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BHUTAN

Forcible exile

Introduction

By mid-1994 approximately 86,000 people were resident in refugee camps in Nepal, the great majority of whom were Nepali-speaking people from southern Bhutan.¹ Their fate remained uncertain. Talks had started in November 1992 between the Governments of Bhutan and Nepal on the issue, but had not yet reached a conclusion. In October 1993 the two governments had agreed four categories into which these people would be classified with a view to some of them returning to Bhutan, but no agreement had been reached by mid-1994 about the criteria or mechanism which would be used to decide which categories people would be placed in. Meanwhile, people continued to arrive in Nepal from Bhutan, apparently believing that they had no choice but to do so.

¹ There are also reported to be some ethnic Sarchop people from eastern Bhutan in the camps.

Amnesty International believes that many people in the camps in Nepal have been forced out of Bhutan as a result of measures taken by the Bhutanese authorities. Indeed, the first category of the four which were agreed by the two governments is "Bonafide Bhutanese who have been forced into exile", which in itself provides an acknowledgment by the Government of Bhutan that some southern Bhutanese, at least, may have been forced into exile. Amnesty International opposes the practice of forcible exile when it is imposed as a formal measure on account of people's non-violent expression of their political, religious or other conscientiously-held beliefs or by reason of their ethnic origin, sex, colour or language. It believes that many of those in the camps in Nepal have been forcibly exiled from Bhutan on account of their ethnic origin or political beliefs.

People interviewed in the camps in Nepal by Amnesty International in November 1991 and November 1993 gave various reasons for their departure from Bhutan, including formal measures taken by the authorities to make them leave, as described below. These measures were employed in the context of unrest among the Nepali-speaking population in southern Bhutan about two main issues.

The government's policy of national integration on the basis of northern Bhutanese traditions and culture (*driglam namza*), which King Jigme Singye Wangchuck decreed in January 1989, gave rise to fears that the government intended to erase Nepali culture in Bhutan by requiring everybody to adopt distinctive northern Bhutanese practices. Secondly, the census operation to identify illegal immigrants and Bhutanese nationals, which started in 1988 and still reportedly continues, gave rise to fears that those not recognized as Bhutanese

Map of Bhutan, showing 18 Dzongkhags (Districts) and map of region

nationals would be forced to leave the country. These fears were exacerbated by the arbitrary manner in which the census was conducted, and by the manner in which opposition to government policy among sections of the southern Bhutanese population was suppressed by government forces.

Unrest at government policies on national integration and the application of the Citizenship Act spread in southern Bhutan from early 1990, culminating in a series of demonstrations throughout southern Bhutan in September 1990 during which some acts of arson and vandalism were reportedly committed. The first allegations of violent activities by government opponents in the south, whom the government call *ngolops* or "anti-nationals", had been reported in February 1990. These were said to involve extortion and stripping of people wearing northern Bhutanese dress. From mid-1990 the "anti-nationals" were said to have stepped up their activities to include more serious crimes such as murder and kidnapping of civilians and attacks on public facilities in the south. Some attacks were directed at census officers and other officials, including teachers². Attacks on officials and civilians continue to be reported from southern Bhutan and in some cases it is alleged that the perpetrators

² See Amnesty International, *Bhutan: Human rights violations against the Nepali-speaking population in the south*, December 1992, AI Index: ASA 14/04/92, for details of some of these incidents. This report also gives more background to the situation prevailing in southern Bhutan, and documents the arbitrary arrests, torture and rape reported in 1990 and 1991, particularly.

have made forays into Bhutan from the camps in Nepal. There is not always clear evidence of a political motive for particular crimes attributed to "anti-nationals". In addition, it is now also alleged by the government that "anti-nationals" themselves have intimidated and threatened some southern Nepali-speakers into leaving their homes and going to live in the camps.

