



INTERNATIONAL CAMPAIGN FOR TIBET

Family of famous imprisoned Tibetan businessman campaign for justice

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After exhausting all official mechanisms to find justice for the famous Tibetan businessman Dorjee Tashi (Chinese: Duoji Zhaxi), his family members have now resorted to open advocacy for his release.

In an [open letter](#) to the authorities published by the Rights Network Group in September 2022, Dorjee Tseten (Duoji Cidan), elder brother of Dorjee Tashi, argues that powerful leaders have distorted facts under the pretext of politics to frame his younger brother. Similarly, Dorjee Tashi's elder sister, Gonpo Kyi (Gongbao Ji), staged sit-ins in front of the People's Court in Lhasa in June this year demanding justice for her brother. The International Campaign for Tibet obtained video clips of the sit-in and her video statement (see below).

Once considered the richest man in Tibet, Dorjee Tashi has already served 14 years in detention after a court in Lhasa, Tibet's capital, sentenced him to life in prison for "loan fraud."

In a clear miscarriage of justice, the then-successful businessman was convicted after attempts to frame him as a "secessionist" failed. Dorjee was arrested in July 2008 in the wake of mass Tibetan protests that spring and subsequently sentenced to life imprisonment in 2010.

Hoping to secure his release by maintaining a low profile, Dorjee's family quietly persevered for over a decade through China's judicial mechanisms. Unable to find justice in the judicial system and seeing no action taken against corrupt officials despite their petitioning the Communist Party's Central Commission on Discipline Inspection (CCDI), the family members have in recent months launched an open advocacy campaign for justice for Dorjee Tashi.

The United States and the European Union also raised the arbitrary detention of Dorjee Tashi. In its [statement](#) during the recently concluded 51st session (Sept. 12 to Oct. 7, 2022) of the UN Human Rights Council, the European Union called for the immediate and unconditional release of, among others, Dorjee Tashi. The United States recognized the detention of Dorjee Tashi in its [2021 Country Reports on Human Rights Practices](#).

Corruption

Chinese leader Xi Jinping in his work report to the 20th Party Congress declared that "we have used a combination of measures to 'take out tigers,' 'swat flies,' and 'hunt down foxes,' punishing corrupt officials of all types." However, substantial corruption cases have rarely been addressed in Tibet other than for political or factional purposes and signaling. Despite Dorjee and his family pinpointing the network of corrupt authorities who framed Dorjee, tortured him and misused the judicial system to falsely convict him, impunity trumped over justice.

In his speech, Xi recognized corruption as a “deep-seated problem” and eradicating corruption an “arduous task.” He went on to state that “we will come down hard on corruption that involves both political and economic elements, resolutely prevent leading officials from acting for any interest group or power group, and crack down on any collusion between officials and businesspeople ... There must be no mercy for corruption.” But these are grandiose words with little meaning unless real actions are taken. In the same speech on selecting and appointing officials, Xi went on to state that that “we will take political commitment as the primary criterion for selection and carry out solid vetting of officials’ political commitment ... to ensure that they are politically reliable and corruption-free.” The contradiction between eradicating corruption and appointing officials with political commitment as the primary criterion explains the impunity trumping over justice then and now. And Dorjee Tashi’s case is the classic example.

Dorjee Tashi was a successful businessman with membership in the Chinese Communist Party. At 34, he was the proprietor of a luxury hotel chain and real estate companies in Tibet before his arrest in July 2008. The government of the Tibet Autonomous Region, which spans about half of Tibet, the government of Kanlho (Gannan) prefecture and the Shigatse (Rikaze) Communist Youth League praised his philanthropy and social welfare projects as an outstanding contribution to poverty alleviation and economic development in Tibet. But his wealth also attracted spiteful and vindictive corrupt leaders who went on to destroy him through their leverage in the Chinese political system.

For not entertaining requests for personal villas and other financial favors, spiteful corrupt leaders in the Tibet Autonomous Region framed Dorjee as a “secessionist” in the wake of March 2008 pan-Tibet mass protests against China’s rule in Tibet. For alleged covert support to the Tibetan protesters and political connections with the exile Tibetan community, Dorjee was arrested in July 2008. When Dorjee denied any political involvement, even as he was being tortured—as stated in his [personal testimony](#) obtained by the International Campaign for Tibet—political allegations were dropped during the pretrial interrogation, which, in an unusual move, was led by officers from China’s Ministry of Public Security.

