

EXTERNAL

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EXTRA 57/97

Imminent extradition / Fear of torture

22 April 1997

INDIA/BHUTAN Rongthong Kunley Dorji (58), Bhutanese national

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Amnesty International fears that Rongthong Kunley Dorji, a Bhutanese national, currently in detention in India, could be at risk of torture if returned to Bhutan.

He was arrested by police at the office of the United Front for Democracy (UFD) in Bhutan at Gautamnagar, New Delhi on 18 April 1997. He is currently held at the Lampur Sewa Sadan, a detention centre near New Delhi run by the Foreigners Regional Registration Office, the authority mandated to detain people under the Foreigners Registration Act. According to the Deputy Commissioner of Police, he was arrested after the Indian authorities received an extradition request from the Bhutanese authorities.

Rongthong Kunley Dorji had left Bhutan in 1991 and has since been living in Kathmandu, Nepal, where he was registered as a person seeking political asylum by the Ministry of Home Affairs. He set up the Druk National Congress (DNC), a political organization in exile, in June 1994. The aims of the DNC were stated to be the establishment of a democratic system of government in Bhutan and the protection of human rights. In early 1997, the DNC, together with several other political organizations in exile, set up the UFD. Rongthong Kunley Dorji was elected as its chairman.

The High Court of Bhutan recently issued a warrant for his arrest, which is reported to be the basis for the extradition request. However, to date, Rongthong Kunley Dorji has not been provided with any documents outlining the grounds for his recent arrest. At a *habeas corpus* hearing on 22 April, the High Court in New Delhi ordered the Ministry of External Affairs and the Police Commissioner of Delhi to inform the court of the reasons for his arrest by 25 April. The court also ordered that he should not be extradited until then.

#### BACKGROUND INFORMATION

During recent sessions of the National Assembly, the Bhutanese parliament, the Minister of Home Affairs of Bhutan had stated that Rongthong Kunley Dorji "had violated the laws of the land and should appear before a court of law to prove his innocence." The crimes of which he was being accused were failure to repay loans and "anti-national" activities under the National Security Act.

Amnesty International is concerned that the charges against him may be politically motivated. They were apparently only framed after Rongthong Kunley Dorji had set up the DNC, nearly three years after he had left the country. In addition, several statements by the Minister of Home Affairs of Bhutan suggest that his political activities are, at least in part, the reason for the issuing of the warrant. For instance, in August 1995, the Minister was reported in *Kuensel*, the national newspaper, as having informed the National Assembly that "Rongthong Kunley Dorji had embarked on an all out effort to incite unrest among different sections of the Bhutanese society and to discredit Bhutan's image".

Amnesty International is concerned that, if returned to Bhutan, he may be subjected to cruel, inhuman or degrading treatment or torture. In May 1991, when Rongthong Kunley Dorji was arrested before on charges of treason in

connection with his support for the Nepali-speaking southern Bhutanese during demonstrations in 1990, he was allegedly tortured by members of the Royal Bhutan Bodyguards. He claims he was subjected to *chepuwa*, which involved guards pressing his thighs between two rods; submerged in a drum full of water until he nearly drowned, and beaten with sticks and fists all over his body. The King of Bhutan, Jigme Singye Wangchuck, pardoned him on 5 July 1991. It was soon after this that Rongthong Kunley Dorji left the country.

While neither India, Bhutan or Nepal have ratified the 1951 United Nations Convention on Refugees and its 1967 Protocol, they are still bound by the principle of non-*refoulement*, which forbids states from sending a person to a country where he would be at risk of serious human rights violations.

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

- noting the arrest of Rongthong Kunley Dorji, a Bhutanese national in Delhi on 18 April, following a request for his extradition to Bhutan;
- expressing concern that if returned to Bhutan, Rongthong Kunley Dorji may be subjected to torture or cruel, inhuman or degrading treatment;
- urging the Indian authorities to abide by the internationally recognized principle of non-*refoulement*;
- urging that Rongthong Kunley Dorji not be returned to Bhutan.

**APPEALS TO:**

Mr I K Gujral  
Prime Minister and Minister of External Affairs  
Office of the Prime Minister  
South Block  
New Delhi 110 001  
India

**Faxes: \* 91 11 301 9817**  
**Telegrams: Prime Minister, New Delhi, India**  
**Salutation: Dear Prime Minister**

**COPIES TO:**

Mr J S Verma  
Chief Justice of the Supreme Court of India  
Supreme Court  
Tilak Marg  
New Delhi 110 001  
India

**Faxes: \* 91 11 338 3792**

Mr Ashok Desai  
Attorney General of India  
Attorney General's Department  
Supreme Court of India  
Tilak Marg  
New Delhi 110 001

**Faxes: \* 91 11 338 3792**

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 May 1997.