As arbitrary arrests of southern Bhutanese, accompanied by torture and rape, escalated in 1991, southern Bhutanese began to flee from Bhutan, fearing that they would become victims of such violations. From about mid-1992, however, there were significantly fewer reports of these kinds of gross human rights violations being committed, and the nature of the action taken by the authorities to make people leave the country seemed to have changed. Many of the people interviewed who arrived in the camps in this later period described primarily administrative measures taken to force them to leave, including being required to sign so-called "voluntary migration forms", often accompanied by threats of large fines or imprisonment if they failed to comply. Signing these forms is taken to mean that the person concerned will not return to Bhutan, and there is some provision - which is not always fulfilled - for compensation to be paid for their lands. Some people had left Bhutan for another reason: this was that their village communities were required to leave *en masse* as a collective punishment inflicted by the local authorities following a murder or robbery in the locality attributed to "anti-nationals".

Many of the people whom Amnesty International interviewed, and who said they had been forced out of Bhutan, said that they would like to return to Bhutan when it is safe for them to do so, and the talks between the Governments of Bhutan and Nepal are intended to lead to decisions on who will be permitted to return. It appears from the four-fold classification agreed by the two governments, however, that the question of whether a person is deemed a national, or citizen, of Bhutan will be treated as the determining factor in establishing his or her right to return. If citizenship is used to determine whether or not a person may return, the guarantees provided under international law may not be fulfilled.

Under international human rights law everyone has the right to return to his or her own country.³ While obviously including citizens of a country, the right to return can also be exercised by those who have not been formally recognized as citizens by the country to which they wish to return, provided that it is their "own country". Nepali-speaking people from Bhutan who have been forced to leave the country, and those who have left voluntarily, have a right to return to Bhutan unless it is established in an individual case that a person has another country of nationality. As far as Amnesty International is aware, the "own country" of the majority of the

³ For example, Article 13 of the Universal Declaration of Human Rights reads: "Everyone has the right to leave any country, including his own, and to return to his country."

ethnic Nepali people in refugee camps in Nepal is Bhutan since few of them are known to be nationals of any other country. The largest section of the population of southern Bhutan, now known as the "southern Bhutanese", are the descendants, mostly Hindu, of Nepali settlers who came to work in the southern Duar valleys in the late 19th and early 20th centuries. Such migration into Bhutan was banned by Bhutan in 1959, and the current situation in the south can be seen in the context of a series of measures used by the government since that time to curb the influx of Nepali settlers, and to regularize citizenship procedures. The exceptions to those for whom Bhutan is their own country might be ethnic Nepali people who have recently migrated to Bhutan from India or Nepal. The Government of Bhutan says that there are also people in the camps who did not originate from Bhutan, but who came to the camps from elsewhere.

Several additional problems can be anticipated if citizenship alone is used to determine who is entitled to return to Bhutan. The 1985 Citizenship Act of Bhutan contains a number of vague provisions, and appears to have been applied in an arbitrary manner, as described below. It also contains provisions which could be used to exclude from citizenship many people who are not members of the dominant ethnic group, as well as those who oppose government policy by peaceful means.

Amnesty International is also concerned that some people in the camps still fear persecution if they are required to return to Bhutan.

It is essential that all such people are given an opportunity to have their asylum claims fully considered, as required under international law. No such person should be returned to Bhutan before it has been determined that they would not be at risk of serious human rights violations if returned.

These concerns are reinforced by the fact that Nepali-speakers from southern Bhutan continue to arrive in Nepal⁴ and reportedly continue to describe measures directed at Nepali-speakers in southern Bhutan amounting to forcible exile. The case of over 280 people from Dorokha in Samchi District, who arrived in Nepal in April 1994, is described below to illustrate this point.

Amnesty International believes that a full, independent assessment of the human rights situation in southern Bhutan is necessary to ensure that those who return will not fall victim again to the kinds of violations that originally made them leave.

Concerns about the four-fold classification

In October 1993, the Governments of Nepal and Bhutan agreed to classify all of the people in the camps into four categories:

⁴ According to the United Nations High Commissioner for Refugees, 1,072 asylum-seekers were screened at the Kakarvitta screening centre, Jhapa District, Nepal in the first five months of 1994. Of these, about 90% were recognized as asylum-seekers.

- 1) Bonafide Bhutanese if they have been forcefully evicted
- 2) Bhutanese who emigrated
- 3) Non-Bhutanese
- 4) Bhutanese who have committed criminal acts

Amnesty International fears that this classification may not allow for the return of all those who have been forcibly exiled and who have a right to return to their own country. There could be people in all four categories who have the right under international law to return to Bhutan, provided that it is their own country.

