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**PERMANENT MISSION OF THE KINGDOM OF BHUTAN
TO THE UNITED NATIONS GENEVA**

PMBG.UN2.10.2.646

The Permanent Mission of the Kingdom of Bhutan to the United Nations and other International Organizations in Geneva presents its compliments to the Special Procedures Branch of the Office of the High Commissioner for Human Rights and has the honor to refer to communication AL BTN 1/2024 dated 3 February 2025 transmitting the joint communication from the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on minority issues and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

The Permanent Mission of the Kingdom of Bhutan has the honour to provide herewith the Royal Government of Bhutan's reply to the Joint Communication with a request for the response to be transmitted to the Special Rapporteurs.

The Permanent Mission of the Kingdom of Bhutan to the United Nations and other International Organizations in Geneva avails itself of this opportunity to renew to the OHCHR assurances of its highest consideration.

Geneva, 29 May 2025



Special Procedures Branch
OHCHR
Geneva



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**PERMANENT MISSION OF THE KINGDOM OF BHUTAN
TO THE UNITED NATIONS GENEVA**

AMBASSADOR

PMBG.UN2.10.2.644

29 May 2025

To:

1. Mr. Ben Saul, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism
2. Ms. Irene Khan, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression
3. Ms. Gina Romero, Special Rapporteur on the rights of peaceful assembly and of association
4. Ms. Margaret Satterthwaite, Special Rapporteur on the independence of judges and lawyers
5. Mr. Nicolas Levrat, Special Rapporteur on minority issues
6. Ms. Alice Jill Edwards, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Dear Sir/Madam Special Rapporteur,

This is with reference to the Joint Communication AL BTN 1/2024 dated 3 February 2025 concerning information received by the Special Rapporteurs pertaining to 19 so-called "political prisoners".

The Royal Government of Bhutan has carefully examined the communication and the numerous allegations contained therein and has accordingly prepared a comprehensive response, enclosed with this letter, detailing the facts surrounding the arrest, trial and detention of the 19 listed individuals. We remain confident that any future representations on this matter will be subjected to prior objective review on the basis of the information provided by the Royal Government of Bhutan.

With assurances of my highest consideration,



(Tenzin R Wangchuk)
Ambassador, Permanent Representative

**RESPONSE OF THE ROYAL GOVERNMENT OF BHUTAN
TO THE JOINT COMMUNICATION FROM SPECIAL PROCEDURES
(Reference - AL BTN 1/2024 dated 3 February 2025)**

The Royal Government of Bhutan received Joint Communication (REF: AL BTN 1/2024) dated 3 February 2025, from six UN Special Rapporteurs¹ regarding information received by the Special Rapporteurs pertaining to 19 so-called “political prisoners” and seeking further information and clarification on the points listed in the Joint Communication. Details and responses of the Royal Government of Bhutan on the observations and questions contained in the Joint Communication are as below.

The Royal Government of Bhutan notes that the Joint Communication from the Special Rapporteurs has captured the narratives from a particular period while omitting the developments and events from the preceding period that are contextually important. Such an approach could have the effect of misinforming and clouding the issue and drawing biased conclusions. The Royal Government of Bhutan will therefore preface its responses to the several questions by providing a brief historical account of the origin of the events of the late 1980s and early 1990s in Bhutan.

Historical Background

1. The entry of people of Nepalese origin into Bhutan started in the beginning of the 20th century when the agents of the Royal Government of Bhutan were allowed to employ migrant workers to extract timber in the dense tropical forests of *Samtse* - the westernmost district in Bhutan's southern foothills. Also known as "*tangias*" or forest labourers, they were, by contract, prohibited from establishing a permanent place of residence in Bhutan. Later, they were allowed to stay as tenant farmers in the areas where the forests were cleared. In the absence of any proper mechanism for regulating such people, they started to settle in parts of the southern districts.
2. The Royal Government of Bhutan, upon receiving the petitions of this group of migrants, granted them Bhutanese citizenship as a one-time measure in 1958, in accordance with the decision passed by the 11th session of the National Assembly of Bhutan. In keeping with this decision, citizenship was granted to all migrants who had been living in Bhutan for more than ten years prior to 31 December 1958. These people and their descendants are all Bhutanese citizens.
3. Even after 1958, the Royal Government of Bhutan continued to grant citizenship to such migrants. For example, following the first nationwide census in 1988, 12,103 people were granted citizenship by His Majesty The King. Those who apply and fulfil the requirements for citizenship continue to be granted citizenship to this day.

