



Relentless

**Detention and Prosecution of Tibetans Under China's "Stability
Maintenance" Campaign**

毫不放松

中国“维稳”行动下对藏人的拘押起诉

Summary

摘要

We have followed the law in striking out and relentlessly pounding at illegal organizations and key figures, and resolutely followed the law in striking at the illegal organizations and key figures who follow the 14th Dalai Lama clique in carrying out separatist, infiltration, and sabotage activities, knocking out the hidden dangers and soil for undermining Tibet's stability, and effectively safeguarding the state's utmost interests [and] society's overall interests.

—Statement by Chen Quanguo, Tibet Autonomous Region Party Secretary, December 2013

一手抓依法打击，毫不放松地打击非法组织和重点人，对追随十四世达赖集团、从事分裂渗透破坏活动的非法组织和重点人坚决依法打击，铲除破坏西藏稳定的隐患和土壤，切实维护好国家的最高利益、社会的整体利益和最广大人民的根本利益。

— 陈全国，西藏自治区党委书记，2013年12月

This report documents the Chinese government's detention, prosecution, and conviction of Tibetans for largely peaceful activities from 2013 to 2015. Our research shows diminishing tolerance by authorities for forms of expression and assembly protected under international law. This has been marked by an increase in state control over daily life, increasing criminalization of nonviolent forms of protest, and at times disproportionate responses to local protests. These measures, part of a policy known as *weiwén* or “stability maintenance,” have led authorities to expand the range of activities and issues targeted for repression in Tibetan areas, particularly in the countryside.

本报告纪录中国政府在2013到2015年之间，对基本上和平的藏族维权人士进行拘押、起诉和定罪的情形。我们的研究显示，当局愈来愈不容忍受到国际法保障的表达和集会形式，其迹象包括加强国家对日常生活的控制，更多地将非暴力抗议罪刑化，以及有时对基层抗议反应过当。在这些源自“维稳”政策的措施下，遭到藏区当局打压的活动与议题范围扩大，特别是在乡村地区。

The analysis presented here is based on our assessment of 479 cases for which we were able to obtain credible information. All cases are of Tibetans detained or tried from 2013 to 2015 for political expression or criticism of government policy—“political offenses.”

本报告的分析是基于我们能够取得可靠资料的 479 件个案。所有个案都是发生在 2013 到 2015 年之间，藏人因政治性言论或批评政府政策——即“政治犯罪”——而被拘押或审判的案件。

Our cases paint a detailed picture not available elsewhere. Stringent limitations on access to Tibet and on information flows out of Tibet mean we cannot conclude definitively that our cases are representative of the unknown overall number of political detentions of Tibetans during this period. But they are indicative of the profound impact “stability maintenance” policies have had in those areas, and of shifts in the types of protest and protester Chinese authorities are targeting there.

这些个案共同描绘出一幅前所未见的详细图像。由于藏区的人员和信息进出受到极其严格的管制，我们无法确知这些个案，在藏区这段时间总数未知的政治案件中，是否具有代表性。但这些个案足以说明“维稳”政策对藏区的广泛影响，以及藏区受到中国当局打压的抗议形式与对象已发生转移。

Information on the cases comes from the Chinese government, exile organizations, and foreign media. Of the 479 detainees, 153 were reported to have been sent for trial, convicted, and sentenced to imprisonment. The average sentence they received was 5.7 years in prison. As explained in the methodology section below, the actual number of Tibetans detained and prosecuted during this period for political offenses was likely significantly higher.

个案信息来源包括中国政府、流亡组织和境外媒体。在 479 名在押者中，153 人据报已经审判定罪，现正服刑。他们平均被判刑 5.7 年。如本报告在研究方法章节中所说明，藏人在此期间因政治罪名被拘押和起诉的人数，实际上可能高出很多。

Many detentions documented here were for activities that the Chinese authorities previously considered to be minor offenses or not politically sensitive. Many of those detained came from segments of society not previously associated with dissent. In addition, many of the detentions took place in rural areas where political activity had not previously been reported. From 2008 to 2012, the Tibetan parts of Sichuan province had

posted the highest numbers of protests and detentions on the Tibetan plateau, but in 2013 the epicenter of detentions shifted to the central and western areas of the Tibetan plateau, called the Tibet Autonomous Region (TAR) since 1965, which until 1950 had been under the government of the Dalai Lama.

