brushed aside. Finally, the Procuracy presented a record proving that the investigative personnel had not extorted a confession through torture, but it was such an inept and clumsy denial that had been prepared in advance that it amounted to an acknowledgment confessions had indeed been extorted through torture.

Pu Zhiqiang: They were also quite incomplete in their forgeries. The original copy of Abliz's record was not signed, and nor did it even bear the signature of the officer handling the case, and so even the formal requirements of the evidence were not met. On May 27 when we saw the copy, it wasn't signed. After they took it back a signature was added in accordance with Public Security Bureau requirements within a day, and added to the file. The 1998 record was written in fountain pen, as were signatures appended following successive interrogations over the months, but it was obvious that the same pen had been used for Abliz's signature. I asked them about this when the trial started but no one answered because they were unable to answer.

*During the trial, the judge received texts*

The most important and the most frequent thing the judge kept saying was: You may not speak! Who said you could speak! The defense will watch what they say! You may not insult the prosecutors! On the first day of the trial, a Court Police officer approached the judge three times and handed him an envelope; the same thing happened on the second day. So I said, I'd like to know, Judge, what on earth it is you're being given there? I hope that aside from the several of you here at the trial there's no one else telling you all what you should and shouldn't do. And so he wasn't given any more envelopes, but whoever was sending him information used text messages instead. How do I know? The three judges, the two defense lawyers and the two prosecution lawyers were all sat in front of microphones, and when a text message came in it disturbed proceedings – everyone else's phones had been taken away. The cards were deliberately stacked against us to an incredible degree: they'd slip a card for themselves under the table then not let you take one, then change their own cards – it was unbelievable.

When the court went into recess in the evening of June 23, we asked the collegial panel of judges for a “private” communication, where I accepted the criticism leveled that I had been disrespectful to the court and the prosecutors, but I also raised the issue that Judge Guo Yanzhi had had “wise counsel” delivered to the court numerous times [via his mobile phone]. So I said that the court had broken the law right in front of the Procuracy, the Procuracy had reported falsely in front of the court, and then the police stated that they hadn’t extorted confessions through torture, while Karma resolutely refused to admit to any crime. That was the situation.

The prosecution’s evidence was so weak and there were so many contradictions throughout, yet ultimately a heavy sentence was still quickly passed, so what do you think are the background reasons for all this?

Pu Zhiqiang: It’s a fact that a large amount of cultural artifacts have been stolen from Xinjiang, and that there’s an urgent need to punish people according to law who steal from Xinjiang’s tombs. But there’s surely no need for the authorities to drag a case up from more than 10 years ago and put so much effort into going to Beijing and then Chengdu to detain a Tibetan man, and mobilizing so many resources on the case – is that really worthwhile?

There’s one explanation that says Karma’s bad luck here was because he was behind mass petitions in his home area of Gonjo County in Tibet. But I think the police were a little blind on this one when they were providing evidence. Karma’s cellmate Nurmuhemmad’s testimony raised two points: the first was that Karma spoke to him and said he had gone to Xinjiang because the government in Tibet was after him since he deliberately incited the masses to file petitions, and that because petitions are often successful around the time of the Two Conferences [the concurrent annual meetings of China’s national parliament and its advisory body, usually in early March of each year], he had therefore supported the petitioners and given them ideas; and the second was that he said 10 or more years ago when the robbers ran back into the desert to steal the mummified remains from the coffin and the coffin itself, it was at his bidding. But I think this defies common sense.

With regard to petitioning in Tibetan areas, I provided a body of evidence that rebutted this, including a letter from Karma Samdrup to the petitioners in Zirong Village urging everyone to trust the government and to trust the Party, and that Secretary Wang should be given the space to solve the problems. This letter proves that he hadn’t advocated or incited petitioners, the opposite in fact: he brought the good wishes of the government to mediate with the petitioners. Another piece of evidence was a memorandum, a memorandum signed between the government and Party leaders of Chamdo Prefecture and a dozen or so petitioners from Zirong Village in which the villagers are urged to go home, that their problems would be resolved, the compensation for the farmlands returned to forests would be resolved, and which was then signed by these villagers and the

Party and government leaders. This explains that the villagers did indeed petition, but the government signed a memorandum with the petitioners explaining that the problems would be resolved. The judges said that this evidence had no relevance to the case and was inadmissible. I said that establishing the relevance of evidence is a question decided by the court only after that evidence has been cross-examined, and that they could dismiss it, but they couldn't stop us from submitting it. He said that was no good, but I could sense they very nervous about it.

But personally, I don't really believe this was a factor. There are small villages practically all over the entire nation like this one in Tibet submitting petitions – wherever you go, crows are black. As an analogy, people from my hometown come to Beijing to submit petitions, but supposing someone from my hometown came to Beijing to petition but everyone suspected me of putting him up to it, would they really find somewhere else – like Hong Kong and the Public Security Law – to get me and sentence me? This has brought Xinjiang out, which isn't worth it – Xinjiang can't even take care of its own business, but they go to all these lengths just to keep Tibet's arse clean? Just for this? Just to resolve the problem of a village petition in Tibet?

I think all of the reasons we've seen are all untrue. So what is the true reason? Do you think Karma has upset anyone? He's built bridges and laid roads, he was forever doing good deeds, he relations with the government were not bad, and he had never deliberately upset anyone. I think there are probably other background forces in the two Autonomous Regions pushing this matter along. But what's their purpose? I can't figure it out. I'm a lawyer, not a politician – I don't have the energy.

What were the circumstances during the few times you saw Karma Samdrup?  
What were your impressions?

Li Huiqing: I saw Karma again on May 17. When I saw him in January he was a little overweight with lots of long black hair and a mustache. By May 17, he'd lost about 40lbs. He spoke briefly about how the people inside were beating him. Later during the trial he described this in some detail. Karma gave me an impression of honesty, saying that if he was found guilty and sentenced to death, then that was fine; but it'd be wrong if he was found innocent and then sentenced. He explained himself in the Tibetan language: "The snow mountains have always been white, but they are yellow when seen by one with a jaundiced eye; the fact is that this does not change the mountain's true color."

Pu Zhiqiang: I had an extremely good impression of Karma. The man is a deity. To be tortured to the extent he was but still not give in. Such a will – the Han people, such as me, we use Wen Tianxiang [an official from the Song Dynasty, famed for his resistance to the Mongol invasion] to give us fortitude, and if I was put into his position I'd immediately think of Wen Tianxiang, and immediately

think of Yue Fei [a poet and general, also from the Song Dynasty, famed for his loyalty], and if I still couldn't stand it I might even think of Lei Feng [a fabled PLA soldier, celebrated for his complete devotion to Mao and the revolution], and then I wouldn't be able to stand it any more! But Karma, he doesn't need this. He doesn't need to think of anything, he's in a completely free and natural state. The Buddhist's view of life and death is not the same as the Han's. They believe in lives to come, in cause and effect.

*Karma faces his wrongful imprisonment with serenity*

Perhaps this suffering is a catastrophe that he has to face in the course of his lifetime. He can accept it with serenity, but you can't make him tell lies. He says he doesn't hate these people: "As far as I'm concerned, you've taken me in, beaten me, sentenced me, and this has been my fate. And I know, this is like the Cultural Revolution, so this is my Karma!" That's how he regarded what has befallen him when the trial started. Before the trial started, I asked him if his Chinese had improved between 1998 and now? He said it had progressed quickly, and that the two times he'd been in prison his Chinese had got better very quickly indeed – originally, he barely understood it at all. I think for people like this, as far as they're concerned, going to prison and other such suffering is nothing to them. In the eyes of the laity such as us, we don't even dare to look up to someone such as he. I once said to him I wanted to become his private friend, and that I believed we could be good friends. I told him I thought he was innocent and that I could get him out. He was happy.

**"A simple glance will show why this is so cruel."**

In this posting from Pu Zhiqiang's blog published the day after the trial concluded, Pu Zhiqiang reproduces three key documents from the trial. The first is an account by the local police of the decision-making process to instigate proceedings against Karma Samdrup, which reveals that the case had been illegitimately instigated by a Party committee – only the police, the courts and the prosecution have the authority to do so under China's legal system.

The second document is an account of Karma Samdrup's detention in 1998 but which is dated April 10, 2010, and which is thought to have been heavily doctored. The third document is an account of Karma Samdrup's detention in 1998 by the officers involved in the case and which goes on to recommend that Karma Samdrup had not committed a crime. Pu Zhiqiang notes that because the document didn't bear the officers' signatures and police seal, the prosecution said it only amounted to a personal opinion by the officers involved.

