



INTERNATIONAL CAMPAIGN FOR TIBET

Tibetans losing safety in Nepal after new treaties with China

<https://savetibet.org/tibetans-losing-safety-in-nepal-after-new-treaties-with-china/>

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- A security clampdown of unprecedented severity took place in Nepal's capital of Kathmandu prior to Chinese Party Secretary and President Xi Jinping's visit on Oct. 12-13, 2019, raising alarm among Nepalis and increasing concerns about the future of Tibetans in Nepal.
- Xi chose his visit to make a graphic threat that any attempt to split China would result in "crushed bodies and shattered bones." Xi's comments, made in a country just across the border from Tibet, revealed the Chinese Communist Party's unambiguous position against "separatists." A joint statement by Nepal and China issued after Xi's visit reflects Beijing's strategic imperative to maintain and enforce border control and to crush dissent in Nepal as well as inside Tibet.
- In addition to the pre-emptive detentions of Tibetan refugees, Nepali citizens and other foreigners were detained. A 14-year-old Nepali schoolgirl wearing a shirt with the slogan "Free Tibet" and a 65-year-old woman carrying a bag with Tibetan lettering were also detained.
- Among the agreements signed during Xi's visit was the Treaty on Mutual Legal Assistance in Criminal Matters, which Nepali lawyers have warned enables the signatories to serve subpoenas and collect evidence and could be used by China to target and punish Tibetan refugees in Nepal. The joint statement "expressed hope for an early conclusion of the Treaty on Extradition".

About 27 people, mostly Tibetans, were detained prior to Chinese President Xi Jinping's visit to Nepal on Oct. 12-13, 2019. According to sources in Nepal, all have now been released.

Those detained include Tibetans, Sherpas, Tamang, a Bhutanese and a Ladakhi, according to the Nepali human rights organization HURON. Two were Tibetan shopkeepers whose merchandise included items with Tibetan flags or logos, and police described their detentions as a "threat to security." HURON also reported that in the days leading up to Xi's arrival, and during the visit, many streets in Kathmandu where Tibetans live were deserted as people stayed home for fear of arrest, and police were stationed outside almost all the monasteries in the Kathmandu valley. Even Tibetan homes for the elderly were kept under close watch, and the Tibetan refugee settlement of Jawalakhel was put under virtual lockdown.

Arresting teens and seniors

A 14-year old Nepali citizen, who was wearing a t-shirt with a "Free Tibet" image, was among those detained. The schoolgirl was called in for questioning to the Boudha police station in Kathmandu a few days before Xi's arrival. Later two police officers went to her school to look for her, and she was taken into custody for two days. Phurbu Sherpa, her teacher, was quoted in The Kathmandu Post

saying: “The police should have been considerate about keeping a child in the police station for just what she was wearing. This might have a psychological effect on her.”¹ The same newspaper article also quoted Deputy Superintendent Ramesh Bahadur Singh of the Boudha Police Station, who said: “The dress worn by the girl was an indicator of being against the Chinese government during the Chinese president’s two-day visit in Nepal.”

The police also arrested and held for 12 hours a 65-year-old woman from a village in Mustang on the day of Xi’s arrival because she was carrying a bag with Tibetan lettering.

The police have frequently arrested Tibetans in Kathmandu for “questioning” prior to high-profile visits by Chinese officials. According to a Tibetan refugee who was detained on Oct. 11, the police were working from a list of Tibetans who have been known to engage in peaceful protest. The Tibetan, Tenzin Namdar, said that Nepali plainclothes police informed him that his name had been on a list as a “person of concern.” He told Radio Free Asia: “The Nepali police acted preemptively by taking numerous people into custody. In fact, there had been clear instructions from Tibetan community leaders in Nepal not to antagonize [authorities] by holding protest rallies...Police were going to the homes of Tibetans to apprehend them, which was very alarming. I was even put in handcuffs when going to the restroom.”²

Tenzin said that a Tibetan named Lobsang and a Bhutanese were also brought in while he was detained. He added: “Some people may have been detained because their names were mistaken for the names of other people.” (In July, Penpa Tsering, a US citizen of Tibetan origin who shares the same name as the former speaker of the India-based Tibetan Parliament-in-exile was deported from Nepal because his name matched that on a blacklist that Nepali officials said was provided by China.)³

“Visible discrimination” toward Tibetans

Lawyers in Nepal have warned that a newly signed Treaty on Mutual Legal Assistance in Criminal Matters,⁴ which enables signatories to serve subpoenas and collect evidence, could be used by China to target and punish Tibetan refugees in Nepal.⁵

Indra Prasad Aryal, chairperson of the Human Rights Organisation of Nepal (HURON), told Nepali newspaper The Himalayan Times that the signing of the Treaty on Mutual Legal Assistance in Criminal Matters was a prelude to the signing of an extradition treaty with China. He said: “China wants to take Chinese political and religious dissidents from Nepal and punish them in their own country. Our government, which has entered a gentleman’s agreement with [the United Nations High

¹ Nepali citizens detained during Xi Jinping’s visit for Tibetan signage on clothes and accessories, Kathmandu Post, by Bhrikuti Rai, October 17, 2019, <https://kathmandupost.com/national/2019/10/17/nepali-citizens-detained-during-xi-jinping-s-visit-for-tibetan-signage-on-clothes-and-accessories>

² Radio Free Asia, October 15, 2019, <https://www.rfa.org/english/news/tibet/visit-10152019171717.html>

³ Nepal prevents Dalai Lama birthday celebrations in Kathmandu, further undermining Tibetans’ rights <https://savetibet.org/nepal-prevents-dalai-lama-birthday-celebrations-in-kathmandu-further-undermining-tibetans-rights/>

⁴ The Treaty on Mutual Legal Assistance on Criminal Matters.

