

EXTERNAL

AI Index: ASA 20/12/96

EXTRA 43/96

Fear of ill-treatment / Arbitrary arrest
Medical concern

21 March 1996

INDIA188 Bhutanese people from refugee camps in western Nepal

On 19 March 1996, 188 Bhutanese people were allegedly kicked and beaten by Indian police with *lathis* (long wooden sticks) as they were taken into custody in Jalpaiguri district, West Bengal. Ten are reported to have sustained head injuries as a result and one man is understood to be in a serious condition.

Amnesty International fears that they may be subjected to further ill-treatment whilst in detention.

The Bhutanese, from the refugee camps in western Nepal, were participating in an organized march through India to Bhutan. The march, reportedly peaceful, was intended to publicise the plight of Bhutanese people currently living in the refugee camps and the apparent lack of progress in talks between the governments of Bhutan and Nepal on the possible return of some of them to Bhutan. All 188 people are currently detained at Jalpaiguri district jail. The reason for their arrests is not known, but Amnesty International is concerned that they may have been detained solely for exercising their rights to freedom of expression and peaceful assembly.

Another 235 Bhutanese people are currently gathered in Siliguri district, India. Amnesty International is also concerned that these people may be subjected to ill-treatment by the police, or arbitrary arrest and detention, should they decide to continue their march.

BACKGROUND INFORMATION

Over 1000 Bhutanese have been detained by the Indian security forces since they began their program of marches in early January 1996. During February and March, three groups of 150, 273 and 344 people were unconditionally released when they appeared before the sub-divisional magistrate in Siliguri. The magistrate declared their detention and the prohibitory order (Section 144 of the Criminal Procedure Code: power to issue order in urgent cases of nuisance or apprehended danger) under which they were arrested to be illegal. Subsequent to this ruling, a further group of 183 Bhutanese people were arrested on 12 March under Section 151 of the Criminal Procedure Code [arrest to prevent commission of a cognizable offence]. This group remain in detention despite Section 151 allowing for a maximum period of 24 hours. The 188 people who are the subject of this UA were among those who were arrested earlier and then released.

On 12 January Amnesty International wrote to the Indian Home Minister requesting information about the reasons for the first reported arrests of Bhutanese people. The organization expressed concern that those detained may have been held in contravention of their right to freedom of expression and their right to peaceful assembly. It urged that those detained be immediately and unconditionally released unless charged with a recognizably criminal offence.

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

- expressing concern at reports that 188 Bhutanese people were beaten and kicked by Indian police in Jalpaiguri district, West Bengal when they were taken into custody on 19 March 1996;
- seeking assurances that the 188 people are not being ill-treated in detention;

- urging that any necessary medical treatment is provided to any of the 188 people injured at the time of their arrest;
- urging that the 188 people and all other detained Bhutanese people be immediately and unconditionally released unless charged with recognizably criminal offences;
- seeking assurances that the other Bhutanese people in India will not be subjected to arbitrary arrest and detention or ill-treatment by the police.

APPEALS TO:

Mr P V Narasimha Rao
Prime Minister of India
Office of the Prime Minister
South Block, Gate No.6
New Delhi 110 011, India
Faxes: + 91 11 310 9817
Telegrams: Prime Minister, New Delhi, India
Salutation: Dear Prime Minister

Mr Jyoti Basu
Chief Minister of West Bengal
Office of the Chief Minister
Writers Building
Calcutta 600 001
West Bengal, India
Faxes: + 91 33 266 444
Telegrams: Chief Minister, West Bengal, India
Salutation: Dear Chief Minister

COPIES TO:

Mr S B Chavan
Minister of Home Affairs
Ministry of Home Affairs
North Block
New Delhi 110 001
India

Mr Pranab Mukherjee
Minister of External Affairs
Ministry of External Affairs
South Block
New Delhi 110 011
India

and to diplomatic representatives of India accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 20 April 1996.