<http://puzhiqianglawyer.blog.sohu.com/155349079.html>

**The account of apprehending Karma Samdrup “Two sets of papers, one of which dropped by the prosecution,” and Bayingguoleng Prefecture Public Security pre-trial report concluding that Karma hadn’t committed a crime (extracts).**

On May 27 of this year, Li Huiqing copied some 70 pages from part of the case file at Yanqi Court, including two copies of accounts of Karma Samdrup’s detentions issued by Bayingguoleng Prefecture Public Security Bureau, one of which is from 1998, and the other of which is from this year. In this year’s one, the investigating organ reveals that they had gone to war to resurrect an old case) to try and detain Karma, originally on the orders of the Xinjiang Politics and Law Committee Procuratorial Group. The case subsequently moved very quickly and two days later, over the New Year, they went to Chengdu and arrested Karma. But then Judge Ma Zenghua went to the hotel [where Li Huiqing was staying in Yanqi] and lied about there being several places that were unclear, and could he check [the copies of the documents]. Thus he swindled the documents away, later saying this was a decision by the leaders and that because the case was sensitive he couldn’t let the file be copied, and that if you wanted to see it you would have to go to the court, and I will arrange for you to copy abstracts [by hand]. All he could do was go back to the court and accompanied by the judge, take abstracts of the documents well into the night. On May 29, I arrived in Yanqi and had to delay meeting with Karma while we focused our energy on making the abstracts, where I discovered two documents stapled together in the file, and which I then entered them personally by hand into the computer.

On June 21, the day before the trial was to open, the court finally allowed us to copy “all” of the prosecution files. In passing, I discovered that the prosecution had taken out the Bayingguoleng Prefecture Public Security Bureau account of Karma’s detention this year. When prosecutors persisted in refusing to show this piece of evidence, as defense lawyer I presented it as evidence to the court during the defense stage of proceedings, and pointed out that the reason the case had reached this particular stage was because of the behind-the-scenes forces of the Xinjiang Politics and Law Committee – that everything could be traced back to them. The trial judge ordered me to talk only about questions pertinent to the case, and that I would have to refrain from everything else. I said that this was indeed pertinent to this case, and that this proved the prosecution had not submitted all of the evidence. When the prosecutor Kuang Ying was cross-examining, her first doubt raised was that my evidence didn’t meet the formal documentation standards. I asked the judge to obtain this evidence from her seeing as the formal standard version was there in her hand, and that moreover I was doing her a favor by completing the prosecution’s procedural file because the copy of the account of apprehending Karma from 1998 had absolutely nothing to do with this case – back then he was released and there was a conclusion from the police saying he hadn’t committed a crime. The prosecutor said as an organ for administering the law of the nation, the reviews, supervision and guidance given on this case by the Politics and Law Committee was legal [legitimate]. I immediately expressed my



amazement, saying that all of the education I had received told me that the state's organs for administering the law were the police, the public procuracy and the courts, and government administrative offices with law-enforcement powers, while the Politics and Law Committee is after all just an internal Party structure; the fact that a procuratorial official and very fine prosecutor should actually think that the Politics and Law Committee could intervene and start investigations into a case left me feeling truly hopeless.

When the public prosecutor handed over the "Pretrial conclusions" document issued by Bayingguoleng Prefecture Police Officers Shi Lei et al on March 30, 1998, it clearly stated therein the conclusion that Karma Samdrup had not committed a crime. Karma Samdrup's case was not transferred for prosecution, and the crime of grave robbing committed by Abliz et al had nothing to do with Karma Samdrup. However, the aim of the prosecution this time was to show that Karma Samdrup had committed the crimes of inciting and supporting [grave robbing]. When I made this point, she said that this 1998 document was just the personal actions of the Police officers handling the case, because it didn't bear an official seal.

Pu Zhiqiang June 25, 2010, Linfen, Shanxi.

The two documents are below – a simple glance will show why this is so cruel:

**1: "The account of apprehending Karma Samdrup" (Prosecution refused to submit, I submitted it as evidence for the defense)**

Criminal suspect Ruka Karma Samdrup; male; Tibetan; born May 8, 1968; elementary school education; self-employed trader; from Maidong [Tibetan: ?] Village, Xiangpi [Tibetan: Gyanbe] Township, Gongjue [Tibetan: Gonjo] County, Changdu [Tibetan: Chamdo] Prefecture, Tibet Autonomous Region; ID No. 542123106805080018; Passport No. G12715295; Hong Kong and Macau travel permit W00550897; prior to detention a resident of No. 1-1-8, 19 Xiajiahe Xingrong Street, Chengdu City, Sichuan. Taken into criminal detention on January 7, 2010 by Nuoqiang County Public Security Bureau on suspicion of illegally trading in cultural artifacts, formally arrested on February 9 of the same year on the approval of Bayingguoleng Prefecture People's Procuracy on suspicion of grave robbing, currently detained in Korla detention center.

In the March 10, 1998 case of grave robbing by Abliz Kerim et al, it was discovered on December 27, 2009 during work by the Xinjiang Autonomous Regional Politics and Law Committee Law Enforcement Group that following examination, criminal responsibility against Ruka Karma Samdup should be pursued in connection with the case according to law, and that same year, the Xinjiang Autonomous Regional Politics and Law Committee and the Xinjiang Autonomous Regional Public Security Bureau took the case. On December 30,

2009, Nuoqiang County PSB in Bayingguoleng Prefecture initiated an investigation, and the criminal suspect Ruka Karma Samdrup was detained on January 4, 2010 from room 405 of the Modern Commerce Hotel on 158 Heng Jie An Yi Ximianqiao Road in Chengdu. On January 7 he was taken to Bayingguoleng Prefecture, and is currently being held in Korla detention center.

Bayingguoleng Prefecture PSB Investigative Unit.

(Stamp: Bayingguoleng Mongolian Autonomous Prefecture PSB Criminal Investigative Unit, Xinjiang)

January 10, 2010

## **2. The account of apprehending Karma Samdrup in 1998 (submitted by the prosecution)**

In February 1998, in accordance with clues obtained by the Autonomous Regional Public Security Department, information about the identity of thieves who raided a thousand-year-old tomb in the Loulan ruins within Bayingguoleng Prefecture was basically confirmed. On March 10, 1998 the Public Security Department leadership decided to dispatch personnel led by Zhang [Zhuomin], Head of the Public Security Department Investigations Bureau, to establish a specialized “98-3-10” investigation group to carry out an investigation into the theft at the Loulan ancient tomb. Following work, a total of six criminal suspects headed by Abliz Kerim were detained, and in accordance with Abliz Kerim’s confession, it was ascertained that the Tibetan businessman Karma Samdrup had bought six items they had stolen during a first robbery at the Loulan tomb, and who had then instructed Abliz et al to return and get a painted coffin still in the tomb, which he would purchase. In accordance with Karma Samdrup’s instructions, Abliz et al again entered the Loulan tomb to steal the painted coffin, and using a saw to saw it open they then wrapped it and placed it in a car. They happened upon a patrol and so abandoned the painted coffin and other artifacts in a patch of tamarisk in the Gobi Desert before making their escape.

In view of the fact that Karma Samdrup’s actions constitute joint commission of a crime, the case group decided to detain Karma Samdrup. First, comrades from the Bayingguoleng Prefecture Criminal Investigations Unit including Comrade Yin Baolin, Political Commissar and comrades from the [autonomous regional] Public Security Department went to Yushu Prefecture in Qinghai (previous information had said that Karma Samdrup was in Yushu) to apprehend him; and second, following Abliz’s account of a telephone conversation between Abliz and Karma Samdrup inducing him to Urumchi, Karma Samdrup would be apprehended in Urumchi. Both operations were conducted at the same time.

On March 16, 1998, a party from the Public Security Department led by Department Head Zhang Zhuomin took Abliz from police detention to Abliz's home, and using a number previously supplied by Karma Samdrup and in accordance with previous arrangements Abliz told Karma Samdrup, "Yesterday I came back from a long way away, and I've brought back the things you wanted as per your instructions, so please bring the money to Urumchi as soon as possible and collect the goods." Karma Samdrup said, "I'll be on the March 18 flight to Urumchi to collect the goods, so please take very good care of the goods." In accordance with the situation, Department Head Zhang Zhuomin made immediate preparations, and successfully apprehended Karma Samdrup on March 18 at Chaiwopu Airport in Urumchi, following which the six cultural artifacts stolen from Loulan tomb and bought by Karma Samdrup were recovered.