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1. ¹Mr. Ben Saul, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism
 2. Ms. Irene Khan, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression
 3. Ms. Gina Romero, Special Rapporteur on the rights to freedom of peaceful assembly and of association
 4. Ms. Margaret Satterthwaite, Special Rapporteur on the independence of judges and lawyers
 5. Mr. Nicolas Levrat, Special Rapporteur on minority issues
 6. Ms. Alice Jill Edwards, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

4. Over the years, many illegal immigrants continued to enter Bhutan due to benefits such as free health and education, business and employment opportunities, low taxes, and availability of agricultural land. They could easily enter due to the weak administrative machinery during Bhutan's early stages of modernisation and the porous international borders. The illegal immigrants acquired land and property and settled in Bhutan over a period of time. The Royal Government of Bhutan would like to clarify that these groups of people who entered Bhutan subsequently and settled illegally are not Bhutanese citizens and cannot be accepted as such under our citizenship laws.
5. In 1988, a census and cadastral survey carried out by the Government revealed a large number of illegal immigrants and illegal land holdings. It showed that the population of *Samtse* district in Southwest Bhutan had doubled in just 10 years, and the cadastral survey revealed illegal landholdings of 47,325 acres, which was much more than the total landholdings in some other big districts. The census was opposed by the illegal immigrants who launched a violent campaign with the declared goals of destabilising and overthrowing the Government and changing the citizenship laws of Bhutan. All this was done under the guise of a movement for democracy and human rights to win international support and sympathy.
6. Armed cadres attacked and killed innocent citizens, including local leaders and even those belonging to the same ethnic group who did not support them. Schools, medical facilities and public property were vandalised and destroyed. There were many cases of hijackings, kidnappings, murders, including by decapitation, destruction of government and public facilities. 20 schools and 5 Basic Health Units were destroyed. After law enforcement agencies were deployed to restore and maintain law and order, they left the country and claimed to be "refugees" from Bhutan. Subsequently, camps were established in 1991 in the eastern part of Nepal.
7. The lack of a screening procedure when the camps were first established in 1991 allowed persons of all antecedents to congregate in the camps. While there were only 304 people claiming to be Bhutanese "refugees" initially, by the time a screening procedure was established in 1993, the camp population had reached over 100,000. Over the years, there was infiltration into the camps by Maoist elements and the formation of radical parties such as the so-called Bhutan Communist Party, Bhutan Gorkha National Liberation Front, United Revolutionary Front of Bhutan, and the Bhutan Revolutionary Students Union, which were all organisations of serious security threat and concern to Bhutan. These organisations were intent on entering Bhutan to engage in violence and achieve their political goal of overthrowing the Government. Of equal concern was the reported nexus between the Indian militants who were flushed out of Bhutan, the Maoists and militant elements in the camps.
8. The individuals listed in the Joint Communication are those who committed heinous crimes and violent acts of terrorism during the above period. The individuals were charged on multiple counts and sentenced in accordance with the provisions of national laws. Charges which could not be proved beyond reasonable doubt and were not supported with enough evidence were dismissed by the court of law, and the offenders were sentenced accordingly, based on the gravity of their crimes.
9. It is in this context that Bhutan categorically rejects the allegations set out in the Joint Communication as they are factually incorrect and unsubstantiated. The Royal Government of Bhutan deeply regrets the efforts of certain groups to blur the facts and to misuse the good offices of Special

Procedures, who are held in high esteem by the Royal Government of Bhutan, to make false allegations based on factually incorrect and contrived narratives.

10. The Royal Government of Bhutan hereby submits the following information or comments on the Joint Communication and the allegations contained therein.

Prisoners sentenced under National Security Act (NSA) and other relevant national laws

