

## Dzoeg County: "Maintaining Harmony and Stability"

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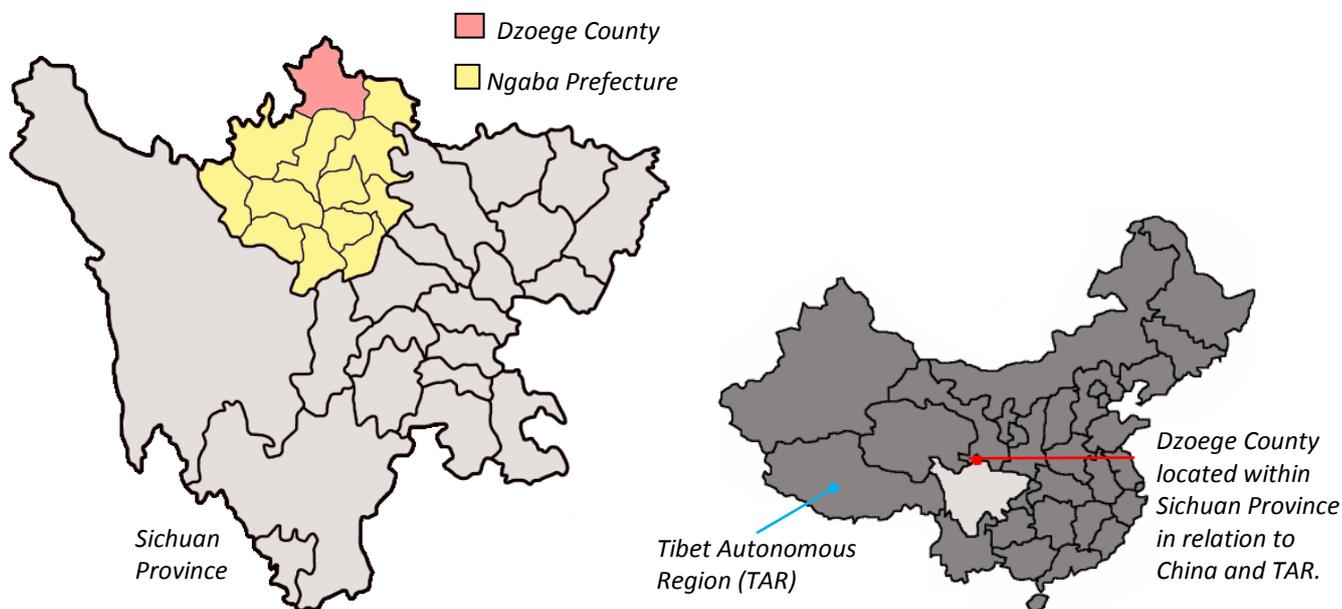
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## Background

Since 2009, over 125 Tibetans have set themselves on fire in self-immolation protests against China's occupation of Tibet. Nine of these have taken place in Dzoenge (Ch: Zoige/Ruo'ergai) County, Ngaba (Ch: Aba) Tibetan and Qiang Autonomous Prefecture, Sichuan Province.



The protests in Dzoenge County have all taken place within the last couple of years. In 2013, this situation led to the authorities issuing formal notices warning the population that any future self-immolations would result in severe reprisals, not only against the friends and relatives of the protestor but also against their whole community. Punishing a group for the actions of an individual is known as collective punishment and it is illegal under international law.<sup>1</sup>

The introduction of collective punishments in Dzoenge County followed reports that one of Sichuan Province's most senior officials had declared during a conference<sup>2</sup> in Beijing that he would resign if any more self-immolation protests happened in his province. Regardless of whether or not it was truly voluntary, a resignation at such a senior level would have ramifications for many people further down the chain, with more junior staff losing their political backing and, potentially, even their jobs. Officials at all levels across the province immediately started drafting and implementing anti self-immolation measures.

There have indeed been further self-immolations in Dzoenge County, including one immediately after the reported declaration. The authorities first tried to claim her death was a simple suicide rather than a protest. When that proved unsuccessful they charged her husband with murder and sentenced him to death. Local people believe the authorities have deliberately lied about this case out of concern about the personal consequences of continuing self-immolations.

<sup>1</sup> The UN Human Rights Committee has referred to the prohibition of collective punishment as a peremptory norm of international law under the International Covenant on Civil and Political Rights, to which China is a state party having signed the Covenant on 5 October 1998. (See Human Rights Committee, General Comment 29, States of Emergency (article 4), U.N. Doc. CCPR/C/21/Rev.1/Add.11 (2001), para 11.)