Bayingguoleng Prefecture PSB Criminal Investigations Unit

(Stamped with the Bayingguoleng Prefecture PSB Criminal Investigations Unit's seal)

April 22, 2010.

### **3. Pretrial conclusions**

In the case of stealing from ancient ruins and grave robbing against the criminal suspects Abliz Kerim, Liang Zhigang, Ahmet Rozi, Ahmet Menglik and Mehmet Tohti, and following interrogations and investigations from April 26 until May 29 of the same year, pretrial conclusions have been made. The results of the report are as follows:

- 1: The basic details of the criminal suspects (omitted)
- 2: Background of the case (omitted)
- 3: Facts of the case (omitted)

[...] On February 21 at his home in Urumchi, the criminal suspect Abliz Kerim sold the stolen cultural relics of a velvet carpet and an embroidered cushion and a wooden vessel to a Tibetan businessman by the name of Karma Samdrup for 84,000 *yuan*, and later the criminal Abliz Kerim used the money he had gained to buy a 2020 model Bejing Jeep and tools including handsaws, foam rubber and sneakers. On February 26, he again gathered together the criminal suspects Ahmet Menglik, Ahmet Rozi and his younger brother Erkin to drive to the Loulan ancient ruins, and in the original 98 L-M tombs the two criminal suspects Abliz Kerim and Ahmet Rozi dug out the coffin. Then using the saws that they had brought with them, they cut a panel off the coffin and used foam rubber to wrap and steal a woman's cotton dress, an undershirt, a pair of cotton trousers, a pair of

cotton socks, a painted box, a painted platter, the decorated coffin and two cotton veils.

According to evaluations by the Autonomous Regional Academy of Archaeology, the raided 98 L-M tomb is in the Yadan area of ancient Loulan, which is a State Cultural Heritage site. Three of the stolen documents [*sic*] (the cotton socks, the cotton trousers, and the undershirt) are Class I state protected cultural relics; two of the items (the velvet carpet and the painted coffin) are Class II state protected cultural items; while the embroidered pillow, the two cotton veils and the wooden vessels are Class III state protected cultural relics.

Explanation of the problem:

- a) The criminal suspects Abliz Kerim, Ahmet Menglik, Mehmet Tohti and Qurban Jamil are able to express themselves in Chinese to a degree, and during the process of interrogation and investigation, both ethnically Uyghur and Han officers participated, and for the interrogation of Karma Samdrup, a specialist personnel who understood Chinese was employed. The records of the above persons' interrogations were kept in Chinese.
- b) Because Erkin, the suspect involved in the case of the second robbery at 98 L-M, has no employment and is of no fixed abode, numerous attempts have failed to bring him in.
- c) Following consultations with the Autonomous Regional Cultural Artifacts Bureau, there is no state policy on the individual ownership of cultural artifacts. Karma Samdrup, suspected of buying the stolen cultural artifacts, has membership of the Beijing Oriental Collectors Association, and there is no evidence that this person illegally sold the cultural artifacts. According to the "Criminal Law," this does not warrant criminal punishment, so on April 29, 1998 he was placed on bail awaiting trial [*qubao houshen*].
- d) The criminal suspect Qurban Jamil turned himself in after committing the crime and confessed truthfully to his criminal behavior, and won merit for exposing the criminal actions of others. In accordance with the provisions of Articles 67 and 68 of the "Criminal Law," he therefore avoids criminal punishment and on May 7, 1998 he was placed on bail awaiting trial.

#### **4: Suggestions for proceeding**

The actions of the criminal suspect Kerim contravened Article 324, Clause 1, and Article 326 and Article 328 of the Criminal Law of the People's Republic of China constituting the crime of deliberately destroying cultural relics, the crime of selling cultural relics, and the crime of looting cultural ruins and grave robbing. The actions of the criminal suspect Ahmet Rozi contravened the provisions of Article 324, Clause 1 and Article 328 of the Criminal Law of the People's

Republic of China, constituting the crime of deliberately destroying cultural relics, the crime of selling cultural relics, and the crime of looting cultural ruins and grave robbing. Upon being released on completion of his sentence in May 1998, the criminal suspect Liang Zhigang once again committed a crime for which the provisions of Article 65 of the Criminal Law of the People's Republic of China apply. After repeated interrogation and investigation, un-named criminal suspects confessed fully and without reservation. The facts of the case are clear, and the evidence is solid and ample. Upon completion of the legal formalities, this case shall be transferred to Bayingguoleng Prefecture People's Procuracy in accordance with Article 129 of the Criminal Procedure Law of the People's Republic of China in order for criminal responsibility to be pursued.

Please comment on any inaccuracies in the above report.

Undertaken by: Bayingguoleng Prefecture PSB Criminal Investigations Unit

Persons in charge: Feng Liang, Shi Lei, Ya Sheng

May 30, 1998

## **BLOGPOSTS**

### **The Sixth Person**

A full translation of the blog by Karma Samdrup's wife, Dolkar Tso, about teacher Tashi Topgyal's detention, posted on July 7 and entitled 'The Sixth Person' is enclosed below, translated into English by ICT.

The sixth person

Tashi Topgyal's younger sister called for me, tears on her face. She'd received a call at dawn from her younger brother in Lhasa, saying that their elder brother Tashi Togyal, the simple and honest Tibetan-language teacher, had been taken away the previous night by several dozen police. Where is he now? No one knows. Is there a certificate of arrest? As per usual, no.

I was amazed as well as scared. The sixth person, Tashi Togyal has the same father but different mother as his younger brother Rinchen Dorje, who was doing his utmost to find the whereabouts of Rinchen Dorje, but now even his whereabouts are not known. Is there no end to the trickle down of this fear?

His younger brother said Tashi Topgyal was taken away last night [July 5, 2010], that many people came, and that they searched under his bed for something. His wife immediately said that whatever it was didn't belong to the family, and that they had put it there to frame the family. Ten or more people continued searching

the family home, and the family stood by helplessly as everything was turned over, but Tashi Topgyal was still taken away even though nothing else was found. Where was he taken? And for what reason? What is he facing? Is he too going to be tortured into confessing to fabricated charges?

As a woman in this family, I don't want to be a cancer of menace and terror when I face all the old folks and children in the family – what will it bring us, what story is this going to give to the world.

Our daughter said: "It's my birthday soon Mum, and Dad [Karma Samdrup] said this year that he'd be sure to go with me to buy a present, so make sure he comes back."

Okay, let us say to the world, let your father and uncles come back soon.

Note: Tashi Topgyal]: The only young man in Zirong Village to have received an education and become a teacher, very honest and sincere, and who put enormous efforts into improving the local education environment. Please Buddha and the world, help us find him!

## **Praying**

Blogpost entitled 'Praying' by Karma Samdrup's wife, Dolkar Tso, published on June 23 about the trial of her husband. Translated into English by High Peaks Pure Earth, <http://www.highpeakspureearth.com/2010/06/praying-blogpost-by-dolkar-tso-wife-of.html>

### **"Praying"**

An Account of June 22, 2010

By Dolkar Tso

The hearing was adjourned, it was almost 11 o'clock at night. My husband turned his head, peeked into the court. They took him away in the other direction and shut the door, we were once more separated.

In the morning I had felt so distressed and hurt that I only felt extreme grief, from the afternoon till the evening I had felt anger from all that justice and injustice. Now, after having received numerous missed calls and many text messages asking for news, I just don't know anymore what I feel.

Early in the morning, around 9:30 am, I saw a police vehicle, I guessed that he might be inside and when the people from inside the car were led out I almost missed him. Or rather, I just didn't recognise him. How could his tall and upright body become thin and small? The body that passed me looked like one of a slim and fragile college student.

Before we entered the court, I was already in tears. Relatives and friends didn't speak a word, well, what was there to say?! Only when he stood there with his back to us, and started speaking, everyone's sadness just poured out. We all rather closed our eyes, we didn't want to look at this cold shadow, we just wanted to listen to this so very familiar voice – only this was really him, only this really managed to turn that poor fragile shadow into the person we remembered.

I never thought his cheekbones could be this high, his chin so pointy, his arms so skinny, there's nothing left of his pot-belly. And he even tells us that over the past 20 days he had already recovered quite a bit, he had started eating regularly and does not have to suffer any maltreatment anymore.