11. An unfounded narrative that is being disseminated is the issue of so-called “political prisoners” and related allegations against the Royal Government of Bhutan. The labeling of a particular group of prisoners as “political prisoners” is an attempt to create false allegations and build a narrative as being driven by political motives along lines of ethnicity and religious belief. Any person found guilty of violating national laws is subject to the full force of our legal system, irrespective of their ethnicity or religion.
12. The Royal Government of Bhutan would like to clarify that there are no political prisoners in Bhutan and no one has been imprisoned for reasons of his/her political orientation or peaceful expression thereof. The attempt to incorrectly highlight the plight of a particular group is a deliberate attempt on the part of certain vested groups to accentuate false allegations against the Royal Government of Bhutan. The individuals referred to in the Joint Communication are those who committed heinous crimes and violent acts of terrorism against the state of Bhutan and its people and were sentenced in accordance with due process of law.
13. It is the prerogative of any sovereign country to take legal action against heinous crimes and violent acts of terrorism. It is in this context that perpetrators of serious crime, especially those that are seditious and violent in nature were held accountable to the full extent of the laws, to preserve the sovereignty and territorial integrity of the country.
14. The factual and legal basis of the criminal cases initiated against the listed 19 individuals and their convictions based on the rule of law is presented below:
 - i. The arrests of the 19 individuals listed in the Joint Communication took place between the years of 1992 and 2010 for serious crimes including bombings, violent murders, attempted murders, manslaughter, gang rape, assault, detonation of mines, possession of illicit firearms and ammunition, multiple kidnappings and multiple cases of armed robbery. The heinous crimes committed by these individuals effectively dispels any illusion that these individuals were mere peaceful demonstrators or human rights activists as implied in the Joint Communication. Their resulting detention is not arbitrary in nature as alleged but a legal outcome of the due process of law for the grave crimes committed against Bhutan and its people.
 - ii. Following lawful arrests, in each instance they were produced before the courts of law and charged in accordance with national laws. In each instance, the charges were read and explained in a language that they could understand. It is important to highlight that many of these individuals admitted to the multiple crimes they were charged with and pleaded guilty. These confessions were made voluntarily.

- iii. In each instance, the trial courts pronounced their rights to a fair trial including the right to a *jabmi* (legal counsel) and to fair and open trial, in accordance with due process of law. However, in each instance they waived their right to a *jabmi* and indicated a decision to represent *pro se*.
- iv. In each instance, the trial courts followed the due process and thoroughly examined the evidence at hand to arrive at the judgements. Trial courts also dismissed charges that did not meet the evidentiary standards as in the following cases:
 - a. Bhakta Bdr Rai: four out of ten charges were dismissed.
 - b. Mani Kumar Pradhan: one out of the seventeen charges was dismissed
 - c. Prakash Mongar: two charges dismissed
 - d. Ganga Ram Dhakal: Certain parts of charges for armed robbery dismissed
 - e. Damber Singh Pulami: one out of the ten charges was dismissed
 - f. San Man Gurung, Om Nath Adhikari, Aita Raj Rai, Chaturman Tamang, and Hasta Bdr Rai: charges under the NSA were dismissed.
- v. At the time of issuing judgements, the individuals were informed of their right to appeal with as many as 13² of the 19 listed individuals exercising this right. In each instance, the Appellate Court conducted hearings and review of the case and in the case of Bhakta Bdr Rai, overruled the Trial Court's judgement and reduced his sentence.
- vi. Additional facts such as the arrest dates, trial dates and charges are outlined in the table below:

² Ganga Ram Dhakal, Bhakta Bdr Rai, Govinda Niroula, Sukman Mongar, Khagendra Khanal, Nandalal Basnet, Birkha Bdr Chettri, and Kumar Gautam Chhetri, San Man Gurung, Om Nath Adhikari, Aita Raj Rai, Chaturman Tamang, and Hasta Bdr Rai

Sl.	Name	Arrest Date	First Court Appearance	Grounds of arrest	Charges	Judgement
1	Bhim Bdr Rai	5 May 2010	6 May 2010	Involvement in the 2008 bomb blasts in <i>Dagapela, Dagana, and Singye, Sarpang</i> , that killed four individuals and injured two.	Murder (Section 138, Penal Code of Bhutan(PCB); Treason (Article 4, NSA & Section 326, PCB); Terrorism (Section 329, PCB)	9 August 2010 Found guilty on all charges except for violation of Article 4 of NSA. Charges under NSA were dismissed. Did not exercise his right to appeal.
2	Rinzin Wangdi	25 June 1999	28 June 1999	Detonation of an IED at the VIP Pavillion of the <i>Changlimethang Stadium in Thimphu</i> on 7 November 1998	Defamation relating to treason (Section Na 1-1, <i>Thrimzhung Chhenmo</i>); Receipt of bribe from a criminal and concealing crime (Section Ma 1-3, <i>Thrimzhung Chhenmo</i>); Conspiracy to commit treason (Article 6, NSA); Incitement of enmity or hatred (Article 9, NSA); Treason (Article 5, NSA)	31 December 1999 Found guilty on 6 charges. Did not exercise his right to appeal.
3	Chandra Raj Rai	5 June 2008	5 June 2008	Detonation of a bomb near <i>Nainital School</i> , establishment of multiple associations to carry out subversive activities, inciting the public against the State, possession of explosives, distribution of materials to make explosives, and plans to plant bombs in Bhutan.	First Degree Felony (section 8, PCB); Four counts of sedition (section 331, PCB); Terrorism (section 329, PCB); Treason (section 326 & 327) PCB and art. 4, NSA); Concurrent sentencing (section 210, Civil and Criminal Procedure Code Act)	31 October 2008 Found guilty on all charges. Did not exercise his right to appeal.