本文所纪录的拘押个案，许多是涉及过去中国当局视为轻罪或不具政治敏感性的活动；许多被拘押者来自过去和政治异议无关的社会群体；而且许多拘押案件发生在过去从未报导有政治活动的农村地区。从 2008 到 2012 年，四川藏区是青藏高原爆发最多起抗议和拘捕的地区，但从 2013 年起，拘捕行动的重心已转移到青藏高原中部和西部，即 1965 年成立的西藏自治区。这个地区直到 1950 年之前都是由达赖喇嘛的政府统治。

Our research found that many of those detained and prosecuted were local community leaders, environmental activists, and villagers involved in social and cultural activities, as well as local writers and singers. In the previous three decades, the authorities had rarely accused people from these sectors of Tibetan society of involvement in political unrest. Buddhist monks and nuns, who constituted over 90 percent of political detainees in Tibet in the 1980s, represent less than 40 percent of the 479 cases documented here.

我们研究发现，遭到拘押、起诉的人多为当地社区领袖，环保人士，从事社会文化活动的村民，以及当地作家、歌手。过去三十年，这些藏族社会部门很少被当局指控涉及政治骚乱。佛教僧尼在 1980 年代占政治犯人数的九成，但在本文纪录的 479 件个案中仅占四成。

Almost all the protests and detentions identified in this report occurred in small towns or rural townships and villages rather than in cities, where most protests and detentions in prior years were reported to have taken place. This suggests that dissent has increased in rural Tibetan areas, where nearly 80 percent of Tibetans live.

本报告纪录的抗议和拘捕事件几乎全都发生在小型城市或乡下小镇、农村，这和以往大部分抗议和拘捕事件发生在大城市的情况不同。这个现象说明？，在藏区近 80% 藏人生活的农村地区，异议活动正在增加。

Our data also shows an overall decline in the total number of Tibetans detained for

political offenses between 2013 and 2015, though this may be an artifact of the limitations on information, detailed in the methodology section below. Notably, however, the totals for these three years are significantly higher than for the 10 years before 2008 when “stability maintenance” policies were expanded following major protests centered in Lhasa (Ch.: Lasa), the capital of the TAR.

我们的数据也显示，2013 到 2015 年因政治罪名被拘押的藏人总数普遍减少，尽管这可能是信息受限造成的假象，详见研究方法章节说明。然而，值得注意的是，这三年的政治犯人数远高于 2008 之前十年的总和。2008 年西藏自治区首府拉萨爆发大规模抗议，“维稳”政策从这一年开始大幅扩张。

The changing nature of unrest and politicized detention in Tibet correlates with new phases in the “stability maintenance” campaign in the TAR and other Tibetan areas. Since 2011, authorities have intensified social control and surveillance at the grassroots level, particularly in the rural areas of the TAR. This has included the transfer of some 21,000 officials to villages and monasteries in the TAR, where they are tasked with implementing new management, security, and propaganda operations, and, more recently, the deployment of nearly 10,000 police in Tibetan villages in Qinghai. This has led to a surge in the creation of local Communist Party organizations, government offices, police posts, security patrols, and political organizations in Tibetan villages and towns, particularly in the TAR.

藏区骚动和政治拘捕的性质变化，与西藏与各省藏区“维稳”行动进入新阶段有关。2011 年起，当局逐渐加强对草根阶层的社会监控，尤其是在西藏自治区的乡村地区。具体做法包括派出 21,000 名官员进驻自治区各地村落和寺院，负责执行新的管理、安全和宣传任务，以及最近增派近 10,000 名警察进驻青海藏区村落。这些措施造成藏区，尤其是西藏自治区的村镇出现更多基层党组织、政府办公室、警察岗亭、安全巡逻队和政治性组织。

The implementation of these measures appears to explain many of the new patterns of detention, prosecution, and sentencing documented in this report. It was only after the rural phase of the “stability maintenance” policy in the TAR was implemented from late 2011 that the number of protests and resulting detentions and convictions increased dramatically in that region.