Then he paused for a while, "Today my friends and relatives are here, and there is probably a lot I shouldn't say." The account we heard afterwards exceeded our worst imaginations, we heard about hundreds of different cruel torture methods, maltreatment around the clock, hitherto unheard of torture instruments and drugs, hard and soft tactics, and even of fellow prisoners being grouped together to extract a confession. If he did not reveal certain details he would be mentally tormented. If he wanted to eat or go to the toilet he had to write an "IOU", an "IOU" which has already amounted to 660,000 RMB. The "purchased" food would first be crushed by people using their feet, there would be beatings for no reason, this was common and occurred too many times to count. He said in a sad voice that he had already prepared for death and he had written a letter to tell his relatives what to do. Two elderly interpreters had red eyes and started crying bitterly.

The lawyer also almost started crying. During the afternoon trial, the submission of evidence and translations was an endless process, endless but extraordinary. All of the evidence that was "temporarily put aside", to my understanding, contained many loopholes and contradictions. Even the lawyers seemed to think that much was illegal in the procedures and they raised their doubts. It was just a pity that the panel discarded them as "unrelated to the respective issue" or said that "this has already been clarified". Sitting in court were two lawyers and a defendant - three amazing people. Justice gives people an incomparable power, for a moment I didn't think of all the disasters, I was entirely absorbed by this optimistic wisdom, surrounded by hearts of such warmth, I thought that my husband would also feel it. I clearly saw him turning his head and when he saw us his eyes were smiling. Or maybe we are fortunate people, fewer and fewer people receive such noble blessings.

I really don't know after this endless but extraordinary afternoon what will follow tomorrow. But we are all sure that our Karma Samdrup is no criminal, he is innocent, an unyielding and magnanimous person who can withstand any storm. We all know that he is not a criminal! As long as the court acts justly and fairly, he will certainly come back to us very soon. He will come back home and

embrace his two daughters and also embrace freedom – this is the life, which he should live. Please listen to the prayer, which I, this rushed and weary, burdened but hopeful woman am saying. An effect presupposes a cause. May Buddha protect us.

### **“I am a firm believer in Karmic retribution!”**

This piece by the Tibetan writer Woesser, translated into English by ICT, is a moving description of the trial and the impact it has had on Karma Samdrup’s family, and includes a stinging attack on the judges for their lack of morality and professional ethics.

[http://woesser.middle-way.net/2010/06/15\\_25.html](http://woesser.middle-way.net/2010/06/15_25.html) <[http://woesser.middle-way.net/2010/06/15\\_25.html](http://woesser.middle-way.net/2010/06/15_25.html)>

Friday June 25, 2010

“I am a firm believer in Karmic retribution!” The third day of Karma’s trial, sentenced to 15 years.

Yesterday was the third day of Karma’s trial. Following all of the closing statements, Karma stood, bowed and thanked the court for giving him the opportunity to say a few words having originally thought he wouldn’t have such an opportunity; and he thanked the prison guards detaining him for their trouble. He then said, “When someone with jaundice looks at the snow mountains, they appear yellow, but the snow mountains will forever be white. Karmic retribution is likely, and I believe in Karmic retribution.” Whereupon he was scolded by the judge, and tears poured like rain down the faces of his friends and family.

Prior to his arrest, Karma was built like an ox and always had a loud and ready laugh although he spoke his words in rapid fire. Six months later today, his wife Dolkar’s heart broke – as did those of friends and family there – when he appeared in court. No one could believe that this haggard man standing before their eyes with the number 067 on the front of his yellow prison uniform with the bones of his spine clearly visible through the back was their relative Karma, who had only been gone six months!

He could barely hear out of his left ear and his eyesight was hazy, his memory poor and his speech was slow as though he’d been broken by the judges. He couldn’t remember where to start. What kind of drugs had they forced on him? He had been bleeding from his eyes and ears! How much had they tortured him? All to get him to confess to that dubious charge!

On the second day of the trial, Karma had remained calm. There was only one time when the judge denied that his confession had been extorted through torture and waving the ‘evidence’ in the air his mood became agitated and slapping his



thigh he shouted “I don’t want to hear this stupid nonsense any more!” The second day of the trial didn’t finish until 1:00 in the morning on the 24th. During the long slow process, Lawyer Pu had to ask for recess to go to the repository for insulin injections – he has diabetes.

And just before Karma was taken away, he smiled slightly at the lawyer and said, “You must take care of your health.” Both of the lawyers said, “You have to take care of yourself.” Karma turned to look at this wife and his several friends and family and said, “Take care of your own affairs and don’t worry about me – no need to worry.” As he was taken away and as he was taken through the court, it was heartbreaking to see his eyes scanning around trying to see his friends and family.

Karmic retribution is as the mills of heaven slowly grinding and they grind exceedingly small; and it is as Karma’s name. “I am a firm believer in Karmic retribution,” he repeated again in Tibetan. The Tibetan translator in his sixties looked at the judge and the prosecutor and very deliberately emphasis translated it into Chinese. This elderly translator was not in good health and had to have a bottle of heart pills on the first two days. On the third day he had two bottles. “This is so unjust,” he angrily sighed.

The two lawyers, Pu Zhiqiang and Li Huiqing put everything into their work and fought according to the law, but their cultured brains were no match for these soldiers’ brawn, and the lawyers said these soldiers were more like bandits. During the closing argument, Lawyer Pu told the court, “Even though we have felt deeply humiliated during these two days of this trial, we have defended dignity all along.” Furthermore, the lawyers could see that “the sharp knife was already raised above his head, ready to fall in an instant.”

Sentenced to 15 years! This is the highest punishment that Yanqi Court could pass, and friends who witnessed the law being so bent said “how devoid of conscience this is, how blatant.” Karma immediately said he would definitely appeal. He was very calm and proud as they took him back to prison. His wife Dolkar angrily cried out, “Is there no justice!? What kind of society is this?! How can good people come to such a pass?! He’s done so much good for this country and society!”

A court police officer went over to stop her, and Dolkar said angrily, “Five people in our family have already been taken in, and even I’ve been taken in! Our two daughters have been taken away together!” The two lawyers started crying. Pu Zhiqiang, this big tall man, let out a wailing cry. He then gripped Dolkar’s hand and with tears streaming down his face said “Sorry, sorry.” But the ink on the sentencing document was already long dry.

Why was the lawyer apologizing?! The entire course of this three-day trial was a travesty of justice. The prosecution’s case was riddled with holes, with

“evidence” that was “temporarily unavailable” declared as “legitimate and reliable,” while solid evidence for the defense and requests to cross-examine evidence were denied as “illegitimate.” Just who is it who’s trampling on the laws of this country? The facts of this three-day trial are now widely known and the truth is already out there. Shame on the judiciary! These puppet judges and “top ten” prosecutors, how do they have the face to go on living?

There is a saying: People do, heaven sees. There is a saying: People do, cause and effect sees. Wang Lixiong published a Tweet that said: “The reason why I regard Chinese judges to be the most shameless of people is because no other shameless people are as hypocritical as judges. Every single judge without conscience clearly knows true from false and straight from twisted and yet under the banner of law and justice these running dogs wag their tails at the bones their masters toss them.”

Wang Lixiong continued with another Tweet, “Yesterday, I read Pu Zhiqiang’s Tweet praising Yanqi Court and expressing his heartfelt thanks, later followed by seeing the court sentence Karma to 15 years in prison. I believe this was not Yanqi Court’s decision, and those judges were only enacting the earlier decision of a senior level. They absolve themselves by saying they have to eat, and then with peace of mind go and do things against the judges’ profession and humanity’s conscience.”

All good wishes to the executioners holding the golden rice bowl night and day; all good wishes to every single executioner holding the golden rice bowl night and day. In Tibet’s ancient “Shakya Maxims” it is said, “No matter how persuaded are those who are base, their base nature will not change for the better; no matter how one washes and cleans ash, the black will never turn white.”

And so what we must do is tell the world who is base, no matter how hypocritical, they are base people without conscience. Karma Samdrup is a pure white snow mountain, and you, you wicked judges who corrupt the law, you forever are black ash.

June 25, 2010. Written in haste. (With thanks to friends.)