No clear information has yet been published, to Amnesty International's knowledge, about the use to which this classification will be put nor the methods by which people will be classified. Before any screening of the people in the camps takes place with a view to some returning to Bhutan, Amnesty International believes that certain crucial issues need to be addressed in order to ensure that the guarantees of international human rights law are fulfilled.

First, as noted above, international human rights law guarantees people the right to return to their own country, whether or not they have been formally recognized as citizens of that country. Clarification is needed as to whether this guarantee will be enforced to ensure everybody whose own country is Bhutan is able to return there should they wish to do so. If, instead, it is the citizenship laws of Bhutan alone which will be applied to determine who will return, as

implied by the four categories, then the categorization gives cause for concern because it is unlikely that the guarantees provided under international law will be fulfilled.

It is not yet known how it will be decided whether a person is "Bhutanese" (categories one, two and four) or "non-Bhutanese" (category three). If the determining factor is whether the person is entitled to Bhutanese citizenship, as defined under the 1985 Citizenship Act, this is of concern because of the act's vague provisions and the sometimes arbitrary ways in which it has been applied. For example, in many cases it will now be impossible to establish if a person was resident in Bhutan in 1958, which is a requirement for citizens under the act. This is because census registers are incomplete, some people have had their status as citizens altered, some people have had their names deleted from the census records, and many people who might otherwise be able to prove residence in the country by producing their land tax receipts and other relevant documents have had them confiscated by local government authorities. These factors are described more fully below. Secondly, while the law allows for citizenship by naturalization, it excludes anyone from gaining citizenship in this manner if they have a record of "having spoken or acted against the King, country and people of Bhutan in any manner whatsoever". This can include the non-violent expression of opposition to government policies. Applications for citizenship can be refused "without assigning any reason" under the act. Finally, the requirements that citizens be proficient in Dzongkha

(the language of the northern Bhutanese) and knowledgeable about the culture, customs, tradition and history of Bhutan could be used to exclude many Nepali-speaking people in southern Bhutan from gaining citizenship.

Category two (Bhutanese who emigrated) may give cause for concern depending upon the fate of those included in this category. If emigrants from Bhutan have no other citizenship, they have the right under international law to return to Bhutan regardless of whether they left voluntarily. Amnesty International is not aware of any provision in the 1985 Citizenship Act which qualifies the right to return of citizens who have left Bhutan. However, an earlier act - the 1958 Citizenship Act (as amended in 1977) - required citizens who left the country and then wanted to re-enter to go through a two-year probation period upon re-entry before having their citizenship renewed. One ground for refusing to renew citizenship was that the person "was responsible for any activities against the Royal Government". An assurance is therefore needed from the Government of Bhutan that no restrictions on return would apply to Bhutanese who had voluntarily emigrated and wished to return, as a refusal to permit people in this category to return would amount to forcible exile.

Category four is also of concern because the concept of "criminal acts" has been left undefined, and because if it is intended to exclude people in this category from returning to Bhutan, it might contravene international law. Bhutanese law draws no distinction between

violent and non-violent opposition to the government and so Nepali-speaking Bhutanese who opposed government policy by non-violent means might be prevented from returning to their country. Furthermore, under international law citizens have an unqualified right to re-enter their country regardless of whether they have committed a criminal act. They can be tried and punished for their crimes, but not exiled.

Cases illustrating different aspects of forcible exile practised by the Bhutanese authorities

Many people interviewed by Amnesty International said they had previously held Bhutanese Citizenship Identity Cards issued following an initial census exercise which reportedly took place between 1979 and 1981, and had believed their status in Bhutan was secure, but found during the latest census that they were classified as non-nationals, or "illegal immigrants", and required to leave the country. Other interviewees said they had been told verbally by the census team that they were considered to be Bhutanese citizens, but were later told they were considered "illegal immigrants" and had to leave the country. Yet others had been classified as Bhutanese nationals, but were then pressurized by local authorities to migrate "voluntarily" because they already had relatives living in refugee camps in eastern Nepal, or because they were related to political prisoners. In some instances, interviewees described whole village blocks⁵ of

⁵A "village block" is generally referred to as a group of between three to six villages.