But Dorjee was indicted for “loan fraud” and sentenced to life in prison with deprivation of political rights for life by the Lhasa Intermediate People’s Court in July 2010. The court of second instance, the Tibet Autonomous Region Higher People’s Court, upheld the lower court’s verdict two months later. In separate hearings, his elder brother Dorjee Tseten was sentenced to six years in prison and his relatives Dhugkar Tsering and Tsultrim were given five- and two-year prison terms respectively.

A committee of six high-profile Chinese legal experts in their [expert opinion](#) in October 2018 concluded that Dorjee was wrongfully convicted for “loan fraud” and therefore it was an injustice to him to have to serve life in prison. However, that expert opinion did not help in the family’s decade-long quest for a just retrial. Making the matter worse, human rights lawyers in Beijing had been barred from pursuing Dorjee’s case.

Brother’s open letter to the authorities

Dorjee Tashi’s family, in their long quest for justice, have run from pillar to post in Beijing’s legal and political corridor, but to no avail. Frustrated with finding no avenue for justice in China’s political and legal system despite providing factual and legal evidence proving Dorjee’s innocence, the family turned toward open advocacy in the hope of finding justice.

In an [open letter](#) to the authorities published by the Rights Network Group, Dorjee Tseten, the elder brother of Dorjee Tashi who served six years in prison after his arrest in 2008, argues that

- Three powerful leaders have distorted the facts under a political pretext to frame Dorjee. The leaders have been named as Norbu Dhondup, former president of the Tibet Autonomous Region Higher People's Court, Yang Guangming, former deputy director of the TAR Public Security Department and Dorjee, former deputy director of the Shigatse (Rikaze) Public Security Bureau.
- Complaints had been lodged several years ago at the Central Discipline Inspection Commission, the Supervision Organs and the Tibet Discipline Inspection Commission, but they had no effect. The various organs passed the ball, and no actions were taken despite the evidence provided.
- A civil dispute case was wrongfully turned into a criminal case.
- Both Dorjee's mortgage loan of 1.44 million yuan and the principal interest amount of 1.44 million yuan have been returned to the bank.
- Chinese businessman He Xingyou and his wife were sentenced to 15 years for loan fraud of 53 million yuan. But Dorjee Tashi was sentenced to life in prison for 1.44 million yuan "loan fraud." Dorjee never admitted to the charge.
- The accusation of Dorjee Tashi instructing others to change land use rights under the name Qinsangyuan Ecological Breeding Comprehensive Development Zone, controlled by Xin Xianjun without Xin Xianjun's knowledge, is a false accusation. The land use right involved in the case was completely legal, and Xin Xianjun was fully aware of the change of the land rights involved in the case.
- The precedent Criminal Guiding Case no.192 issued by the Supreme People's Court in a similar case ruled that a mortgage loan made of illegally usurped property and the loan not being repaid after the due date should not be characterized as loan fraud.
- The National Forum on the Trial of Financial Crime Cases by the Supreme People's Court, formed on Jan. 21, 2001, states: "It is necessary to strictly distinguish between loan fraud and loan disputes. Whoever, after legally obtaining a loan, fails to use the loan for the prescribed purpose, and fails to return the loan when due, cannot be convicted and punished as loan fraud." Since Dorjee Tashi "did not use the loan for the prescribed purpose," he should not be convicted and punished for loan fraud.

The International Campaign for Tibet's translation of Dorjee Tseten's open letter is at the end of this report.

Sister's protest and video statement

Before the [COVID-19 outbreak in Tibet](#), Dorjee Tashi's elder sister, Gonpo Kyi, aka Gontey (Gongde), staged sit-ins in front of the People's Court in Lhasa in June this year demanding justice for her brother. The International Campaign for Tibet obtained video clips of one sit-in and Gontey's video statement.

In one clip, Gontey is seen setting up her protest spot in front of the gate of the People's Court. Five security officers observe as she starts to make prostrations as a means of her peaceful protest. In the

second clip, she is seen arguing with the security officers who have closed in and increased in number to 10 to break her protest.

In the third video clip published after her protest was broken, she identifies herself as Dorjee Tashi's elder sister. In the clip she lays out the arguments for her brother's innocence, demands justice for him and declares that she won't stop until a just ruling is passed.

The International Campaign for Tibet's translation and annotation of the video statement is below.