#### TRANSLATIONS FROM ‘HEAVENLY BEADS’ ON KARMA SAMDRUP AND RINCHEN SAMDRUP

#### **Karma Samdrup’s story from ‘Heavenly Beads’**

ICT includes a translation below of an extract from the book ‘Heavenly Beads’ by the Chinese journalist Liu Jianqiang (Tibet People’s Publishing House, 2010) about Karma Samdrup. The title of the book refers to a very specific and highly prized form of agate

found in Tibet called *dzi* (Chinese: tianzhu), and which Karma Samdrup, nicknamed ‘The King of *Dzi*,’ specialized in trading. Describing the lives and achievements of 10 key Tibetan figures in the nascent environmental movement in Tibet, the book was extremely well-received by general readers and various academics and journalists alike across China. Yang Ruichun, managing editor of the semi-official online news portal China News Weekly ([www.chinanews.com.cn](http://www.chinanews.com.cn)) is among the book’s reviewers quoted in its inside pages: “Discovering material in this book is for the reader like ‘The King of *Dzi*’ discovering a fine *dzi* – one has the same feelings of inner satisfaction. There is a surging history behind the characters in this book. It is a modern history of the Tibetan people, and it is a history of the Tibetan people’s search for their own soul.” However, according to the Berkeley, California-based China Digital Times which monitors political and social transitions in China, the book was banned by the Chinese authorities on June 24 – the day Karma Samdrup’s trial concluded, and soon before Rinchen Samdrup went on trial. (<http://chinadigitaltimes.net/2010/07/latest-directives-from-the-ministry-of-truth-june-18-july-6-2010/>)

This extract from the book covers the period in 1998 when Karma Samdrup was initially detained in Xinjiang. It is a revealing account of Karma Samdrup’s treatment in detention, and his resilience and character.

There’s a place in Urumchi called “Erdaoqiao” where there’s a lot of antique shops and art shops, a lot like the Barkhor in Lhasa. The first time I went, I got to know the shop-owner Abliz [who is named in the sentencing document] and bought quite a few old silver coins from him. I later learned that most of them were fake and I went back and shouted at him. Later though, I bought a carpet from him – his shop was full of stuff, but when I think about it now, 95% of it was fake. The carpet was genuine though, this I was sure about.

In the end I bought a pile of things for more than 80,000 kuai, including a wooden vessel, a carpet, silks, most of which had the characteristics of Zhang Zhung culture – I was very happy with it all. [Zhang Zhung is an ancient Tibetan kingdom and culture that predates the arrival of Buddhism in Tibet.] When I bought it, I said to him: “I have a collector’s permit [shouzang zheng] and don’t want to break any laws when I buy things. Are you sure that all of these things were legally obtained? If they were illegally obtained you’ll likely end up in court.”

“No problem!” he said. “All of this was picked up in the Gobi desert – you can pick up whatever’s there. How can that be illegal? I’ve been in business here for 20 years, in legal business – take a look at my trader’s permit.” And sure enough there was a formal trader’s permit certificate hanging on his wall.

My favorite piece was the large carpet with Tibetan-style patterns, but it was in very poor condition. I chose a remnant about the size of a handkerchief, a few pieces of silk, some woven pieces and a wooden piece, six items in all that I wanted to take to Beijing to have evaluated and looked into. I left a few other

things that were more valuable with him, never imagining that he'd later tell me the things left piled up in his garage were all stolen. I suspect he sold things to other people, but there's no way to be sure of that.

I didn't know they were grave robbers until after the police had detained me – five people in total: Abliz and two others stored the things they stole from the tomb, and then two other robbers who were set up. Those two people were very angry and reported to the police. The police didn't detain me until Abliz told them I had bought the things.

When I went to Xining to see Zhenga, one of the five people who was yet to be detained gave me a call, and said "Don't go to Xinjiang, the police are investigating what happened."

So let them investigate it! What's it got to do with me? Ha ha! I was so stupid back then.

Then Abliz gave me a call, which was actually the police trying to get him to lure me in. He said, "Karma, come to Xinjiang straight away and bring 3 million – there's a lot of good stuff here, several car-loads."

Something wasn't right, I was uncomfortable. Why would he want me to bring 3 million? It was as though he wanted to con me. Then I had a bad dream that night where I was bitten by a dog.

In the article it says that he called me to say that he had the "beautiful coffin" and the "complete mummified remains" I wanted, and that he asked me to hurry to Urumchi to get the goods and give him the money – that's utterly ridiculous. I knew nothing about any coffin or mummy. It also said in the article that I had an ID with the Han name Li Wenbang on it – even more ridiculous. Look at me – my ponytail, wearing a Tibetan chuba, barely able to speak Chinese, and I say my name is Li Wenbang? Would you believe me? It has always been "Karma Samdrup" on my ID card, the only difference now is that back then it didn't have the clan name "Ruka."

When I went to Chengdu I had another call from a friend, saying "Whatever you do, don't go to Xinjiang!" But I didn't listen to him because I hadn't broken any laws! What was there to be afraid of? And furthermore, the Urumchi Tannery had my business and they were waiting for me.

I took around 400,000 with me and took a plane to Urumchi but when I got there, there were dozens of police and journalists waiting for me, the main culprit in "Xinjiang's biggest case." For about 10 days afterwards, the news in the papers was all about me – ha ha ha.

It said in the article that I was carrying a “combination-locked case,” but that’s also not correct. I was just carrying a small bag. When I came out of the airport, I look around to see if anyone was really going to grab me, but there was nothing doing and I couldn’t see any police. A woman taxi driver came up to me and took my bag, wanting me to get into her car. I followed her, but before getting to the car lots of people rushed me from all directions and grabbed my head, my hands, my feet – my feet were off the ground and I thought I was being robbed. There were three people holding my right hand, but I pulled it free for a moment and was getting ready to fight back when they pulled out a gun. Ah. It’s the police.

They put handcuffs on me and were “click click click” taking my picture with flashes going off constantly so brightly that I couldn’t open my eyes. The photograph in the magazine was taken then.

After they threw me into a four-wheel drive, three people had a hold of my head and two had a hold of my feet. I knew they were police and not thieves, that my life wasn’t in danger, and so I wasn’t that scared. As they held onto me I kept saying loudly “Tara, you must look upon this! Tara, bless me and protect me!”

The car drove for a long time, and probably after an hour or so it stopped and outside I heard the creaking sound of a detention center gate opening. This detention center is for serious criminals.

They found my money and they were thrilled. Why wouldn’t they be? They were rich. They took photographs, they took video, and then they interrogated me. I said I’d only bought the carpet and that I was going to Beijing to sell it. They said, “You have a good attitude. Tomorrow you’ll give a more detailed account.”

And so the next day they started beating me. They beat me every day for 18 days. They had so many different ways of beating me: sometimes they bent me all the way forward and beat me about the waist. Sometimes they’d make me stand cross-legged so I was unsteady on my feet and then beat me. Sometimes I had to stand with my face pressed to the wall with my feet splayed out sideways and against the wall. You should try it. It gets absolutely unbearable, and when it got unbearable they’d beat me. They were so clever. They’ve thought of so many ways to hurt people.

The more they beat me the more angry I became and the more I refused to speak. If they didn’t beat me, who’s to say I wouldn’t have said anything. They pulled at my hair and held scissors to my head: “Are you going to talk or not? If you don’t talk your hair gets cut off!” They threatened me this way four times. They could cut off my head but they couldn’t cut off my hair. Tibetans traditionally grow their hair long, and so many had their hair cut off in the Cultural Revolution. I’d grown my hair long because of my mother and grandmother, and from the first time I went to Lhasa, and aside from the time in Xining when I got in a fight and a cut a few locks off I have always grown my hair.

I said, “Why would you cut my hair if I’ve committed a crime? Why don’t you just shoot me?”

By the ninth day of beatings I wasn’t saying anything and there was nothing they could do. They brought in Abliz, and he shouted at me “I’m begging you, give them back the stuff!”

I shouted back, “Fuck you, I don’t know you! What have I got?”

Not saying anything was also for his good too. It’s in the Khampa’s character that if there’s a grudge between two people, you never sell someone out at a crucial moment.

The policeman said, “You know you broke the law?”

“I didn’t break the law.”

“What do you mean you didn’t break the law? Someone steals some stuff, you buy it, and that’s not breaking the law?”

“I bought it from his shop! If he’s selling things illegally why did you approve his shop?”

“If you didn’t know those things were illegal, why did you pay so much for them? Here’s a cigarette for 80,000. Do you want it?”

“I’m a collector, so aren’t you and I doing the same thing? Both protecting cultural artifacts, for which I have a collectors permit.”

“It’s all the state’s stuff!”

“But I’m Chinese! Are you saying Chinese people can’t protect their own state’s things?”

His head was spinning. He couldn’t argue with me so he just beat me.

