



## INTERNATIONAL CAMPAIGN FOR TIBET



Quelle: State media handout

## THE «EVIL» TRIAL OF 10 SANGCHU TIBETANS

A report by the International Campaign for Tibet  
Washington, DC | Amsterdam | Berlin | Brussels



## INTERNATIONAL CAMPAIGN FOR TIBET

### The "Evil" Trial of 10 Sangchu Tibetans

October 1, 2020

“The prosecution and sentencing of us are not in accordance with the law. We think we have not violated the law, and we did not take a penny of the money that is charged against us.”

*Tashi Gyatso, sentenced to 14 years in prison*



*The Sangchu 10 defendants stand trial. From right to left: Tashi Gyatso (standing), Sonam Gyal, Tamdin Dorjee, Tsewang, Gyalo, Tagthar Gyal, Nyingchak, Tamdin Tsering, Tenpa Gyatso, Choepa Tsering.*

The International Campaign for Tibet has analyzed a 10-hour video recording of a criminal proceeding involving 10 Tibetans in Gansu province that gives a rare glimpse of the experience of Tibetans in China's judicial system.<sup>i</sup>

Background information about the individuals and court proceedings indicate that the defendants have been sentenced unjustly and that their detentions violate Chinese and international law.

Sangchu (Xiahe) County People's Court in Kanlho (Gannan) Tibetan Autonomous Prefecture, Gansu province, sentenced the 10 Tibetans to prison terms ranging from nine to 14 years after a two-day trial on June 28-29, 2020.<sup>ii</sup> As stipulated in Article 44 of the Criminal Law of the People's Republic of



China that “a term of criminal detention shall be counted from the date the judgement begins to be executed”, the presiding judge in his verdict declared prison terms to the 10 Tibetans ranging from eight to 13 years. The judge counted in an individual’s cumulative sentence a year already spent in police custody but did not count it while declaring the prison term.<sup>iii</sup>

The 10 defendants are Tashi Gyatso (扎西嘉木措 Zhaxi Jiamucuo), Nyingchak (娘七合 Niangqihe), Gyalo (加老 Jialao), Sonam Gyal (索南木加 Suonanmu Jia), Takthar Gyal (德合太加 Dehetai Jia), Tsewang (才项 Caixiang), Tenpa Gyatso (旦巴嘉木措 Danba Jiamucuo), Tamdin Dorjee (旦正道吉 Danzheng Daoji), Tamdin Tsering (旦正才让 Danzheng Cairang) and Choepa Tsering (交巴才让 Jiaoba Cairang).

In their final statements, even though the Tibetans knew they had not violated the law, they are seen pleading for lighter sentences and expressing their illiteracy and ignorance of the law.



*Tagthar Gyal makes his appeal to the judge for leniency in light of being uneducated, ignorant about the country’s law and regulations and not taking any money as charged in the indictment.*

After passing their sentences, the judge asked them whether they wanted to appeal. Seven of the Tibetans responded that they wanted to do so, while one said he needed to consider whether to appeal. Two of them interestingly kept silent.

## ICT conclusions

The International Campaign for Tibet concludes that the defendants, who are respected community leaders in their home area of Tibet, were tried for seeking compensation for property damage caused by blasts from state expressway construction projects. They were also tried for raising community concerns against a commercial slaughterhouse in their hometown and for fundraising and land procurement for the local Namlha (Nanmula) monastery. All of them were members of a volunteer group called the Namlha Monastery’s Folk Management Committee.<sup>iv</sup>

The authorities prosecuted the 10 Tibetans under China’s notorious “Saohei Chu-e” campaign, a three-year (2018-2020) legal and political campaign pronounced to eliminate “gangs” and “organized

crime” in China. In Tibetan areas, the campaign is used to silence critics and challenges to the state as Saohei Chu-e campaign is enforced in essence to establish Party power at the grassroots.<sup>v</sup> Notably, in the case of the Sangchu 10, the “anti-gang” campaign was enforced retroactively to target their community activities between 2012 and 2014.

The Tibetans were charged with “extortion” and “forced trading” under the Chinese penal code. In reference to the Saohei Chu-e campaign, the public prosecutor and judges explicitly labeled the group an “evil gang” throughout the court proceedings. The proceedings were broadcasted live on Gansu Court Trial Live Network.



*The Sangchu 10 receive their prison sentences.  
(Click to watch video »)*

Unlike many other trials involving Tibetans, the 10 Tibetans in this case had the service of defense lawyers. However, despite documented evidence and arguments put forward by the defense lawyers countering the People’s Procurator’s (public prosecutor) charges, the county court held them guilty and handed down the following sentences:

- Tashi Gyatso: 14-year prison term and 70,000 yuan (approximately \$10,300) fine
- Nyingchak, Gyallo, Sonam Gyal and Takthar Gyal: 10-year prison terms and 50,000 yuan (approximately \$7,350) fines
- Tsewang: nine-years-and-six-month prison term and 50,000 yuan fine
- Tenpa Gyatso, Tamdin Dorjee, Tamdin Tsering and Choepa Tsering: nine-year prison terms and 50,000 yuan fines

## **Sangchu County and development projects in Banggurthang Township**

Sangchu County is “predominantly Hui Muslim at the east and Tibetan at the west end.”<sup>vi</sup> Banggurthang (Wangeertang) Township in Sangchu County is a small town with a little over 2,000 Tibetans accounting for about 56% of the town’s population.<sup>vii</sup> The remaining are Hui Muslims and Han Chinese.

As in other Tibetan areas, religious fervor is strong in the county. Labrang Tashikhil, one of the largest monasteries in Tibet, is located in Sangchu. As the principal Tibetan cultural center in the region, it has also over the years been a focus of symbolic nationalist protest and cultural activity, mostly led by local monks.

When Wang Yang took over as China's top political advisor in 2018, the first Tibetan area he visited was Sangchu County during "an inspection and research tour."<sup>viii</sup> He used the occasion to call for "better work regarding ethnic and religious affairs as well as poverty relief in the country's Tibetan areas," according to state media reports.

Tibetans in general have been concerned by ill-conceived development projects imposed top down from Beijing. Over the years, Tibetans in the county have been defiantly challenging state development projects in their area, including land appropriation<sup>ix</sup>, highway construction<sup>x</sup>, open-pit mining<sup>xi</sup>, slaughterhouse construction, etc. They feel these projects threaten the survival of their traditional way of life. The forms of the challenge varied from outright demonstrations<sup>xii</sup> to self-immolations<sup>xiii</sup> to repeated verbal objections to key Chinese authorities.

Similar to other Tibetan areas in Sangchu County, Banggurthang Township was affected by state projects rolled out around 2012. Construction of the Lin-He expressway, which is part of National Highway 213, connecting Linxia—capital of Linxia Hui Autonomous Prefecture and Hezuo (Tibetan: Tsoe)—capital of Kanlho Tibetan Autonomous Prefecture—affected the property and lives of the Tibetans in Banggurthang town. Local Tibetans also rejected another development project then being rolled out in the town, a commercial slaughterhouse that offended Tibetan religious sentiments.

## Seeking compensation for property damage



*Expressway in the southern part of Banggurthang township. (Source: Google Earth)*

The construction of the Lin-He expressway required blasts to clear natural obstacles for construction of the road. Blasts carried out by Section 11 and 12 of the Lin-He Project Department, the unit conducting the work, damaged houses of the local Tibetans and the local Namlha Monastery's restaurant. The local Tibetans objected to the multiple blasts being carried out by the project department and sought compensation for the damage done to their homes. However, the project department ignored their objections and continued with the construction.



In order to express their objection directly at the expressway construction site, in 2013 the local Tibetans gathered at the project site to demand an end to the blasts and sought compensation for the property damage. For around an hour, the locals seized the construction equipment in an attempt to make their demands heard by the project department. The project department agreed to compensate them for the damaged properties.

But the conflict would not end with the compensation payments. It would return years later in the form of extortion charges under China's "anti-gang" campaign launched in 2018.

## Activism against slaughterhouse

Besides the damage caused by expressway construction, the local Tibetan Buddhist believers were also concerned about construction of a commercial slaughterhouse in Banggurthang town in 2012. An anti-slaughter movement had begun in eastern Tibet in 2000 that gradually resonated with Tibetans across the Tibetan Plateau.<sup>xiv</sup>

Acting upon the request of local Tibetan Buddhist believers, Tibetan community leaders affiliated with the Namlha Monastery's Folk Management Committee raised concerns with the Gansu Anduo Investment Group (henceforth "Amdo (Anduo) Group"),<sup>xv</sup> which operated the slaughterhouse. In a negotiated settlement with the monastery's folk management committee, the Amdo Group provided 1 million yuan in funds to build a Buddhist stupa in the town to pacify the Tibetans' concerns and religious sentiments.

The Tibetans were to be shocked years later when the compensation paid by the Lin-He Expressway Project Department and Amdo Group were framed as extortion during their trial by the Sangchu County court in June 2020. They were tried as "gangster and evil" in the shadow of the "anti-gang" campaign.



