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Bhutan: Free Long-Term Political Prisoners

Held for Decades After Torture, Unfair Trials



Top row: Lok Bahadur Ghaley; Rinzin Wangdi; Chandra Raj Rai; Kumar Gautam. Bottom row: San Man Gurung; Birkha Bdr Chhetri; Omnath Adhikari; Chaturman Tamang. © Private

(New York) – The Royal Government of [Bhutan](#) should quash the convictions of several dozen political prisoners [who have been imprisoned for decades](#) following unfair trials and alleged torture and release them, Human Rights Watch said today.

Bhutanese courts convicted and imposed long sentences on peaceful political and anti-discrimination activists and others arrested for a range of alleged national security offenses. The cases originate from before 2008, when Bhutan transitioned from an absolute monarchy to a constitutional one. Those still imprisoned face long sentences, including life in prison. Bhutanese activists have [appealed](#) to King Jigme Khesar Namgyel Wangchuck to grant amnesty to these prisoners.

“Bhutan’s publicly promoted principle of ‘Gross National Happiness’ doesn’t account for these wrongfully convicted political prisoners who have been behind bars for decades,” said [Meenakshi Ganguly](#), South Asia director at Human Rights Watch. “The Bhutanese authorities should recognize the harm done to these long-serving prisoners and their families and urgently remedy the situation.”

While the total number of political prisoners in Bhutan remains unknown, Human Rights Watch collected information relating to 37 current prisoners who were first detained between 1990 and 2010. Most of them are held separately from other prisoners, in poor conditions, with many suffering physical or psychosocial (mental health) ailments, and are denied regular communication with their families.

Most of these inmates, who are officially considered “political prisoners,” were convicted under the draconian and vaguely worded 1992 [National Security Act](#) (NSA). [Bhutanese law](#) defines political prisoner as “any person convicted for conspiring, attempting, soliciting, abetting or committing offenses against the Tsa-Wa-Sum [“king, country and people”].” In all 37 cases identified by Human Rights Watch, this is the primary allegation that led to their conviction. At least 24 are serving life sentences without the possibility of parole, while the remainder are serving terms of between 15 and 43 years.

The vast majority of this group – 32 prisoners – belong to Bhutan’s Nepali-speaking Lhotshampa (“Southerner”) community, which has faced [decades of discrimination and abuse](#) from the Bhutanese government. In the early 1990s, over 90,000 Lhotshampas were forced to become refugees in Nepal, following a crisis [precipitated by discriminatory laws](#), disputed citizenship regulations, and widespread abuses by Bhutan’s security forces. Most of the refugees have since [been resettled](#) in the United States, Canada, and Australia.

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Several dozen political prisoners have been imprisoned for decades in Bhutan. The Royal Bhutan government should quash the convictions and release those jailed. [hrw.org/news/2023/03/14/bhutan-political-prisoners](https://www.hrw.org/news/2023/03/14/bhutan-political-prisoners)

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The remaining five prisoners belong to the Sharchop (“Easterner”) community. Four men and a woman are imprisoned for alleged connections to a banned political party, the [Druk National Congress](#), which campaigned for parliamentary democracy and human rights.

Former and current prisoners, and relatives of prisoners, said that the authorities severely tortured detainees both to extract confessions and to punish them, and that they had no legal representation at their trials. A prisoner convicted of treason and terrorism said: “The physical torture [in custody] was merciless, so we had no option but to present ourselves to the court based on their [security forces] demands and their statements. Then the district court declared a sentence of life imprisonment for us. We weren’t given any legal help.”

Many families of prisoners said that they have not been provided with any official documentation and still do not know why their relatives were convicted. Former prisoners too were sometimes unable to describe in common or legal terms the offense for which they themselves were convicted and for which they had served long sentences.

Bhutanese civil society activists told Human Rights Watch that although there have been [efforts to modernize the legal system](#) since 2008, no human rights organizations operate within the country. The media also avoids reporting on topics that the authorities consider sensitive. As a result, there has been little public discussion about the political prisoners or their dire situation.

Of the 32 Lhotshampa political prisoners that Human Rights Watch identified, 15 were convicted and imprisoned since the 1990s for protesting mistreatment of their community. This group includes eight former Royal Bhutan Army soldiers who were accused of treason for allegedly participating in those protests. However, family members and former prisoners could not provide any documentation about the charges filed or the court verdict.

Dambar Singh Pulami was arrested in 2001 when he returned to Bhutan from a refugee camp in Nepal to “see his property,” activists said. He was sentenced to 43 years in prison for “extortion, kidnapping, murder and subversive activities.” He suffers from severe ill-health, which caused him to be hospitalized in May 2022.