Actually, I hadn’t taken away the more valuable things that Abliz had sold me, and had first taken those six things – the carpet fragments and silk pieces – which weren’t worth much because I wanted to have them looked at. They certainly weren’t cultural artifacts. A friend brought the things back and the police were very happy. They got ready to take pictures and take video, but as soon as they opened the bag I could see the disappointment in their expressions – just these few things for such a major case? A policeman asked me, “This is all there is?”

I said: “Yeah.”

I saw a policeman silently shaking his head.

They brought in Abliz to have a look and he acknowledged that these were the things he'd sold me. This was a tragedy for the police. In the media they'd boasted ferociously about how I was the main culprit who had got his hands on "national treasures," but where were these "national treasures" I was meant to have? They were utterly worthless. And from then on the officers' attitudes softened, and they'd say to me every day things like, "Karma, do you need a shower?"

A friend came to see me and left me a few thousand kuai, but he left it with the police and so I couldn't get it. Because this was in no way a major case, the police weren't getting any funding from above and had to ask me for money every day for food. When all three were together they were too embarrassed to ask, but after an interrogation when two of the officers would leave, the remaining policeman would say to me, "Karma, we don't have any money for food. It's a little embarrassing, but can you sign a chit for us?" So I wrote, "Withdraw 500 kuai. Signed, Karma." They'd take 500 out of my account, give me 200 and keep 300 for themselves. They did business like this with me fairly frequently, with the most at once being 600 kuai.

There was a period of time later when two people separately took me out for interrogation as though they were afraid someone would see them. Both times, they were speaking about this and that and I really didn't know what was going on, but in the end they nervously put out their hands and rubbed their thumb and forefinger together – and then of course it struck me, it turned out they wanted money, and a large amount of money at that. One of them pointed at his chest and said, "If you don't give me the money then you're going to stay in here until your beard grows down to here."

Of course, I didn't give it to him, but they sent someone else to try and persuade me, who said: "You're so stupid, he was trying to give you a way out of here and you didn't take it."

And so I didn't get out. I didn't want to do anything dirty.

Of the 28 days I spent in Urumchi, they beat me for 18 days. When they'd finish beating me I was taken back to my cell where I read Chinese newspapers. One of my cell-mates was from Sichuan, and he'd read a passage that I'd then repeat. The papers had been brought in by the cell-mates. They'd wrap the papers in string then toss them from one cell to another, sometimes having to toss them dozens of times before getting them in. Once I'd read them I passed them on to someone else. Oh, those papers were so good to read. I could study Chinese, which was such a valuable opportunity.

I don't have the slightest hatred for the police officers who beat me. They thought it was very strange that this person could be beaten so badly, but then laugh as he washed his hands and tended his wounds, and even study Chinese – was he crazy?

My Chinese improved greatly during that time.

After 28 days, they took me out and said, "You can go." Thinking they were releasing me, I was delighted and gave all of my leftover money to my cell-mates. This had been a miserable time, but later I almost starved to death. They then took me to Korla detention center for another 15 days. The police there didn't beat me, but the other detainees beat me. People were beaten in a lot of the cells. If someone said, "I want to listen to the radio," they'd be beaten and scream with pain. If the number one criminal said, "Well I want to watch television," then the first guy would be beaten even more severely.

When the policemen put me into the cell they said to the number one in there, "You can teach this one a good lesson."

All of the seven people in this cell were petty thieves, swindlers and smugglers. I knew they wanted to bully me, and so I puffed out my chest when I walked in and returned all of their stares as I stretched out my arms and legs as though I was really tough, and they were scared. I heard a little voice from among them saying "Has he been sent by the cops?" They were all a little unsure.

They made me sweep, wash out the slop bucket and tidy their sleeping area. They all bunched together on the kang so I had to sleep on the floor. The swindler was the number one. He had me learn the prison regulation by heart – "If you don't learn them you'll get a beating."

I conscientiously stood by wall learning the regulations, but I didn't know many Chinese characters and they didn't know any Tibetan so I just couldn't memorize them. And so they shouted at me constantly, but it was all slang and I didn't understand. The swindler said, "This one's disobedient. You lot get to work."

"Stand up straight!" one of them shouted then rushed at me and kicked me in the waist. They were about to beat me really badly and I was terrified, so I put my fists up and fought back. Five of them surrounded me and grabbed my arms – there were a lot of them but they were weak. I brawled with them, fighting then retreating, and retreated back into the latrines where I picked up a brick and smashed it down on someone, breaking the brick in half – one half was in my hand the other was on the floor. The person I'd hit was lying on the ground and crying out in pain. I was afraid they were going to get the half brick and come at me with it, and so I hurriedly picked it up and with one half in each hand I chased after them, raining blows everywhere. They were afraid of my bricks and tried to cower anywhere they could but the cell was small and there was nowhere for



them to run. I was standing in the middle of the cell with the bricks in my hand and they were running in circles around me like a vortex.

I was afraid they'd try and get their revenge when I was asleep, and so I didn't dare ever go into a real sleep, and instead dozed with the bricks in my hands. And actually, my stomach was rumbling so much from hunger that I couldn't sleep anyway. At first in the detention center in Urumchi, although the food wasn't good you could at least eat your fill. In Korla, there was only porridge as thin as water and one piece of steamed bread per day, so my stomach was constantly rumbling. One day I heard a cuckoo's call and it reminded me of my grandmother who had passed away and it reminded me of my mother, and I wondered why my life had become such a tragedy – but only for a moment. Other times, I recited the scriptures.

The detention center later transferred me to another cell, and the people there were completely different to those in the first cell. Among them was a young man who had just got married and spent 600 kuai on a video player without realizing it had been stolen. The police said he was concealing stolen goods and sentenced him to 18 months. There was a handicapped guy whose hands and feet were all twisted and who was only 16 years old. He'd gone to the train station to see off his sister when the police put a bag down in front of him. It was empty when he picked it up but when the police got him, they said there was a 2000-kuai camera in there and sentenced him to 18 months. He was still a student and had never stolen a thing in his life. But this is how police fulfill their mission to catch thieves.

A friend and the Tibet Foundation dispatched a lawyer, and the lawyer looked over the files and said the police had acted completely illegally and that he was going to take them to court. One of the unit leaders there, who had an education and was a little more reasonable and who had interrogated me twice and knew I wasn't guilty, said to the others, "If he hasn't done anything then he hasn't done anything – hurry up and let him go. He's already been in detention too long."

The friend put down a bond of 40,000 for me, and I left. The detention center told me that my problem would be handled within six months and that I might be called in at any time.

But they never called me again, and in fact it was me who constantly called them, trying to get that 400,000 back, but they never returned it. I went to Xinjiang 11 times, but all I ever got back was a chain and a Dzi. They threatened me by saying, "If you come again asking for money, we'll do you for concealing stolen goods."

Seven months later, a friend from Tibet accompanied me to Xinjiang. He called on the public security leader and said: "You were completely illegal, if you don't take care of this immediately we're going to take you to court."

This leader was very nervous and called his underlings telling them to take of this straight away.

A low ranking policeman tried to fool me, saying: “If you admit to a crime, this is easy to resolve. If you haven’t committed the slightest crime, how are we supposed to handle this?”

I said, “I don’t know what the crime was. You lot help me choose.”

Eleven days later, and my friend and the police were still talking. The police were vexed and had decided to continue to detain me. I didn’t understand what they were saying but my friend told me in Tibetan, “Karma, what they’re saying doesn’t sound good, you should prepare yourself.” I didn’t understand and I didn’t care.

When I went to the toilet a call came in from a friend from home who was in Lhasa and who said, “Karma, Dhondup Wangmo is seriously ill and the hospital wants a 2000 kuai deposit for her – what shall we do?”

Dhondup Wangmo was a woman from home. I’d financially helped several old people from home and she was one of them. I said “I’ll post the money to you tomorrow for her to go to hospital.”

But when I got back to the office I was detained again, this time for a week. They interrogated me every day, wanting me to confess to a crime. I was furious.

They said if I didn’t confess I’d get several years re-education through labor. “We have the authority to send you to re-education through labor. We don’t have to go through the courts or the procuracy,” they said.

“Let’s see you do it then,” I said.

But this time I had money, I had 7000 kuai with me, and so my clothes and daily essentials were all the best – I had prepared myself to be locked up. Me and my cell-mates had mutton kebabs and platters of spicy chicken every day.

After a week, they had to let me go and made me sign a guarantee that I wouldn’t sue. I wrote in Tibetan: “If you justly resolve this problem, I will not sue.”