4	Ganga Ram Dhakal	14 November 1992		Murder of a senior government official in <i>Gelephu</i> , conspiracy to assassinate a government official, multiple cases of armed robbery in <i>Bhirgaon</i> village, assault of victims, illegal possession of firearms.	Conspiracy and Murder of a government official (Art. 4 and 5 of NSA, Ba 1-10 and Pha-2, <i>Thrimzhung Chhenmo</i>); Treason (Art. 4, NSA); Armed robbery and assault (Pa-14, Pha-1, Pha-3, and Pha-4, <i>Thrimzhung Chhenmo</i>); Conspiracy to commit treason (Art. 6, NSA); Illegal possession of a firearm (Art. 4, Firearms and Ammunition Act)	11 April 1995 Certain parts of charges for armed robbery dismissed Appealed on 22 May 1995. The appeal was dismissed.
5	Damber Singh Pulami	27 May 2001	28 May 2001	Murder of two individuals, violent demonstration, multiple cases of extortion to finance subversive activities against the State, kidnapping of three individuals, ambush and detonation of land mines on the security force patrol, attempted murder, and loan default.	Murder (Ba 1-9, <i>Thrimzhung Chhenmo</i>); Conspiracy/subversive activities against Bhutan and its people (Art.6, NSA); Violent demonstration/unlawful assembly (Art. 11, NSA); Extortion to finance subversive activities (Pha-1, Ma 1-5, <i>Thrimzhung Chhenmo</i>); Kidnapping(Schedule B(e), Enabling Act for Suppression of Terrorism and Na 1-4, <i>Thrimzhung Chhenmo</i>); Laying of ambush, illegal possession of arms and ammunition, attempted murder (Pha-2, Ba 1-22 and Na 1-4, <i>Thrimzhung Chhenmo</i> , Art. 4 and 6, NSA); Looting of service rifles (Pa -16, <i>Thrimzhung Chhenmo</i>); Armed robbery (Pha-2, Pha-3, Pha-4, <i>Thrimzhung Chhenmo</i>); Theft and attempted extortion (Pa-14 and Ma 1-5, <i>Thrimzhung Chhenmo</i>); Loan Default (Nga 4-10, Nga 4-14, Loan	22 November 2001 Found guilty as charged except for one offense, for which the Court acquitted him in accordance with Section 204 of the CCPC for lack of proof beyond a reasonable doubt. Did not exercise his right to appeal.

					Act);	
6	Bhakta Bdr Rai	23 September 1993		Murder, kidnappings of four individuals, multiple cases of armed robbery, assault, inciting people of <i>Bhur</i> and <i>Surey</i> villages to participate in violent demonstration, among others.	Conspiracy/subversive activities against Bhutan and its people (Art. 6, NSA); Violent demonstration/unlawful assembly (Art. 11, NSA); Armed robbery (Pa-14, <i>Thrimzhung Chhenmo</i>); Armed robbery and assault (Pha-1, Pha-3, Pha-4, Ba 1-10, <i>Thrimzhung Chhenmo</i>); Kidnapping(Schedule B(e), Enabling Act for Suppression of Terrorism); Illegal possession of a firearm (Art. 4, Firearms and Ammunition Act)	13 December 1995 Found guilty of six charges, four charges dismissed for not meeting the evidentiary standard. Exercised right to appeal. On 26 April 1996, the Appellate Court overruled the Trial Court's judgement on one charge and reduced his sentence.
7-12	Govinda Niroula, Sukman Mongar, Khagendra Khanal, Nandalal Basnet, Birkha Bdr Chettri, and Kumar Gautam Chhetri	26 February 2008	29 February 2008	Possession of illegal arms and ammunition, including four rifles, one pistol, seven 12 bore ammunition, six IEDs, two kilograms of gunpowder, four <i>khukuris</i> (traditional swords). They admitted that their main purpose of coming to Bhutan was to raise a communist army to revolt against and overthrow the Government and form a government with their party.	Treason (Article 4, NSA & Section 327, PCB); Conspiracy/subversive activities against Bhutan and its people (Art. 6, NSA); Terrorism (Section 329, PCB); Illegal manufacturing of a firearm, ammunition, explosive, or other lethal weapon (Section 478, PCB); Illegal possession of a firearm, ammunition, explosive, or other lethal weapon (Section 480, PCB); Illegal sale or purchase of a firearm, ammunition, explosive, or other legal weapon (Section 482, PCB)	9 September 2008 Found guilty of all charges. They exercised their right and appealed to the High Court, seeking reduction of the sentence awarded by the Sarpang District Court. On 26 August 2009, the High Court, after a series of hearings and review, dismissed their appeal for reduction of sentence. Dismissed charges under NSA.