*Tashi Gyatso argues the Monastery's Folk Management Committee raised the collective concern of Tibetans against the slaughterhouse to the Gansu Anduo Investment Group.*

## Saohei Chu-e campaign to strengthen party power at grassroots

In January 2018, the Central Committee of the Communist Party of China and the State Council launched a nationwide three-year Saohei Chu-e campaign to “sweep away black and eliminate evil”.<sup>xvi</sup> Saohei Chu-e “Concerning the Carrying Out of a Special Action to Sweep Away Black and Eliminate Evil” is officially described as a campaign to target organized crimes terrorizing ordinary citizens.<sup>xvii</sup> It is enforced as such to some degree in China proper, but in Tibetan-inhabited areas, it is enforced for the political security of the one-party state by strengthening the Communist Party’s political power at the grassroots level.

The campaign gives broad powers to the police to round up political dissidents or anyone perceived to be a threat to the political system. The government lays out four broad characteristics to identify a criminal organization:<sup>xviii</sup>

- A relatively stable criminal organization formed with a large number of people, organizers, leader and members.
- Organize to obtain economic benefits through illegal and criminal activities or other means, and have certain economic strength to support the activities of the organization.
- Use violence, threats or other means to conduct many illegal and criminal activities in an organized manner, do evil, bully and harm the masses.
- By carrying out illegal and criminal activities or taking advantage of the shelter or connivance of state personnel, to dominate a group, form illegal control or major influence in a certain area or industry, and seriously disrupt the order of economic and social life.

Although seemingly straightforward characteristics, the definition allows police to crack down on community leaders in Tibet who engage in environmental protection, linguistic rights activism and cultural preservation activities or practice indigenous social traditions and community dispute mediation, etc. “Organized crime” also broadly encompasses communities organizing against state development projects by objecting to engineering projects, seeking compensation for damage caused by state projects, raising concerns over land security, coordinating public petitions and expressing concerns over state projects infringing community social and religious beliefs.



*The bench and bar of Sangchu County People's Court. (Source: State media handout)*

## Official data suggest several thousands of cases, exact number unclear

In the Supreme People's Court Work Report to the 13th National People's Congress in May 2020, the president of the Supreme People's Court reported that courts across China concluded 12,639 anti-gang criminal cases involving 83,912 people in 2019.<sup>xi</sup> However, the report did not provide provincial data for the cases. Due to a lack of transparency and denial of access to independent journalists or researchers, it is not known how many Tibetans have been sentenced under the anti-gang campaign since its launch in January 2018. Several hundred Tibetans are believed to have been imprisoned under the campaign.

The scale of the campaign in Tibetan areas can be gauged through state media quantification of the anti-gang campaign. For example, China Gansu-Lanzhou Evening News on Aug. 10, 2020, reported that a total of 1,026 cases were filed and 2,847 people were detained under the anti-gang campaign in Gansu.<sup>xx</sup> The report did not specify how many of those detained are Tibetans.

The Tibet Autonomous Region public security Bureau investigated 70 “gang crimes” and detained 298 suspects, according to a joint state media report by Tibet Radio and Television and Tibet Internet News on Aug. 21, 2019.<sup>xxi</sup> Based on state media reports, Human Rights Watch in May 2020 counted at least 51 Tibetans who have been sentenced up to nine years in prison for “gang crime(s)” for “peacefully petitioning or protesting issues related to religion, environmental protection, land rights, and official corruption.”<sup>xxii</sup> Another state media report in April 2019 stated that 428 gangs were eliminated and 5,587 suspects detained in Yunnan.<sup>xxiii</sup> People's Daily in July 2020 reported that 1,034 people were prosecuted in Qinghai's “anti-gang” campaign.<sup>xxiv</sup>

## Addendum: Charges and defense for Sangchu 10



*Charges against the Sangchu 10 are read.  
(Click to watch video »)*

In an unusual move considering the tight secrecy of the judicial process in Tibet, the public hearing of Tashi Gyatso and the nine other defendants was broadcast live online, presumably to implement the anti-gang campaign and state propaganda, which declared 2020 “a year of decisive victory for achieving the three-year goal of special struggle against gangsters and evil.”



The 10 Tibetans were accused of being an “evil gang” that had disrupted the economic and social life order in Banggurthang. As a result of their community activities from 2011 to 2014, the public prosecutor accused the 10 of committing the crime of extortion on five counts and of forced trading on one count as follows:

- Extortion of 1 million yuan from Amdo Group
- Extortion of 78,429.73 yuan from Lin-He Expressway Section 11 Project Department
- Extortion of construction material worth 36,709 yuan from Lin-He Expressway Section 11 Project Department
- Extortion of 20,000 yuan from Ma Weimin and Ma Gawu; village chiefs of Shangxia Jiedo Village
- Extortion of construction material worth 31,600 yuan from Lin-He Expressway Section 12 Project Department and using the project department’s tools free of charge, worth 6,788.19 yuan
- Forced trade of 6.7 mu (1.1 acres) of land at a low price of 16,000 yuan from Shangxiajie Village<sup>xxv</sup>



*The public prosecutor team in the trial of the Sangchu 10.*

For each of the charges, the defense lawyers provided the following rebuttal accompanied by documentary evidence.

- Police took more than five years to register the case in 2019 even though the complaints were made in 2012 and 2014. Procedural flaws indicate ulterior motives in framing the 10 Tibetans.
- Tibetan Buddhist believers requested that Tashi Gyatso raise concerns with Amdo Group over construction of a slaughterhouse in Banggurthang Township. Transfer of a 1-million-yuan fund to build a stupa was mutually agreed upon by Amdo Group and the Tibetans under the coordination of the township government. Since Amdo Group was constructing a slaughterhouse in Banggurthang Township, they agreed to fund a stupa in the town.

- Lin-He Expressway's Section 11 and 12 Project Departments caused damage to the local Tibetan houses and the monastery's property. Hence, they paid compensation for the damages. The charge of extortion is unfounded.
- Ma Weimin and Ma Gawu, chiefs of Shangxia Jiedo Village, voluntarily donated 20,000 yuan to Namlha Monastery Folk Management Committee during their fundraising drive. Tibetan Buddhists have also in the past made donations for the construction of mosques in Shangxia Jiedo Village.
- The claim of forced trading of 6.7 mu of land at a low price of 16,000 yuan from Shangxajie Village is unfounded. The wasteland, not a farmland as stated in the indictment, is 1.6 mu in size and not 6.7 mu. After a villager raised objection to the transaction, Namlha Monastery and the original contractor of Shangxajie Village signed a land transfer agreement for 16,000 yuan under the mediation of an official from Banggurthang Township Government. Signatures from relevant parties and full records of technical inspections by Sangchu County Public Security Bureau are available to show that the transaction was not forced. After purchasing the wasteland, Namlha Monastery left the land as it was during the time of transaction.



*Defense lawyers rebut the prosecutors' accusations.  
(Click to watch video »)*

## Transcript of the Sangchu court proceedings on June 28 and 29, 2020

Disclaimer: The following courtroom proceeding's English translation is not an official transcript. The International Campaign for Tibet provides this transcript to the best of its abilities based on the court proceedings video made public at <http://tingshen.court.gov.cn/live/12289572>.

### 1. Basic Information on the trial

**Case No.:** (2020) Gan 3027 Xing Chu No. 3

**Hearing Time:** June 29, 2020 08:37

**Issue:** Extortion and Forced Trading

**Place of trial:** First court Trial organization member

**Presiding Judge:** Guo Aijie (conductor)

**Judges:** Liu Yibin and Gu Meixiang

**Prosecutor:** Sangchu County People's Procuratorate

**Judge Assistant:** Ying Juanqing; Clerk: Zhang Qiaohua; Translator: Nyingmo Kyi (Niangmaoji)

**Defendants:** 10 defendants including Tashi Gyatso (Zhaxi Jiamucuo);

**Defenders:** Guo Shaoke and others

## 2. The Defendants

**Tashi Gyatso**, born on April 28, 1978<sup>xxvi</sup>

**Tsewang**, born on January 6, 1951

**Nyingchak**, born on February 5, 1961

**Tamdin Dorjee**, born on January 8, 1965

**Sonam Gyal**, born on August 3, 1957

**Tamdin Tsering**, born on March 27, 1967

**Choepa Tsering**, born on July 15, 1975

**Gyalo**, born on February 18, 1968

**Tagthar Gyal**, born on January 16, 1970

**Tenpa Gyatso**, born on May 12, 1982



*Line up of the 10 defendants in hazmat suit. (Source: State media handout)*

## 3. The prosecutor's allegations against the 10 defendants in the court (summary)

The 10 defendants Tashi Gyatso (Zhaxi Jiamucuo), Tsewang (Caixiang), Nyingchak (Niangqihe), Gyalo (Jialao), Sonam Gyal (Suonanmu Jia), Tagthar Gyal (Dehetai Jia), Tenpa Gyatso (Danba Jiamucuo), Tamdin Dorjee (Danzheng Daoji), Tamdin Tsering (Danzheng Cairang) and Choepa Tsering (Jiaoba Cairang), committed several criminal acts of extortion and forced trading in the Banggurthang area. They terrified victims psychologically and violated their property rights. What they did was obviously characteristic of doing evil and oppressing the common people. Their criminal actions seriously disrupted the economic and social life order in Banggurthang area and caused bad social influence. Therefore, their attribute is a gang of evil forces.