Another 15 Lhotshampas have been jailed since 2008, after a small group of refugees who had fled as children with their families in the early 1990s returned to Bhutan. The Bhutanese authorities alleged that they intended to [participate in an armed campaign](#) for refugee repatriation and minority rights led by the banned Bhutan Communist Party.

Most [were captured](#) shortly after arrival, some with small arms and others with political pamphlets. The prosecution contended that because they were refugees, they had “abandoned the country and decided to be enem[ies] of Bhutan,” according to court documents. They received life sentences for “treason” and “terrorism,” and 12 remain in prison.

Also among the 2008 cases are three Lhotshampas who had not become refugees, but allegedly supported the returnees. Another was captured in 2010 and received a life sentence in relation to the same cases. Court documents Human Rights Watch reviewed show that procedures did not meet basic fair trial standards.

Twenty-five of the cases are held at the Chemgang Central Prison near the capital, Thimpu, in a block reserved for “political prisoners.” Accounts from inmates show that while prison conditions improved somewhat between 1994 and 2012, [when the International Committee of the Red Cross was visiting the prison](#), they have declined in recent years. Both the food and clothing provided are inadequate.

Another 10 political prisoners, including the former soldiers, are held in a remote and secretive facility at Rabuna, described by one of the few former inmates known to have been released as “the point of no return.” Human Rights Watch was unable to confirm where the two other political prisoners are being held.

Several prisoners or their relatives reported that prisoners have suffered severe and persistent health problems, particularly as a result of torture. Those with physical illnesses do not receive adequate treatment in prison, which former prisoners said may have contributed to the death of two people.

On November 7, 2022, Human Rights Watch wrote to the government of Bhutan concerning the information and allegations contained in this report but received no response.

Bhutanese law empowers the king to grant amnesty. In 1999, the king at that time, Jigme Singye Wangchuck, [granted amnesty](#) to 40 political prisoners, including some serving [life sentences](#). In 2022, the present king, Jigme Khesar Namgyel Wangchuck, [granted amnesty](#) to a political prisoner serving a life term.

The United Nations, donors, and concerned governments should urge Bhutan’s authorities to unconditionally release political prisoners and others who are being incarcerated for exercising their fundamental human rights or as a result of trials that violated due process. The government should undertake major reforms of the legal system to bring it into compliance with international human rights law, adopt measures to end torture and provide remedies for victims, and allow independent monitoring of prison conditions.

“The long-term imprisonment and mistreatment of political prisoners remains a blight on Bhutan’s human rights record,” Ganguly said. “Bhutanese authorities should release these prisoners and embark on reforms to end torture in custody, unfair trials, and poor prison conditions.”

For additional details about the situation and findings, please see below.

Political Prisoners in Bhutan: A History of Discrimination

The population of Bhutan includes three communities that have different religious traditions and ethnic origins, and traditionally speak different languages.

The politically and culturally dominant Ngalop, who are traditionally concentrated in the central and western regions, speak Dzongkha and mostly follow Tibetan Buddhism. The royal Wangchuk dynasty belongs to the Ngalop community and became hereditary kings of Bhutan in 1907. The current king, Jigme Khesar Namgyel Wangchuck, came to the throne following the abdication of his father, King Jigme Singye Wangchuck, in 2008 – the same year that Bhutan adopted parliamentary democracy under constitutional monarchy.

The Sharchhops, concentrated in eastern Bhutan, are descendants of early migrants from Tibet to what is now Bhutan. They traditionally speak Tshangla, and many of them practice Tibetan Buddhism. Some of them joined a campaign for political democracy in the 1990s by the now banned Druk National Congress.

The Nepali-speaking community, known as Lhotshampas, migrated to Bhutan in the 19th century and settled in the then largely uninhabited southern part of the country. Lhotshampas are predominantly Hindu. By the late 1970s the Ngalop establishment had come to see this population as a threat to Bhutan's cultural identity and to their own dominant position. The government [introduced](#) a series of [discriminatory citizenship laws](#), stripping many Lhotshampas of their citizenship, as well as “Bhutanization” laws aimed at enforcing a version of national identity based on Ngalop culture and language.