Nepali-speaking Bhutanese families, who were recognized as Bhutanese citizens but forced out *en masse*, apparently in retaliation for a robbery or attack on a local government official attributed by the authorities to "anti-national" elements. According to the Government of Bhutan, some people have left Bhutan because of intimidation from "anti-nationals" who threaten Nepali-speakers who remain in southern Bhutan as part of their international campaign to discredit the government.

Some people in the camps were themselves local officials who had been ordered to participate in the eviction and exile of villagers. For example, a village headman from Sarbhang District said he had been threatened with imprisonment if he did not comply with orders to collect up villagers' citizenship identity cards after a local official had been murdered. This case is described below. Others had refused to obey orders from the local authorities to demolish the houses of people who had already left the country, and had been ordered to sign "voluntary migration forms" and leave the country themselves.

Forcible exile as a consequence of the census operation

The illustrative cases included below demonstrate that people whose own country is Bhutan, and who have no other nationality, were classified as non-nationals during the census and subsequently forced to leave the country.

The 1985 Citizenship Act of Bhutan requires that for a person to be registered as a Bhutanese citizen, they must prove that they were resident in Bhutan in 1958. During the census operation which began in 1988, proof of residence in 1958 had to be given to the census team for a person to be recognized as a Bhutanese citizen.

People from southern Bhutan whom Amnesty International interviewed in Nepal described how the census teams had worked. They said that when the census team arrived in a village, the head of the family was requested by the village headman to present him or herself to the team with their documents, including Bhutanese Citizenship Identity Card, marriage certificate, land ownership documents including land tax receipts and their certificate of origin (which is a document similar to a birth certificate). Those people who were able to produce a land tax receipt for 1958, or a certificate of origin showing that both their parents were born in Bhutan, were classified as genuine Bhutanese citizens (F1, in the seven-fold classification system used for the census). Those people who could produce a certificate of origin proving only one parent had been born in Bhutan were classified as F4 or F5, and their citizenship status remained unclear. Those people who were unable to produce either document were classified as non-nationals (F7). The head of the family was told orally what category he and his family had been put into, but in the majority of cases the census team did not give the

head of family any documentation showing which category each individual family-member had been assigned to.⁶

Although the government has said that any documentary evidence whatsoever showing that a person was resident in Bhutan in 1958 is accepted as proof of citizenship⁷, the people from southern Bhutan whom Amnesty International interviewed in Nepal said that this was not the case, and that if they could provide documentation from an earlier year, but not for 1958 itself, it was not accepted. People who possessed land tax receipts for 1956 or 1957, for example, but not for 1958, said they had been classified as non-nationals. In some cases a person who possessed an identity card but had no land tax receipt for 1958 or no certificate of origin

⁶ Local government officials whom Amnesty International delegates met in Samchi, southern Bhutan, in January 1992, described the process slightly differently. They said that a form is filled out with each villager's details, which is signed by the census team leader, the district administrator and the village committee leaders. Four copies are made and sent to the Home Office, the Sub-Divisional office, the District Office and to the Block Headman. Anyone who disagrees with their classification can complain first to their Block Headman and then at district level, where it becomes a judicial issue.

⁷ See, for example, *Anti-National Activities in Southern Bhutan*, dated 12 August 1992, published by the Department of Information: Any documentary evidence whatsoever, (land ownership deeds or documents showing sale/gift/inheritance or land, tax receipts of any kind, etc) showing that the person concerned was resident in Bhutan in 1958 is taken as conclusive proof of citizenship.

were classified as non-nationals. Identity cards were often seized or confiscated by the census team or other local officials.

People who were classified as non-nationals said that they were told by local officials or the census team to leave the country within a short time or pay a fine or go to jail. Some of those who left in the earlier period (1991 - 1992) said that they were harassed and threatened by army personnel or witnessed other villagers being beaten and women molested and decided to leave before they themselves fell victim to the same treatment. Those who left later described less brutal, but no less effective, methods of making them leave.