<sup>2</sup> 12<sup>th</sup> Chinese People's Political Consultative Conference and the National People's Congress, March 2013

## From self-immolation to death row

Kunchok Wangmo, aged 30, set herself on fire in the early hours of 13 March 2013, near a military base in Dzoegge county town. She died from her injuries. Kunchok Wangmo had previously spoken to those close to her about "giving her life for Tibet". She told one person "Nowadays many Tibetans in other areas [have] sacrificed even their life for the sake of Tibet issue... Nevertheless, people in this area are just busy working for personal benefit rather than working for national interest. That's really sad."

According to reports received by Tibet Watch, the Chinese authorities removed Kunchok Wangmo's body from outside the military base and transported it to her house. There they blackened a wall near the house and placed the body in front of it to give the appearance that the fire had taken place at that location. Finally, they took photos of the body in front of the wall before removing it.

The authorities initially claimed that Kunchok Wangmo had set fire to herself for personal reasons. They tried to pressure her husband, Dolma Kyab, 32, into making a statement that her death was a suicide resulting from family problems rather than a self-immolation protest. He refused and was subsequently arrested. The family was then offered bribes by Chinese officials in exchange for a similar statement. When they also refused the authorities changed their approach and Dolma Kyab was charged with killing his wife following a domestic argument.

This would not be the first time that Chinese authorities had offered bribes to the family of someone who had self-immolated or attempted to present the death as a suicide. In Kunchok Wangmo's case local people believe the authorities were specifically motivated by a desire to prevent the need for any high level resignations, as noted above.

The charge laid against Dolma Kyab is that he strangled his wife after an argument over his 'drinking problems' and then set fire to her body in an attempt to disguise the murder as a self-immolation. This accusation has not been accepted by the community and particularly not by the families of the couple, who all say the couple were close and rarely argued. The accusation is also inconsistent with the various reports, including eye-witness reports, passed on to Tibet Watch. Furthermore, when Kunchok Wangmo's father asked the Chinese authorities for access to the CCTV footage from outside the military camp on the night in question the request was denied.

In August 2013, Dolma Kyab was sentenced to death for the murder of his wife after confessing to the crime. The Chinese criminal justice system places a strong emphasis on the value of confessions. According to the report of the UN Special Rapporteur on Torture, following his last visit to China, "Some judiciary personnel have formed the view that verbal confessions are the best. This results in an investigative approach centred round confessions as evidence. It urges investigators to use any means possible in order to obtain a verbal confession from a suspect. That motive easily leads to the use of torture."<sup>3</sup>

In straightforward cases, one of the drivers behind the emphasis on confessions is economic. The Special Rapporteur's report details the reluctance of investigators to carry out detailed investigations when money is tight. Another common driver, and one which is more pertinent to Dolma Kyab's case, is political pressure to solve particular cases quickly. The Special Rapporteur also discovered that although the presumption of innocence exists in law, the presumption of guilt is traditional in practice and, again, tends to encourage the use of torture. His report notes that interrogators "tend to want to hear confessions to guilt. They are not willing to listen to suspects' defence that they are not guilty, even to the point whereby the investigators do not allow the suspects to argue that they are not guilty. The investigators tend to treat suspects' defence as dishonest and an act of resisting interrogation. In that mindset, the investigators, in

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<sup>3</sup> Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, on his mission to China (20 November to 2 December 2005), 10 March 2006

order to obtain a verbal confession early on, will often resort to torture.”<sup>4</sup> Tibet Watch has received reports that, during his time in custody, Dolma Kyab was taken out of his cell every two to three days and returned unconscious.

According to a release from the Chinese news agency Xinhua, Dolma Kyab’s trial lasted a mere three hours<sup>5</sup>. Such a short period of time would be completely insufficient for due process of law and, consequently, would reduce the ‘trial’ to little more than an administrative hearing to impose a guilty verdict and death sentence.

Chinese media further reported that Dolma Kyab confessed to arguing violently with his wife, telling her “if you have suffered this much, I will help you end it” and then strangling her with a scarf. During his trial, Dolma Kyab is reported to have told the court: “What I did was completely wrong. I burned her body for fear people would know that I killed her. I didn’t mean to kill her. I loved her.”<sup>6</sup> However, Tibet Watch has received contradictory reports that during his trial Dolma Kyab maintained his innocence and stated that his wife took her own life in support of the Tibetan cause.

Dolma Kyab remains on death row and is currently appealing his conviction and sentence.