Tashi Gyatso is the leader and Tsewang, Nyingchak, Gyalo, Sonam Gyal, Tagthar Gyal, Tenpa Gyatso, Tamdin Dorjee, Tamdin Tsering and Choepa Tsering are the members of gang. Between the years 2011 and 2014, this evil gang committed crime of extortion for five counts and forced trading for one count through violent methods, such as gathering crowd to make trouble, verbal threats, blocking work and seizing construction machinery.

In the criminal activities of this so-called “Monastery’s Folk Management Committee”, which is composed of some monks and laymen, Tashi Gyatso was the organizer and planner, and other members actively responded to and participated in criminal activities of extortion and forced trading.

This gang of evil force used soft violence to force Amdo (Anduo) Group in Sangchu (Xiahe) County to pay one million yuan in cash; in 2012, it used soft violence to extort 20,000 yuan in cash from villagers in Shangxia Jiedao Village<sup>xxvii</sup>. In 2013, it used soft violence to extort 78429.73 yuan in cash from the Lin-He Expressway Section 11 Project Department and 36,409.16 yuan worth of construction materials such as sand and stone for the monastery’s building being damaged by blasting operations carried out by the project department.<sup>xxviii</sup> It used soft violence to extort construction materials worth 31,600 yuan from Lin-He Expressway Section 12 Project Department. It used the construction machinery of Lin-He Expressway Section 12 Project Department free charge, which caused the project department a loss of 6788.19 yuan.

The above actions have violated Article 274 of the Criminal Law of the People’s Republic of China, and this evil group should be held criminally responsible for the crime of extortion.<sup>xxix</sup>

In the name of Namlha Monastery, this evil gang forcibly bought 6.7 mu of cultivated land from villagers at a low price of 16,000 yuan in Banggurthang Town.<sup>xxx</sup>

The above action has violated Article 226 of the Criminal Law of the People’s Republic of China, and this evil group should be held criminally responsible for the crime of forced trading.<sup>xxxi</sup>

#### **4. The defendants’ response to the public prosecutor’s charges**

The presiding judge asked defendants one after one whether they were guilty of the crime of extortion and forced trading charged by the prosecutor. Their responses follow.

**Tamdin Tsering:** I did not know that our behavior was extortion.

**Choepa Tsering:** I plead not guilty to extortion and forced trading

**Nyinchak:** The charge of extortion is not true. I don’t know about the crime of forced trading because we did not force them to sell the wasteland.

**Tsewang:** Plead guilty.

**Tagthar Gyal:** Plead not guilty.

**Tenpa Gyatso:** Plead not guilty for both charges.

**Sonam Gyal:** Whatever you say. My education level is low. My ears are not good.

**Gyalo:** Plead not guilty for extortion.

**Tamdin Dorjee:** Plead not guilty for extortion crime; plead guilty for forced transaction.

**Tashi Gyatso:** Plead not guilty for both extortion and forced trading. I am illiterate. My educational level is low, and my knowledge of the law is rather poor.



*Defendant Tashi Gyatso's responses to allegations in the court.  
(Click to watch video »)*

**Presiding Judge (PJ):** Are you the one who decided to ask Amdo Group for money?

**Tashi Gyatso (TG):** It [decision] was passed at a meeting of the Monastery's Management Committee.

**PJ:** Are you responsible for holding the meeting?

**TG:** The people of the community raised concerns first. After listening to the opinions of the people, we held a meeting and reported the situation to the township, the county, and the prefecture.

**PJ:** Why didn't you build the stupa [stupa to be built in the area as compensation for building slaughterhouse in the area]? Where is the money now?

**TG:** Because of the railway construction plan, we could not build the stupa yet. The money is with the Monastery's Management Committee.

**PJ:** Is the money used for private loans?

**TG:** We had lent some money to people in the community once, but it was not from the money paid by Amdo Group, but from the capital of the monastery. There were one to two million yuan in the monastery's account book then.

**PJ:** Did you forcibly demand 20,000 yuan from Ma Weimin and Ma Gawu through threats<sup>xxxii</sup>?

**TG:** No money was taken by force. We just went to collect donations and did not propose how much money should be donated.<sup>xxxiii</sup> They donated 20,000 yuan voluntarily. If we threaten

them, they will not be afraid of us, and there is no need to be afraid, because everyone is equal before the law. The accusation stated that they were threatened by members of our monastery's management committee on the second floor of Namlha Monastery's restaurant. This is not true.

**PJ:** Why did you write the petitions?

**TG:** The purpose of the petitions written by the masses to the county party committee, county government, prefecture party committee, and prefecture government was to express that the local religious believers disagree with the project of building a slaughterhouse here.

**PJ:** Was it your idea to build a stupa?

**TG:** Building a stupa was opinion of the masses.

**PJ:** What is the source of the monastery's financial funds?

**TG:** The main sources of financial funds are donations from the people, support from relevant government departments, and the monastery's own fundraising activities.

**PJ:** How was the relationship between Lin-He Expressway Section 12 Project Department and you?

**TG:** Their boss and I were friends. When they had conflicts with local people, we came forward to mediate.

**PJ:** Why did you ask for money from Ma Weimin and Ma Gawu?

**TG:** There are Tibetan, Han and Hui ethnic groups in Banggurthang Town. We usually help each other regardless of religion or ethnicity. We have also provided help to their mosques. At that time, our Namlha Monastery organized fundraising activities in all villages, including their village. They donated 20,000 yuan voluntarily, and we never said how much to donate.

**PJ:** How did the monastery's folk management committee form?

**TG:** The monastery's folk management committee has always existed. It has been there long before I was the director of the monastery's folk management committee. I even don't know when it started.

**PJ:** Is it necessary for members of the Monastery's Management Committee to participate in each meeting?

**TG:** If you can't participate for some reason, you can skip it.

**PJ:** Power rest with you to say anything about the affairs of the monastery's management committee, right? How do you summon them to a meeting?

**TG:** No. Every member has the final say on the affairs of the monastery's management committee. When we need a meeting, I will communicate to them over the phone. Other monasteries have monastery management committees just like ours. Namlha Monastery is a sub-monastery of Labrang Monastery.



**TG:** During my tenure as the director of the Monastery's Folk Management Committee from 2011 to 2018, I donated all the allowances paid to me by the government to the monastery, and I never took any money for myself. During this period, we built the Great Hall, greened the surrounding environment of the monastery, and expanded the scale of the monastery.

## **5. The defense statement of Tashi Gyatso's lawyer**

I looked through the files and materials of the case, examined and understood all aspects related to the case, and I also listened to the local people's statements about the case. Especially after listening carefully to the statements made by the prosecutor and the defendants in the trial just now, I have a better knowledge and understanding of this case. As a defender, I feel heavy responsibility. On the one hand, I firmly support the political movement of the party and the government to "sweep out gangsters and fight against evil forces," because this is related to the long-term stability of the country and the people's peaceful lives. On the other hand, I am also more worried about the fate of the defendant, because it is not only related to the reputation of Namlha Monastery and Buddhism, but also related to the happiness of the family related to the case. Therefore, in my defense opinion today, if there is any disrespect to the prosecutor, please forgive me.

Now, based on the relevant laws, I will present my views and opinions. I firmly believe that the defendant Tashi Gyatso's activities do not constitute a crime. The indictment accused the defendant of extortion and forced trading. It simply could not be established. My defense opinion is divided into three parts.

### **The first part is to point out the problem between evidence and related procedures**

1. The indictment stated that Amdo Group's Liu Hong and Lin-He Expressway Project Department's Zhang Xiaoping reported the case on April 28 and May 3 in 2014 respectively.

However, Sangchu County Public Security Bureau and Banggurthang Township police station filed the case on May 19, 2019.

According to the relevant provisions for the public security organs to file a case, a case should be filed immediately, and the report form should be filed on the spot as reported by the victim. Filing of criminal case cannot exceed three days. The maximum time allotted is 30 days. In this case, it took as long as five years from report to filing. It obviously violated relevant laws and regulations for public security organs.

2. It is said that Amdo Group submitted the report materials on February 26, 2012, but the report registration form of the Public Security Bureau shows that the time of filing the case is in 2019. The filing time was obviously fraudulent. It is filed under registration number 2019/50000 in Banggurthang Town Police Station of Sangchu County Public Security Bureau. Therefore, the relevant registration materials are obviously fraudulent. Two of the registration forms state that [officer] Wang from Banggurthang Town police station received the case reported by Zhang [Xiaoping] on May 3, 2014. But we have not seen the original case report as stated to have been reported by Zhang during the time. The number is 2019/50000 and the time is May 19, 2019. There is an interval of five years from reporting to the police to filing the case. The person reporting the case did not sign and was left blank. Liu Hong's report was also exactly the same as Zhang Xiaoping's. Suspicion of fraud cannot be ruled out.