13-17	San Man Gurung, Om Nath Adhikari, Aita Raj Rai, Chaturman Tamang, and Hasta Bdr Rai	26 February 2008	27 February 2008	Possession of illegal firearms (rifles, explosives, pistols, IEDs, ammunition), and communist literature, setting up camps, receiving military training, bringing firearms, ammunition, and explosives, instigating the villagers, and starting an armed rebellion.	Illegal manufacturing of a firearm, ammunition, explosive (section 478, s & 479 (a), PCB); Terrorism (Sections 329 & 330, PCB); ; Illegal possession of a firearm, ammunition, explosive, or other lethal weapon (sections 480 & 481, PCB)	22 May 2008, Found guilty of violation of Sections 478, 479 (a), 480, 481, 329, and 330 of the PCB. NSA charges dismissed. They exercised their right to appeal and appealed to the High Court, seeking reduction of the sentence awarded by the Trial Court. On 3 September 2008, the High Court, after a series of hearings and review, dismissed their appeal and upheld the Trial Court's judgement for lack of grounds for consideration.
18	Prakash Mongar	21 March 1999	23 March 1999	Series of armed robberies in <i>Samtse</i> , kidnapping, assault, armed robbery of service rifles, gang rape of two minors, attempted murder.	10 counts of Conspiracy/subversive activities against against Bhutan and its people (Art. 6, NSA), Kidnapping (Na 1-4, <i>Thrimzhung Chhenmo</i> and Schedule B(e) of Enabling Act for Suppression of Terrorism), Theft of firearms (Pa 15 of the <i>Thrimzhung Chenmo</i>) Armed robbery (Pha - 1, Pha -3 and Pha -4 of the <i>Thrimzhung Chenmo</i>) and, Gang rape (Ba 2.7.1, Rape Act)	24 December 1999 Found guilty of violating Article 6 of the NSA, Sections Pa-15, Pha-1, Pha-3, Pha-4, and Na 1-4 of <i>Thrimzhung Chhenmo</i> , and Schedule B (e) of the Enabling Act for Suppression of Terrorism. Did not exercise his right to appeal.
19	Mani Kumar Pradhan	29 November 1997	1 December 1997	Series of robberies, assault and battery.	17 counts of armed robbery, assault (Pha-1, Pha-3, Pha-4, <i>Thrimzhung Chhenmo</i>), Theft of Ku sung Thukten (Tha 1-9 of <i>Thrimzhung Chenmo</i>), kidnapping (Schedule B(e), Enabling Act for Suppression of Terrorism)	15 October 1998 Found guilty of committing 16 acts amounting to criminal offenses. One charge was dismissed. Did not exercise his right to appeal.

