

PUBLIC

AI Index: ASA 14/07/98

This is a limited action. Please restrict appeals to 25 per section.

UA 217/98

Torture/Fear of torture

7 August 1998

BHUTAN

Needup Phuntsho, aged 19

Needup Phuntsho, a Class 9 school student, was reportedly tortured following his arrest by members of the Royal Bhutan Police in Thimphu on 28 July 1998. He is being held at the Thimphu Police Headquarters, where he remains at risk of torture and ill-treatment

Several days after his arrest witnesses reported seeing Needup Phuntsho being dragged in handcuffs from house to house in Thimphu to identify supporters of the Druk National Congress (DNC) and the United Front for Democracy (UFD), two Bhutanese political organizations in exile. There were reportedly signs that he had been tortured and ill-treated.

Six people were arrested as a result of the house to house search.

BACKGROUND INFORMATION

Needup Phuntsho's father, Tshewang Rinzin, was arrested on 7 March 1998 on suspicion of being a supporter of the DNC. Needup Phuntsho and his sister were expelled from Motithang High School in mid-March because the required police clearance had not been obtained for their continued attendance at the school.

The requirement of police clearance for admittance to schools has denied access to education for children whose relatives participated in demonstrations in southern Bhutan in 1990, whose relatives are in refugee camps in Nepal or suspected of involvement with the Bhutanese political organizations in exile. At least 21 school students in eastern Bhutan, whose fathers had been arrested, have reportedly failed to obtain police clearance and have subsequently been expelled from school.

Arbitrary arrests and detention of hundreds of Nepali-speaking southern Bhutanese in the early 1990s occurred particularly in the context of protests against the "one nation, one people" policy and the application of the 1985 Citizenship Act. The latter resulted in tens of thousands of Nepali-speaking people being declared "non-nationals" and more than 90,000 of them leaving the country, many being forced into exile in refugee camps in Nepal.

During late 1997 at least 150 persons were detained for taking part in peaceful protests and campaigning activities in support of the DNC and UFD, particularly in the east of the country. Many were held in incommunicado detention and tortured.

In response to concerns raised about incidents of torture in Bhutan, the Government assured the United Nations Special Rapporteur on Torture that torture is prohibited by law in the country and categorically denied that any had taken place. It also stated that all detainees are given access to a lawyer and to relatives. Bhutan has ratified the Convention on the Rights of the Child.

RECOMMENDED ACTION: Please send telegrams/express/airmail letters in English or your own language:

- expressing concern at reports that Needup Phuntsho has been subjected to torture and ill-treatment at Thimphu Police Headquarters following his arrest on 28 July 1998;
- urging the authorities to fully investigate reports of torture or ill-treatment, and to bring the perpetrators to justice;
- urging the authorities to grant Needup Phuntsho immediate access to a *jabmi* (legal adviser), to his relatives and to any medical treatment he requires;
- asking for information for the reason for his detention, and urging that unless he is to be promptly charged with a recognizable criminal offence, he be immediately and unconditionally released;
- reminding Bhutan's government of its commitment to the Universal Declaration of Human Rights, in particular Article 5: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

APPEALS TO:

Lyonpo Thinley Gyamtsho

Minister of Home Affairs, Ministry of Home Affairs
Royal Government of Bhutan, Tashichho Dzong, Thimphu, Bhutan

Telegrams: Home Affairs Minister, Thimphu, Bhutan

Salutation: Dear Minister

Lyonpo Jigme Y. Thinley

Minister of Foreign Affairs, Ministry of Foreign Affairs
Royal Government of Bhutan, Tashichho Dzong, Thimphu, Bhutan

Telegrams: Foreign Affairs Minister, Thimphu, Bhutan

Salutation: Dear Minister

Major-General Lam Dorji

Chief Operations Officer of the Royal Bhutan Army
Royal Government of Bhutan, Tashichho Dzong, Thimphu, Bhutan

Telegrams: Maj General Lam Dorji

Salutation: Dear Major General Lam Dorji

COPIES TO: Diplomatic representatives of Bhutan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 18 September 1998.

"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."