3. In other words, the public security organs have already taken notes before the witness Zhang Xiaoping of the Lin-He Expressway Project Department reported the case. In order to initiate a criminal case, either someone should report a crime or a culprit should have been caught. Neither did anyone report crime nor was anyone caught. Therefore, it is an obvious fraud to make a record without anyone reporting crime or anyone getting caught for a crime.

The public security organs and related parties ignored the factor that depression turned into a wasteland after the construction of National Highway 213. Some personnel from the Land Department and some villagers in Shangxia Jiedao Village colluded with their interests and gave false testimony. The photo taken by the defendant shows that the land is a wasteland, a flood-draining depression regulated by the Banggurthang Township Government, and it is not the cultivated land mentioned in the indictment.

4. The key evidence related to the forced trading is inconclusive. If the depression involved in the case was requisitioned for the construction of the 213 National Road, he would not have the right to trade it with Namlha Monastery, nor to receive the 16,000 yuan paid by Namlha Monastery. If the defendant made a forced trading, who is the owner of the land after the expropriation?

Therefore, the procedure is illegal and the evidence is insufficient for the accusation of Tashi Gyatso for committing crimes of extortion and forced trading.

### **The second part is factual pointing**

1. Amdo Group's accusation of being extorted 1 million (or 976669) yuan cannot be established.

There is a reason to build a stupa. In early May 2012, Amdo Group was building a slaughterhouse in Banggurthang Town. Religious people in the Namlha area came to see Tashi Gyatso, the director of the monastery's folk management committee, because the religious people felt that the construction of a slaughterhouse in front of the Buddhist holy site violated the Buddhist principle of non-killing and also hurt the religious sentiments of Buddhist believers.<sup>xxxiv</sup> Besides, the pollutants discharged from the slaughterhouse will destroy the environment in Namlha area. Tashi Gyatso could not shirk his responsibility to protect the religious feelings and rights of religious believers. He first reported this situation to Banggurtang Township Government, the Sangchu County Political Consultative Conference and other relevant departments, and on behalf of all the monks and lay people in Namlha area, he submitted a petition to the government.

Amdo Group voluntarily paid the funds for the construction of the stupa, but the reason why the stupa has not been built so far is not due to Tashi Gyasto. After the one million yuan funds were received, Tashi Gyatso actively prepared for the construction of the stupa. The first thing he faced is the problem on the location. He contacted the relevant departments one after another, and they said that a railway will be built through this place, so the stupa has not been built. As of March 2014, the location issues for the stupa were still unresolved. Reluctantly, Tashi Gyatso approached the master Gungthangsang of Labrang Monastery and prayed for help.<sup>xxxv</sup> The master proposed that the plan of building the stupa should be changed to build a statue of Amitabha Buddha. On July 14, 2014, Tashi Gyatso approached Banggurthang Town Government for support.

Tashi Gyatso and others did not indulge in violence or soft violence in receiving funds from Amdo Group.<sup>xxxvi</sup> Under the coordination of the Banggurthang Township Government, the people of Namlha area and Amdo Group reached an agreement. No one at Amdo Group was threatened. Tashi Gyatso only said that the masses may agitate if the stupa is not built. He said that he will not be able to control mass agitation if it occurs and that the Group may want to resolve it in order to avoid regretting it later. There is no evidence that Tashi Gyatso gathered a crowd to make trouble.

On May 6, 2012, Amdo Group reached an agreement with all religious people of Namlha Monastery to pay one million yuan. There is nothing wrong with the monastery's folk management committee increasing the income of the monastery. Prior to Amdo Group's payment of one million yuan, there was about two million yuan funds in the monastery's account. It can't be said that the monastery management committee's loan to the people must be the one million yuan paid by Amdo Group. Therefore, the accusation of extorting one million from Amdo Group's cannot be established.

2. There is no evidence, nor did it conform to objective facts in accusing extortion from Ma Weimin and Ma Gawu of Shangxia Jiedao Village.

There is no definite evidence to prove the forced extortion mentioned in the indictment. According to the indictment, Tsewang and other members of the Monastery's Folk Management Committee met with Ma Weimin and Ma Gawu three times and forced them to pay.

In reality, it is very common in the community, whether they are Muslim or Buddhists, to support each other. Before Ma Weimin and Ma Gawu donated 20,000 yuan to Namlha Monastery, Namlha Monastery also donated money to the mosque. Ma Weimin said Tashi Gyatso and others threatened him to pay 20,000 yuan. In fact, Namlha Monastery never proposed the donation amount. Ma Weimin and Ma Gawu themselves set the amount of 20,000 yuan. During the Wenchuan earthquake, the government mobilized everyone to donate. Can it be said that it is extortion by the government? Ma Weimin and Ma Gawu 's 20,000 yuan has no relevance to this case.

3. Lin-He Expressway Section 11 Project Department accused Tashi Gyatso and others of extorting 78,200 yuan, which may be rounded up to 80,000 yuan, which is also not true.

The compensation agreement signed by the project department with Tashi Gyatso, Gyalo and others of the Namlha Monastery's Management Committee can prove the objective fact that houses of local villagers, including Namlha Restaurant, had cracks in various degrees caused by the Section 11's blasting operations in the nearby mountains, and Section 11 should hand over proper compensations.

This is an ordinary civil dispute. Namlha Monastery is the owner of Namlha Restaurant. After discovering that the restaurant and other private houses had cracks caused by blasting operations, Section 11 was required to minimize the blasting operations. However, Section 11 went their own way and continued their blasting operations. The members of Namlha Monastery's Management Committee went to the construction site and seized an excavator. This was a reasonable approach. This was to persuade the Section 11 to solve the problem. Under the coordination of relevant departments of Banggurthang Township, it was resolved. The amount of compensation was proposed by Section 11. Seizing the excavator was only one time to obstruct the construction that



lasted for only one hour. Any other thing that was affected by the work stoppage had nothing to do with Namlha Monastery.

During the house damage dispute, there was no evidence to prove that the Namlha Monastery's Management Committee engaged in any violence or soft violence. It is natural to compensate for damaged things. The extortion by Tashi Gyatso and others is unfounded with insufficient evidence.

4. The accusation that Tashi Gyatso and others extorted 60,450 yuan from the Section 12 of the Lin-He Project Department is unfounded.

According to the words of Zhang Xiaoping, the leader of the Section 12, Namlha Monastery's Management Committee has mediated disputes between the Section 12 and local villagers. Zhang Xiaoping believes in religion, and Tashi Gyatso and others offered khata to him.<sup>xxxvii</sup> Namlha Monastery and the project department help each other, which is reasonable. The project department's donation to Namlha Monastery was voluntary. The project director had a very good impression of Tashi Gyatso.

5. The allegation of forced trading has Thousands of Holes.

After the completion of National Highway 213, this land became an unmanaged depression. It is a place to clean up garbage and roadblocks during construction. Later, the Banggurthang Township Government regulated this area as a flood drainage area. Tashi Gyatso and others discovered that the land was unmanaged wasteland, so they wanted to buy it for monastery use. Someone from Shangxia Jiedao Village, Banggurthang Township, raised objections. Later, under the mediation of an official of Banggurthang Township Government, Namlha Monastery and the original contractor of Shangxia Jiedao Village signed a land transfer agreement. This 1.6-mu wasteland was transferred to Namlha Monastery at a price of 16,000 yuan. During the signing of the agreement, the Namlha Monastery did not commit any violence. There are signatures from relevant parties and full records of technical inspections by Sangchu County Public Security Bureau.

This piece of land was requisitioned during the construction of National Highway 213. Does the original contractor still have the rights to own it? If not, then where do you start with forced trading?

The area of the depression was 1.6 mu before sale instead of 6.1 mu as stated in the indictment.

Although Namlha Monastery paid 16,000 yuan for this land, no right has been exercised on it so far. It is obviously wasteland, why did the plaintiff call it farmland.

6. Namlha Monastery's Folk Management Committee is not an evil force. Evil force is a criminal organization of the underworld. The monastery's management committee in the Namlha Monastery area is composed of two parts.

One is composed of monks of the monastery. It mainly manages the religious and daily activity arrangements in the monastery, materials, exchanges between trade, fundraising, and religious services.

The other is composed of highly respected people elected by the monastery and its Buddhist community, usually people in their 50s or 60s.

The monastery's folk management committee has a long history. Besides Namlha Monastery, other monasteries also adopt this management model. Their important responsibilities are to raise materials and money; to be volunteers and work in Namlha Monastery; the Monastery's Folk Management Committee is under the leadership of the Monastic Management Committee of Namlha Monastery.

Namlha Monastery is a legal religious organization that has been filed by relevant departments of Sangchu County. All the monks in the monastery have certificates for monks issued by the government. Namlha Monastery is subordinate to the supervision of Labrang Monastery in religious affairs. Its purpose is to promote religious culture and serve religious believers.

