

## **Arbitrary treatment of Tibetan protesters in Nepal**

*Asian Human Rights Commission*

Since 10 March 2008, the Nepalese police have been assaulting, arresting and subsequently detaining hundreds of Tibetan protesters and Buddhist monks—including women and children—holding peaceful demonstrations in the districts of Kathmandu and Lalitpur. Local and international rights groups have also documented the police's abuse of authority to frighten Tibetan protesters from exercising their rights to freedom of expression and assembly by threatening to deport them.

At around 10:30am on March 28 for instance, 29-year-old Tibetan refugee Mr Lam (name changed for security reasons) was assaulted by officers attached to the Metropolitan Police Range at Jaulakhel, Lalitpur while peacefully protesting with other Tibetans near the office of the United Nations at Pulchok, Kathmandu. The officers beat the protesters with wooden sticks and kicked them, before arresting Mr Lam and 11 others. They were then taken to the Metropolitan Police Range. The police put both the female and male protesters in the same truck. According to the protesters, "The police put us in the truck like a dog. They treated us as we are trash."

At least four of the protestors—Ms Kalpana, Ms Sunita, Mr Prem and Mr Shyam (all names changed)—had been arrested and detained more than once before. Ms Kalpana, an 18-year-old student of Lalitpur district, was arrested twice, on March 24 and 28 respectively. On March 24, she had been arrested by five police officers—two female and three male—and was sexually harassed. The police also verbally abused her. When she was arrested again on March 28, about 7-8 policemen attempted to sexually harass her again. When she resisted, they abused her and her female friends in sexually offensive language. The police also beat her legs, back and head.

Ms Sunita, 33, a resident of Kathmandu, was arrested eight different times between March 10-28. Whenever the police arrested her, she was physically assaulted. The police had told her several times they would 'deport her to China so that she would be killed by the Chinese government'. They beat her back, legs, head and private parts.

Mr Prem, 24, a resident of Kathmandu, was arrested on five occasions. When he was arrested on March 28, the police hit him with wooden sticks and kicked him on his back, head and legs. The bloodstains on his legs were still visible when he was being interviewed later that day.

Mr Shyam, 22, a resident of Kathmandu, was arrested three times. He was also assaulted with wooden sticks and kicked on his back, head and legs on March 28.

When they got to the Metropolitan Police Range, there were at least 89 protesters there in total, arrested from other areas for holding protests. About seven monks, wearing their red robes, were seen amongst the detainees. At least 14 of the detainees were minors; none of the required legal procedures in the arrest of minors—such as informing their relatives of their whereabouts—were followed by the police however.

At around 12:15pm, 78 detainees were transferred to the Armed Police Force Training Centre in Kathmandu. Before they were transferred, some representatives from the United Nations office had visited them at the Metropolitan Police Range. The 11 persons arrested with Mr Lam however, were kept at the police station, apparently because they were drunk and thus had to be separated from the other detainees. When this claim was challenged, the officers insisted by simply saying, "I can see it through their eyes."

Only four of the 11 detainees were allowed to speak with lawyers from a local human rights group. The detainees spoke of their painful injuries from the police assault and the police refusal to provide them with food and water. They also claimed that some police from the Lalitpur district had torn the Dalai Lama's picture, which was very humiliating and distressing for them.

While they were speaking to the lawyers, one police inspector Mr Kadar Khanal came close to them and loudly told them: "You are a drunkard. Every time you drink wine and disturb us. You broke our vehicles. We respect the Chinese government and we would not allow you to speak against Chinese government."

The protestors have also been reported to have their pictures taken in small groups while in custody of the Metropolitan Police Range. They were allegedly warned that, "We [police] have your photos. If you protest tomorrow again, we will arrest you and implicate you with heavier charges and deport you to China."

All the detainees held at the Armed Police Force Training Centre and at the Metropolitan Police Range were released in the evening of March 28.

On March 29, at least 113 Tibetan refugee protesters, including some 80 monks, were arrested and detained by the police when they were holding a peaceful demonstration in front of the Visa Section of the Chinese Embassy in Baluwatar, Kathmandu. Again on March 31, at least 210 Tibetan protesters were detained in Maharaggunj, Kathmandu, another 17 detained at the Metropolitan Police Circle, Singardarbar, Kathmandu and four detained at the Metropolitan Police Range, Lalitpur. All of them were released several hours later without any charges. Protesters reported ill-treatment and sexual harassment at the time of arrest and detention.