A 28-year-old farmer from Chhukha District who left Bhutan for Nepal in July 1993, gave the following testimony:

My father and uncle migrated to live in Bhutan, and I was born there. Our family went together to the census team on two occasions. The first time I did not take my citizenship identity card with me. The second time, the census team asked for my land receipt of 1958 and my identity card. The land tax receipt was in my uncle's name. The census team said that I could not have my identity card returned because the 1958 land tax receipt was in my uncle's name. I was categorized F7 [non-Bhutanese], and the census officer told me that I had

to leave the country within 6 days or pay a fine of 6,000 rupees or go to jail for 6 months. Since I am a poor person, I left the country.

A factory worker from Chhukha District described what had happened to her:

During the census operation in Chhukha District in 1993 I was classified as F7 [non-national] because I did not have a land tax receipt for 1958. I surrendered the land tax receipts that I did have in my possession to the census team.

I was born in Bhutan, but I do not know whether my parents were born in Bhutan or not. I was a factory worker and I was due two weeks' wages which is why I remained in my house. One day five soldiers came to my house and asked me why I had not left. They grabbed me and pushed me to the ground. My 15-year-old daughter was so afraid that she ran away into the forest. I was so scared that I left Bhutan immediately with my three children.

In another case, also involving a person who left Chhukha District in 1993, the person concerned was classified as a non-national apparently because his parents and brother had already left Bhutan for Nepal. He said that because they had left, the district administrative officer had confiscated his citizenship identity card and

his land tax receipts and told him to leave for Nepal as well. He said he left eleven acres of land behind him.

In some cases people who had been told during the recent census that they were classified as genuine Bhutanese citizens were then apparently deprived of citizenship on the basis of a decision by a local government official. One woman described her case to Amnesty International as follows:

During the census operation in my district in June 1992, I went to the census office in Phuntsholing. I was asked by the team where my husband was and I told them that I was divorced three years ago. They asked me to bring my parents and present them to the census team, but I told them they had already left Bhutan. Then they asked why I didn't go to Nepal as well since my parents are already there, and I replied that I did not want to because it is not easy for a woman on her own. They also asked me for details about my shop and my identity card. I then went to see the village headman who told me that I could get a certificate of origin from the village elders since my father had been an assistant village headman. I gave my certificate of origin to the census team who classified me as F1 [Bhutanese national] and my three children as F4 [children of a Bhutanese mother and foreign father] because my ex-husband was born in Sikkim. Then in

mid-September 1993 we were called to a meeting at the village headman's house and he said that he had received a letter from the dungpa [sub-district administrator] with a list of people's classifications and I had been classified as F7 [non-national]. When I asked why, the village headman said there was nothing he could do about it. Next day I returned to the village headman's house to ask if I could take my possessions with me. He told me that the village elder risked arrest if I was seen there, and that the army or police would arrest me if I stayed any longer in the country. So one month later I left and came to Nepal.

In some cases married couples were put in different categories by the census teams and even when one of them was a Bhutanese citizen, the family consequently had to leave Bhutan.⁸ A farmer from Samrang village, Samdrupjongkhar District, for example, was classified as a genuine Bhutanese citizen but his wife was categorized as F4 because she had been born in India. He was then told that, because his wife was F4, he would have to pay a fine of 8,500 rupees.

⁸ In November 1988 the King had recommended to the National Assembly that residence permits should be issued to foreigners married to Bhutanese citizens so that parents and children and husbands and wives need not be separated. The National Assembly therefore decided that non-nationals married to Bhutanese citizens (before the Citizenship Act of 1985) would be entitled to a Special Residence Identity Card that would entitle them to health, education and other social welfare benefits available to *bonafide* citizens. People from families divided between different categories that Amnesty International interviewed had not been given a Special Residence Identity Card.

He could not afford to pay, so he, his wife and seven children left the country. In another case, a carpenter from Samchi District who could not produce his 1958 land tax receipt was classified, along with his children, as F5 (Bhutanese mother and non-Bhutanese father), while his wife, who was able to produce her certificate of origin, was classified as a Bhutanese citizen. The family was told by the sub-divisional officer that they would have to leave the country because they had been classified as F5 and that if they did not leave, they would face a large fine. The family felt it had no option but to accept compensation and go.