According to the logic of the indictment, all religious monasteries are evil groups.

There are six charges in the indictment, five of which are for extortion and one for forced trading. In the six cases, besides the only physical conflict that occurred during the disputes with the project department and the people of the local community which was an act of rights protection, the rest were not acts of violence or soft violence.

Tashi Gyatso has never taken a penny of allowance for all those years. The members of the monastery's management committee are all devout religious believers, and they all run for the official affairs of the monastery year around, without involving any private affairs. Charging "forced trading" by the indictment is itself illegal.

Namlha Monastery has developed from a small temple to a large-scale monastery as it is today. This is due to the efforts and contributions of all monks and lay people, including everyone on the dock.

What Tashi Gyatso did was for the public affairs of the monastery, and he had never received a penny of subsidy. Are there any "evil forces" who do not do bad things for their private interests?

The indictment is not honest.

In my opinion, in addition to accomplishing the targets, the "anti-criminal" campaign must also respect the facts. The facts are unclear, the evidence is insufficient, and the allegations are simply unfounded.

Finally, I ask the court and the presiding judge to adhere to the principle of independent trial and reflect the fairness and efficiency of the law, seeking the truth from facts.

## **6. The defense statements of lawyers for Tsewang and Choepa Tsering**

### **The defense statement of Tsewang's lawyer**

Tsewang is not a member of a gang of evil forces. He has not engaged in extortion or forced trading. Hope the court will acquit him. In the case involved, there was no organization for the purpose of illegal crime. The indictment stated that the Namlha Monastery's Management Committee was an "illegal group". And that was wrong. All agreements mentioned in the

indictment were signed voluntarily by all parties who are involved, and there was no use of any threats.

What Ma Weimin and Ma Gawu said at the beginning was that the donations were voluntary and agreed to by themselves, but later they said they were forced.

Tsewang and the other members of the monastery's management Committee have photos of houses damaged by blasting operations. The amount of compensation was proposed by the Lin-He Expressway Project Department, and the agreement was also drafted by the Project Department.

The actions of farmers and herdsmen in Tibetan areas to defend their rights are somewhat simple, because this is the reason why there is not much legal knowledge, but they have not committed any violent actions.

The wasteland is now said to be owned by 16 households, but the actual situation is that its attributes are unknown; the number of acres is also unknown. At that time, it was measured at 1.6 mu, but the indictment said 6.1 mu.

### **The defense statement of Choepa Tsering's lawyer**

The actions of Choepa Tsering and Namlha Monastery's Folk Management Committee did not constitute the crime of extortion and forced trading. The folk management committee is not an evil force, it is a bridge built between religious believers and the monastery. The behavior of the folk management committee does not have the characteristics of oppressing the people.

The agreement reached between the Monastery's Management Committee and Amdo Group was reached under the mediation of the relevant departments of the township, and Amdo Group was voluntary. To say that Amdo Group was forced to reach an agreement is not true. The rest are consistent with the opinions of the lawyers of the first and second defendants [Tashi Gyatso and Tsewang].

## **7. Materials presented by the lawyers of Tashi Gyatso and Tsewang as new evidence**

1. The petition of monks and lay people in the Namlha area against the construction of a slaughterhouse by Amdo Group;
2. The agreement signed between Amdo Group and the people in the surrounding area of Namlha Monastery;
3. The letter of Buddhist community in Banggurthang area seeking permission from the relevant governmental authorities to build Amitabha Buddha statues in the area;
4. The original photo of the 1.6 mu depression in Shangxiajie Village involved in the case which was taken at the time when Namlha Monastery purchased it;
5. The petition from Tibetan people in Namlha area to the court for a lighter punishment against Tashi Gyatso and others.



## 8. Prosecutor's proposal to the court

Tashi Gyatso organized, planned and directed the above-mentioned criminal activities illegally, while other members actively participated in the criminal activities. The criminal group bullied the people and created instability in the Namlha area. They think it is not a crime to give money to the monastery or for the monastery without putting it in their own pocket, and completely disregard the influence of others and society. This is not permitted by law and is illegal. The law protects the life and property of every citizen. In a legal society, these actions are illegal.

The actions of Tashi Gyatso and others violated Article 224 and Article 226 of the Criminal Law of the People's Republic of China.<sup>xxxviii</sup> The crime of extortion should be sentenced to more than 10 years, and the crime of forced trading should be sentenced to less than 3 years. Tashi Gyatso is the principal offender, and the other nine are accomplices. The court should punish accomplices and defendants who satisfactorily plead guilty lightly.

Tashi Gyatso could be sentenced to 15 years in prison and fined 70,000 yuan for extortion; could be sentenced to 2 to 3 years in prison and fined 10,000 yuan for forced trading. He should be sentenced to 18 years in prison and a fine of 80,000 to 90,000 yuan for the combined for extortion and forced trading.

Tsewang, Nyingchak, Gyalo, Tagthar Gyal and Sonam Gyal could be sentenced to 14 years in prison and fined 60,000 yuan for extortion; could be sentenced to 2 to 3 years in prison and fined 10,000 to 20,000 yuan for forced trading. They should be sentenced to 15 years in prison and fined 70,000 to 80,000 yuan for the combined of extortion and forced trading.

Tenpa Gyatso, Tamdin Dorjee, Tamdin Tsering and Choepa Tsering, could be sentenced to 13 years in prison and fined 50,000 yuan for extortion; could be sentenced to 2 to 3 years in prison and fined 10,000 to 20,000 yuan for forced trading. They should be sentenced to 13 to 14 years in prison and a fine of 60,000 to 70,000 yuan for the combined for extortion and forced trading.

## 9. The defenders' opinion on the prosecutor's proposal to the court

### **Tashi Gyatso's Defender's Opinion on the Prosecutor's Proposal**

I insist that Tashi Gyatso is not guilty. The plaintiff's argument contained many false evidences, and all the defendants' statements were consistent. I request the court to hear the opinions of the legal defense. If the result of this trial is like the proposal made by the prosecutor, that would be a pity.

First, the public prosecutor said that the defendant had been using soft violence for extortion and forced trading, but the prosecutor did not define soft violence. The prosecutor said a lot about forced trading. If this is a forced trading, then the first thing to understand is the status quo of that land. However, he has not made clear the status quo of that land.

Second, the public prosecutor said that the alleged crimes of extortion and forced trading have sufficient evidence. But he put forward only that are beneficial to the plaintiff and not the whole evidences.

Third, we need to find out whether the evidence provided by the plaintiff involves other purposes and motives unrelated to this case?

From the above three aspects, this case is far from reaching the standard of sufficient evidence.

If this monastery's folk management committee is an evil force, then why should I defend the evil force. In short, there is a lot of uncertainty in this case.

#### **Another defendant's lawyer**

The prosecutor in this case violated legal procedures. Procedure is the guarantee for the implementation of fair rulings by the legal system. Based on this, the court should dismiss the prosecution.

### **10. The Defendants' Words after the Court Debate**

**Presiding Judge:** The court debate is now over. According to the relevant provisions of the Criminal Procedure Law of the People's Republic of China, each defendant has the right to make statements. Defendant Tashi Gyatso, you can now say what you think.

**Tashi Gyatso:** The prosecution and sentencing of us are not in accordance with the law. We feel that we have not violated the law, and we did not take a penny of the money that is charged against us.

**Tsewang:** I am old now and my memory is not very good. I didn't go to school when I was a child, and I have low education level and no legal awareness. In these incidents, none of us committed crimes deliberately, but just focused on doing what we could for the monastery, which may have led to some bad results. I hope the court will punish us lightly.

**Nyingchak' written note:** Dear judge, I am Nyingchak (Niangqihe). It has been more than a year since I was arrested on July 26, 2019. During this period, I couldn't eat and sleep, and I had been confessing the crimes I had committed. The reason why I fell in today's situation is entirely due to my weak legal consciousness, lack of knowledge and the consequences. Therefore, I voluntarily pleaded guilty and confessed all my crimes to the Public Security Bureau, the Procuratorate, and the Court. I did not avoid any questions. I have an 85-year-old mother at home. Dear judge, depending on my attitude of pleading guilty, please give a lighter punishment. I promise to follow the rules and disciplines and do more things that are good for the society. I will take positive actions to thank the society.

*Dated: June 28, 2020<sup>xxxx</sup>*

**Gyalo:** In this matter, we did not realize that we committed such a big thing. Whatever we did was under the arrangement of the county government and the township government. If we have committed a crime, we ask the court to forgive us for our actions. Because we are all in our 40s to 70s, we are all relatively old. Hope the court will forgive us.

**Sonam Gyal:** We did not realize that things would develop to the present situation. I hope the court will punish all of us lightly.

**Tagthar Gyal:** I have not gone to school since I was little, and I don't know much about the country's laws and regulations which led us to the present situation. Hope the court will give us a lighter punishment. We personally did not take any of the money as charged against us in the indictment. I personally hope that the court and the presiding judge can punish all of us lightly.