上述各种措施的实施，似乎足以解释本报告纪录的拘押、起诉与判刑个案所呈现出的许多新模式。西藏自治区抗议活动及相关拘捕和定罪案件的大量增加，都是从2011年末“维稳”政策扩及乡村后才发生的现象。

These detentions, occurring primarily in rural areas, indicate that the “stability maintenance” policy in the TAR has entered a third phase. The first phase entailed paramilitary operations in the immediate wake of the 2008 protests in Lhasa, when the authorities detained several thousand people suspected of involvement in those protests or associated rioting. The second phase, which began in late 2011 and is ongoing, involved the transfer of officials to run security and propaganda operations in villages, as described above. The third phase, which dates to early 2013, has involved increasing use of the surveillance and security mechanisms established during the second phase in rural villages of the TAR to single out activities deemed to be precursors of unrest. This has meant that formerly anodyne activities have become the focus of state attention and punishment, including social activities by villagers that had not previously been put under sustained scrutiny by the security forces.

主要发生在乡村地区的这些拘捕案件，显示“维稳”政策在西藏自治区已进入第三个阶段。第一阶段是2008年拉萨抗议后的武警行动，当时有数千人因为涉嫌参与抗议或相关骚乱而遭到当局拘捕。第二阶段自2011年后期延续至今，如前文所述，主要方式是派遣官员干部驻村执行安全与宣传任务。第三阶段始于2013年初，主要是利用第二阶段在西藏自治区乡村中建立的监控及安全机制，对潜在的骚乱进行预防。以往稀松平常的活动现在成为国家关注和惩戒的目标，包括一些村民社交活动。这些活动过去从来不曾遭受安全部队的密切监视。

In the eastern Tibetan areas—comprising parts of Qinghai, Sichuan, Gansu, and Yunnan provinces—politicized detentions also appear to correlate with “stability maintenance” measures. But in these areas, the government’s measures have been aimed primarily at stopping self-immolations by Tibetans protesting Chinese rule, most of which have taken place in the eastern areas. Beginning in December 2012 the authorities there conducted an intensified drive to end self-immolations among Tibetans that resulted in a sharp increase in detentions and prosecutions of Tibetans for alleged connections to self-immolations, often with tenuous legal basis.

东部藏区——分布于青海、四川、甘肃和云南各省——的政治拘押案件显然也和“维稳”措施有关。在这些地区，政府各项措施的主要目标是阻止藏人通过自焚抗议中国统治，因为自焚事件多数发生在藏东。2012年12月，各地方当局开始在藏人之间大力推行反自焚工作，导致藏人因涉自焚而遭拘押和起诉的案件急剧增加，其法律依据通常很薄弱。

The government's introduction of grassroots "stability maintenance" mechanisms in the TAR and of measures against self-immolation in the eastern areas, including in many previously quiet rural areas, has resulted in certain Tibetan localities becoming sites of repeated protests and detentions, producing what could be called protest "cluster-sites," previously unseen in Tibetan areas. These localities saw greater numbers of politicized detentions, recurrent cycles of protest and detention, higher average sentencing rates compared to other areas, and longer sentences for relatively minor offenses.

政府在西藏自治区的基层引进“维稳”机制，以及在东部藏区——包括原本平静无事的乡村地区——推行反自焚措施，已使藏区某些地方反复发生抗议与拘捕事件，或可称为抗议“丛簇点”，这是各藏区前所未有的现象。大量政治拘捕都集中在这些地点，抗议和拘捕的循环反复重演，平均判刑率比其他地方更高，相对轻微的罪行也会被判处较长刑期。

During 2013-2015, lay and religious leaders of rural communities often received unusually heavy sentences for expressions of dissent, especially if they were from a protest "cluster-site." Having a sensitive image or text on one's cellphone or computer could also lead to a long prison sentence, especially though not only if it had been sent to other people. Among those who received the longest sentences were people who tried to assist victims of self-immolations, leaders of protests against mining or government construction projects, and organizers of village opposition to unpopular decisions by local officials. Such activities, most of which were not explicitly political and did not directly challenge the legitimacy of the state, received markedly longer sentences than people shouting slogans or distributing leaflets in support of Tibetan independence.

