

## Democracy and Political Prisoners in Bhutan

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### ABSTRACT

The uprising of 1990 in Bhutan was a wakeup call for Bhutanese monarchy to reform. The response remains the blackest period in the country's history. Women were raped; political leaders, students, human right activists and other common people were tortured and jailed. Many succumbed to torture; no one has the definite data of how many. Ethnic cleansing took place resulting in the eviction of more than one-sixth of the country's population. Largest per capita refugees were produced. Movement for dignified repatriation has failed miserably but the resettlement of those Bhutanese refugees in developed countries was declared a great success. The King announced in 2005 that the country will have a 'democratic' government. He handed over his authority to his son to govern. The king and the country received massive appreciation for initiating democracy. By nature, the democracy should primarily benefit those who demanded it. Instead, Bhutan is the only democracy in the world where pro-democracy activists are still serving jail sentences. International community remain mute spectator to the sugar-coated Bhutanese democracy. Royal Government of Bhutan fooled them by taking advantage of their interest on geopolitics. This paper entails the story of dissidents behind the bars, their families and response from the international community – including governments, human rights groups and the United Nations. Additionally, this paper highlights the implementation of fundamental rights guaranteed by the constitution of Bhutan and to see if such fundamental rights as enshrined in the constitution are real or not.

**Keywords:** custodial deaths, human rights, justice, politics, political prisoners

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## **Introduction**

Bhutan was declared a 'democracy' following the election in 2008. The political and bureaucratic elites reward the king for initiating the democratic change, though in fact it was the result of decades long peaceful struggle of the Bhutanese people – primarily from southern Bhutan. Historically, call for democracy in Bhutan began as early as 1950s – the days of political activism by members and supporters of Bhutan State Congress (BSC). The renewed call in 1990 received international attention to some extent. The intention of the Bhutanese government to crush it like in 1950s failed. However, hundreds of pro-democratic activists were arrested and declared as anti-national or terrorist by the regime and sentenced them for life. As per UN Working Group on Arbitrary Detention, which first visited Bhutan in 1994, they found more than 300 activists arrested. In its report it confirmed that out of them 19 were granted amnesty by the king during national day occasions. The activists have no authentic records but it's very liable that numbers are high. This figure given by the UN Group does not include custodial deaths and non-custodial deaths.

Many of those arrested since 1990 are still languishing in prisons serving life sentences. Today after more than a decade of being declared a 'democracy' with a written constitution, Bhutan failed to recognise those fighters who alerted the Bhutanese society of the need for a democratic government and guarantee of human rights.

Political prisoners and democracy cannot co-exist consistently. What defines a political prisoner? There is no universally accepted definition for political prisoners. Political prisoner is "someone who is put in prison for expressing disapproval of their own government, or for belonging to an organisation, race, or social group not approved of by that government" (Cambridge Dictionary, 2020) or 'a political prisoner is generally defined as a person who is imprisoned for his or her political activities, particularly those who oppose or criticize the government of their countries (Radio Free Europe/Radio Liberty, 2003 January 23). Bhutan's freedom fighters currently in jails are within the periphery of these definitions.

## **Uprising, Eviction and Camps**

Bhutan is known as the land of Gross National Happiness (Julie, 2018). Until 2008, the country had no written constitution but was ruled at the whims of the King. The laws were implemented arbitrarily as per the conveniences of the ruling elites, who occupy the kangaroo courts and brutal security agencies. King Jigme Singye Wangchuk, who ascended the throne at the age of 18 years in 1974 (Weinraub, B. 1974) introduced some of the draconian arbitrary laws in the name of TSA WA SUM (AHURA, 1993) during late 1980s. With the aims of discriminating and subjugating the southern population (AFP, 2018) King Jigme introduced One Nation One People (CEMARD-Bhutan, 1994) policy that required everyone to strictly follow ancient Tibetan code of conduct *Driglam Namzha* (Amnesty International, 1994) which resulted in mass peaceful uprising all over southern Bhutan. Several discriminatory laws and policies like citizenship laws, green belt policy, dress code etc. (Human Rights Watch, 2007) compelled Lhotshampa people to protest in September 1990. Hundreds of peaceful protesters were arrested, and many killed (Minority at Risk Project, 2004) and more than hundred thousand were forcefully evicted (Rose, 1993), regularly cited as a strong case of systemic ethnic cleaning (Frelick, 2008) by the King Jigme Singye Wangchuk.

Bhutanese citizens of Nepali origin after being ethnically cleansed were further chased by the Indian Government, which as per the Article 2 of Indo-Bhutan Friendship Treaty cannot allow anybody to use its soil to wage a democratic movement in Bhutan (MEA India, 2007). Bhutanese citizens were expelled and dumped in Nepal by the Indian authorities. Nepal had no capacity to accommodate the refugee influx and had to request UN involvement. Bhutanese refugee camps were established in Nepal during early 1991 (Karki, 2018).