**Tenpa Gyatso:** We are all sixty or seventy years old, relatively old. I hope the court will punish us lightly.

**Tamdin Dorjee:** We are all relatively old. Hope the court will deal with us lightly.

**Tamdin Tsering:** I am not a well literate person. The defendants with me are also not well literate people. If we broke the law while doing something, I hope the presiding judge can punish us lightly.

**Choepa Tsering:** I didn't go to school when I was a child, and my education level was relatively low. We the defendants here today are from 50 to 70 years old. I hope the court will punish us lightly.

## 11. The court verdict

Sangchu (Xiahe) County People's Procuratorate prosecuted Tashi Gyatso (Zhaxi Jiamucuo), Tsewang (Caixiang), Nyingchak (Niangqihe), Gyalo (Jialao), Sonam Gyal (Suonanmu Jia), Tagthar Gyal (Dehetai Jia), Tenpa Gyatso (Danba Jiamucuo), Tamdin Dorjee (Danzheng Daoji), Tamdin Tsering (Danzheng Cairang) and Choepa Tsering (Jiaoba Cairang) in the case of extortion and forced trading. After arraignment, testimony, and verification, this court believes that the facts of the case are clear and the evidence is indeed sufficient.

The evil gang headed by the defendant Tashi Gyatso and with defendants Tsewang, Nyingchak, Gyalo, Sonam Gyal, Tagthar Gyal, Tenpa Gyatso, Tamdin Dorjee, Tamdin Tsering and Choepa Tsering as members, having joint discussions, through violent means such as gathering crowd to make trouble, verbal threats, stopping work and seizing construction machinery, extorted 976,669 yuan in cash from Amdo Group, 78,429.73 yuan in cash and 36,709 yuan worth of building materials such as sand and stone from the Lin-He Expressway Section 11 Project Department. Tashi Gyatso and the others extorted 20,000 yuan in cash from Ma Weimin and Ma Gawu, the village chiefs of Shangxia Jiedao Village, Banggurthang Township. Eight people including Tashi Gyatso and Tsewang extorted cement and other construction materials worth 31,600 yuan from the Lin-He Expressway Section 12 Project Department. Tashi Gyatso used the tools of the Lin-He Expressway Section 12 Project Department free of charge, which was worth 6,788.19 yuan.

The above behavior violates Article 274 of the Criminal Law of the People's Republic of China. The facts of the crime are clear, and the evidence is indeed sufficient. Criminal responsibility should be held accountable for the crime of extortion.

After Tashi Gyatso, Tsewang, Nyingchak, Gyalo, Sonam Gyal, Tagthar Gyal, Tenpa Gyatso, Tamdin Dorjee, Tamdin Tsering and Choepa Tsering, the ten defends, discussed together, they bought cultivated land in Shangxiajie Village, Banggurthang Town, without the knowledge of the actual contractor, forcing villagers to transfer a total of 6.7 mu of land at a low price of 16,000 yuan. This act violated Article 226 of the Criminal Law of the People's Republic of China. The facts of the crime are clear, and the evidence is indeed sufficient. Criminal responsibility should be held accountable for the crime of forced trading.

The above-mentioned crimes prosecuted by the public prosecution agency were established. In this case, the defendants Tsewang, Nyingchak, Gyalo, Sonam Gyal, Tagthar Gyal, Tenpa Gyatso, Tamdin Dorjee, Tamdin Tsering and Choepa Tsering are accomplices and will be punished with reduced sentences.

In today's trial, the defendant Tsewang has a good attitude of pleading guilty and can truthfully confess the crime of extortion (Lin-He Expressway) Project Department.

The verdict is about to be read, all rise!

According to the provisions of Article 274, Article 226, Article 25, Article 27, Paragraph 1 of Article 69, Article 52, and Article 64 of the Criminal Law of the People's Republic of China, we shall judge:<sup>xi</sup>

**Defendant Tashi Gyatso**, is sentenced to 12 years in prison and fined 50,000 yuan for guilty of extortion; is sentenced to 2 years in prison and fined 20,000 yuan for guilty of forced trading. He is sentenced to 13 years in prison and a fine of 70,000 yuan for the combined crime of extortion and forced trading.<sup>xli</sup>

**Defendant Nyinchak**, is sentenced to 8 years in prison and fined 40,000 yuan for guilty of extortion; is sentenced to 2 years in prison and fined 10,000 yuan for guilty of forced trading. He is sentenced to 9 years in prison and a fine of 50,000 yuan for the combined crime of extortion and forced trading.<sup>xlii</sup>

**Defendant Gyalo**, is sentenced to 8 years in prison and fined 40,000 yuan for being found guilty of extortion; is sentenced to 2 years in prison and fined 10,000 yuan for being found guilty of forced trading. He is sentenced to 9 years in prison and a fine of 50,000 yuan for the combined crime of extortion and forced trading.<sup>xliii</sup>

**Defendant Sonam Gyal**, is sentenced to 8 years in prison and fined 40,000 yuan for being found guilty of extortion; is sentenced to 2 years in prison and fined 10,000 yuan for being found guilty of forced trading. He is sentenced to 9 years in prison and a fine of 50,000 yuan for the combined crime of extortion and forced trading.<sup>xliv</sup>

**Defendant Tagthar Gyal**, is sentenced to 8 years in prison and fined 40,000 yuan for being found guilty of extortion; is sentenced to 2 years in prison and fined 10,000 yuan for being found guilty of forced trading. He is sentenced to 9 years in prison and a fine of 50,000 yuan for the combined crime of extortion and forced trading.<sup>xlv</sup>

**Defendant Tsewang**, is sentenced to 8 years in prison and fined 40,000 yuan for being found guilty of extortion; is sentenced to 2 years in prison and fined 10,000 yuan for being found guilty of forced trading. He is sentenced to 8 years and 6 months in prison and a fine of 50,000 yuan for the combined crime of extortion and forced trading.<sup>xlvi</sup>

**Defendant Tenpa Gyatso**, will be sentenced to 7 years in prison and fined 40,000 yuan for being found guilty of extortion; is sentenced to 2 years in prison and fined 10,000 yuan for guilty of forced trading. He is sentenced to 8 years in prison and a fine of 50,000 yuan for the combined crime of extortion and forced trading.<sup>xlvii</sup>

**Defendant Tamdin Dorjee**, is sentenced to 7 years in prison and fined 40,000 yuan for guilty of extortion; is sentenced to 2 years in prison and fined 10,000 yuan for being found guilty of forced trading. He is sentenced to 8 years in prison and a fine of 50,000 yuan for the combined crime of extortion and forced trading.<sup>xlviii</sup>

**Defendant Choepa Tsering**, is sentenced to 7 years in prison and fined 40,000 yuan for being found guilty of extortion; will be sentenced to 2 years in prison and fined 10,000 yuan



for guilty of forced trading. He is sentenced to 8 years in prison and a fine of 50,000 yuan for the combined crime of extortion and forced trading.<sup>xlix</sup>

**Defendant Tamdin Tsering**, will be sentenced to 7 years in prison and fined 40,000 yuan for being found guilty of extortion; is sentenced to 2 years in prison and fined 10,000 yuan for being found guilty of forced trading. He is sentenced to 8 years in prison and a fine of 50,000 yuan for the combined crime of extortion and forced trading.<sup>l</sup>

The land involved in forced trading will be returned to the victim; the blackmailed money must be returned to the victim.

Defendants, did you hear the sentence clearly?

**The ten defendants replying together:** Heard it clearly!

This is an oral verdict. You will receive a written verdict within five days. If you disagree, you can appeal to the Intermediate People's Court of Karlho (Gannan) Tibetan Autonomous Prefecture through this court or directly. You can appeal within ten days.

Defendant Tashi Gyatso, do you want to appeal?

**TG:** Yes. I do.

Defendant Tsewang, do you want to appeal?

**T:** [silent]

Defendant Ningchak, do you want to appeal?

**N:** [silent]

Defendant Gyalo, do you want to appeal?

**G:** Yes. I do.

Defendant Sonam Gyal, do you want to appeal?

**SG:** I have to consider whether to appeal.

Defendant Tagthar Gyal, do you want to appeal?

**TG:** Yes. I do.

Defendant Tenpa Gyatso, do you want to appeal?

**TG:** Yes. I do.

Defendant Tamdin Dorjee, do you want to appeal?

**TG:** Yes. I do.

Defendant Tamdin Tsering, do you want to appeal?

**TT:** Yes. I do.

Defendant Choepa Tsering, do you want to appeal?

**CT:** Yes. I do.

Now the 10 defendants will continue to be held at the Detention Center of Sangchu County Public Security Bureau.



