

PUBLIC

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27 March 2008

UA 80/08 Fear for safety/ fear of torture or ill-treatment/ possible enforced disappearance

NEPAL/ CHINA Tsering Dhondup (m) aged 27

On the night of 23 February the Nepal Police reportedly arrested Tsering Dhondup, a Tibetan refugee, at the Tibetan Reception Centre in Kathmandu, Nepal. His current whereabouts remains unknown. Amnesty International fears that he may have been deported to China, in which case he would be at grave risk of torture or other ill-treatment.

Tsering Dhondup arrived in Kathmandu on 4 February this year after fleeing China. He sought assistance to travel to India at the Tibetan Reception Centre, run by the United Nations High Commission for Refugees (UNHCR) in Kathmandu. By 22 February, he had completed most of the formalities and was awaiting final approval from UNHCR and from the Nepal immigration authorities for an exit visa. He would have left Nepal on 25 February.

According to witnesses, at 11 pm on 23 February, without prior notice, more than fifty Nepal Police officers surrounded and entered the gated compound of the Tibetan Reception Centre. Led by the Deputy Superintendent of the Kathmandu Metropolitan Police, officers proceeded to search the dormitories and then arrested Tsering Dhondup. To Amnesty International's knowledge he was the only person detained at that time and was held at Hanoman Dhoka detention facility in Kathmandu.

The next morning, on 24 February, Tsering Dhondup was reportedly taken in handcuffs for questioning at the Nepal Immigration office in Kathmandu. He was reportedly asked about his documentation and activities in Tibet. The following afternoon on 25 February, Tsering Dhondup was again interviewed by legal officers from the Nepal Immigration office. Shortly thereafter, as members of the UN Office of the High Commissioner for Human Rights arrived to inquire about his status, he was removed from the premises in an unmarked vehicle. A diplomatic vehicle with license plates belonging to the Chinese Embassy in Kathmandu was seen on the premises at about this time. The Nepali authorities have not provided any information as to his whereabouts since that time.

There have also been confirmed reports that Nepal Police officers have threatened other Tibetans in detention with deportation to China in recent days. Amnesty International is gravely concerned that Tsering Dhondup may have been deported to China outside of any established legal procedures and in violation of Nepal's international legal obligations. In particular, and in view of persistent reports about torture and other ill-treatment of political dissidents in China, Nepal appears to have violated its obligation, under Article 3 of the UN Convention against Torture, not to return ("*refouler*") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

BACKGROUND INFORMATION

Amnesty International has long been concerned that Chinese officials in Nepal have been involved in the forced return of Tibetans from Nepal to China. In May 2003, 18 Tibetans, including three women and eight children, were forcibly returned to China in a joint operation carried out by officials from Nepal and China. Eyewitnesses described the Tibetans as being carried crying and screaming into a vehicle believed to be owned by the Chinese embassy before being driven in the direction of the border by Chinese and Nepalese officials. The operation was carried out in the face of widespread international concern expressed by UNHCR, governments and NGOs. The 18 were detained upon arrival in Tibet. Some of those who were later released described being subjected to torture in detention, including being kicked, beaten, prodded with electroshock batons, having sewing needles inserted under their fingernails, being forced to stand naked for

long periods of time and being subjected to humiliating comments about their religious beliefs. Concerns are increased in the context of mass arrests conducted by the Nepal Police against peaceful protests of Tibetan refugees in Nepal since 10 March 2008.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- urging the Nepal and Chinese authorities to clarify the fate and whereabouts and provide immediate guarantees for the safety of Tsering Dhondup, if he is in their custody;
- urging both authorities to release him immediately and unconditionally unless he is charged with a recognisably criminal offence and remanded by an independent court;
- asking both authorities to give him access to a lawyer, members of his family, the courts and any necessary medical attention;
- calling on both authorities to ensure that he is not subjected to torture or ill-treatment while he remains in detention;
- expressing deep concerns that that he appears to have been forcibly returned to China against his will and in violation of the International Covenant on Civil and Political Rights and the UN Convention against Torture to which Nepal is a state party.

APPEALS TO:

Prime Minister Girija Koirala
Prime Minister
Office of The Prime Minister and Council of Ministers
Singh Durbar, Kathmandu, Nepal
Fax: + 977 1 4211065
Salutation: Dear Prime Minister

Mrs. Sahana Pradhan
Ministry of Foreign Affairs
Shital Niwas
Maharajgunj
Kathmandu, Nepal
Fax: + 977 1 4416016 / 4419044
Salutation: Dear Minister

Prime Minister of the People's Republic of China
WEN Jiabao Guojia Zongli
The State Council General Office
2 Fuyoujie
Xichengqu
Beijingshi 100017
People's Republic of China
Fax: + 86 10 65961109 (c/o Ministry of Foreign Affairs)
Salutation: Your Excellency

COPIES TO: Diplomatic representatives of Nepal/China accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 8 May 2008.