Between 1989 and 2009 Bhutanese human rights and political activists organised several peaceful rallies demanding establishing democracy and human rights in Bhutan and repatriation of evicted citizens with honour and dignity. Unfortunately, all attempts failed to democratise Bhutan at that time. The activists also failed to provide justice to the fellow countrymen who were serving life sentences in prisons on charges of treason and terrorism.

Under tremendous pressure from both internal and external forces, Bhutan held its first general election on March 24, 2008 and a written constitution was adopted on July 18, 2008 by the first elected parliament (AP, 2008). Article 7 of the Constitution of Bhutan guarantees fundamental rights to all the citizens. Article 7.2 says all Bhutanese citizens shall have the right to freedom of speech, opinion and expression and while 7.4 says 'A Bhutanese citizen shall have the right to freedom of thought, conscience and religion.'

The reality on the ground is completely different and there are no groups or individuals who dare to raise questions why it is not. The situation is more miserable among the Nepali speaking population in southern Bhutan.

Bhutan had released some of the high-profile individuals who were declared prisoners of conscience by the Amnesty International (Amnesty International, 1992). Amnesty reported more than 50 political prisoners in 1995 who remained in detention without any charge or judicial trial in a court (Amnesty International, 1995). BW records show there are 42 political prisoners currently in jail who were arrested between 1990 and 2010. Oldest of them Ganga Ram Dhakal, son of Late Mukti Nath Dhakal from Bahunitar, Umling, was arrested on November 16, 1992. Rai and Dhakal currently serving life sentences in Chemgang jail. Dhakal's family are resettled in Canada. Nar Bahadur Monger from Nimtola, Dorona and Bhakta Bahadur Rai from Juprey, Bhur are serving life sentences since May 11, 1993 and September 23, 1993 at Chemgang Central Prison, respectively.

### **Prisoners of the Later Days**

Dechen Wangmo is serving 15 years of jail term. She was arrested on 19 October 2009 from her residence in Phuentsholing by the officers of the Royal Bhutan Police in pursuant the orders of the Ministry of Home and Cultural Affairs, Royal Government of Bhutan. As per a UN report Wangmo was arrested without any warrants and was prohibited from discussing political issues (HRC, 2011). Denying her to express her political view, against the backdrop of newly installed constitution, is a gross violation of the spirit of the constitution that has guaranteed right

to freedom of speech, opinion and expression. UN report further reads ‘Wangmo’s arrest and detention are a direct consequence of her exercise of the right to freedom of opinion and expression in purported violation of Article 19 of the Universal Declaration of Human Rights.’ As of December 24, 2020, she is kept in an open-air prison in Paro.

BW investigations show the latest victim of political vendetta was Bhim Bahadur Rai, son of Late Hasta Bahadur Rai of Dhanasey<sup>2</sup>, Beteni<sup>3</sup> who was arrested on May 5, 2010 and is serving a life sentence at Chemgang Central Prison. Birkha Bahadur Chhetri and Kumar Gautam both of whose families are resettled in Australia and Canada, respectively, are serving life sentences at the same prison since their arrest on February 26, 2008. They are the youngest Bhutanese serving as the political prisoner in Chemgang prison. These are a few representative names of the several political prisoners whose families have come into contact with BW.

All the political prisoners housed in Chemgang prison were being provided with an International Identification Number by International Committee of Red Cross (ICRC) which identified them from rest of the prisoners.

As I write this piece on political prisoners Yongba Drukpa from Samdrup Jongkhar was released after he completed his 14 years of prison sentences on December 21, 2020. Jongba was arrested for his close association with exile political activists from eastern Bhutan on August 5, 2007. He is a Sharchop.

### **Campaign for Their Release**

Human rights activists and family members of the political prisoners launched global campaign for the release of these political prisoners in 2019. Their campaign extends to countries where former Bhutanese refugees have resettled.

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<sup>2</sup> Dhanasey was renamed Jakhor in late 1990s

<sup>3</sup> Beteni was renamed Patshaling in late 1990s

The campaign begun with a formal request to the King Jigme Khesar Namgyal Wangchuk. The request on behalf of the families and friends of the political prisoners outlined the need for their release citing reasons for immediate reunion with families. The parents appealed for mercy on their children saying they are too old to wait any longer. Children of those prisoners have grown up to adults and are unlikely to recognise their parents if separation continued further. A physical appeal sent to the King was received by palace secretariat on October 14, 2019. No response was received. The campaign sought support from human rights groups and UN agencies as well.

The appeal was read out live to Facebook streaming from the grounds of International Court of Justice in Hague on February 19, 2020.

An appeal was made to the King of The Netherlands to use his good office to influence in Thimphu for release of political prisoners. Directorate of the King Willem Alexander of The Netherlands responded on November 26 to say that it has received the appeal and forwarded to his Ministry of Foreign Affairs for consideration.