⁵ Criminal lawyer Gopal Krishna Ghimire was cited by the Himalayan Times as saying that China could misuse MLAT to unfairly target Tibetan refugees in Nepal. “China can tell our government tomorrow that a particular Tibetan refugee has committed a crime in China and s/he should be kept under surveillance. In that case, the Tibetan refugee could be unfairly targeted,” he argued. The Himalayan Times, October 14, 2019, <https://thehimalayantimes.com/nepal/china-may-misuse-mlat-against-tibetan-refugees/>

Commissioner for Refugees] to provide safe passage to Tibetan refugees, needs to tread carefully on the extradition treaty issue.”⁶

Gopal Krishna Shiwakoti, former chairperson of the Asia-Pacific Refugee Rights Network, told the Nepali press: “There is visible discrimination towards Tibetan refugees in Nepal. We need to treat every single refugee group equally on humanitarian grounds. Safeguarding Tibetan refugees’ rights is wrongly perceived as annoying the Chinese, which is not true. That mindset needs to change in our politicians and bureaucrats.”⁷

Many Nepalis are increasingly concerned about the government’s accommodation of China and how it impacts human rights and freedom of expression. In May 2019, three journalists from the Rastriya Samachar Samiti, Nepal’s national news agency, were investigated by the Ministry of Communication for translating and disseminating a wire report about the Dalai Lama’s health.⁸ In June, the Samajbadi Party suspended its lawmaker Pradip Yadav for six months after he attended a meeting of the World Parliamentarians’ Convention on Tibet in Riga, Latvia.⁹

Tibetans losing a safe haven

Reflecting Nepalis’ concerns about China, there have been a number of protests in the capital of Kathmandu in recent months. These include a protest in August in front of the Huawei office¹⁰, blaming the Chinese technology company and China for involvement in the hacking of about 200 Nepali websites, including some government sites. Also, during the visit of Chinese Foreign Minister Wang Yi to Nepal last month, protesters held a demonstration against the trafficking of Nepali women by Chinese nationals.¹¹

Tibet and Nepal have a long history of cultural and religious exchange, intermarriage and trade across the Himalayas. More than 10 percent of citizens of Nepal practice Tibetan Buddhism. Nepal’s communities along the northern border share with many other Himalayan people a spiritual devotion to the Dalai Lama.

But where Tibetan refugees in Nepal were once safe from China’s reach, the Chinese government’s new, more complex engagement with Nepal renders Tibetan refugees increasingly vulnerable. In the recent joint statement by Nepal and China, the issue of “border security” was prominent.¹²

⁶ China may ‘misuse MLAT against Tibetan refugees’, The Himalayan Times, October 14, 2019, <https://thehimalayantimes.com/nepal/china-may-misuse-mlat-against-tibetan-refugees/>

⁷ Nepali citizens detained during Xi Jinping’s visit for Tibetan signage on clothes and accessories, Kathmandu Post, by Bhrikuti Rai, October 17, 2019, <https://kathmandupost.com/national/2019/10/17/nepali-citizens-detained-during-xi-jinping-s-visit-for-tibetan-signage-on-clothes-and-accessories>

⁸ Reporters Without Borders, May 17, 2019, <https://rsf.org/en/news/under-chinese-pressure-nepal-sanctions-three-journalists-over-dalai-lama-story>

⁹ Republica, June 25, 2019, <https://myrepublica.nagariknetwork.com/news/samajbadi-party-suspends-its-lawmaker-for-taking-part-in-event-related-to-free-tibet-movement/>

¹⁰ Anti-China protests grow in Nepal even as Beijing claims bonhomie over Xi visit, Economic Times, October 12, 2019, <https://economictimes.indiatimes.com/news/international/world-news/anti-china-protests-grow-in-nepal-even-as-beijing-claims-bonhomie-over-xi-visit/articleshow/71555073.cms>

¹¹ Ibid

¹² Joint Statement Between Nepal and the People’s Republic of China, October 13, 2019: <https://mofa.gov.np/joint-statement-between-nepal-and-the-peoples-republic-of-china-2/>

China demands a commitment from Nepal to a “one-China policy,” and it sees any assertion by Tibetans of their unique identity as a threat to its sovereignty and territorial claims. The joint statement from China and Nepal said: “The Nepali side reiterated its firm commitment to One China policy, acknowledging that Taiwan is an inalienable part of the Chinese territory and Tibet affairs are China’s internal affairs, and the determination on not allowing any anti-China activities on its soil.”¹³ But what constitutes “anti-China” activity has never been defined—by either China or Nepal—leaving the term dangerously open to interpretation.

¹³ Ibid