

AMNESTY INTERNATIONAL PRESS RELEASE

AI Index: ASA 31/023/2003 (Public)
News Service No: 148
19 June 2003

Nepal: Bhutanese Refugees Rendered Stateless -- Leading Global NGOs Criticize Screening Process

The announcement by the governments of Bhutan and Nepal that only a handful of Bhutanese refugees will be allowed to return to their country with full citizenship rights could render tens of thousands of refugees stateless, six international humanitarian and rights groups said today. The refugees will have just fifteen days to appeal their categorization in a screening process that the two governments have been conducting since March 2001.

In a joint statement, Amnesty International, Human Rights Watch, Lutheran World Federation, Refugees International, the U.S. Committee for Refugees, and the Bhutanese Refugee Support Group, called on donor governments and governments in the region to increase pressure on the governments of Bhutan and Nepal to find a just and fair solution to this long-standing refugee crisis.

"The Bhutanese refugees have been waiting over a decade for a solution to their plight," said Rachael Reilly, Human Rights Watch's refugee policy advisor. "This is not a solution, but rather a wholesale violation of their rights."

Nepal and Bhutan today issued the results of a pilot verification process in one camp that divided the 12,000 refugees into four categories:

Two and a half percent of the refugees (only 293 people) in Category I: bona fide Bhutanese citizens who would be eligible for repatriation to Bhutan;
Seventy percent in Category II: refugees who "voluntarily emigrated" from Bhutan and would be required to reapply for Bhutanese citizenship. The process they would need to follow to reclaim their citizenship, land and property remains unclear and may be decided in talks between the governments in August;
Twenty-four percent in Category III: non-Bhutanese people whose claims to citizenship were rejected and would be returned to their respective countries;
Three percent in Category IV: so-called "criminals" who would be liable to be tried in the Bhutanese courts.

More than 100,000 refugees of ethnic Nepalese origin from southern Bhutan have been living in camps in southeast Nepal for a dozen years after they were arbitrarily stripped of their nationality and forced to flee Bhutan in the early 1990s. The Bhutanese refugee situation has become one of the most protracted and neglected refugee crises in the world.

"This decision sends a message to other governments that it is legally acceptable to arbitrarily deprive a whole ethnic group of their nationality, expel them from their country, and then refuse to accept them back," said Ingrid Massage, interim director of the Asia and Pacific program at Amnesty International. "Bhutan's donors should not rubber-stamp a process that could render tens of thousands stateless."

The non-governmental organizations (NGOs) criticized the length of time it has taken for the two governments to complete the verification process in Khudunabari camp, and the absence of any transparency or international monitoring. Although the United Nations High Commissioner for Refugees (UNHCR) has been administering the Bhutanese refugee camps since the start of the crisis in 1991, it has been systematically excluded by both governments from playing any role in the status determination and repatriation process.

The NGOs criticized the findings of the verification and argued that the four categories were seriously flawed. Refugees whose claims to Bhutanese citizenship were rejected may have been arbitrarily stripped of their nationality before they were forced out of Bhutan due to the discriminatory nature and application of Bhutan's citizenship laws. Furthermore, many of those refugees classified as having voluntarily emigrated from Bhutan were in fact forced into signing "voluntary migration" certificates before they were expelled from the country. Finally, refugees found to be "criminals" in the categorization process were likely to have been pro-democracy political activists who risked facing unfair trials and lack of due process protections if they were returned to Bhutan.

The group of NGOs argued that the Bhutanese refugees should have access to a full, fair and impartial appeal process with sufficient time to prepare their case and with access to independent advice. At present, they will have only fifteen days to appeal their categorization to the same adjudicators, and only on the basis of new documentary evidence. The NGOs expressed serious concern that the large number of refugees forced to reapply for their citizenship would face severe obstacles due to Bhutan's burdensome citizenship requirements and the arbitrary provisions of its citizenship laws.

Amnesty International, Human Rights Watch, Lutheran World Federation, Refugees International, the U.S. Committee for Refugees, and the Bhutanese Refugee Support Group called on donor governments and governments in the region to increase pressure on the governments of Bhutan and Nepal to:

- Invite UNHCR to help facilitate and monitor the verification and repatriation process;
- Create a fair and independent appeal process with sufficient time for refugees to present their appeal to an impartial third party;
- Uphold the rights of Bhutanese refugees, including the right to return to their own country and the right not to be rendered stateless.

"The world has neglected the Bhutanese refugees for far too long," said Peter Prove, Assistant to the General Secretary of the Lutheran World Federation. "The governments of Bhutan and Nepal have failed to deliver a workable solution. The international community must now intervene and demand that the rights of the refugees are upheld."

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