## "Maintaining harmony and stability"

The Chinese authorities accuse the ‘Dalai clique’ (the Dalai Lama and the Central Tibetan Administration) of promoting and, therefore, being responsible for the self-immolations in Tibet. On 5 December 2012 China’s Supreme Court announced that the charge of “intentional homicide” would apply to anyone who supported or encouraged Tibetans to set themselves alight. The statement, published in the Gannan Daily (a state-run newspaper based in Gansu Province), said, “Those criminals behind the scenes who plan, incite, aide, abet... and help those perpetrating self-immolations will be investigated for criminal liability in the crime of intentional homicide.” The article also claimed the self-immolations were organised by separatists and foreign agents: “The recent self-immolations in Tibetan areas are mutually linked to hostile forces in and out of China, they are plotted, organised and incited by separatist nations and are seriously odious incidents aimed at destroying ethnic unity and fomenting social disorder.”<sup>7</sup>

So far, at least one person has been sentenced to death under the new law. Lobsang Konchok, a 40-year-old monk from Kirti monastery, was sentenced to death with a two-year reprieve<sup>8</sup> in Sichuan province on 31 January 2013. His nephew, Lobsang Tsering, 31, was sentenced to ten years imprisonment. The charges related to three self-immolation protests and a further five reported attempts.

In addition to this new law, self-immolation protests in Dzoeye County are now the subject of a set of 16 new rules, designed to punish the family, relatives and communities of protestors. These new rules, detailed in full in Appendix 1, were introduced right after the conclusion of the 12<sup>th</sup> Chinese People’s Political Consultative Conference (CPPCC) and the National People’s Congress (NPC), often called The Two Meetings, held in Beijing in March 2013.

According to their own preamble, the rules are ostensibly aimed at “maintaining harmony and stability of social environment” and protecting “the fundamental interest of the mass”. However, the impact of the rules is to impose collective punishments which are not only harsh but illegal under international law.

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<sup>4</sup> Ibid.

<sup>5</sup> “Herdsmen gets death for wife’s murder”, Xinhua, 15 August 2013

<sup>6</sup> Ibid.

<sup>7</sup> Cited by AFP, 5 December 2012

<sup>8</sup> If the prisoner demonstrates “true repentance” during the two-year period the sentence can be commuted from death to a term of imprisonment, usually life imprisonment.



For the community as a whole:

- Disqualification or suspension from national investment projects;
- Disqualification from policies benefitting the community for one year;
- A 'security deposit' of 10,000 to 50,000 Yuan (approximately US \$1,600 to \$8,000) to be retained if any person self-immolates within two years; and
- Compulsory attendance of "legality study class".

The notices are written in ambiguous terms which may be a deliberate tactic to allow officials the discretion to impose their own interpretation. For example, there may be scope to dismiss government employees whose relatives self-immolate. Government workers are expected to "strengthen the education of their relatives" and should a close relative self-immolate they will be dealt with "seriously" under the new rules. There are also unclear provisions regarding property rights and access to land for grazing animals.

The authorities have previously taken steps to discourage self-immolations. For example, after Kalsang Kyab self-immolated in November 2012 a friend who had lent him 50 Yuan was sentenced to three years in prison on the grounds that the money had been used to buy petrol for the protest. The person who delivered the note Kalsang Kyab left for his family was also arrested and imprisoned. This track record of criminalising people who are connected, no matter how tenuously, to self-immolations has left the residents of Dzoegge County in little doubt that the new rules will be implemented.

## Continued resistance and repression

Despite the risk, there was a double self-immolation at Taktsang Lhamo Kirti Monastery a few weeks after the publication of the new rules. Two monks, Kunchok Woser and Lobsang Dawa, set themselves on fire in front of the prayer hall on 24 April 2013. Both died at the scene. Tibet Watch could not confirm whether this was a defiant response to the new rules or something the monks had been planning for some time. As usual, communications were restricted in the wake of the incident and Tibet Watch received no reports on community reprisals or to what extent the new rules were implemented.

The last person known to have self-immolated in Dzoegge County is Kunchok Sonam, a monk from Thangkor Sotsang monastery who set himself alight on 20 July 2013. His death was followed by a wave of arbitrary arrests which included nine Tibetans from Thangkor Sotsang monastery and village. Three monks, Palden Yignian, Lobsang Tenzin and Sangey Palden, were subsequently charged with intentional homicide. Tibet Watch has been unable to establish whether any of the monks was brought to trial prior to being sentenced.

There have since been reports of a massive increase in the police presence on the streets of Dzoegge County and the erection of numerous CCTV cameras, particularly in places where Tibetans socialise. One of the witnesses Tibet Watch interviewed explained that there were no cameras in the streets or bus stops frequented by Chinese people. However, in Tibetan areas there were cameras in the markets, teashops and restaurants.

The authorities have also gone to great lengths to prevent the flow of information, particularly about self-immolations. Internet cafes have had their access to the internet restricted solely to games and measures have been taken to limit and track anyone calling abroad from a mobile phone. For this reason it has been very difficult to establish the extent of the crackdown or confirm how the rules have been implemented in relation to the most recent self-immolations.