Forcible exile of village communities as a form of collective punishment for the crimes of others

Some interviewees described to Amnesty International how, in some cases, large numbers of Nepali-speaking people from a particular village had been forced to leave Bhutan as a form of collective punishment, after a crime had been committed which was attributed by the authorities to "anti-nationals".

For example, a large-scale eviction was reported following the assassination, attributed to "anti-nationals", of the sub-divisional officer (*dungpa*) Chhimi Dorji in Sarbhang District in May 1992. Amnesty International interviewed some of those from Geylegphug, Sarbhang District, who said they had been forced into exile in this incident. They said that the new *dungpa* had said they would have

to leave the country, and had threatened them. According to their account, in June 1992 all the villagers of their block had been forced to hand all their documents and identity cards to the local authorities and sign "voluntary migration forms". The next month the King of Bhutan had visited the area and tried to persuade the villagers not to emigrate. But after the King had left, the villagers were allegedly threatened by the army and police and told by the newly-appointed *dungpa* that they should go peacefully, or otherwise they would be forced to go "by any means possible". The village headman was said to have been threatened with imprisonment if he did not comply with orders from higher officials to collect up the villagers' citizenship identity cards. While waiting to receive their compensation, the villagers moved to the town where they stayed until a notice was issued which threatened to jail anyone found loitering. The villagers hired some trucks and left the country, despite the fact that only about half of them had received the compensation that was due.

The Government of Bhutan has published a different account of the background to the departure of villagers from Geylegphug.⁹ It said that the families had not applied to emigrate in the normal manner, but had given an ultimatum to the District Administrator that they would be leaving for the refugee camps in Nepal within two days regardless of whether their applications had been processed in time. The authorities are said to have persuaded the families to

⁹ See the Government of Bhutan's *Anti-National Activities in Southern Bhutan*, Department of Information, Thimpu, Bhutan, August 1992, pp 13 - 17.

remain until a high-level investigation team from the capital, Thimphu, arrived, comprising two High Court Judges, the Chairman of the Royal Advisory Council and the Dzongkhag (District) Coordination Division officer in the Home Ministry. According to the government, the investigation team found the allegations of forcible eviction made against the local authorities to be false and to form "part of a propaganda campaign aimed at gaining international sympathy and support for the anti-national cause".

"Voluntary" migration

Several people Amnesty International interviewed in the camps in Nepal said they had been forced by local government officials to sign a "voluntary migration form" which said they had agreed to accept compensation for their land and were leaving the country willingly. Some of these cases are described below. Some of those interviewed said that because the form was in Dzongkha, the official language of the northern Bhutanese, which they did not speak or read, they had no idea what the form said and its content was not explained to them by the local government officials. Others knew the content of the form but felt that they had no option but to sign, having already been threatened with large fines or imprisonment if they failed to comply. In some instances, the signing of the form and payment of compensation was said by the interviewee to have been recorded on video by government officials. Since then, Amnesty International has learned of journalists and other visitors to Bhutan who have been shown such videos by the authorities in order to "prove" to them that these migrations were undertaken voluntarily.

Some interviewees who said they had felt compelled to sign "voluntary migration forms" said that the compensation they had received did not match the real value of their land. Some, despite signing the form, said they received no compensation at all. It has also been alleged that officials took deductions from the compensation money as payment for education, medical services and, in some cases, the cost of being maintained while in jail.

In some cases, the houses of those who have left the country were demolished on the orders of the local administration. People who have refused to participate in such demolition have themselves been forced to sign "voluntary migration forms" and leave the country. One farmer from Chirang who had left Bhutan in January 1993 told Amnesty International that he and five other villagers had been forced to sign "voluntary migration forms" because they had refused to comply with an order from the village headman to dismantle the houses of people who had left the country. They had asked to see the official orders for demolition, but the headman said he had been asked to give a verbal order only. The six villagers who refused to comply were called to the *dzong* (district administrative office) where the district magistrate told them that as they had refused to carry out the order to demolish houses, they would have to sign "voluntary migration forms" themselves and accept compensation for their lands.