Prison conditions

15. The Royal Government of Bhutan remains committed to continuously improving the standards of detention facilities across the country. The Prison Act of Bhutan 2009 provides for all aspects of prison management, including the welfare and treatment of all prisoners in Bhutan. The Act requires all prisoners to be provided adequate facilities and services including three meals, hygienic and sanitation facilities, ventilated cells and wards, access to medical care as well as recreational facilities, among others.
16. With regard to allegations of mistreatment and living conditions in the prisons, the Royal Government of Bhutan would like to share that Bhutan has provided access and facilitated independent monitoring of prisons. The Working Group on Arbitrary Detention (WGAD) made three visits to Bhutan, with the last visit being in 2019. Bhutan also received a series of visits from the International Committee of the Red Cross (ICRC). During all these visits, the WGAD members and ICRC officials were provided access to detention facilities and prisons around the country, and they met with the detainees in private. It must be noted that the ICRC noted during their visits that the general conditions of detention facilities were found satisfactory. The WGAD has also observed that there was no indication of mistreatment or violation of rights of the detainees as alleged by some quarters.
17. Further, the Royal Government of Bhutan would like to state that the Reports of the WGAD country visits provide an objective assessment of the prevailing situation and answer many of the false allegations against the Royal Government of Bhutan contained in the Joint Communication. In particular, attention of the Special Rapporteurs is drawn to Chapter IV Conclusions and Final Recommendations of the WGAD's report from their second visit in 1996. In this Chapter, the WGAD concludes that the 15 recommendations it made in October 1994 have generally been implemented. It also states that persons held in prisons under the NSA were taken before a judge and were either released or tried and convicted, and that 19 of those individuals were granted amnesty.
18. On the present prison conditions of the 19 individuals listed in the Joint Communication, each inmate is provided with an individual room equipped with their own cooking facilities. Other facilities on the premises include:
 - A recreational hall with a television
 - A large prayer hall
 - Four rooms allocated for tailoring
 - One room used as an office
 - 12 of the inmates' rooms are equipped with television sets
 - A facility for *Khuru* (traditional outdoor dart game)
 - A convenience store located inside the prison premises

Additionally, bathroom facilities include water heaters with adequate hot water supply. The inmates engage in various vocational activities such as carpentry and tailoring. They also have their own kitchen garden with fruit trees and also undertake beekeeping. They have access to a medical dispensary which is manned by a health professional. They receive regular health check-ups and free medical treatments including medications and treatment for any medical conditions.

Additional access to medical care is also provided including referrals to the Jigme Dorji Wangchuck National Referral Hospital, as and when required. Further, the prison authorities have also maintained a block for conjugal and family visits.

19. Prisoners are also allowed to receive visitors and mail and they are provided with writing materials and postage free of charge. The Royal Government of Bhutan continues to facilitate family visits for the prisoners. Between 2013 and 2025, a total of 292 family visitors including 110 from abroad have been facilitated for the 19 individuals.

Fair Trial and due process

20. The Constitution of Bhutan guarantees all persons the right to life, liberty and security of person and they have the right not to be deprived of such rights except in accordance with the due process of law. As evident in the case profile of the 19 individuals, fair trial guarantees and due process of law were followed throughout the proceedings, with all arrests, detentions, and prosecutions conducted in full compliance with national legislation in force at the time. The Courts ensured that convictions and sentences were based solely on the gravity of the offence, dismissing charges under the NSA and *Thrimzhung Chhenmo* in some cases to ensure that the principle of double jeopardy was not breached. Furthermore, the appellate process functioned as a vital safeguard, leading to reduction of sentences in some cases and dismissal of charges in others, as reflected in the case profiles. Therefore, the allegations and aspersions being cast on the absence of fair trials are unfounded.
21. On the questions related to representation by legal counsel, as required by the law, the defendants were informed of their rights, including their right to a *jabmi* (legal counsel). *Jabmis* were individuals with extensive knowledge of the then existing traditional court system who provided legal counsel before the modernisation of Bhutan's court system. It may be noted that during that period, it was common practice for both the defendant and plaintiff to represent themselves in courts and therefore the decisions of the 19 individuals to represent *pro se* was an accepted norm. As such, the issue was not a case of denial of their right but on account of the absence of trained lawyers in Bhutan at that time.
22. On the allegation of double jeopardy in 2008 trials, it is essential to note the judicial prudence exercised by the Court in ensuring that no individual is punished twice for the same offense. Particularly, in the case of San Man Gurung, Om Nath Adhikari, Aita Raj Rai, Chaturman Tamang, and Hasta Bdr Rai, despite the prosecution's attempt to charge them under both the NSA and the Penal Code of Bhutan (PCB), the Court found them guilty only under the PCB, dismissing the charges under the NSA. Likewise, in the case of Govinda Niroula, Sukman Mongar, Khagendra Khanal, Nandalal Basnet, Birkha Bdr Chettri, and Kumar Gautam, while the Trial Court convicted the six under both the NSA and the PCB (for which they were concurrently sentenced to life imprisonment), the High Court, upon appeal, exercised judicial discretion to correct the Trial Court's judgement. Despite the appeal being limited to sentence reduction, the High Court went beyond the requested relief to dismiss the charges under the NSA entirely, finding them guilty only under the PCB. In Bhim Bdr Rai's case as well, the Trial Court dismissed the charge under the NSA and found him guilty solely under the PCB. As such, the allegations of double jeopardy as reflected in the Joint Communication are baseless.