International Campaign for Tibet (ICT) | 1825 Jefferson Place NW | Washington, DC 20036 | United States of America  
Phone: (202) 785-1515 | Fax: (202) 785-4343 | [info@savetibet.org](mailto:info@savetibet.org)

ICT Europe  
Funenpark 1D | 1018 AK  
Amsterdam, The Netherlands  
Phone: +31 (0)20 3308265  
Fax: +31 (0)20 3308266  
[icteurope@savetibet.nl](mailto:icteurope@savetibet.nl)

ICT Deutschland e.V.  
Schönhauser Allee 163 | 10435  
Berlin, Germany  
Phone: +49 (0)30 27879086  
Fax: +49 (0)30 27879087  
[info@savetibet.de](mailto:info@savetibet.de)

ICT Brussels  
11, rue de la linière | 1060  
Brussels, Belgium  
Phone: +32 (0)2 609 44 10  
Fax: +32 (0)2 609 44 32  
[info@save-tibet.eu](mailto:info@save-tibet.eu)

<sup>i</sup> TINGSHEN.COURT.GOV.CN, 扎西嘉木措等十人敲诈勒索、强迫交易一案 [The case of extortion and forced trading by ten people including Tashi Gyatso] (Xiahe County People's Court, June 29, 2020), <http://tingshen.court.gov.cn/live/12289572>.

<sup>ii</sup> The Paper, “夏河县人民法院公开开庭审理扎西嘉木措等10人涉恶案件 政务\_澎湃新闻 [Xiahe County People's Court Opens Public Hearings to Hear Cases Involving 10 People Including Tashi Gyatso],” July 2, 2020, [https://www.thepaper.cn/newsDetail\\_forward\\_8079736](https://www.thepaper.cn/newsDetail_forward_8079736).

<sup>iii</sup> Article 44 of Criminal Law of the People's Republic of China stipulates “A term of criminal detention shall be counted from the date the judgment begins to be executed; if the criminal is held in custody before the execution of the judgment, one day in custody shall be considered one day of the term sentenced.” The Supreme People's Court of the People's Republic of China, Criminal Law of the People's Republic of China, [http://english.court.gov.cn/2015-12/01/content\\_22595464\\_4.htm](http://english.court.gov.cn/2015-12/01/content_22595464_4.htm).

<sup>iv</sup> Monastery Folk Management Committee is English rendition for 民间寺管会 (min jian si guan hui) or དམངས་ཁྱོད་དགོན་པ་དོ་དམ་ཁྱེན་ཁང་། (Dmangs Khrod Dgon Pa Dho Dham Lhan Khang). Monastery's folk management committee is usually composed of community elders who offer voluntary service to raise materials and funds for a monastery.

<sup>v</sup> “China: Tibet Anti-Crime Campaign Silences Dissent,” Human Rights Watch, May 14, 2020, <https://www.hrw.org/news/2020/05/14/china-tibet-anti-crime-campaign-silences-dissent>.

<sup>vi</sup> Gyurme Dorje, Tibet Handbook, 4th ed. (Footprint Handbooks, 2009): 797.

<sup>vii</sup> According to the 2000 Chinese census, Tibetan populaton in Banggurthang (Ch:Wanggeertang) Township was 2148 accounting for 56% of total population.

<sup>viii</sup> Xinhua, “Senior CPC Official Stresses Ethnic, Religious Work in Tibetan Areas,” May 23, 2018, [http://www.xinhuanet.com/english/2018-05/23/c\\_137201106.htm](http://www.xinhuanet.com/english/2018-05/23/c_137201106.htm).

<sup>ix</sup> “Hundreds of Tibetans Protest Land Seizure Over Gold Mining Activities,” Radio Free Asia, March 22, 2014, <https://www.rfa.org/english/news/tibet/protest-03222014220107.html>.

<sup>x</sup> “Tibetans Renew Protest Over Land Seized for Highway,” Radio Free Asia, April 2, 2014, <https://www.rfa.org/english/news/tibet/protest-04022014163219.html>.

<sup>xi</sup> “Tibetans in Amchok Protest Mining Project at Holy Gong-Ngon Lari Mountain,” International Campaign for Tibet, May 31, 2016, <https://savetibet.org/tibetans-in-amchok-protest-mining-project-at-holy-gong-ngon-lari-mountain/>.

<sup>xii</sup> “Tibetan Demonstrations over Land, Education Policy,” International Campaign for Tibet, November 4, 2014, <https://savetibet.org/tibetan-demonstrations-over-land-education-policy/>.

<sup>xiii</sup> “Tibetan Man Self-Immolates in Amchok, Amdo,” Voice of America, November 20, 2012, <https://www.voatibetanenglish.com/a/1549512.html>.

<sup>xiv</sup> “Growing Anti-Slaughter Movement against Chinese Commercial Slaughterhouses in Tibet,” International Campaign for Tibet, August 26, 2020, <https://savetibet.org/growing-anti-slaughter-movement-against-chinese-commercial-slaughterhouses-in-tibet/>.

xv Originally established as Xiahe County Cement Plant in 1972, Gansu Anduo Investment Group a.k.a Amdo Group is a 1.8 billion yuan (approximately \$263 million) enterprise with 1,500 employees according to the group's website [www.gsadtz.com](http://www.gsadtz.com). The group with nearly 18 subsidiaries does businesses in building materials, clean energy and ecological animal husbandry according to its Chairman. Amdo Group seemingly used to be a State Owned Enterprise that now functions under corporate structure with a Party cell in management to ensure control by the party-state.

xvi Xinhua, "The Central Committee of the Communist Party of China and the State Council Issued the 'Notice on Launching a Special Struggle against Gangsters,'" January 24, 2018, <https://www.mps.gov.cn/n2255079/n5967516/n6203051/n6203341/c6204686/content.html>.

xvii 央视, "苍蝇乱飞也要拍! 从 '打黑' 到 '扫黑' 意味着什么? [Shoot the Flies Too! What Does It Mean to Go from 'Cracking Gangs' to 'Sweeping Gangs'?]," January 26, 2018, <http://news.sina.com.cn/s/2018-01-26/doc-ifygyqni3087418.shtml>.

xviii "ནག་ཁེལ་གཤེད་བཅོས་སྒྲོལ་གྱི་འབྲེལ་ཡོད་ཤེས་བྲུ། [Educational Information on Eliminating Gangs]," Government of Haixi Mongolian and Tibetan Prefecture, May 21, 2019, <http://www.zw.haixi.gov.cn/info/1022/7525.htm>.

xix "最高人民法院工作报告 (全文实录) - 中华人民共和国最高人民法院 [Work Report of the Supreme People's Court (Full Text Record)]," Supreme People's Court News Bureau, People's Court News and Media Headquarters, May 25, 2020, <http://www.court.gov.cn/zixun-xiangqing-231301.html>.

xx China Gansu Net - Lanzhou Evening News, "甘肃省扫黑除恶 '成绩单' 出炉\_社会综合\_中国甘肃网 (Gansu Province's 'Transcript' of Anti-Evil Sweeping Out)," August 10, 2020, <http://gansu.qscn.com.cn/system/2020/08/10/012437177.shtml>.

xxi Tibet Autonomous Region Internet News Tibet Autonomous Region Radio and Television, "རང་ཁྲུང་གི་ནག་ཁེལ་གཤེད་བཅོས་ལས་ཀྱི་དུས་མཚམས་རང་བཞིན་གྱི་གྲུབ་འབྲས་ཐོབ། (Autonomous Region Achieves Results against Eliminating Evil and Black.)," August 21, 2019, [http://www.tibet.com/tb/tbch/2019zht/zhl70/chj/201909/t20190916\\_884440\\_web.html?lmt=1568623677000](http://www.tibet.com/tb/tbch/2019zht/zhl70/chj/201909/t20190916_884440_web.html?lmt=1568623677000).

xxii "China: Tibet Anti-Crime Campaign Silences Dissent," Human Rights Watch, May 14, 2020, <https://www.hrw.org/news/2020/05/14/china-tibet-anti-crime-campaign-silences-dissent>.

xxiii China News Network, "云南扫黑除恶 '成绩单' : 打掉428个涉黑涉恶团伙 (Yunnan's 'Report Card' of Anti-Gang Crimes: 428 Criminal Gangs Were Destroyed)," April 11, 2019, <http://china.gianlong.com/2019/0411/3213677.shtml>.

xxiv People's Daily, "མཚོ་ལྗོངས་ཁོང་གི་ནག་ཁེལ་གཤེད་བཅོས་གྱི་ཆེད་དོན་འཐབ་ཚད་ལ་གྲུབ་འབྲས་གསར་པ་ཐོབ་པ། (New Results Achieved in Qinghai's Campaign against Black and Evil)," July 24, 2020, [http://epaper.chinatibetnews.com/rmrzbw/202007/24/content\\_39449.html](http://epaper.chinatibetnews.com/rmrzbw/202007/24/content_39449.html).

xxv Mu is the standard unit for land area in China. 6.07 mu is equal to 1 acre.

xxvi The birth dates of all the defendants are as stated by the public prosecutor.

xxvii Shangxia Jiedao Village is predominantly populated by ethnic Hui muslims.

xxviii Although not specified during the courtroom debate, it is highly likely that the Lin-He Expressway Section 11 Project Department offered construction materials and equipment to the community to repair damages to their houses caused by project department's blasts to remove natural obstacles to construct an expressway. Defense lawyer provides documentary evidence showing compensation was mutually agreed between Lin-He section 11 project department and the Tibetans whose houses were damaged.

xxix Article 274 of Criminal Law of the People's Republic of China stipulates "Whoever extorts public or private money or property by blackmail, if the amount is relatively large, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance; if the amount is huge, or if there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years." The Supreme People's Court of the People's Republic of China, *Criminal Law of the People's Republic of China*, [http://english.court.gov.cn/2015-12/01/content\\_22595464\\_25.htm](http://english.court.gov.cn/2015-12/01/content_22595464_25.htm).

xxx Mu is the standard unit for land area. 6.0703 mu is equal to one acre.

