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Nepal: Forcible return of Tibetans to China unacceptable

Amnesty International today condemned the forcible return to China of 18 Tibetan asylum seekers from Nepal on Saturday and called on the international community to do more to ensure that individual states uphold their obligations toward refugees and asylum seekers under international standards.

"Increasingly we are finding that nowhere is safe for refugees and asylum seekers from China, particularly neighbouring countries like Nepal," Amnesty International said.

"The international community must act together to ensure that the rights of refugees and asylum seekers are protected wherever they seek safety".

This latest operation appears to confirm widely held suspicions that China has increased its pressure on other countries to return its nationals over recent months. Last year, three ethnic Uighur asylum seekers from China's Xinjiang Uighur Autonomous Region are believed to have been forcibly returned to China from Nepal even after they had been granted refugee status by the United Nations High Commissioner for Refugees (UNHCR).

The fate of two of them, Shaheer Ali and Abdu Allah Sattar, remains unclear but unofficial sources suggest that the other, Kheyum Whashim Ali, is currently detained in the regional capital Urumqi. His legal status and state of health are unknown and Amnesty International remains seriously concerned for his safety.

In this latest incident, the group of 18 Tibetans were sent back at around 6am on Saturday in a joint operation carried out by officials from Nepal and China. Eyewitnesses described them as being carried crying and screaming into vehicles before being driven in the direction of the border. The operation was carried out in the face of widespread international concern expressed by the UNHCR, governments and NGOs.

Eight children were reported to be among those deported on Saturday. Two other girls, aged nine and six, and a six-year-old boy had already been released into the custody of UNHCR and were not deported. The father of the young boy was reported to be among those sent back. At least eight of the deportees were reported to be ill, although further details about their state of health remain unclear.

"This operation was carried out in blatant disregard for international human rights and refugee law standards", Amnesty International said.

"We fear that these people could be at risk of torture or other serious human rights violations and are calling on the Chinese authorities to provide immediate guarantees for their safety."

The 18 people were among a group of 21 Tibetans, including eleven under the age of eighteen, who had been detained by the police in mid-April 2003 after making the hazardous border crossing into Nepal from Tibet. They were charged with entering Nepal "illegally" and given prison sentences of up to ten months.

On Friday 30 May, UNHCR publicly stated that it had strong reasons to believe that the individuals would be of concern to them but that they had been denied access to them to assess their claims. It warned that returning people before their status had been determined would be in clear contravention of international law. Following the deportations, UNHCR has expressed 'grave concern' about their fate.

Until now, the Nepali authorities have allowed UNHCR to assess the claims of Tibetan asylum seekers and facilitate their resettlement or transit to third countries, usually India. UNHCR has described the Saturday deportations as an 'alarming departure' from that practice.

While it is not a party to the UN Convention relating to the Status of Refugees, Nepal is party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which prohibits the return of anyone to a country where they are at risk of torture, and the Convention on the Rights of the Child which obliges States to ensure that a child who is seeking refugee status receives appropriate protection.

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