Protests against these policies broke out in 1990. The police arrested thousands of people who were accused of taking part in the protests, which the government deemed anti-national. Many were tortured and ill-treated. By late 1990, [Nepali speakers began to flee](#) Bhutan and within two years about 90,000 Bhutanese refugees were in camps in Nepal. Over the ensuing two decades this population expanded. Between 2008 and 2015, over 100,000 Bhutanese refugees who had been living in the camps in Nepal were [resettled in third countries](#), primarily the United States, Canada, and Australia.

Primarily in the 1990s, but up until 2008, the Bhutanese authorities arrested and prosecuted dozens of people for their alleged participation in protests and other alleged “national security” offenses. Many remain imprisoned.

Methodology

Human Rights Watch was able to identify 37 political prisoners still in prison in Bhutan. Between April and December 2022, Human Rights Watch interviewed 11 former political prisoners and 8 relatives of current prisoners, as well as exiled activists who were able to confirm the identities of those in prison.

Under Bhutan's [2009 Prison Act](#), political prisoners are supposed to be held at Chemgang prison and separated from other prisoners. However, Bhutanese authorities provide no information on current political prisoners, and except for a UN working group visit in 2019, there have been no independent inquiries into the prison population. As a result, the Human Rights Watch figure may be an undercount.

Human Rights Watch carried out some interviews with the assistance of the Global Campaign for the Release of Political Prisoners in Bhutan. Human Rights Watch also interviewed former prisoners, witnesses, and relatives of prisoners in the Beldangi refugee camp in Nepal.

All interviews were conducted in English or in Nepali, without financial compensation or other incentives. Some interviewees requested anonymity for security reasons.

Torture

Current and former inmates alleged that the authorities routinely used torture and other ill-treatment to compel detainees to confess to actions that they denied, to make their statements at trial correspond to the prosecution's allegations or the testimony of other defendants or witnesses, or as a form of punishment.

One prisoner described torture by Bhutanese soldiers after his arrest in 2008:

They [Bhutanese soldiers] arrested us and took us to their barrack, and for 20 days they treated us mercilessly. They used to tie us, and using cane sticks they would beat us continuously on our entire body, but particularly on the bottom of our feet. They beat us so much on our feet they became senseless after a while. They also immersed us in ice cold water. After that they tied our hands and legs for nearly seven days. After seven days they finally gave us some fried corn. They didn't even allow us to sleep. After that, they prepared a statement as per their own wish and thought, not based on what we said.

The coerced "evidence" was then used at their trial.

They brought us to the district court. The judge asked us, "Do you have anything to say?" So we gave them our statement in writing. But there was no use of that submission. They used their own statements instead.

Those arrested in the 1990s experienced some of the worst abuse. Former prisoners said that during that period torture methods commonly used included *chepuwa*, which involved crushing the thighs between pieces of wood; beating prisoners then putting them in a sack and taking them away in a vehicle, creating the fear of extrajudicial execution; and the use of stress positions and barbed wire that would leave the prisoner bloody as their strength failed.

“For three years I couldn’t change my clothes, or wash my hands or face,” said Mangal Dhwoj Subba, a former political prisoner who was detained from 1990 to 1998. “They would beat me up, so I confessed, although it wasn’t true.”

Another former political prisoner, Dil Kumar Rai, said that during his interrogation, police and soldiers jumped on his chest, causing pain that recurred for six or seven years. He was shown instruments used for torture including sticks and an electric iron, and believed that detainees were sometimes extrajudicially executed, so he made a confession.

Man Bahadur Rai, a former political prisoner, said that as a 16-year-old, he had participated in the 1990 protests, and later became a refugee in Nepal along with his family. He returned to Bhutan in 1996 for a personal visit and was arrested. He said that during six months in police custody his hands were continually handcuffed except when he was eating, and he was beaten with “whatever they could find,” especially when he refused to admit to things he had not done. Nevertheless, he confessed only to acts of disorder during the 1990 protests in which he said he did participate, and was sentenced to 21 years in prison.

A political prisoner imprisoned from 2006 to 2014 said that during his first six months in army custody he was beaten while being interrogated in a language he couldn’t understand. If he became unconscious during the torture, he said, the soldiers revived him with cold water.

A prisoner who was jailed in 2008 said:

They took me to the local police station. They tortured me for almost two weeks before starting the legal process. Once it [the case] was registered to a court it took five months for trial, and I was tortured quite severely when my statements didn’t match [those of the prosecution]. They used wooden batons. I was handcuffed in front of my body and told to squat on the ground. A soldier would put his leg between my cuffed hands then beat me on the back.

These accounts are consistent with those of the family members of prisoners who remain in prison. “He was tortured,” said the wife of a prisoner who was arrested and convicted in 2008. “I saw his body covered with marks from beating on his back.”