23. The listed individuals were sentenced corresponding to the severity of the multiple distinct offenses committed and their culpability, as indicated in the case profiles shared above. The courts exercised judicial diligence in ensuring that the sentencing was commensurate with the offenses through careful examination of the evidence, circumstances of the case, and the sentencing parameters provided under relevant national legislation. Notably, for each charge that the individual was convicted of, the sentencing strictly adhered to the limits of the statutory sentencing framework, ensuring that the sentencing neither exceeded nor fell below what was warranted by the law. Furthermore, the courts ensured that no individual was unjustly sentenced by observing high evidentiary standards which resulted in dismissal of charges in some cases. While the judicial commitment to upholding the fundamental principle of proportionate sentencing is evident in all its determinations, it is more significant in the case of Bhakta Bdr Rai, where the appellate court has reduced the sentencing from life imprisonment to 34 years and 7 months. Thus, the 19 individuals were given fair and proportionate sentences.

Discrimination against *Lhotshampa* community

24. The Royal Government of Bhutan deeply regrets and rejects the observations in the Joint Communication that people of Nepalese origin are discriminated against and denied their rights. All Bhutanese citizens, regardless of their ethnic origin, enjoy equal rights under the Constitution. Bhutanese citizens of Nepalese origin are proportionately represented across all sections of society including Parliament, Cabinet, constitutional bodies, civil service, law enforcement agencies and the corporate and private sector. As such, the Royal Government of Bhutan categorically rejects the false allegation of ethnic discrimination and discriminatory laws and practices in Bhutan.

25. It is imperative for the Royal Government of Bhutan to dispel the misunderstanding that '*Lhotshampa*' means people of Nepalese origin. *Lhotshampa* is a term used for all Bhutanese people living in the Southern parts of the country and has no direct application or linguistic reasons to mean it as people of Nepalese origin. Perpetuating the use of the word '*Lhotshampa*' as a reference to people of Nepalese origin, serves no other purpose, apart from the divisive intent of certain vested groups.

26. Bhutan is a Democratic Constitutional Monarchy. The principle of democracy and the fundamental rights of the citizens are clearly defined and codified in our Constitution and serve as the basis to empower the people. Further, it is a principle of our state policy to create a society free of oppression, discrimination and violence, based on the rule of law, protection of human rights and dignity, and to ensure the fundamental rights and freedoms of the people. The principle of non-discrimination is also a fundamental principle under the laws and policies, and legal frameworks are in place to ensure that the principle is upheld and enforced effectively.

27. Under Article 7(15) of the Constitution of Bhutan, all persons have the fundamental right not to be discriminated against on the grounds of race, sex, language, religion, politics or other status. Pursuant to this constitutional right, Bhutanese citizens have the right of peaceful assembly and association (Art. 7(12)), personal property (Art. 7(9)), freedom of religion (Art. 7(4)) and speech (Art. 7(2)), citizenship (Article 6), voting rights (Art. 7(6)), and freedom from unwarranted governmental deprivation of the right to life and liberty (Art. 7(1)).

28. As such, the Royal Government of Bhutan strongly refutes the allegations of discrimination against “Lhotshampas” in voting rights, citizenship, employment, religious freedom, restrictions on establishing political parties, public gatherings, freedom of speech, etc. These are all false narratives being propagated by certain vested groups, associated with the illegal immigrants who committed heinous crimes and violent acts of terrorism against Bhutan and its people.

Citizenship

29. As in any other country, there are clear legal procedures and criteria laid down to obtain citizenship, irrespective of ethnicity, gender or religion. Citizenship is governed by the Constitution and the Citizenship Laws of Bhutan. These laws provide the overarching legal basis for acquisition, transmission and loss of Bhutanese citizenship.

30. The opportunities for naturalization are provided uniformly to both male and female children in the event any of the parents is a foreign national. As per the Constitution of Bhutan, such children would be granted a residency permit and, once they had lived in the country for 15 years, would be able to apply for citizenship through the naturalization process.