He was livid. He tore up the piece of paper and made me write it again. I wrote it out differently, but the meaning was the same: “If guilt and innocence are handled justly, I will not sue.” He took the piece of paper and told me to leave straight away. “You need to swear an oath – swear to this lama that you will not sue.” The lama was the one they had asked to come and be a translator – these police knew the value of a Tibetan’s vow.

Not guilty, I was released and the 40,000 bond was repaid, but that 400,000 never came back to me.

Sitting in prison was the best education for me. The two greatest things to have influenced me in this lifetime are one, Buddhism, and two, spending this time in prison.

When I was inside I thought about Gendun Chopel. Gendun Chopel had wanted to reform the old Tibet, but was imprisoned by the old Tibetan government. He wrote, "Even though I suffered extreme hardships in prison, I thought about the face of truth, I thought about how I myself am completely innocent, and about how my soul is forever full of deep joy." That was how a great person got through such privation with such optimism, and so what did it amount to that someone as minor as me should have suffered so little? This is how I think of it: no matter how hard things may get, one must learn from him.

I remembered when I was young carving mani stones in that cave with the "Chairman Mao Lama," how awful his life had been but he was still grateful to Chairman Mao. I could never attain a thousandth of what he practiced, but our Tibetan education and culture leads us to see situations with a Buddhist viewpoint: this is cause and effect, I am in prison, this is an effect from the last life or from this life, so do not blame others. It is as my grandfather frequently said, "Whatever causes you may sow, so the effects shall be; wherever you may walk, your shadow will always follow."

Prison made me reflect on my actions. I thought about this every day. What have I done wrong in this life? When were the times that I crossed someone? At first I was really pleased because I'd just never been unconscionable. I had always acted in accordance with the guidance of Buddha's laws and never hurt anyone, and in business I'd always give you 55, give me 45 and absolutely never dared give me 51, give you 49. I never dared tell lies for fear of becoming base. It wouldn't matter how many scriptures you read or how you prayed to the Buddha, these kinds of moral demands are hundreds of times stricter than law.

So when the police interrogated me and asked "Have you ever broken the law?" I'd say "No." Yes, I hadn't broken the Buddha's laws, and that was exactly right. But when I was in prison I slowly came to realize that even though I hadn't broken Buddha's laws, there were some things that I shouldn't have done such as collecting all of those coins. One minute the state said it was illegal, the next it said it was legitimate. For example, a piece of carpet and items of furniture with a history of a hundred years or so could be openly traded on the market at times then at other times it became illegal, but I'd done a lot of trading. I'd also bought a lot of statues of the Buddha, some of which I'd bought for two kuai five per kilo. And then buying and selling all of those US dollars wasn't exactly a business from the scriptures.

And so looking at oneself from the demands of Buddhist morality, some of my actions were inappropriate: perhaps it was the Khampa's stubborn character but I didn't tell them anything, neither did I "serve anyone up" to them. I said I'd been doing business ever since I was young, that I'd always worked on my own and had never had any connections with anyone else. They swore at me, saying I was like a rock in a latrine, as hard and as foul-smelling.

At the time, I hadn't broken any law, but in reality I had been on the edge of breaking a law. If I hadn't gone to the detention center and carried on as I had been, who's to say I wouldn't have ended up committing a major crime and spending the rest of my life in prison.

I don't hate those police officers. If anything I'm grateful to them. I later really wanted to go and see them again, truly want to go and see them. And later, some of them asked me for favors, putting their children through school, that kind of thing, and I helped them.

When I was inside, I constantly thought I have to make the most of this opportunity to study. If I was to be kept inside I'd practice the whole time, but sadly there was no lama to initiate me. My greatest gain was the Chinese language. If I could have been there for six months my Chinese would have been perfect. Why did I want to study? Because as soon as I'd learned the importance of culture, I had to suffer the lack of having no culture, and I didn't understand the law. Tibetans have very high moral standards, but at times like this it wasn't enough to have morals, it was also necessary to understand modern law.

The disaster of being in the detention center made me realize what society is. I even felt that if I wanted to become a great person then I needed the experience of being in prison, otherwise you don't know what this world is like. On the third day I was in the detention center, three people were executed there. Some convicts were sentenced to life imprisonment, some were sentenced to 20 years. There were all kinds of bad people inside, and there were also youths who had been unjustly convicted, and cripples who'd been the victims of entrapment. There were also different kinds of public security personnel inside. But you weren't inside, so how can you know what this society is like? When you see people on television being handcuffed, you don't feel it but you can live with those people, you are able to experience what it feels like. When you bite into an apple, you know for yourself whether it's sweet or sour.

Before going to the detention center my thinking hadn't opened up. When I got inside, all the Buddhist scriptures I'd read before were explained to me in an instant. I'd had no experiences, and so no matter how they were explained to me I didn't understand them. Now I can smell their scent. I can see their form.

It's like a set of scales there, weighing people's lives. Tibetans have a saying, "That person is so light," meaning that the person indicated has no substance or weight. Everyone who goes into a detention center has to reconsider whether they themselves have enough weight or not.

I never understood why Buddhism teaches us that society is so sad and dirty. It was only when I came out of there that I understood what sadness and dirt are; I saw society clearly, and I saw that it is as sad and dirty as prison.

When I do business I'm never afraid of making a loss, because I believe I can turn a profit. And I'm the biggest businessman in Tibetan areas, which seems amazing. But inside, I was nothing. I was the same as those swindlers, those murderers and petty thieves. People beat me, swore at me, and I had to take it. This made me reconsider who I am, who I should be, what is the purpose of my life.

I thought so much. I thought in these 10 years past I always wanted to be in business, to make a lot of money – 100,000 wasn't enough, and so I wanted to earn 200,000. I always wanted to buy a nice car, build a big house, but the higher my aspirations went the further away from the requirements of Buddhism I went. It wasn't until I saw all those people suffering in prison that I thought I wanted to live a quiet life outside. I was so fortunate in the beginning, but we have so much avarice and we're never satisfied. Actually, it only takes a little love to help those tragic people as much as we can, but we put far more effort into satisfying our own avarice. When I saw the true society, I thought if I ever get out safe and alive, what kind of person am I going to be? What can I help other people to do?

I went back to Lhasa when I got out of the detention center, and learned that the old woman Dhondup Wangmo had died. When I was detained I couldn't send her any money. She couldn't get into the hospital and had quickly died – she was no more than 50 years old. This is the biggest regret of my life. In these 10 years I've often thought with bitter sadness of the scene as she was about to die: there was no one to help her, such a sad and lonely death. If others could have helped her, if I wasn't chasing the police for money, I would have had the chance to send her some money and maybe she'd be alive and happy today.

I suddenly lost all interest in business and didn't want the money held by the police anymore, and I wasn't concerned about the leather jacket business worth 700,000. I'd suddenly changed. I had no interest in business or money, I had no aspirations. I thought, I should do some good for society in accordance with the teachings of Buddhism. If I carried on with business and did nothing for society, then what would differentiate me from the animals? How would my worth show itself? The education received by most Tibetans tells them to first be moral, and I am no exception. From then on, I didn't want anything else to do with the worldly, and my own affairs were too minor. My experiences in the detention center let me see that there are so many people suffering in the world, and I wanted to do something for them. It was only then that I understood the words my

grandmother told me as she took my hand when I left home for the first time to go to Lhasa: "You cannot rely upon wealth, all that can be relied upon is the Lord Buddha."

### **Rinchen Samdrup, 'protector of the environment': a Chinese journalist's perspective**

The Chinese journalist's article published in the official press and translated below details Rinchen Samdrup's work in organizing villagers from his home area to protect and revitalize their local environment. Rinchen Samdrup is praised for being a "protector of the environment" who "exudes the pure tranquility of an intellectual." The article, which appears on the Chinese Ministry of the Environment's website, is dated February 3 - around five months after Rinchen Samdrup was detained and imprisoned in August, 2009. Shorter versions of the same article appeared a month or so earlier in People's Daily and ChinaTibetNews websites. It is not known whether Rinchen Samdrup's arrest was known at the time by officials who posted the article, or whether this indicates a difference in perceptions of the case in the Tibet Autonomous Region and Beijing.