“He was tortured by the army,” said the sister of another prisoner who was arrested in 2008 and remains in prison. “They [the prisoners] were beaten and burned. When I met him, he was very sad, his eyes were full of tears.”

The mother of a man who had been imprisoned since 2008 said she had seen scars on his wrists from being tightly bound for six months and that he said he had been severely beaten, given food mixed with dirt, and locked in a small toilet room for an extended period. The sister of another man who has been in prison since 2008 said her brother is now deaf in one ear because of the beatings he received during his first six months in custody.

Violations of Fair Trial Rights

In 2019, the UN [Working Group on Arbitrary Detention](#) interviewed several people then imprisoned under national security legislation. The Working Group found “a number of due process violations when the individuals had been tried some 25 years ago. The Working Group is aware that, at the time, there were no legal practitioners in the country.”

There were no defense lawyers to represent the accused during the period these prisoners were put on trial. All the prisoners Human Rights Watch interviewed said that they and their co-defendants had represented themselves, and that all the lawyers involved in their trial acted on behalf of the government. Former prisoners said that they were produced in court and asked to confirm prosecution statements that had been coerced under torture.

A prisoner who was convicted of national security offenses in the early 1990s called his trial a “farce,” saying, “They forced me to confess to false charges.” Another prisoner, convicted in the early 1990s and sentenced to 24 years in prison on charges he denies, said that police would “torture people when they came back from court in the evening if they denied charges. So out of fear we would confess.... There wasn’t a system with lawyers.”

Former prisoners were sometimes unable to describe the offense for which they had served long sentences, in recognizable or specific legal terms. Similarly, families of serving prisoners said that they have not been provided with any official documentation.

Access to an attorney of one’s choosing and adequate time and resources to prepare a defense are fundamental to the right to a fair trial. Several prisoners who were compelled to represent themselves appeared to have little understanding of court procedure. One said that at the end of his trial he signed the court’s verdict although he was unable to read it and did not know what it said.

A prisoner interviewed by the UN Working Group in 2019 told Human Rights Watch:

We could not talk to them [members of the Working Group] openly. The prison officers came and threatened us before the meeting saying, “Look, you have to live with us. They will leave tomorrow, so think wisely before speaking.” ... We did sit with the UN arbitrary detentions team during the meeting, but we were too scared to speak openly about realities and show them the true picture.

Prison Conditions

Twenty-five political prisoners are held in a dedicated block at Chemgang Central Prison. Ten other political prisoners are at Rabuna, a secretive facility used to imprison former soldiers and government officials accused of treason, but information on conditions there or at other prisons where political prisoners may be held is not available.

Prisoners said that their segregated block at Chemgang consists of about 16 cells arranged around an outdoor area. Six cells have toilets while 10 have buckets for that purpose. Prisoners are locked inside their cells from 5 p.m. to 7 a.m. Bedding, including bed covers, is at times completely inadequate in the generally cold climate.

Several said they suffered severe and persistent mental health problems due to the conditions. One woman said that she had found her brother unwell when the family had visited him at Chemgang and had offered to bring medicines. “Police take relatives’ [telephone] numbers and say, ‘We’ll contact you if he gets sick,’ but they never do,” she said.

In 1994, the International Committee of the Red Cross (ICRC) began visiting prisoners held under national security laws in Bhutan. Former prisoners said that there was a significant improvement in political prisoner welfare at Chemgang after the ICRC’s visits but that the conditions declined since the visits ended in 2012.

Many prisoners said that the conditions had worsened in the past year. Information obtained by Human Rights Watch in March 2022 indicated that the prison authorities “have made cuts to the food supplies as compared to before.” Another source said, “They have almost stopped giving any clothes to the prisoners. It is very cold. We used to get firewood during the winter but that has been reduced.”

A current prisoner told his brother about bad conditions in 2022. “Supplies are low,” the brother said. “They have insufficient food. There are no new blankets or mattresses.”

Prisoners are prevented from making or receiving telephone calls to Nepal or other countries where refugees have resettled. Prisoners are also prevented from sending letters, and their families do not know whether the letters they send are delivered. The lack of communication causes anguish to both the prisoners and their families.

Although family visits to inmates were impossible due to the Covid-19 pandemic, when Bhutan closed its borders, the families sometimes received information through prisoners who were allowed to make brief telephone calls to relatives in Bhutan.