If they refused to do this, he said they would face a large fine or be jailed for three years. The farmer said he was given far less than the value of his land, and that his Citizenship Identity Card and land tax receipts were also confiscated. All six villagers were similarly treated, he said, and they all had to leave the country.

Another farmer whom Amnesty International interviewed had left Bhutan in October 1993 after he, too, had been required to sign a "voluntary migration form". In 1990 he had been imprisoned for two and a half months on suspicion of participating in the September

1990 demonstrations and having given a donation to an "anti-national" party. He was released under an amnesty from the king. After his release he had returned home and cultivated his land; but the village headman had taken his orange crop each year, promising that he would be paid 25 per cent of its value. The farmer said he never received this money. In the latter part of 1993 he said he was called several times to the police station or army camp and asked why he was still living in Bhutan; after his release from prison, they said, he had been expected to leave the country. The district administrator and his block headman told him to sign a "voluntary migration form", and threatened that he would be "blown away" if he did not leave the country. Fearing that he would be killed, he left with his family.

Others have been required to sign "voluntary migration forms" and leave the country simply because they are related to people who have already left. For instance, a 67-year-old man from Sibsoo in Samchi District, whose testimony has been supplied to Amnesty International, who had two sons who had participated in demonstration in 1990 and had subsequently left Bhutan, was himself forced to leave. According to his testimony, his son's names had been deleted from the census records in 1991. During 1992, he says he was ordered through five written notices and verbal commands to fill in a "voluntary migration form" and leave, because his sons had already left. He did not comply, and was arrested on 22 June 1992. After 15 days in Sibsoo jail he was released, after having signed a form saying that he intended to leave the country

voluntarily. He was required to submit his land tax receipt and citizenship identity card to the authorities, in the presence of several local officials, and this event was filmed on video camera. He says that he was required to face the camera specifically when he picked up his compensation money from the table. Nevertheless, he did not wish to leave Bhutan, and decided to go to the capital, Thimphu, to appeal directly to the King of Bhutan. With members of three other families from nearby villages who had also been ordered to leave the country, as well as one friend, he applied in March 1993 for a travel permit to go to Thimphu. All five of them were arrested. One escaped after one night, and the four others spent three days in prison and then signed a form in front of the district administrator saying they would leave the country within 15 days. This man, however, returned home. On 25 November 1993 he said he was interrogated by the security forces about the whereabouts of his sons, and that when the officers left the village, they instructed the villagers to demolish his house. He pleaded with them not to do so, but on 28 November the officers returned and did the demolition themselves, getting villagers to take the usable timbers back to their camp. About two weeks later, the security forces burned down the remains of the house. The man moved into a shed, but was told by village volunteers¹⁰ that they were under pressure from the authorities to

¹⁰ The village volunteers form local groups for the protection of their villages. Amnesty International has insufficient details about the nature of these groups, and is seeking this information from the authorities.

make him leave the country as he had already signed the forms. He left.

That these practices have continued into 1994 is illustrated by the arrival in the refugee camps on 9 April 1994 of 284 people from Denchuka and Myona blocks, Dorokha sub-division, Samchi district. Among them were twenty-seven heads of families from Denchuka who claimed that on 24 March 1994 they were told by assistant village headmen that on instruction of the district authorities they and their families had to vacate their houses by the next day. According to a copy of a circular letter of 24 March 1994 from the village block headman addressed to ten assistant-headmen, police would be sent to drive them out of their houses if they had not left by the next day.

The majority of the heads of the 27 families reportedly had been registered as "returned migrants" (F2) during the census. Many of them claimed, however, to be in possession of land tax receipts for the year 1958. One of them, Tek Nath Adhikari, said he was called to the office of the *dungpa* (sub-divisional officer) and told he could not stay in the country because his older brother had already left. He was served with an individual notice to leave the country by the headman of Denchuka on 25 March 1994, a copy of which was obtained by Amnesty International. The others claimed that from January onwards they had been called to the sub-divisional administration office and pressurised into signing applications for voluntary migration (of which they had not been given copies).

Several people said that they were told they had to leave because they could not produce their certificate of origin; one was told he had to leave because his brother was an "anti-national".

