



AI Index: ASA 31/006/2008 (Public)  
01 April 2008

Prime Minister Girija Prasad Koirala  
Office of the Prime Minister and Council of Ministers  
Singh Durbar  
Kathmandu, Nepal  
P.O. Box 23312

Your Excellency,

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 pre-emptively 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 neighbourhoods 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 Baber  
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