31. It is important to note that non-citizen residents in Bhutan are not all of Nepalese origin but include individuals from other backgrounds as well. As reported in the last Universal Periodic Review (UPR) in November 2024, over 22,000 individuals domiciled in Bhutan have been granted citizenship since the adoption of the country’s Constitution in 2008, including 12,000 between 2019 and 2024. Additionally, since the last UPR, approximately 1,000 more individuals have received citizenship, bringing the total to 23,000. The Royal Government of Bhutan will continue to assess and award citizenship to eligible individuals in keeping with the Citizenship Act. It is imperative to add here that those non-citizens who are domiciled in Bhutan are granted equal access to public services such as free education and health care as those enjoyed by the citizens. They are also accorded full protection under the law.

Ratification of core human rights instruments

32. The Royal Government of Bhutan notes the observation by the Special Rapporteurs of Bhutan’s non-ratification of the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the reference to Bhutan’s decisions from the third cycle of Bhutan’s UPR (2019) regarding recommendations that it consider ratifying all the core human rights instruments to which it is not yet a party. While the Joint Communication notes the above, it is regretful that the Joint Communication failed to take note of Bhutan’s position that the study of international treaties to consider feasibility of ratification is an ongoing exercise. The ratification of international instruments, across all fields, is undertaken in a staggered manner based on national needs and priority areas for the country, as well as the state of readiness. Bhutan believes that in order to give meaningful effect to any international obligations, we must first build the necessary legal, political, and social institutions, as well as develop the human resources of the country before assuming these obligations.

33. The Joint Communication also failed to note that since the third UPR of Bhutan, the Royal Government of Bhutan has ratified the UN Convention on the Rights of Persons with Disabilities in 2024. The Royal Government of Bhutan has accepted the recommendation to ratify the CAT as an

outcome of the fourth cycle of Bhutan's UPR (2024). The Royal Government of Bhutan remains committed to undertaking study and considering ratification of additional instruments based on national needs and capacities.

34. Until such time Bhutan is able to ratify all human rights conventions, the Constitution provides adequate and comprehensive legal basis to protect the rights of our citizens. For instance, Article 2 (non-discrimination) and Article 7 (equal protection of the law) of the Universal Declaration of Human Rights (UDHR) are covered under Article 7(15) of the Constitution of the Kingdom of Bhutan. UDHR Articles 18 and 19 (freedom of expression) are covered under Article 7(2) of the Constitution of the Kingdom of Bhutan. Article 20 (right of peaceful assembly) of the UDHR is covered under Article 7(12) of the Constitution of the Kingdom of Bhutan. Article 10 (Right to legal representation) of the UDHR is covered under Article 7(21) of the Constitution of the Kingdom of Bhutan. Similarly, the right to life, liberty and security of persons under Article 3 of UDHR is guaranteed under Article 7(1) of the Constitution and the right against arbitrary arrest and detention under the UDHR is covered under Article 7(20) of the Constitution of the Kingdom of Bhutan.

Amnesty/Royal Pardon

35. According to the Constitution of the Kingdom of Bhutan, granting pardons, amnesty and reduction of sentences is a Royal Prerogative vested in His Majesty The King. In exercising the Royal Prerogative, 1,805 individuals convicted under the NSA have been granted amnesty between 1991 and 2022. With regard to the question of granting future pardon(s), the Royal Government of Bhutan maintains that any speculative or presumptive response would be neither appropriate nor prudent, as it pertains to the exclusive constitutional prerogative of His Majesty The King.

Conclusion

In submitting the above responses of the Royal Government of Bhutan to the issues and questions raised by the Special Rapporteurs, the Royal Government of Bhutan would like to request that any future representations on the matter be subjected to prior objective review on the basis of the information submitted above.

The Royal Government of Bhutan has deliberately not addressed some of the concerns and questions raised in the Joint Communication which are baseless and unfounded, and this should not be construed as the Royal Government of Bhutan acknowledging these inaccurate views or unfounded calls for accountability. The false allegations of mass arbitrary detentions, excessive use of force, torture and sexual violence, home demolitions and confiscations, and forced evictions and expulsions are continuing attempts by the illegal immigrants to perpetuate a false narrative. The Royal Government of Bhutan rejects all such allegations and does not regret the sovereign prerogative it exercised in legally safeguarding the sovereignty and integrity of a small vulnerable country.

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