After leaving their houses on 25 March, they gathered in Samchi town as instructed by the *dungpa*. There on 7 or 8 April about a dozen heads of families were individually videoed after being instructed by the *dungpa* that when questioned about their reasons for leaving, they should say they were leaving of their own will or else "they would be dealt with accordingly". Tek Nath Adhikari said he was taken aside and a pistol held against his lower back while he made a statement in front of the video saying he would not return to Bhutan.

The accounts given by the people who arrived in the refugee camps differ from that given in a press report of 9 April 1994 in the government newspaper, *Kuensel*. There, it was alleged that the district administrator had advised the families not to leave and had pointed out that they would no longer be citizens once they had left the country. A decree from the King dated 26 March urging these people not to leave had been read out. The article quoted individual people saying they were leaving the country but pointed out that they did not give clear reasons for doing so.

The heads of these families said that the decree was only read out to them on 7 April. This resulted in five families and two

individuals deciding to stay in Bhutan. Those who left acknowledged that they made statements, as reported in the *Kuensel* article, saying that they were leaving Bhutan permanently or that they were leaving on their own free will. They said they made these statements under pressure or out of frustration.

People who have visited Bhutan since have been shown a video of these people being urged not to leave Bhutan, but ultimately leaving in a truck for the border.

Action taken by the Government of Bhutan following allegations that Nepali-speakers were being forcibly evicted from southern Bhutan

Testimony gathered from people from southern Bhutan now living in the camps in Nepal gives a consistent picture of official measures being taken to evict them. However, this picture of persistent action by local officials to drive Nepali-speaking people out of Bhutan contradicts the impression given by the central government authorities, who have claimed repeatedly that they do not wish to see the southern Bhutanese leave the country, and that they have taken numerous measures to try to stem this emigration.

Some allegations of forcible eviction, such as that from *Geylegphug* mentioned above, have been subject to investigation. The first investigation known to Amnesty International was held in

January 1992 on the orders of the King of Bhutan, and investigated allegations of forcible exile and harassment by soldiers and police, as well as by local administrative officers, in Chirang and Daga Districts.¹¹ Its report has not been made public, but was forwarded to the High Court for further investigations. These resulted in the dismissal of the local judge of Chirang, and the demotion of two local administrators, all of whom were reported to have taken advantage of the situation to buy property at unfair prices.

During 1992 the government introduced various measures apparently intended to dissuade people from emigrating. In the 71st Session of the National Assembly of Bhutan it was reported that the development plans and programs finalized for the southern districts were larger than ever before. The King had also exempted all citizens of Nepali origin from rural taxes for 1992, and from the requirement to contribute their labour for development works. The King had granted amnesty to thousands of people imprisoned for "anti-national" activities, and had issued a decree declaring it to be a punishable offence for anyone to forcibly evict any genuine citizens from the country.

¹¹ More details are given in Amnesty International, *Bhutan: Human rights violations against the Nepali-speaking population in the south*, AI Index: ASA 14/04/92, December 1992.

During its visit to Chirang and Daga, it was reported that the investigating team distributed copies of the King's decree in Nepali and English, and explained the points made in it to the district development committees. The King had said that any Bhutanese citizen who desired to give up his citizenship and emigrate to another country was free to do so, but that it was a serious violation of the law and a punishable offence for any administrative or security official to force any Bhutanese citizen to leave the country under duress. In the event of any Bhutanese national being forced by any administrative or security officials to leave the country under duress, the citizen concerned should report their case immediately to the Ministry of Home Affairs, the District Court, or the High Court. If necessary, petitions could be submitted directly to the King.

According to the Government of Bhutan, no complaints about forcible eviction have been received by the government since the King issued his decree.

The King is reported to have visited villages in southern Bhutan on many occasions to try to dissuade people from emigrating. The King also instructed district administrators not to accept applications for emigration routinely, but to find out why people wished to leave and whether they genuinely wished to emigrate. It was also reported that the King continued to reject proposals from National Assembly members to evict those people believed by the authorities to be "anti-nationals", or government opponents.

Despite these measures, Nepali-speakers continued to leave Bhutan in mid-1994, and continued to report that they had left under duress, as the cases described above illustrate.