



## INTERNATIONAL CAMPAIGN FOR TIBET

### China identifies new ‘terrorist crimes’ strengthening legal stranglehold on Tibetans

<https://www.savetibet.org/china-identifies-new-terrorist-crimes-strengthening-legal-stranglehold-on-tibetans>

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- China has identified “new crimes of terrorism” in a further escalation of oppressive measures that are focused less on protecting China’s citizens and more on the elimination of dissent and enforcement of compliance to Communist Party policies. Guidelines released to judges, prosecutors and security personnel on June 16 (2018) represent a chilling expansion of intrusive measures in which merely sending a text message, involvement in someone’s marriage, or wearing a slogan on a tee-shirt can constitute “extremist” activity or “terrorism”.
- In a rare acknowledgement of enforcement of counter-terror policies, which have a strongly political application in Tibet linked to an expansion of militarization across the plateau, a Chinese state media article said that the cases of 42 people in one area of Qinghai had been “resolved” involving crimes against “social stability”. This is a reference to the focus on ensuring allegiance to the CCP authorities in order for the authorities to pursue their strategic and economic objectives on the plateau without impediment. The Tibet issue is framed by the Chinese authorities as a “security problem”, despite the absence of violent incidents against civilians or the Chinese government.

In conflating ‘terrorism’ with an undefined ‘extremism’ linked to religion, China’s counter-terror law of 2016 gave scope for the penalization of almost any peaceful expression of Tibetan or Uyghur identity, acts of non-violent dissent, or criticism of ethnic or religious policies. The “new crimes” detailed in the Global Times on June 16<sup>1</sup> collapse those distinctions still further and tighten the legal stranglehold over Tibetans and Uyghurs.

China’s counter-terror law of 2016 allowed for the conflation of domestic protest, dissent or religious activity with international terrorism, and used the events of 11 September 2001 and the subsequent ‘war on terror’ as a cover for targeting both Uyghurs and Tibetans.<sup>2</sup> Large-scale military drills, intensified border security and training exercises for troops on responding to self-immolations and in monasteries have accompanied the new legal restrictions despite the absence of violence among Tibetans, attributed to the peaceful influence of the Dalai Lama and Tibetan Buddhist culture.

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<sup>1</sup> Global Times, ‘China introduces practical rules to convict terrorists’, June 16, 2018, <http://www.globaltimes.cn/content/1107194.shtml>

<sup>2</sup> International Campaign for Tibet report, ‘Dangers of China’s counter-terrorism law for Tibetans and Uyghurs’, November 15, 2016, <https://www.savetibet.org/dangers-of-chinas-counter-terrorism-law-for-tibetans-and-uyghurs/>

The “practical standards” set out by the Supreme People's Procuratorate, the Supreme People's Court, the Ministry of Public Security and Ministry of Justice of China in order to “identify new crimes of terrorism” emerge from a set of formal Opinions based on three Chinese laws, the Criminal Law, Criminal Procedure Law and more recently the law on counter-terror. Their purpose, according to a translation of the Opinions by ChinaLawTranslate, is to “lawfully punish terrorist activities and extremist crimes, to preserve national security and social stability, and to protect public's security in their lives and property.”<sup>3</sup>

The sheer scope of activities covered in the Opinions is indicative of the climate of total surveillance in Tibet. Simply sending an email or text message outside Tibet, or uploading a file online simply with reference to any political developments in Tibet or to the Dalai Lama, can be characterized as “extremist”. The Opinions state: “Writing, publishing, printing, reproducing, issuing, distributing, or broadcasting books, periodicals, documents, pictures, or audio and video materials containing terrorist or extremist content” is to be “convicted or punished as the crime of promotion of terrorism or extremism or incitement”. Similarly, “designing, producing, making, selling, leasing, transporting, shipping, mailing, distributing, or displaying of markers, flags, insignia, clothing, utensils or souvenirs containing indicators of terrorist or extremist content” can also be classified and punished as “terrorism”.<sup>4</sup>

The level of intrusion into individuals’ private lives is epitomized by vaguely worded rulings even covering personal relationships, with one clause ruling that: “Using extremism to commit any of the following conduct, is to be convicted and punished in accordance with Criminal Law article 120-4 as the crime of exploiting extremism to undermine the law: [...] Inciting or coercing the masses to hold religious ceremonies in place of marriage or divorce registration, or interfering with marital freedom”. No definition of what such interference might constitute is provided. Similarly, “compelling” people to “wear or bear clothing or symbols that have words, symbols, images, slogans, or insignia with terrorist or extremist content” can result in criminal charges.

In a summary of the Opinions, the English-language official newspaper the Global Times stated that: “People, who donate, sell their property to sponsor terrorist groups, or provide equipment, transportation or weapons for terrorists, will be considered assisting terrorist activities. [...] Those helping recruitment or border crossings also commit the crime of assisting terrorists.”<sup>5</sup> Given the opaque nature of the language used, this could conceivably encompass individuals in receipt of foreign funding, or those involved in any minor capacity in helping someone to leave Tibet. The Global Times also referred to “People, who compile, publish, print, copy, distribute and broadcast publications, audio and video products containing terrorist and extremist ideologies, will be convicted of advocating terrorism and extremism and inciting terrorist activities.”

In a framing of measures that move from the repressive to totalitarian, requiring complete subservience of people to the Party state, the individual’s “demeanor” and “attitude” can be indicative of his or her guilt. The Opinions state: “The ‘clear knowledge’ in the subjective intent for the crime of illegal possession of items promoting terrorism or extremism shall be comprehensive judged based on the specific circumstances of the case with the perpetrators’ objective conduct as the foundation,

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<sup>3</sup> ChinaLawTranslate translation, ‘Opinions on Several Issues on the Application of Law in Cases of Terrorist Activities and Extremism Crimes’, <https://bit.ly/2KdzUZH>

<sup>4</sup> ChinaLawTranslate, *ibid.*

<sup>5</sup> Global Times, *ibid.*

combined with their demeanor throughout, their specific acts, extent, methods, attitude after the matter, their age, the extent of their knowledge and education and their occupation.”

The counter-terrorism drive in Tibet has a particular political dimension, involving training of police in Buddhist monasteries, the characterization of religious teachings by the Dalai Lama as incitement to ‘hatred’ and ‘extremist action’ and the implication that Tibetan self-immolations can be characterized as ‘terrorism.’<sup>6</sup>

A Chinese state media report included rare information on a total of 16 cases “involving social stability” in Henan county, Malho (Chinese: Huangnan) Tibetan Autonomous Prefecture, Qinghai, that had been ‘resolved’ under the new and comprehensive security architecture imposed across the PRC – including the National Security Law, effective as of 1 July 2015 and the Counter Terror Law of 2016. The report stated that the cases, involving “42 local people” had been resolved, which indicated the imposition of prison sentences, although no details were given.<sup>7</sup> China states that there are no political prisoners in Tibet, only “criminals” convicted under such charges as offences against “state security”, or now under opaque and all-encompassing security and counter-terror charges.

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<sup>6</sup> International Campaign for Tibet report, ‘New aggressive “counter-terrorism” campaign expands from Xinjiang to Tibet with increased militarization of the plateau’, October 15, 2014, <https://www.savetibet.org/new-aggressive-counter-terrorism-campaign-expands-from-xinjiang-to-tibet-with-increased-militarization-of-the-plateau/>

<sup>7</sup> Official Huangnan government website, May 28, 2018, <http://hnb.hnz.gov.cn/content/2018-05/28/004091.html>