[Video: <https://www.youtube.com/embed/NPttUFSHPdI>]

Dorjee Tashi's sister stages sit-in in front of the gate of the People's Court in Lhasa

[Video: <https://www.youtube.com/embed/LI5fibJJK8I>]

Argument ensues as security officers break her protest

[Video: <https://youtu.be/g0H9rzdWQoc>]

Video statement in Tibetan by Gontey, sister of Dorjee Tashi

Translation of Gontey's video statement

Let me introduce myself. I am Yak Hotel proprietor Dorjee Tashi's sister. In 2008, both my brothers were arrested. Although innocent, my elder brother Dorjee Tseten was imprisoned for six years. My brother Dorjee Tashi was sentenced to life in prison for an alleged loan fraud of 1.5 million yuan. Not only did we pay the 1.5 million yuan, but we also paid an additional 50 thousand yuan in interest. In total we paid 2 million yuan. Not only was Dorjee Tashi sentenced to life imprisonment, but we¹ were also labeled as "loan fraudsters." Passang and others of the Tibet Autonomous Region People's Court prosecuted us on a law for a crime that does not exist. I asked if everyone who legally takes loan are also loan fraudsters? Is there a loan fraud in China's law² even after paying back the loan? If there is such a Chinese law, then I will abide by and respect the law. I told that to the People's Court. If it indeed is the law that a person is a loan fraud even after paying back the loan and that it applies to all the borrowers, I asked them to issue me a signed statement.

I am deprived of the right to say that my family member is innocent. China's laws give me the right to say that my family member³ is innocent indeed. The authorities in Tibet Autonomous Region deprived me of this right⁴ If I don't have the right to say that my family member is innocent and that all borrowers are loan frauds, then I want a signed statement [saying so]. If a signed statement is issued to me, I will stop coming to the gate of the People's Court that day onwards. Please! I told them that I hope that a law that exists in China is effectuated upon us.

¹ Family ties are strong in Tibet. "We" here should be understood as meaning Dorjee Tashi and by extension his whole family.

² Although Gontey verbally says "Chinese Communist Party's law" here and several times in the video statement, it should be understood as China's law. Everyone in Tibet knows that China's law and the judiciary is inseparable from the Chinese Communist Party.

³ The speaker uses the phrase "my man" which in the context should be understood as family member unlike the other societal understanding of spousal relationship.

⁴ The speaker uses the word "power" which in this context means human right.

They said that we should obey their judgment irrespective of whether we want to obey it or not. I told them this is not just, and I will not accept it. I argued with the woman representing the People's Court multiple times on the phone. She has nothing more to say than we should obey the judgment irrespective of whether we want to accept it or not. I told them I cannot accept it. They said that we should obey the judgment whether we want to accept it or not and did not let me speak.

One day the People's Court called us. There was one officer from the local police station and several officials from the office. We talked in the office. There were three officials from the People's Court, two officers from the public security bureau. In front of all, they told us that they have no better new judgment to pass. We should obey the judgment irrespective of whether it is just or not. When I asked for a signed statement in front of all, they said they won't give one and told me to go wherever to appeal.

The woman said that we had repeatedly gone to Beijing to appeal. That woman from the People's Court always said that. I said we have gone to Beijing to appeal retrial. Although our family member is innocent, you the authorities of Tibet Autonomous Region have wronged him. Do we have to seek your permission to go to appeal again? I told them it's true that we have gone to appeal retrial. She said they received documents regarding our appeal for retrial. I said if you received the documents, doesn't that say something about the judgment? If it was just, I don't have to appeal. I don't have to come to the gate of the People's Court. I put my life and soul as witness that my brother has done nothing wrong. The three including Passang who have passed the judgment should also put their life and soul as witness [that their judgment is just]. I put my life and soul as witness that my brother is innocent. My brother is loyal to the Communist Party and he is an honest man. That's what I said in the office that day.

They said they don't have any new judgment to pass. They also said what will I do if they don't pass a new judgment.

I have nothing else to do. Until you pass a new judgment and my family member has not come out, I will keep on coming in front of the People's Court. When you pass the judgment, I will stop coming in front of the People's Court that day onward. I said until you pass the judgment, I will keep on coming in front of the People's Court. The public security bureau and the local police station officer subtly warned me I might be arrested. I said you can arrest me if you want.