The Nepalese police have given no explanations for arresting the Tibetan protesters, although it is clear that they are abusing their power of arrest to prevent protests. Threats of re-arrest and deportation have caused fear and some of the protestors are frightened of going back to their homes following their release. Police officers have allegedly identified some of the individuals leading the demonstrations and warned them, "I [police] know who are organizing protests. If we deal with these persons, we will receive an award from the Chinese government."

It has also been reported that many monks have been attempting to travel to Kathmandu to join the peaceful protests from various monasteries in Bauddha. However, the Bauddha police stop their vehicles and subsequently arrest them on every occasion, regardless of the purpose of their travel. Many monks have now taken to wearing civilian clothes so as not to be recognized by the police when they travel to Kathmandu.

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**An Open Letter from Amnesty International and Human Rights Watch forwarded by the Asian Human Rights Commission (AHRC)**

Prime Office of the Prime Minister  
Singh Kathmandu, P.O. Box 23312

Minister of the Prime Minister  
Minister and Council

Girija Prasad Koirala  
Ministers Durbar Nepal

Your Excellency,

## NEPAL: Letter to Prime Minister Girija Prasad Koirala

We wish to express our grave concerns regarding restrictions imposed by your government on the rights of non-refoulement, movement, assembly, and expression of the Tibetan community in Nepal. As a party to the International Covenant on Civil and Political Rights (ICCPR), the government of Nepal is responsible for the protection of the human rights of any individual living within its borders.

On March 10, 2008, members of the Tibetan community held their annual event marking Tibetan Uprising Day. Unlike previous years, however, the Nepal police dispersed the peaceful gathering and arrested and detained more than 150 protesters. Tibetans have continued to protest to draw attention to reports of human rights violations in Tibet.

Since March 10, Nepal police have changed tactics and are preemptively arresting anyone they believe is likely to participate in demonstrations, targeting in particular anyone they believe to be Tibetan. Amnesty International-Nepal, following established Nepali procedure, notified the Kathmandu Chief District Officer of its intention to hold a peaceful protest on March 24. That Officer not only denied Amnesty the right to freedom of assembly, he also took the unusual step of issuing his prohibition in writing, stating that the protest could not proceed because it would “adversely affect relations between two countries.” Despite this, the protest went ahead and 148 individuals were arrested, including 13 Nepali human rights defenders. Police have also restricted freedom of movement of individuals from three major Tibetan neighborhoods in Kathmandu, particularly monks and nuns.

The Nepal police have arbitrarily arrested and detained over 1,500 people both during and since the demonstrations and in order to restrict expression and movement. The Police have provided no legal justification for the arrests and detentions either to detainees or to national and international human rights organizations. The Home Ministry has explicitly stated that no “anti-China activities” will take place in Nepal.

Our organizations have documented unnecessary and excessive use of force during arrests, as well as ill treatment during arrests and detention. We are particularly concerned by increasing evidence of police use of sexual and other forms of assault, including of minors, during arrests, violating the right to physical integrity. Police have also used lathis and tear gas on some occasions without necessity or with excessive force, resulting in numerous injuries. Direct interviews with detainees also suggest a pattern of delayed and limited medical treatment, misleading detainees about their likely time of release, and beatings in Boudha and Singha Durba police stations.

Police have also threatened Tibetan protesters with deportation, which would also constitute a serious violation of Nepal’s international human rights obligations. China has been cited by the UN’s Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment for its abuses of political dissidents in China, and those who have been protesting Chinese rule in Tibet will almost certainly be treated as dissidents. As a party to the ICCPR and the Convention Against Torture, Nepal must uphold Article 3, which prohibits the deportation of individuals to countries where they may face torture. Customary international law also prohibits refoulement to such situations.

The government of Nepal should immediately restore the rights of freedom of assembly, expression, and movement, by allowing Tibetans to go about their daily lives and carry out peaceful protests without fear of arrests or threat of deportation. Should the Nepal police continue to engage in conduct that was condemned by all of the current governing parties, Nepali human rights defenders, and the international community, during the People’s Movement of 2005-2006, it will betray its own record of restoring in April 2006 fundamental civil and political rights.

Please accept, Your Excellency, assurances of our highest consideration.

Catherine  
Acting

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