

(Translated from Chinese)

Receipt is hereby acknowledged of the letter dated 10 May 2019 addressed jointly by the Special Rapporteur in the field of cultural rights; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on minority issues; and Special Rapporteur on freedom of religion or belief, of the United Nations Human Rights Council (ref. AL CHN 5/2019). The Chinese Government wishes to make the following reply:

On 6 December 2016, the Intermediate Court of Aba [Ngawa] Tibetan and Qiang Autonomous Prefecture of Sichuan Province held a public hearing in the case of [REDACTED] et al. and delivered a verdict in court. The court held that the defendants [REDACTED], Luorang Kezhou, [REDACTED], Rehua Luo zu, Zhazha, Wenge Jie, [REDACTED], Chizhen Jiamucuo, and [REDACTED] gathered a group of people who had previously been dealt with by the legal system for engaging in illegal activities endangering national security, and established the “Yidelanla” Association, a criminal group whose goal was to split the country. Using this criminal group, [REDACTED] and the others on numerous occasions organized, planned and carried out donations to console the relatives of self-immolators and greet convicts released from prison after serving out terms for crimes against national security, and set up and used the “Yidelanla” WeChat group to disseminate large volumes of information on “Tibetan independence” separatism, celebrate the birthday of the Dalai Lama (who heads an overseas separatist group), disseminate and propagate the ideology of “Tibetan independence”, incite ethnic separatism, and destabilize the Tibetan region; taken together, their actions constitute the crime of dividing the country. Among them, as the founder and organizer of the “Yidelanla” Association, [REDACTED] was the ringleader of the criminal group; Luorang Kezhou and [REDACTED] were key members, whose prominent role and status in the criminal group made them the major offenders and serious criminals; and Rehua Luo zu, Zhazha, Wenge Jie, [REDACTED], Chizhen Jiamucuo, and [REDACTED] were accomplices, but were all active participants nonetheless. [REDACTED] confessed to and repented of his crimes in court, and so could be given a lighter punishment.

Taking account of the facts, nature and circumstances of the crimes committed by each of the defendants, the degree of harm to society they entailed and the degree of the defendants’ willingness to confess their guilt, the Aba Intermediate Court, in accordance with the provisions of articles 103 (1), 25 (1), 26, 27, 56 (1), 55 (1), and 67 (3) of the Criminal Law of the People’s Republic of China, sentenced [REDACTED] to a fixed term of 14 years’ imprisonment and 5 years’ deprivation of political rights for the crime of splitting the State; Luorang Kezhou, to a fixed term of 13 years’ imprisonment and 4 years’ deprivation of political rights for the crime of splitting the State; [REDACTED], to a fixed term of 12 years’ imprisonment and 4 years’ deprivation of political rights for the crime of splitting the State; Rehua Luo zu, to a fixed term of 9 years’ imprisonment and 3 years’ deprivation of political rights for the crime of splitting the State; Zhazha, a fixed term of 8 years’ imprisonment and 3 years’ deprivation of political rights for the crime of splitting the State; Wenge Jie, a fixed term of 7 years’ imprisonment and 3 years’ deprivation of political rights for the crime of splitting the State; [REDACTED], 6 years’ imprisonment and 2 years’ deprivation of political rights for the crime of splitting the State; Chizhen Jiamucuo, a fixed term of 5 years’ imprisonment and 2 years’ deprivation of political rights for the crime of splitting the State; and [REDACTED], a fixed term of 5 years’ imprisonment and 2 years’ deprivation of political rights for the crime of splitting the State. After the sentence was pronounced, none of the nine defendants appealed, and the verdict came into legal effect.

The people’s court fully guaranteed the defendants’ procedural rights during the litigation process. Tibetan translators were hired for the defendants, thus guaranteeing the defendants’ right to use their own ethnic language and writing system for litigation. Apart from the defendant [REDACTED], who engaged defence counsel on his own, the defence counsel



appointed by the people's court for the other eight defendants in accordance with the law were defence lawyers designated by the defendants themselves. Prior to the trial, each defence counsel consulted, took excerpts from and made copies of all the case files and met with the defendants; at the opening of the trial, all the defendants and their counsel were present in court and participated in the proceedings, and fully expressed their views on the facts, evidence and the laws applicable to the charges; 18 defendants' relatives, along with a total of 113 State organ staff members, township functionaries and members of the general public from all walks of life were in attendance as the trial got under way.

During the period of their detention, the human rights of each defendant were fully guaranteed by the detention centre, which kept the defendants' relatives informed of the defendants' needs for living necessities in accordance with the law, accepting and handing over articles for daily use, and there were no violations of human rights or instances of prolonged detention. After the judgment took legal effect, nine prisoners were delivered to prison to serve their sentences.

Religious affairs fall under the category of social affairs. The Chinese Government's lawful strengthening of the management of religious affairs, and its inclusion of religious activities within the scope of national laws and regulations, is not interference in the internal affairs of religions but rather management of them in accordance with the law. Respecting and protecting freedom of religious belief is the consistent position and basic policy of the Chinese Government towards religion. Article 36 of the Constitution of the People's Republic of China stipulates that citizens have the right to freedom of religious belief, and the State protects normal religious activities. At the same time, the Constitution stipulates that religion may not be used to undermine social order and split the motherland. Article 4 of the Regulations on Religious Affairs stipulates that no organization or individual may use religion to engage in illegal activities that endanger national security, disrupt social order, harm the health of citizens or hinder the national education system, or in other activities that damage the interests of the State, the public interests of society or the legitimate rights and interests of citizens. Article 63 stipulates that the investigation of criminal responsibility must be pursued in accordance with the law for promoting, supporting or subsidizing religious extremism, or making use of religion to carry out illegal activities which endanger national security and public safety, undermine national unity, divide the country or involve terrorism, violate citizens' personal rights and democratic rights, obstruct the order of social management, or infringe upon public and private property, and which constitute crimes. Therefore, not just in Tibet but throughout the country, not a single person has been arrested or sentenced for religious beliefs. The punishment of criminals should not be confused with the issue of religious beliefs. A person who commits a crime should not be allowed to go unpunished because he or she is religious. In Tibet, due to the instigation and scheming of the Dalai clique and foreign anti-China forces, the small number of monks and nuns who engage in illegal and criminal activities that damage national security and the normal order of production and life of the Tibetan people are bound to be punished by law. China reiterates that experts of the special mechanisms of the Human Rights Council should act objectively and impartially in accordance with their mandates, avoid politicizing human rights issues, avoid using unsubstantiated information and engage in constructive dialogue and cooperation with national Governments.

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