## Appendix 1: Translation of Dzoegge County's rules on self-immolation

### Notification on the Provisional Regulation of the Work Against Self-immolation Issued by Dzoegge County People's Government

To all the Government staffs and the mass in the county;

At this crucial moment when the entire county makes utmost effort for promoting leap-frog expansion of economy and long-term stability, the majority of the mass, monasteries, and monks give determined adherence to the leadership of Chinese Communist Party, adherence to the Socialist System, and adherence to the system of minority regional autonomy. All over the county they played an active role in safeguarding the national unification and social stability. However a tiny minority with ulterior motives and lawless criminals deliberately destroyed the overall stability and unity for reaching their evil intentions. They fabricated consecutive cases of self-immolation and caused extremely impact. Regular order of production and normal life of the mass were seriously interrupted. Healthy development of economy and society got marred. In order to combat the crime, in order to praise virtue and punish vice, in order to make earnest efforts for maintaining harmony and stability of social environment, and in order to protect the fundamental interest of the mass, the regulations are specifically formulated through study and decision.

1. Lineal consanguinity (parents, spouse, children, cousin) of the self-immolated person should be disqualified from applying national public servant, enterprise staff, worker, unit clerk, and enlistment in army.
2. Lineal consanguinity is disqualified from participating in the election, from deputizing National People's Congress, from member of Chinese People's Political Consultative Conference, and from staff membership of village group (community).
3. Public servants of state organs, enterprise staffs and workers should consciously strengthen the education for their relatives. Once self-immolation occurs among their immediate relatives, the person (Note: government employed one mentioned in the context) should be dealt with seriously in accordance with the relevant regulation.
4. The family of the self-immolator should be disqualified from policies benefiting the people for three years, and the village group in where the self-immolated person lived should be disqualified from policies benefiting the people for one year.
5. The village (community) and monastery in where the self-immolator lived should be disqualified or suspended from national investment projects. All the projects of investment attraction, all the social and rural capital projects should be cut off from village (community) in where the self-immolator lived.
6. The family (household) of self-immolator or other active participators should be listed as non-honest family. The village (community) and monastery in where the self-immolator lived should be listed as non-honest village and non-honest monastery. Loans should not be granted to them for three years. For the loans already granted by financial institutions should only be called in, should not grant any new loan to them.
7. The village (community) or monastery at where self-immolation happened should pay 10,000 to 50,000 Yuan security deposit for counter-self-immolation. The security deposit will be returned in full if self-immolation does not happen for two years. If self-immolation happen again, the security deposit will be confiscated as state treasury, simultaneously the security deposit should be continued.

8. Self-immolation cases should be linked to the subsidies for the cadres of village group(community), member of monastery democratic management committee and monk teacher in accountability. They should be disqualified from the selection of excellence for the year.
9. The rights of cultivating land and pasture should be recalled from self-immolator. The management right of land and pasture should be frozen for the village(community) in where the self-immolator lived.
10. Only ownership confirmation can be granted to the residential property and the house belong to the self-immolator, immediate relatives and other active participators. But certification should not be granted to their residential property and house. All their commercial operating activities should not get approval for three years.
11. Applications of exit the country(border) or entry to TAR, submitted by the immediate relative of self-immolator, should not get approval for three years.
12. Where self-immolation case happens, there should have "harsh crackdown" and punishment. Simultaneously should have comprehensive administrative law enforcement.
13. Legality study class should be launched for the villagers, monks, nuns, and religious teachers, whoever from the village(community) and monastery where self-immolation case happened, whoever from the township and monastery in where the self-immolator lived. If the self-immolator's case is apparently slight, not constitutes criminal offense and public security penalty, immediate relatives of self-immolator and other active participator must attend more than 15 days legality education class held in somewhere else.
14. For the monastery where self-immolation happened, temporary activities of Buddhist affair and inter-regional major Buddhist events should be seriously restricted.
15. Inspection and cleaning will be done to financial affair of the monastery where self-immolation happened in accordance with the law. Management activities of the monastery should be shut down and cleaned up. Financial income and expenses, and the statement of the donation receive and use should be reported to the Monastery Management Committee(department), and should be periodically announced to the monks, nuns and the religious believers.
16. If anyone reports clue and intelligence of self-immolation case, once the information get confirmed true, the informant will get an award 2,000 to 500,000 Yuan by valuating the intelligence. The process should be strictly kept confidential.

This regulation should be implemented from the day of announcement. Any other regulation discrepant to this regulation should take this regulation as criterion.

Sealed by  
People's Government of Dzoege County

Dated: 8 April 2013