### **Signature Campaign**

To broaden the campaign and engage larger Bhutanese Diaspora and our supporters, signature collection campaign was launched on November 24. Beyond that the signature collection initiative also drew attention of the existing situation of political prisoners in Bhutan. The objective was to collect signatures and message from community members, families of the prisoners and wider supporters of the Bhutanese human rights movements and deliver them to stakeholders.

The signatures and messages of 453 individuals from 15 countries were delivered to the King of Bhutan and numbers of other human rights organisations on December 10, coinciding with the International Human Rights Day. King's secretariat acknowledged the receipt of the document on December 14. The petition along with the signatures were also sent to human rights groups such as Amnesty International and Human Rights Watch along with European Union, UN Human Rights Council, among others.

The petition was also sent to governments in the host countries at the initiation of I P Adhikari in Adelaide (Australia), Gopal Gurung & Aiman Samal in The Netherlands, CM Nirola, Hari Subedi, Suraj Budhathoki, Rom Bista & Lila Mishra in United States, Durga Giri and Prem Giri in UK, Purna Dahal in Denmark, Prakash Gautam in Canada, Prahlad Dahal in Cairns (Australia), Devendra Gautam and Suman Chhetri in Sydney (Australia) and Sudharsan Adhikari, Deven Sapkota and Netra Prasad Sharma in New Zealand.

In Hague, a delegation of Bhutanese Community in The Netherlands (BCN) submitted the petition to Pia Dijkstra, Chairman of the Parliamentary Committee on Foreign Affairs and explained the parliamentary committee members about the story behind the political prisoners. The delegation requested if parliamentary channel can be used to release Bhutanese political prisoners.

### **Australian Parliamentary Hearing**

On May 13, 2020 Adhikari briefed Human Rights Sub-Committee of the Joint Committee on Foreign Affairs, Defence and Trade of the Australian Federal Parliament about the plight of Bhutanese political prisoners and urged them to press Bhutan for their early release. “We are very concerned about the status and treatment of the political prisoners. We are very confident that treatment in jails have deteriorated since the Bhutanese government stopped allowing visits of the International Red Cross representatives in 2012,” Adhikari told parliamentarians (BNN, 2020).

### **Engaging UNHRC**

Case of Bhutanese political prisoners was presented to the UN Human Rights Council on June 5, 2020. During the presentation, presided by UN High Commissioner for Human Rights Michelle Bachelet, UN commissioner was urged for her urgent action to press Bhutan for the release of all the political prisoners at the earliest possible. The High Commissioner said that she was fully aware of the situation of Lhotshampas community in Bhutan and their story of eviction in 1990, camps in Nepal and post resettlement. She assured to raise the issue with the government of Bhutan during the forthcoming UPR session. The issue was again raised at a UNHRC’s Special Procedures of the Human

Rights Council on July 15, 2020 where 35 human rights activists and researchers from around the world attended.

### **Families of Bhutanese Political Prisoners**

Families of 20 of the 42 political prisoners, have either resettled in various western countries or are currently living in the Bhutanese refugee camps in Nepal. The parents have grown too old or have died. Some of these parents have personally appealed for release of the political prisoners through videos

Ran Maya Gautam is an elderly mother of Kumar Gautam who is serving life sentence in Chemgang prison. In her open letter from Canada, she expressed her deep pain and anguish for not having seen her son Kumar for so long and appealed all the peace-loving people of the world to help release her son and all the political prisoners in Bhutan.

‘Bhutan has now democracy and would like to appeal Bhutanese king now, through this letter, to release all those political prisoners as these prisoners were uneducated, innocents and incapable in shouldering the allegations they are alleged of. Those living to see their son, their husbands or parents, such as me, would be very thankful to your majesty, if you consider,’ her letter reads.

### **Conclusion**

Bhutan was forced to accept democracy following frequent calls. The political prisoners are living proof of that. The number of deaths and disappearance at the hands of government forces during the tumultuous years in 1990s are yet to be counted. ‘Democracy’ in Bhutan was not by a grace of the King. By nature, hereditary monarch never relinquish power. Attempt in Bhutan was for a short-term popularity.

If Bhutan’s constitution really guarantees political freedom and human rights and if Bhutanese authorities are ready for a practical example, there are absolutely no reasons to continue to keep these political prisoners in jail. Their incarceration would weaken Bhutanese democracy and tease the fundamentals of political pluralism. It’s against history, against political principles and ethnics of humanity that those



demanding democracy are treated as criminals when country claims to be democratic.

Fighters of the democratic movement must get a recognition and appreciation when system change, not jail sentences. Bhutan should release these political prisoners and recognise for their contribution and sacrifices with highest honours. This will further strengthen Bhutan's credential in the international stage.

Bhutanese political prisoners deserve the freedom they fought for and enjoy a free society they envisioned.

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