---

<sup>xxx</sup>i Article 226 of *Criminal Law of the People's Republic of China* stipulates "Whoever buys or sells commodities by violence or intimidation, or compels another person to provide or receive a service, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined."

The Supreme People's Court of the People's Republic of China, *Criminal Law of the People's Republic of China*, [http://english.court.gov.cn/2015-12/01/content\\_22595464\\_22.htm](http://english.court.gov.cn/2015-12/01/content_22595464_22.htm).

<sup>xxx</sup>ii ICT did not see a written document for the case. The names Ma Weimin and Ma Gawu are rendered as heard on the courtroom debate video.

<sup>xxx</sup>iii It is common for Monastery Folk Management Committee members to seek donations in order to raise funds for a monastery's daily activities or for property maintenance.

<sup>xxx</sup>iv "Buddhist holy site" here refers to Namlha Monastery. Although the defense lawyer described the "slaughterhouse being in front of the Buddhist holy site", he may not have meant the slaughterhouse literally being in front of Namlha Monastery.

<sup>xxx</sup>v Alak Gungthangsang a.k.a Gungthang Rinpoche is a prominent Buddhist teacher of Labrang Monastery as well as the Geluk tradition in general.

<sup>xxx</sup>vi "Soft Violence" ( 软暴力 ruan bao li) broadly refers to behaviors outside of well-defined criminal behavior involving physical violence. Stalking, revealing personal information, damaging property, home invasions, showing off tattoos, throwing feces at others, etc. are considered "soft violence". See also China Law Translate "Opinions on Several Issues Relating to the Handling of Criminal Cases of Perpetrating "Soft Violence" promulgated on April 9, 2019. <https://www.chinalawtranslate.com/en/opinions-on-several-issues-on-the-handling-of-criminal-cases-of-soft-violence/>.

<sup>xxx</sup>vii Khata is a Tibetan ceremonial scarf of goodwill.

<sup>xxx</sup>viii Article 224 of Criminal Law of People's Republic of China stipulates

"Whoever, during the course of signing or fulfilling a contract, commits any of the following acts to defraud money or property of the other party for the purpose of illegal possession, if the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined; if the amount involved is huge, or if there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined; if the amount involved is especially huge or if there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined or be sentenced to confiscation property:

- (1) signing a contract in the name of a fictitious unit or in the name of another person;
- (2) offering as guaranty forged, altered or invalidated negotiable instruments or any other false property right certificates;
- (3) while having no ability to fulfil a contract, cajoling the other party into continuing to sign and fulfil a contract by way of fulfilling a contract that involves a small amount of money or fulfilling part of the contract;
- (4) going into hiding after receiving the other party's goods, payment for goods, cash paid in advance or property for guaranty; or
- (5) any other acts."

The Supreme People's Court of the People's Republic of China, *Criminal Law of the People's Republic of China*, [http://english.court.gov.cn/2015-12/01/content\\_22595464\\_22.htm](http://english.court.gov.cn/2015-12/01/content_22595464_22.htm).

<sup>xxx</sup>ix Nyingchak brought a written note in Chinese. Since he can't read Chinese, the Tibetan female translator from the trial team read it for him.

<sup>x</sup>i Article 25 of the Criminal Law of People's Republic of China stipulates "A joint crime refers to an intentional crime committed by two or more persons jointly. A negligent crime committed by two or more persons jointly shall not be punished as a joint crime; however, those who should bear criminal responsibility shall be individually punished according to the crimes they have committed." The Supreme People's Court of the People's Republic of China, *Criminal Law of the People's Republic of China*, [http://english.court.gov.cn/2015-12/01/content\\_22595464\\_3.htm](http://english.court.gov.cn/2015-12/01/content_22595464_3.htm).

Article 27 of the Criminal Law of the People's Republic of China stipulates "An accomplice refers to any person who plays a secondary or auxiliary role in a joint crime. An accomplice shall be given a lighter or mitigated punishment or be exempted from punishment." The Supreme People's Court of the People's Republic of China, *Criminal Law of the People's Republic of China*, [http://english.court.gov.cn/2015-12/01/content\\_22595464\\_3.htm](http://english.court.gov.cn/2015-12/01/content_22595464_3.htm).

Article 69 paragraph 1 of Criminal Law of PRC stipulates "For a criminal who commits several crimes before a judgment is pronounced, unless he is sentenced to death or life imprisonment, his term of punishment shall be not more than the total of the terms for all the



---

crimes but not less than the longest of the terms for the crimes, depending on the circumstances of the crimes. However, the term of public surveillance may not exceed the maximum of three years, the term of criminal detention may not exceed the maximum of one year, and fixed-term imprisonment may not exceed the maximum of 20 years.” The Supreme People’s Court of the People’s Republic of China, *Criminal Law of the People’s Republic of China*, [http://english.court.gov.cn/2015-12/01/content\\_22595464\\_5.htm](http://english.court.gov.cn/2015-12/01/content_22595464_5.htm).

Article 52 of Criminal Law of PRC stipulates “The amount of any fine imposed shall be determined according to the circumstances of the crime.” The Supreme People’s Court of the People’s Republic of China, *Criminal Law of the People’s Republic of China*, [http://english.court.gov.cn/2015-12/01/content\\_22595464\\_4.htm](http://english.court.gov.cn/2015-12/01/content_22595464_4.htm).

Article 64 of Criminal Law of PRC stipulates “All money and property illegally obtained by a criminal shall be recovered, or compensation shall be ordered; the lawful property of the victim shall be returned without delay; and contrabands and possessions of the criminal that are used in the commission of the crime shall be confiscated. All the confiscated money and property and fines shall be turned over to the State treasury, and no one may misappropriate or privately dispose of them.” The Supreme People’s Court of the People’s Republic of China, *Criminal Law of the People’s Republic of China*, [http://english.court.gov.cn/2015-12/01/content\\_22595464\\_5.htm](http://english.court.gov.cn/2015-12/01/content_22595464_5.htm).

xli The cumulative sentence for Tashi Gyatso is 14 years imprisonment. The presiding judge declares his sentence as 13 years in prison--excluding a year already spent in custody--as stipulated in Article 44 of the Criminal Law of the People’s Republic of China.

xlii The cumulative sentence for Nyinchak is 10 years imprisonment. The presiding judge declares his sentence as 9 years in prison--excluding a year already spent in custody--as stipulated in Article 44 of the Criminal Law of the People’s Republic of China.

xliii The cumulative sentence for Gyalo is 10 years imprisonment. The presiding judge declares his sentence as 9 years in prison--excluding a year already spent in custody--as stipulated in Article 44 of the Criminal Law of the People’s Republic of China.

xliv The cumulative sentence for Sonam Gyal is 10 years imprisonment. The presiding judge declares his sentence as 9 years in prison--excluding a year already spent in custody--as stipulated in Article 44 of the Criminal Law of the People’s Republic of China.

xlv The cumulative sentence for Tagthar Gyal is 10 years imprisonment. The presiding judge declares his sentence as 9 years in prison--excluding a year already spent in custody--as stipulated in Article 44 of the Criminal Law of the People’s Republic of China.

xlvi The cumulative sentence for Tsewang is nine years and six months imprisonment. The presiding judge declares his sentence as eight years and six months in prison--excluding a year already spent in custody--as stipulated in Article 44 of the Criminal Law of the People’s Republic of China.

xlvii The cumulative sentence for Tempa Gyatso is nine years imprisonment. The presiding judge declares his sentence as eight years in prison--excluding a year already spent in custody--as stipulated in Article 44 of the Criminal Law of the People’s Republic of China.

xlviii The cumulative sentence for Tamdin Dorjee is nine years imprisonment. The presiding judge declares his sentence as eight years in prison--excluding a year already spent in custody--as stipulated in Article 44 of the Criminal Law of the People’s Republic of China.

xliv The cumulative sentence for Choepa Tsering is nine years imprisonment. The presiding judge declares his sentence as eight years in prison--excluding a year already spent in custody--as stipulated in Article 44 of the Criminal Law of the People’s Republic of China.

<sup>1</sup> The cumulative sentence for Tamdin Tsering is nine years imprisonment. The presiding judge declares his sentence as eight years in prison--excluding a year already spent in custody--as stipulated in Article 44 of the Criminal Law of the People’s Republic of China.