

# TIBETAN SCHOLAR SENTENCED TO TEN YEARS IN PRISON AFTER WRITING BOOK ON HISTORY AND CULTURE

## ICT REPORT, AUGUST 8, 2006

A young Tibetan writer and teacher has smuggled out a letter from prison saying he is serving a ten-year sentence linked to his unpublished book. Twenty-nine year old Dolma Kyab, who is known among his friends for his passionate concern for Tibet's environment, was detained in March 2005 and is being held in Chushur (Chinese: Qushui) prison south-west of Lhasa on charges that appear to be of 'endangering state security'. In his letter from prison, Dolma Kyab appeals for help from United Nations committees on human rights, and says that he was imprisoned because of the ideas expressed on Tibet in his unpublished manuscript. A group of well-known Tibetan and Chinese writers have written a letter calling for his release.



**Dolma Kyab, who has been sentenced to ten years in prison after writing about Tibet.**

In his letter from prison, which was written last November and reached Tibetan friends in exile, Dolma Kyab said that the reason for his conviction was his unpublished book, 'The Restless Himalayas', in which he writes about Tibetan geography, history and religion. In the letter, a copy of which has been obtained by ICT, he says: "They [Chinese officials] think that what I wrote about nature and geography was also connected to Tibetan independence...this is the main reason of my conviction, but according to Chinese law, the book alone would not justify such a sentence. So they announced that I am guilty of the crime of espionage."

No official information about the charges against Dolma Kyab, who was working as a history teacher in a Lhasa school prior to his arrest, is currently available. But his letter indicates that he may have been accused of offences involving espionage or 'state secrets' (Chinese Criminal Law, Articles 110, 111),<sup>1</sup> and for this reason his trial was likely to have been closed to the public.<sup>2</sup> The crime of stealing or passing on 'state secrets' is one of the most serious political offences in China and Tibet and can be punishable by execution. 'State secrets' cover any information deemed to be secret by the Chinese state, and would often be regarded as public knowledge in many other countries.<sup>3</sup>

Following his sentencing on September 16, 2005, Dolma Kyab appealed against the conviction, but the court upheld the sentence on November 30, 2005, and transferred him to Chushur prison, according to the Tibetan Center for Human Rights and Democracy. In his letter, Dolma Kyab says that during a visit by the United Nations Special Rapporteur on Torture Manfred Nowak to Chushur prison last November,<sup>4</sup> he was removed and hidden. He writes: "Therefore I did not have a chance to talk about the real situation here and about my unfair trial."

Dolma Kyab, who is from Haibei (Tibetan: Tsojang) Tibetan Autonomous Prefecture in Qinghai (the Tibetan area of Amdo) was a highly educated intellectual with a Masters degree who felt more comfortable writing in Chinese than Tibetan, and also knew Japanese, according to friends. He studied history and geography at Qinghai Normal University and graduated in 1999, doing postgraduate studies at Beijing University until 2002. The manuscript of his book is mostly written by hand in neat Chinese characters.

In November 2003, Dolma Kyab left Tibet to travel into exile, and studied English and Hindi in Dharamsala, India, base of the Dalai Lama and the Tibetan exile government. While in exile, he worked on his manuscript, which includes chapters on Tibet history and geography, Tibetan sovereignty, democracy, and religious belief. His manuscript begins with an emotional account of his love for his parents and country, and refers to his spiritual beliefs: "I grew up in the cradle of my nation. I saw my people live in a higher place in this world. But when I lay on the ground to watch the world, I cried. Those tears were a reasonable response to what was happening in the world. I grew up with the love of my parents. When my parents' foreheads were creased with love, I cried. These were tears of emotion. Therefore I decided that I would do something for my nation and people like my parents.

"I know that doing things, even contributing one's life to the cause of a nation, raises very difficult questions. I would rather use my words to talk to other people than be an example to lead other people."

Dolma Kyab also writes in philosophical terms about the concept of Tibetan identity and sovereignty, and the Tibetan peoples' wish for the Dalai Lama to return to Tibet. He explores the relationship between Chinese and Tibetans, saying that the reason for the

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'political burden' suffered by Tibetans, is the way in which the Chinese "impose their way of thinking onto Tibetans", thus "destroying the concept the Tibetans have of themselves". According to the Tibetan Center for Human Rights and Democracy, in some of his writings Dolma Kyab apparently gives information on sensitive topics such as the location and number of Chinese military camps in Tibet.

The manuscript also refers to Chinese and Tibetan friends who are dear to him. Friends of Dolma Kyab confirm that he had strong friendships with young Chinese intellectuals as well as Tibetans.