Translation of Dorjee Tseten's open letter to authorities of the Tibet Autonomous Region

My name is Dorjee Tseten (Duoji Cidan), and I report Norbu Dhondup (in Chinese Luobu Dunzhu), the former president of the High Court of the Tibet Autonomous Region, Yang Guangming, the former deputy director of Public Security Department of the Tibet Autonomous Region, and Dorjee, the former deputy director of the Public Security Department of Shigatse (Rikaze), Tibet, for distorting the facts under the pretext of politics, making up the facts and perverting the law in the case of Tibetan private entrepreneur Dorjee Tashi's loan fraud case.

The 1.44 million yuan of company land mortgage loan and the 1.44 million yuan of combined principal and interest were returned to the bank after the second-instance judgment, and the

bank has never prosecuted. It was originally a civil dispute case, and the handling of the criminal case was forced, and the Lhasa Intermediate Court of Tibet sentenced Dorjee Tashi to life imprisonment for loan fraud although the bank did not incur any loss.

He Xingyou and his wife, who were convicted in the same case in the same year, were sentenced only 15 years in a loan fraud of 53 million yuan by the Tibet High Court in the second instance. With such a big gap (between the trial results of these two cases), how can you convince the public!

Dorjee Tashi has pleaded not guilty, has not had his sentence commuted, and has been in prison for 15 years. It can be called the news of the century, the strange case in Tibet, and naked injustice has happened in today's society ruled by law!

However, Dorje Tashi, such an entrepreneur who has made outstanding contributions to the Tibet Autonomous Region, was convicted by (2009) La Xing Er Chu Zi No. 23 Criminal Judgment and (2010) Zang Fa Xing Er Zhong Zi No. 10 criminal ruling of the Lhasa Intermediate People's Court and the Tibet Autonomous Region Higher People's Court, holding that Dorjee Tashi constituted a crime of loan fraud, and was sentenced to life imprisonment and confiscation of all personal property.

The facts found by the court in the second instance were wrong. Dorjee Tashi was accused of instigating others to change the land use rights which was under the name of Qinsangyuan Ecological Breeding Comprehensive Development Zone (hereinafter referred to as "Qinsangyuan Development Zone"), which was under the control of Xin Xianjun, to name of Qinsangyuan Company, without the knowledge of Xin Xianjun, accusing Dorji Tashi used false property rights certificates to defraud loans. However, in fact the land involved belonged to Qinsangyuan Company, and the land use right certificate involved was completely legal.

Regardless of whether the land is owned by Qinsangyuan Company, the relevant title certificates are not false title certificates. The Criminal Guiding Case No. 192 issued by the Supreme People's Court also fully confirms the above point of view: the use of illegally seized property to secure a loan and if the overdue loan is not repaid, it should not be characterized as a crime of loan fraud. Moreover, the loan guarantee in this case is also real, and the mortgage and subsequent loan behaviors based on this are completely legal, valid and protected by the law.

Moreover, An Jianhua's investigation records and relevant evidence fully prove that Xin Xianjun was fully aware of the change of the owner of the right to use the land involved and its use as a mortgage for loans, and there was no fact that Dorjee Tashi illegally obtained the land certificate and mortgaged it privately.

The original first-instance judgment and second-instance judgment of this case did not have any evidence to prove that Dorjee Tashi had the subjective intention of loan fraud. On the contrary, there is sufficient evidence to prove that Dorjee Tashi did not have any purpose or motive for illegally taking the loan.

The "Minutes of the National Court Trial of Financial Crime Cases Work Symposium" issued by the Supreme People's Court on January 21, 2001 pointed out: "The boundary between loan fraud and loan disputes should be strictly distinguished. After the loan is obtained legally, if it

is not used for the specified purpose or not repaid when it is due, it cannot be convicted and punished for the crime of loan fraud.”

A few years ago, we made real-name complaints to the Central Commission for Discipline Inspection, the supervisory organs, and the Tibet Commission for Discipline Inspection, but with little success. The various organs here in Tibet shirk their responsibilities and do not handle matters.

In a normal civil loan dispute, the court of the first instance acted on its behalf and arbitrarily mischaracterized it as a criminal case of loan fraud. "If you're going to frame someone, you can always trump up a charge." As a result, Dorjee Tashi has been imprisoned and lost his freedom for the rest of his life. This makes people wonder: what kind of force is intervening and promoting to make such a bad act of bending the law for personal gain?

I hereby urge the relevant departments to intervene in the investigation, find out the truth, dig deep into the evil forces behind it, and return Dorje Tashi's innocence and justice to the people!

What I have said above are facts, and if they are not true, I am willing to bear all legal responsibilities.



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