The article is translated into English by ICT at: <http://savetibet.org/media-center/ict-news-reports/award-winning-tibetan-environmentalist-trial-today> . The extract below recounts a story in which official approval of Rinchen Samdrup's grassroots work was evident, as well as his role as a bridge between the local community and senior environmentalists and officials:

Allow me to quickly step into a time machine and go back to a day in late November 2005. In a large room on the roof of a hotel the 'Mount Kailash, Lake Mansarovar and Protected Land Management Seminar' is being held. The Chinese Academy of Science academician and Dean of Beijing University Xu Zhihong is meeting with people including the internationally famous wildlife protection specialist George Schaller, the famous environmental protection expert and Beijing University Professor Li Zhi, and the famous civil environmental protection personage and Executive Deputy Secretary General of the Three River Sources Environmental Protection Association, Hashu Tashi Dorjee.

Rinchen Samdrup is sitting in the audience and doesn't understand Chinese too well, but he's holding up his mobile phone as though it's a tape recorder, trying hard to catch the speeches of all the important people at the meeting.

His mobile phone is performing the unique function of providing a live, on-the-spot broadcast.

He wants to broadcast all of the voices from meeting directly from his mobile phone to his hometown, to his house. Gathered in his home are all the people who were able to make it and they are all assembled around a landline phone with the

speaker-phone activated so the words from a mobile phone hundreds of kilometers away can come to them via their phone.

‘Rinchen Samdrup, don't hang up, let us hear what people at the meeting are saying,’ said Sonam Chopel, a friend from his village and a member of the association.

“But you're the same as me - you don't understand Chinese,” said Rinchen Samdrup.

"Don't worry about it, just don't hang up," the villager said. They lean closer to the phone. This is a rare opportunity for them to be in touch with the outside world. Every time they hear laughter in the meeting room the villagers urgently ask Rinchen Samdrup, "What are they laughing about? Is it anything to do with us?"

Rinchen Samdrup is wearing a Tibetan chuba and sitting in the front row at the meeting staring intently at the face of the Dean of Beijing University, Xu Zhihong. This peasant from the great mountains of Gonjo County in Tibet has never spent a day at school, but now he hopes to be able to guess what Xu Zhihong is saying from watching his face.

Xu Zhihong is an authoritative expert in the field of life sciences, and he says that southwest China's animal and plant diversity and cultural diversity are extremely rich, but also extremely delicate. Protection for this area has come more and more to the attention of the government. Many grass-roots cadres and ordinary people in the community have invested themselves in environmental protection activities, and this is an important foundation for environmental protection that should be supported by all circles of society. At the same time, the local people must be a solid force for environmental protection.

Xu Zhihong lamented in his speech, ‘All land is holy mountains and holy lakes,' "every living thing and non-living thing is worthy of respect.’ In his speech he was full of admiration for the voluntary environmental protection model of Rinchen Samdrup and all the other villagers. He even said the "communal management" model represented by the "holy mountains and holy lakes" and the "protection associations" should be encouraged in legislation.

Hashu Tashi Dorjee stood next to Rinchen Samdrup and hearing these important words shouted a translation from one phone through to the other. Rinchen Samdrup paid more than 300 *yuan* on his phone bill to make this ‘live broadcast’ happen.”

### **Chime Namgyal’s Re-Education Through Labor sentencing document**

Chime Namgyal (Chinese transliteration: Jimei Langjia), the youngest brother of Rinchen and Karma Samdrup, is serving one year and nine months re-education through labor for “endangering state security” and is due to be released on July 13, 2011 after having already served 30 days in detention while awaiting trial. According to a copy of Chime Namgyal's sentencing document obtained by ICT, the authorities stated that compiling audio-visual materials on ecology was part of the reason for his administrative detention, stating that he "assisted and coordinated with his elder brother Renqing Sangzhu [Rinchen Samdrup] in illegally compiling three discs of audio-visual materials on the ecology, environment, natural resources and religion of Chamdo Prefecture; he illegally possessed reactionary propaganda materials from the Dalai clique abroad; he supplied photographs and material for the illegal publication 'Forbidden Mountain, Prohibited Hunting.'"

A full translation from Chinese into English by ICT follows below.

Changdu Prefecture Re-Education Through Labor Management Committee

Re-Education Through Labor Decision

Chamdo RTL [2009] No. 15

Jimei Langjia, male, born December 21, 1971, Tibetan, middle-school education (reads Tibetan), ID No. 542123197112210252. Address: Maidong Village, Xiangpi Township, Gongjue County, Changdu Prefecture, Tibet.

Facts and evidence of illegality:

Following submission of the investigative work unit's report, it is ascertained: Jimei Langjia assisted and coordinated with his elder brother Renqing Sangzhu [Rinchen Samdrup] in illegally compiling three discs of audio-visual materials on the ecology, environment, natural resources and religion of Changdu Prefecture; he illegally possessed reactionary propaganda materials from the Dalai clique abroad; he supplied photographs and material for the illegal publication “Forbidden Mountain, Prohibited Hunting”; and in 2003, Jimei Langjia in contravention of the law assisted Renqing Sangzhu to apply to and register with the relevant authorities the illegal establishment of “The Kham Regional Anjiong Sen’ge Nanzhong Ecological and Environmental Protection Voluntary Association.” Using the illegal organization “The Kham Regional Anjiong Sen’ge Nanzhong Ecological and Environmental Protection Voluntary Association” as a platform, he then on numerous occasions organized local masses to submit irregular petitions, seriously disrupting local government authority and Party work. Jimei Langjia played a key oversight and controlling role in this association, and during periods when Renqing Sangzhu was not there, Jimei Langjia took responsibility for the association's daily operations, and was one of the main members of this organization. Having been poisoned and bewitched by Jimei Langjia etc, membership of this association is at present over 1700 people.



Since establishment of this “association,” Jimei Langjia and his brother have used it as a platform, and using the power of his family illegally controlled the masses and gathered forces to run roughshod throughout the Zirong area, interfering with administrative and judicial work and even opposing the government, seriously disrupting the normal government and Party committee work at all levels of the central government, the autonomous region, the prefecture and Gongjue County, impacting upon policy work of leaders at all levels, and creating a relatively serious impact upon the social and political stability of Changdu Prefecture, and even the entire region.

Following deliberations by this committee and the establishment of a collegiate panel in accordance with the law, it was decided to hear a case against Jimei Langjia for the actions of endangering state security. The hearing showed that: Jimei Langjia assisted and coordinated with his elder brother Renqing Sangzhu in illegally compiling three discs of audio-visual materials on the ecology, environment, natural resources and religion of Changdu Prefecture; he illegally possessed reactionary propaganda materials from the Dalai clique abroad; he supplied photographs and material for the illegal publication “Forbidden Mountain, Prohibited Hunting”; and in 2003, Jimei Langjia in contravention of the law assisted Renqing Sangzhu to apply to and register with the relevant authorities the illegal establishment of “The Kham Regional Anjiong Sen’ge Nanzhong Ecological and Environmental Protection Voluntary Association.” Using the illegal organization “The Kham Regional Anjiong Sen’ge Nanzhong Ecological and Environmental Protection Voluntary Association” as a platform, he then on numerous occasions organized local masses to submit irregular petitions, seriously disrupting local government authority and Party work, constituting an actual danger to upholding local stability.

Material evidence for the above facts is the suspect Jimei Langjia’s confession, Renqing Sangzhu’s confession, the testimony of other witnesses, certificates of evaluation, video materials, handwritten notes and computers, portable hard drives, USB drives and video cassettes and video discs, and photographs of the Panchen recognized abroad and by the Dalai clique, which is adopted as evidence according to law.

This committee considers that in the case of Jimei Langjia carrying out actions endangering state security, the facts are clear and the evidence is reliable and ample. In accordance with the provisions of Article 10, Clause 1 of the “Re-Education Through Labor Experimental Measures,” it is decided to commit Jimei Langjia to one year and nine months re-education through labor. Prior to the re-education through labor decision, the person committed to re-education through labor served criminal detention (30 days), and for each day of detention served, one day less of re-education through labor is to be served. The term of re-education through labor is therefore limited from November 14, 2009 until July 13, 2011.

If this decision is contested, an administrative review by Changdu Prefecture administrative offices or the TAR Re-Education Through Labor Management Committee may be applied for within 60 days of receipt of this decision notice; or re-examination by Changdu Prefecture Administration Offices Re-Education Through Labor Management Committee can be applied for within 15 days of receipt of this decision notice; or an administrative appeal can be filed with Changdu County People's Court within three months of receipt of this decision notice.

Changdu Prefecture Administration Offices  
Re-Education Through Labor Management Committee  
November 13, 2009

[Seal: Changdu Re-Education Through Labor Committee, Tibet]