在2013到2015年之间，乡村社区的百姓和宗教领袖，尤其是来自这些“丛簇点”的人员，经常因为表达不同政见而被判处异常重刑。仅仅在私人手机或电脑存储敏感图片或文件，即使没有传递出去，也可能被判处数年徒刑，若传递他人当然更难逃重惩。获刑最重者包括试图对自焚者给予帮助的人、反对采矿或官方开发项目的

维权领袖、以及质疑村官决策的抗争组织者。这些活动大都不具明显政治意涵，也没有直接挑战国家合法性，却比公开喊口号、发单张要求西藏独立的人判得更重。

The incidents described in this report indicate that outbursts of unrest and waves of politicized detentions occurred in specific localities at certain times rather than being evenly dispersed across the Tibetan areas. But the range of locations and the different social levels of protesters involved suggest that political, environmental, and cultural discontent is widespread among Tibetans in many parts of the plateau.

本报告所描述的事件显示，突发性的骚动和一波波的政治拘捕，都是发生在特定的时间和地点，而非平均散布在藏区全境。不过，若由出事地点的分布范围，以及抗议活动涉及不同社会阶层来看，政治、环保和文化方面的不满情绪普遍存在于青藏高原许多区域的藏人之间。

Deaths and ill-health of detainees also continued to be a serious problem in the period covered by this study. Fourteen of those detained, 2.9 percent of the total, were reported to have died in custody or shortly after release, allegedly as a result of mistreatment.

在押人员的死亡和健康恶化问题，在本研究涵盖期间仍然严重。本文纪录的所有在押人员之中，有 14 人或百分之 2.9 据报于羁押中或刚获释时死亡，可能是遭到不当对待所致。

The cases also involve the detention of children, including a 14- and a 15-year-old, both monks, and at least one 11-year-old child detained after his father self-immolated.

有些在押人员尚未成年，包括 14 岁和 15 岁儿童各一名，两人都是僧侣；另有至少一名 11 岁儿童因父亲自焚被捕。

The detentions, prosecutions, and convictions documented here reflect the impact of intensive new efforts by officials in Tibetan areas to prevent any repeat of the Tibet-wide protests that occurred in the spring of 2008. Yet the new policies have led to apparently unprecedented cycles of discontent in certain rural areas, and an overall increase in the types of activities that are treated as criminal challenges to the authority of the Communist Party or the Chinese state. The failure of the central government and local authorities to end these abusive policies and roll back intrusive security and surveillance measures

raises the prospect of an intensified cycle of repression and resistance in a region already enduring extraordinary restrictions on basic human rights.

本文纪录的拘押、起诉和定罪个案，反映出藏区官员为防范 2008 年藏区全境抗争重演而采取的新措施所造成的影响。然而，新政策已在某些乡村地区导致前所未见的民怨循环，并把更多形式的活动划为挑战中共或中国当局的刑事犯罪。从中央到地方各级政府当局若不能停止这些侵权政策并取消侵入式的安全及监控措施，将可能在这个基本人权原本就受到严重限制的地区引发更激烈的镇压—反抗循环。

VIII. Recommendations

四. 建议

To the Government of China

对中国政府

- Unconditionally release from custody all persons detained without charge or convicted for peacefully exercising their rights to freedom of expression and belief, or for other conduct protected by international human rights law.

无条件释放所有因和平行使其言论和信仰自由权，或因其他受国际人权法保障的行为，未经指控或定罪而被拘押的人士。

- Allow independent observers—including journalists, human rights monitors, and United Nations special procedures—unimpeded access to all areas covered by the “stability maintenance” campaign to verify the extent of human rights violations stemming from the campaign’s implementation.