In late 2022, humanitarian agencies resumed the process of attempting to arrange family visits with prisoners. However, some refugee families who have resettled as far away as Australia, Canada, or the United States have not been able to make any contact with their imprisoned relatives for years. A currently serving prisoner said he and other prisoners have fallen completely out of contact with their families: “We have no idea. We knew they were in Nepal before. We used to receive letters and even send some letters through the Red Cross, but now even that has stopped.”

Three refugee families chose not to be relocated to a third country, remaining in the now sparsely populated Beldangi refugee camp in Nepal to be closer to their relative imprisoned in Bhutan. “I can’t leave without my son,” said Dambar Kumari Adhikari, the mother of Om Nath Adhikari, a

political prisoner. “When we go to see them they seem hopeful that maybe they’ll get released soon. That’s the reason we haven’t left, we’re waiting for them.”

Domestic Legal Standards

Bhutan was an absolute monarchy until 2008, when it adopted a new [constitution](#) defining the kingdom as “a democratic constitutional monarchy.” The constitution declares that “[t]he State shall strive to promote those conditions that will enable the pursuit of Gross National Happiness.” Among the internationally recognized human rights protected by constitutional provisions are nondiscrimination and equality before the law, fair trials, and the prohibition of torture.

Bhutan’s legal system is [guided by Buddhist principles](#) emphasizing concepts such as “compassion.” Bhutan is not a party to the [International Covenant on Civil and Political Rights](#) or the [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#), but it is bound by customary international human rights law as reflected in the Universal Declaration of Human Rights.

Many political prisoners are held under Bhutan’s [National Security Act](#) (NSA) of 1992, which superseded the 1957 law. The NSA’s vague and overbroad provisions forbid treasonable acts against the Tsa-Wa-Sum (“king, people and country”). The law does not define “treasonable acts” or what would constitute “betrayal” or “harm to the national interest.”

Court papers relating to the national security trials that took place in 2008 show that, in addition to offenses under the NSA, defendants were also convicted of parallel offenses under the [Penal Code](#). These include treason (article 327) and terrorism (article 329), which are first-degree felonies punishable by 15 years to life in prison (article 8). Defendants were also charged with possession of illegal weapons (articles 478 to 483). Bhutan abolished the death penalty in 2004.

A uniquely Bhutanese legal institution is *kidu*, which equates to concepts of “welfare” or “relief.” The king may grant *kidu* as well as “amnesty, pardon and reduction of sentences.” The [Sentencing Guideline of Judiciary of Bhutan, 2022](#), states that an offender “sentenced to life in prison shall remain in prison until he or she dies or until pardoned or otherwise commuted to a fixed period, or receives Royal pardon, amnesty or clemency.” The UN [Working Group on Arbitrary Detention](#) concluded in 2019 that “those detainees serving life sentences have no prospect of release, with the exception of amnesty.”

Recommendations

To Bhutan:

- Quash the convictions and release political prisoners who were prosecuted for exercising their fundamental human rights and freedoms or were convicted on the basis of forced confessions and other serious fair trial violations.

- Provide prompt and adequate remedies to current and former prisoners who suffered torture and other ill-treatment in custody.
- Ensure that all prisoners get basic standards of care including food, adequate bedding, warm clothes, and medical treatment.
- Invite international humanitarian agencies to the prison system and give them full and unrestricted access to prisoners.
- Invite UN special procedures and other experts to advise on reforming the justice system and ensuring prisoner welfare.
- Review the National Security Act and amend it to comply with international standards on human rights protections.

To the United Nations, donors, and concerned governments:

- Raise human rights concerns, including the treatment of prisoners, in discussions with the Bhutan government.
- Publicly call upon Bhutan's government to comply with fundamental international human rights standards, including the prohibition of torture and ill-treatment, fair trial standards, and the humane treatment of prisoners.
- Expedite the resettlement of released former prisoners to enable them to unite with their families, without regard to national security convictions in Bhutanese courts that did not meet international fair trial standards.

 [List of 37 Bhutanese Political Prisoners](#)

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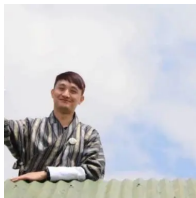
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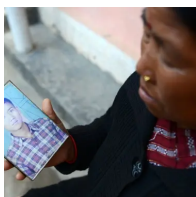
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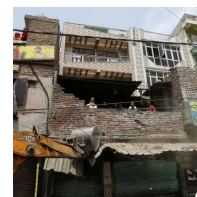
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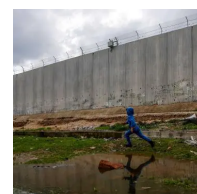
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