A Tibetan friend of Dolma Kyab, who is now living in exile in India and is also a former political prisoner, told ICT: "Dolma Kyab's main motivation in writing his book was to express the opinions of Tibetan youth on many different issues relating to Tibet today, for instance - what they think about Tibet's history, culture, human rights, democracy, literature, and so on. Dolma Kyab felt a strong responsibility to convey these ideas to a wider audience. He is someone who is very connected to the views of educated young Tibetans both in Tibet and in exile".

Another friend of Dolma Kyab's, an Tibetan now living in exile in Europe, said: "Dolma Kyab was particularly concerned about the destruction of the Tibetan environment under Chinese policy. He grew up in the grasslands of Amdo and he saw this for himself. He often used to talk about the military bases in his home area - he said that nomads were often displaced by these and affected by the army's control over the area. He also saw the pollution from mining in the hills near his family's home, and was angry about the poisoning of rivers by uranium mining. He traveled a lot in Tibet and saw many things that tourists do not see, and all the time he was trying to understand more. I would say that his relationship to the land has a spiritual aspect - he is definitely a religious person."

In his letter from prison, Dolma Kyab refers to giving advice to the Tibetan government in exile on the environment, writing: "I have given some suggestions to the Tibetan government in exile on strengthening environmental protection and promoting women's rights. I was preparing to write a book on natural geography, and the book is [yet to be published] but they [the Chinese authorities] accused me of giving secret information to outside China without any evidence. They [Chinese officials] think that what I wrote about the nature and geography was also connected to Tibetan independence."

Seven leading Chinese and Tibetan writers, both in China and in exile, have distributed a letter to humanitarian organizations worldwide expressing their concern and calling for Dolma Kyab's immediate release. The letter states that in late 2005, Dolma Kyab was in such poor health in prison - apparently due to tuberculosis - that he was sent to Lhasa Military Hospital. The letter states: "After a while he was sent to Lhasa Qushui Prison without recovery, but Lhasa Qushui Prison did not accept him as he was still in very bad physical condition. After a few months, in March 2006, Dolma Kyab was transferred to Lhasa Qushui Prison to serve his sentence."

"Dolma Kyab's letter suggests that the authorities presiding over his case 'listened only to one side of the story', and that he did not have a fair trial," said John Ackerly, President of ICT. "It is unacceptable that a writer should serve a decade in prison simply for expressing his views. ICT calls upon the Chinese authorities to release Dolma Kyab. ICT also calls on relevant authorities to publish the charges and evidence against Dolma Kyab, and to provide information about his access to legal assistance prior to his trial. We are also concerned about his health, given that he has apparently been hospitalized during his imprisonment and may be suffering from tuberculosis."

As political repression in Tibet intensifies, Tibetans are more often turning to education, arts and religion for ways to express and preserve their culture and identity. According to a recent report by the Washington, DC-based Congressional-Executive Commission on China, "Expressions and non-violent actions that officials suspect could undermine Party supremacy are sometimes punished as threats to state security... As reported incidents of Tibetan political protest decline, Chinese censors and police watch for other signs of Tibetan resentment or nationalism. Writing, publishing, or sharing literature that laments cultural loss, or that advocates ethnic ambitions not sanctioned by the Party, is sometimes repressed or punished."<sup>5</sup>

## FURTHER INFORMATION

Tibetan monk imprisoned after talking about Tibetan culture:

<http://www.savetibet.org/news/newsitem.php?id=942>

April 7th, 2006

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## FOOTNOTES

1 Article 110 reads as follows: “Whoever endangers national security by committing any of the following acts of espionage shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment; if the circumstances are minor, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years: (1) joining an espionage organization or accepting a mission assigned by the organization or its agent; or (2) directing the enemy to any bombing or shelling target.” Article 111: “Whoever steals, spies into, buys or unlawfully supplies State secrets or intelligence for an organ, organization or individual outside the territory of China shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment; if the circumstances are minor, he shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance or deprivation of political rights.” (see <http://www.cecc.gov/pages/newLaws/criminalLawENG.php>)

2 Article 152 of the Criminal Procedure Law of the People’s Republic of China states: “Cases of first instance in a People’s Court shall be heard in public. However, cases involving State secrets or private affairs of individuals shall not be heard in public.”

3 The Law of the People’s Republic of China on Guarding State Secrets lists a number of obvious areas such as national defense and criminal investigations, but also includes vague categories such as “secrets in national economic and social development; secrets concerning science and technology”...and as a final clause: “other matters that are classified as state secrets by the state secret-guarding department”. See <http://www.cecc.gov/pages/newLaws/protectSecretsENG.php>

4 See ICT report at <http://www.savetibet.org/news/newsitem.php?id=880>

5 CECC Annual Report, 2005 <http://www.cecc.gov/pages/annualRpt/annualRpt05/index.php>

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