允许独立观察者——包括记者、人权监察员和联合国特别程序——不受阻碍地进入所有“维稳”行动涵盖地区，查证因该行动实施所导致人权侵犯的程度。

- Ensure that all persons taken into custody have immediate access to lawyers and family members. Those taken into custody should be released unless promptly brought before a court and charged with an offense.

确保所有被拘押者都能立即会见律师及家属。在押人员均应予以释放，否则应即由法院提审，并对其提出刑事告诉。

- End the collective punishment of community members for the actions, criminal or not, of local leaders or other members of their community.

停止因为当地领袖或社区其他成员的行为而对社区成员施以集体处罚，无论其行为是否犯罪。

- Conduct credible, transparent, and impartial investigations into all incidents from 2013-2015 that resulted in alleged extrajudicial killings, or alleged torture or other ill-treatment in custody. Make the findings of those investigations public and fairly prosecute anyone responsible for such abuses.

对 2013 到 2015 年被指法外杀人，或被指拘留期间酷刑或其他虐待所导致的事件，进行可靠、透明且无偏倚的调查。公布相关调查的结果，并公正地起诉任何应为前述暴行负责的人员。

- Conduct credible, transparent, and impartial investigations into arbitrary detentions and deaths stemming from the March 2008 protests in Lhasa and across Tibetan areas.

对于 2008 年 3 月在拉萨及整个藏区发生抗议活动而导致的任意拘押和死亡案件，进行可靠、透明且无偏倚的调查。

- End interference by officials, party representatives, and the security forces in monasteries and other religious institutions.

停止官员、党代表和安全部队对寺院和其他宗教机构进行干预。

To the United Nations

对联合国

- The UN secretary-general should urge China to honor the offer it made before the Human Rights Council in March 2009 to invite the UN high commissioner for human rights “at a time mutually convenient to both sides.”

联合国秘书长应促请中国履行其 2009 年 3 月对人权理事会的提议，即“在双方共同方便的时间”邀请联合国人权事务高级专员访问。

- The UN high commissioner for human rights should specifically request to visit the Tibetan Autonomous Region and Tibetan Autonomous Areas in Qinghai and Sichuan provinces.

联合国人权事务高级专员应特别要求访问西藏自治区和青海、四川两省的藏族自治州县。

- The UN high commissioner for human rights, as well as the special rapporteurs and working groups on torture, enforced disappearances, and independence of judges and lawyers, should reiterate their requests to visit the region to assess the human rights situation.

联合国人权事务高级专员，以及关于酷刑、强迫失踪和法官与律师独立性的特别报告员、工作组，应重申要求访问该地区，评估当地人权状况。

To Concerned Governments

对有关各国政府

- Urge the Chinese government to implement the following measures in Tibetan areas: provide information on all persons detained in connection with protests; end arbitrary detention and torture and other ill-treatment in detention; impartially investigate the use of excessive or lethal force by the security forces; and discipline or prosecute as appropriate members of the security forces implicated in serious abuses.

促请中国政府在藏族地区实施下列措施：提供与抗议有关的所有在押人员的信息；停止任意拘押和对在押人员的酷刑及其他虐待；对安全部队使用过当或致命武力展开公正调查；以及对涉及严重侵权的安全部队人员予以适当处分或起诉。

- Extend full and active support to the international investigation into the Tibetan protests led by the Office of the United Nations High Commissioner for Human Rights.

给予联合国人权事务高级专员办事处充分、积极的支持，针对藏人抗议事件开展国际调查。

- Urge the Chinese government to review the official policies and practices in Tibetan areas that have contributed to unrest.

促请中国政府检讨其在藏区引发不满的官方政策与行为？。

- Speak out, when cooperating with China on law enforcement or counterterrorism efforts, against the use of trumped-up public order and terrorism allegations to persecute or curtail the human rights of ethnic groups.

在与中国合作开展执法或反恐怖主义工作时，对利用编造的公共秩序及恐怖主义罪名起诉或限制民族团体人权的做法表达抗议。