

I. Summary

We are protesting because we want to tell the truth about our country and we want justice from the UN and human rights. We want to show other countries the real situation in Tibet. This is our aim.

– Nun from Swyambu, Kathmandu, March 29, 2008

I was peacefully protesting when I was hit on the head by police and fell to the ground. I was then hit with *lathis* [canes] on the feet and legs by three policemen before they ran off and I was helped home by a passerby. Both of my feet are fractured. The doctor told me my left foot will never be the same again.

– 25-year-old Tibetan, Kathmandu, March 19, 2008

We want the Nepali establishment to take severe penal actions against those involved in anti-China activities in Nepal.

– Zheng Xianglin, Chinese ambassador to Nepal, May 12, 2008

On March 10, 2008, some 700 to 1,000 Tibetans living in Kathmandu gathered at Boudha Stupa to mark “Tibetan National Uprising Day,” the anniversary of the 1959 Tibetan rebellion against China’s rule in Tibet. As the protesters proceeded out of the stupa gate, some young Nepalis pretending to join the protest reportedly started throwing rocks in the direction of the police. Nepali police then moved in and brutally dispersed the demonstrators with *lathis*, arresting more than 150 people. All those detained were released later the same evening without charge.

As news of continuing protests in Tibet and the Chinese government’s harsh crackdown reached Nepal and the world in March, many Tibetans in Nepal felt compelled to speak out. Since March 10, members of Nepal’s Tibetan community have frequently carried out peaceful protests (from April 3-15 protests were temporarily suspended to respect the period of Nepal’s Constituent Assembly elections). Under slogans of “Free Tibet” and “Save Tibet,” Tibetans in Nepal have been calling on the Chinese government to allow Tibetans their rights to freedom of

expression and peaceful assembly; cease excessive use of force against Tibetan protesters; release all Tibetans who have been arrested or detained after participating in protests or for the peaceful exercise of their political views; and allow international media unobstructed access to Tibet. More recently they have called for a United Nations investigation inside Tibet and medical care for those injured in the demonstrations in Tibet.

This report documents violations of human rights by the Nepali authorities, particularly the police, against Tibetans involved in demonstrations in Kathmandu, Nepal. These include unnecessary and excessive use of force, arbitrary arrest, sexual assault of women during arrest, arbitrary and preventive detention, beatings in detention, unlawful threats to deport Tibetans to China, and unnecessary restrictions on freedom of movement in the Kathmandu Valley. Nepali authorities have also harassed Tibetan and foreign journalists and Nepali, Tibetan, and foreign human rights defenders.

At least 8,350 arrests of Tibetans were made between March 10 and July 18 (many people were arrested more than once). While the frequency of protests has diminished since May, protests have continued to take place on an almost weekly basis, with continuing abuses by Nepali authorities in response. Few of those arrested have been provided with a reason for their detention and virtually all have been released without charge.



Tibetan protesters being arrested by Nepali police near the Chinese Embassy Visa Section on March 31, 2008. © 2008 Private

Human Rights Watch has directly observed many of the Tibetan demonstrations in Kathmandu and the police response to them. From March 10 to 28, Nepali police consistently responded to the demonstrations with unnecessary or excessive force, using *lathis* to beat protesters in the head and body, and by kicking and punching them. Police officers have sexually assaulted Tibetan women during arrest. Many women and girls have reported male police officers groping them and kicking or hitting them with a *lathi* in the groin.

Beginning around March 28, perhaps because of media coverage of the authorities' abusive tactics, police officers began using force in less visible ways, such as by having a group of police surround protesters before kicking and punching them in the lower body.

The police have also used unnecessary force to carry out arrests, at times with the apparent intent to disperse crowds of protesters. Threats of violence and sexual intimidation also appear to have been used to deter future demonstrations.



A Tibetan nun cornered and beaten by a Nepali police officer near the UN complex on April 21, 2008. © 2008 Private

The authorities typically detained those arrested for several hours before releasing them in the evening without charge. On two occasions Tibetans were detained overnight: 99 people were held in four locations on April 16, and 68 were held at Ghan II Police Barracks on April 2.

Since March 20, Nepali authorities have also been arresting Tibetans to prevent them from reaching protests and as an apparent means of intimidating and harassing the Tibetan community in Nepal. Tibetans and Nepalis resembling Tibetans, such as monks and nuns, have been arrested in Kathmandu's streets, from taxis and public buses and from tea shops.

Human Rights Watch has documented ill treatment of Tibetan detainees. Police, especially at Boudha Police Station, have severely beaten detainees. Detainees, many of whom suffered injuries while being arrested, have been provided limited—or no—medical care. Dozens of people have been held overnight in places with wholly inadequate facilities.

Nearly all Tibetan protesters interviewed by Human Rights Watch reported being threatened with deportation to China. This threat is being used during arrest and

against those in detention with the apparent aim of instilling fear within the Tibetan community or to discourage future protests. The authorities' widespread use of this threat suggests it is Nepali government policy. Returning Tibetan demonstrators to China would violate Nepal's obligations under international law not to send individuals to a place where they are likely to be tortured or, in the case of refugees, face persecution.

The Nepali government has placed severe restrictions on the movement of groups of Tibetans within Kathmandu and in the Kathmandu Valley, including nuns, monks, and elderly religious practitioners, who regularly move between the three main Tibetan areas (Swyambu, Boudha, and Jawalake). Police reportedly have put under surveillance individuals perceived to be leaders of the protests and have closely monitored locations of importance to Tibetans in Nepal, such as Jawalake Tibetan Camp, the Tibetan Reception Center, Kopan monastery, and a nunnery in Swyambu.

