

PUBLIC

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Fear of forcible return/fear for safety

27 June 2003

NEPAL/CHINA

19 Tibetans (names unknown)

Nineteen unnamed Tibetans have been detained in Nepal after crossing the border from Tibet. Amnesty International fears they may be forcibly returned to China where they would be at risk of detention without charge, torture and other serious human rights violations.

The Tibetans were reportedly arrested by the police on 24 June in the town of Sanphebagar, Achham district, west of Kathmandu, after making the long and hazardous border crossing from Tibet. They were accused of illegally entering the country and remain in police custody. The group comprises fifteen males and four females. It is unclear whether any of them are children.

Amnesty International's fears for their safety are heightened by the forced return from Nepal to China of a group of 18 Tibetans, including eight children, on 31 May 2003. The group was returned in a joint operation carried out by officials from Nepal and China. Eyewitnesses described them as being carried crying and screaming into vehicles before being driven in the direction of the border. The operation was carried out in the face of widespread international concern expressed by the United Nations High Commissioner for Refugees (UNHCR), governments and non-governmental organizations (NGOs) that their return would be in blatant violation of international human rights and refugee law. The fate and whereabouts of this group are unknown.

BACKGROUND INFORMATION

It is extremely difficult to discover the fate of those returned to Tibet due to the tight controls on information imposed by the Chinese authorities. However, Tibetan asylum seekers and refugees who are returned to China face at the very least detention for interrogation, where they are at serious risk of torture and ill-treatment.

Until recently, the Nepali authorities have allowed UNHCR to assess the claims of Tibetan asylum seekers and facilitate their resettlement or transit to third countries, usually India. The forcible return of the 18 Tibetans on 31 May was an alarming departure from that practice.

The Nepali authorities have increasingly begun to detain Tibetan asylum seekers if they cannot afford to pay fines charged for their "illegal entry" into Nepal, thus making it more difficult for UNHCR to gain access to them. UNHCR were unable to interview and assess the claims of the group of 18 Tibetans following their entry to Nepal despite repeated requests to the Nepali authorities.

Their forcible return appears to confirm widely held suspicions that China has increased its pressure on other countries to return its nationals over recent months. Last year, three ethnic Uighur asylum seekers from China's Xinjiang Uighur Autonomous Region (XUAR) are believed to have been forcibly returned to China from Nepal, even after they had been granted refugee status by UNHCR. The fate of two of them, Shaheer Ali and Abdu Allah Sattar, remains unclear but unofficial sources suggest that the other man, Kheyum Whashim Ali, is currently detained near Urumqi, the capital of the XUAR. His legal status and state of health are unknown. Amnesty International remains seriously concerned for his safety.

While it is not a party to the UN Convention relating to the Status of Refugees, Nepal is party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which prohibits the return of anyone to a country where they are at risk of torture, and the Convention on the Rights of the Child which obliges states to ensure that a child who is seeking refugee status receives appropriate protection.

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

- calling on the authorities to guarantee that the nineteen Tibetans detained on 24 June in Sanphebagar town will not be forcibly returned to China;
- urging the authorities to hand them over immediately to the UNHCR for protection;
- expressing your concern at the forced return of the 18 Tibetans on 31 May 2003 and urging the authorities to ensure that no Chinese nationals are deported to China without due process;
- urging Nepal to uphold its obligations under the Convention against Torture which prohibits the return of anyone to a country where they are at risk of torture.

APPEALS TO: (Please note that it may be difficult to get through to these fax numbers, but please keep trying)

Mr Subarna Lal Shrestha
Director General
Department of Immigration
Ministry of Home Affairs
Singha Durbar
Kathmandu
Nepal

Telegrams: Immigration Director, Home Affairs Ministry, Kathmandu, Nepal

Fax: +977 1 4223127

Salutation: Dear Director General

Madhu Raman Acharya
Foreign Secretary
Ministry of Foreign Affairs
Shital Niwas
Maharajgunj
Kathmandu
Nepal

Telegrams: Home Minister, Kathmandu, Nepal

Fax: +977 1 4416016 / 4416007

Telex: 2224 PARARA NP / 2442 MOFA NP

Salutation: Dear Minister

Minister of Home Affairs (*name of current Minister unclear due to recent government changes*)
Ministry of Home Affairs
Singha Durbar
Kathmandu
Nepal

Telegrams: Home Minister, Kathmandu, Nepal

Fax: +977 1 4240942

Salutation: Dear Minister

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

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 8 August 2003