Nepali police have also engaged in physical attacks on and harassment of Tibetan and foreign journalists and intimidation of human rights defenders. On March 24, the authorities arrested members of the nongovernmental organization Amnesty International-Nepal and Nepali human rights defenders prior to a planned demonstration. Human rights monitors and journalists have been photographed and questioned by individuals identifying themselves as Nepali Intelligence.

China has played an important, if at times hidden, role in the Nepali government's crackdown on Tibetan demonstrations. The unusual number of statements from Nepali leaders reiterating the ban on "anti-China" activities suggests increasing pressure from Beijing (see below). Prime Minister Girija Prasad Koirala on several occasions vowed to prevent demonstrations by Tibetans in Nepal, stating that "no anti-China activity will be allowed on Nepali territory." Nepal's Home Ministry spokesperson was quoted saying, "We have given the Tibetan refugees status and allow them to carry out culture events. However, they do not have the right for political activities.... We will not allow any anti-China activities in Nepal and we will stop it." Soon after the protests began, on March 19, 2008, the Communist Party of Nepal (Maoist) (CPN-M), the largest party in the recently elected constituent assembly, issued a statement expressing solidarity with China and saying, "We want

to draw the attention of the concerned [Nepali government] authority to the activities against China at the Nepal-China border.”

China has long claimed that the bedrock of its foreign policy is “non-interference” in the internal affairs of other countries. Yet it has directly involved itself in Nepali affairs. China’s ambassador has publicly exerted China’s influence on the Nepali government through strong and frequent statements, calling for the arrest of protesters and urging the government to take strong action. Senior Nepali government officials, and officials involved in the detention of Tibetans, have cited the relationship between China and Nepal, and Nepal’s “one China” policy as the reason for the arrest of Tibetan protesters. With the exception of three Tibetans arrested at their homes under the Public Security Act on June 19, 2008, Nepali law has not been used to justify arrests and those detained have not been charged.

International human rights law guarantees refugees and other non-citizens freedom of assembly and expression, and freedom from mistreatment. While this report focuses on events in Kathmandu from March through April 2008, protests and government crackdowns continue. The rights of Tibetans in Nepal continue to be under assault as peaceful Tibetan protesters are arrested for purely political reasons.

Key recommendations

Human Rights Watch urges the government of Nepal to respect the fundamental rights of Tibetans to engage in peaceful assembly and expression, and to end the arbitrary arrest, harassment, and mistreatment of those who do so. We also call on the Chinese government to stop its public and private pressure on the Nepali government to violate Tibetans’ rights.

In particular, we urge the Nepali government to:

- Publicly express support for freedom of expression and assembly for all persons in Nepal, regardless of legal status, and cease dispersing peaceful protests by Tibetans.

- Take all necessary action to end arbitrary arrests, including unlawful and preventive arrests, of Tibetans and others engaged in peaceful political activity or otherwise going about their daily lives.
- Publicly oppose the deportation of any Tibetan to China who faces a risk of persecution or torture there, and take all necessary action, including the issuance of warnings and the imposition of disciplinary action, against Nepali police who threaten Tibetans with deportation.
- Ensure respect for freedom of movement, including by issuing orders to cease restrictions on the freedom of movement of Tibetans in the Kathmandu Valley.
- Issue orders to all police officers to cease sexual assaults on female protesters. Investigations should be conducted into sexual assaults on protesters that have taken place since March 10, 2008, and the individuals responsible should be prosecuted. Superior officers should also be held responsible for creating an environment in which officers under their command have sexually assaulted female protesters.
- Adopt measures to end interference and harassment of the media and human rights defenders, including by issuing public statements in support of the right of individuals to engage in freedom of expression, association, and assembly. Issue orders to the police to cease harassment of journalists and human rights defenders.

We urge the government of the People’s Republic of China to:

- End all forms of pressure, public and private, on the government of Nepal to arrest, prosecute, or otherwise interfere with Tibetans who are exercising their rights under international human rights law. Such pressure is ironic from a state that consistently asserts that “non-interference” in the internal affairs of other states is the bedrock of its foreign policy.
- Cease all police operations in Nepal that are not under the direct control of the Nepali authorities. Ensure that any authorized police activity inside Nepal is in full accordance with Nepali and international law. Remove from Nepal and discipline as appropriate all Chinese security forces acting outside of Nepali authority or law.

- Permit Tibetans in China to exercise their right of freedom of movement to leave and to return to China.
- Cease public statements attempting to intimidate Tibetans as well as Nepali and foreign journalists and human rights defenders in Nepal from exercising their basic human rights.

A full list of recommendations can be found at the end of this report.

Methodology

This report is based on human rights monitoring and interviews conducted between March 10 and April 9, 2008, in Kathmandu, Nepal. This included direct observation of protests and arrests, conditions in detention, and treatment in hospitals; regular observation visits to Tibetan areas of Kathmandu (Jawalakel, Boudha and Swyambu); interviews with more than 90 Tibetan protesters; and interviews with several non-Tibetan protest eyewitnesses, Tibetan community and religious leaders, Nepali medical personnel and police officers, and United Nations personnel in Nepal.

Interviews were conducted in English or in Tibetan through an interpreter. A small number of interviews were conducted on the telephone. All names of Tibetan interviewees have been changed, usually at the request of the interviewee, for security reasons.