

PUBLIC

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UA 42/06 **Arbitrary detention/ human rights defenders at risk**

NEPAL **Krishna Pahadi (m)**
Dr Devendra Raj Pandey (m)
Dr Mathura Prasad Shrestha (m)
Shyam Shrestha (m)
Kundan Raj Kafle (m)
And hundreds of political party and civil society leaders and activists

The five men named above, all peace and human rights activists, are among hundreds of people arbitrarily detained throughout the country following a wave of arrests which began on 19 January. Amnesty International is calling for the immediate and unconditional release of all those who were arrested for the peaceful exercise of their right to freedom of expression and of free association.

Krishna Pahadi, Devendra Raj Pandey and Mathura Prasad Shrestha are being held at the National Police Academy and Shyam Shrestha and Kundan Raj Kafle are being held at the Armed Police Force Barracks No. 2 in Ranibari. Both detention centres are in Maharajgunj in the capital, Kathmandu. There are concerns that all five may not have access to clean drinking water and that they may be in need of medical attention. Krishna Pahadi was taken to hospital on 15 February suffering from high cholesterol and polycythemia, a disease affecting his blood cell levels, but was returned to detention the same day.

All five men are prominent peace activists and human rights defenders whom Amnesty International considers have been arrested as a result of the peaceful exercise of their right to freedom of expression and assembly. Krishna Pahadi is one of Nepal's most prominent human rights activists, a former chairperson of Amnesty International Nepal and currently leader of the Citizen's Movement for Democracy and Peace. Shyam Shrestha is a journalist working for the opposition monthly newspaper, *Mulyankan*, (Evaluation). Kundan Raj Kafle is President of the Pashupati Multiple Campus Student Union, in Chabahil, Kathmandu. Devendra Raj Pandey and Mathura Prasad Shrestha are well known civil society leaders.

The five men are being held under the Public Security Act (PSA) which permits detention without trial, initially for up to 90 days, to prevent persons from committing actions that "undermine the sovereignty, integrity or public tranquility and order of the Kingdom."

Although over 150 detainees were released on 14 and 16 February from detention centres in Kathmandu and other towns around the country, hundreds of people, including political leaders and human rights activists, continue to be arbitrarily detained.

BACKGROUND INFORMATION

Since 1 February 2005, when King Gyanendra seized absolute power, the government of Nepal has tightened restrictions on civil and political rights. During September and December 2005 hundreds of political party and human rights activists were arrested during protest demonstrations calling for an end to the King's rule and the restoration of democracy and human rights in Nepal.

On 16 January the government imposed a ban on assemblies, processions and sit-ins to prevent a demonstration in Kathmandu planned for 20 January 2006 by the seven-party political alliance to protest against municipal elections called for 8 February. The Home Minister Kamal Thapa reportedly stated that the ban was made necessary by information received by the authorities that the demonstration would be used by the Communist Party of Nepal (CPN) (Maoist) as an opportunity to incite or commit violence. On 19 January

over 100 political and civil society activists were arrested under the Public Security Act. They included Nepali Congress President, Girija Prasad Koirala, and General Secretary of the Communist Party of Nepal-United Marxist Leninist (CPN-UML), Madav Kumar Nepal, who were placed under house arrest, and other senior political party leaders.

During the weeks that followed, over 800 people were arrested across the country including political activists, students, journalists, and human rights defenders. The vast majority of those detained were arrested for exercising their right to freedom of peaceful assembly or for expressing their political opinion. There have been reports of excessive use of force by police in their response to public demonstrations as well beatings and other abuses of activists taken into custody. On 14 February 115 political party and human rights activists were released from detention, the majority from various police stations around the capital, and nine from Patan town in Kathmandu valley. This was followed by the release of a further 50 people from detention in Bhaktapur town in the Kathmandu valley and from Kaski and Tanahun districts. However, over 200 people are believed still to be detained at detention centres around the country.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- appealing for the immediate and unconditional release of the five men named above and others detained solely for the peaceful exercise of their right to freedom of expression and of free association;
- expressing concern at reports that Devendra Raj Pandey, Mathura Prasad Shrestha, Shyam Shrestha and Kundan Raj Kafle may not have access to clean drinking water, and urging the authorities to ensure that their conditions of detention conform to international standards;
- urging that all detainees be held in an officially recognized place of detention and, in conformity with national law, be brought before a judicial authority promptly after detention;
- calling for all the detainees to be granted immediate access to their relatives and a lawyer, and medical treatment if required;
- calling on the authorities to ensure that all legislation used to arrest and detain is in conformity with international standards to which Nepal is a state party.

APPEALS TO:

His Majesty the King Gyanendra Bir Bikram Shah Dev
C/O The Chief of Protocol Division
Dr. Rambhakta P.B.Thakur
Protocol Division, Ministry of Foreign Affairs, Shital Niwas, Kathmandu, Nepal
Fax (C/O the Foreign Ministry): + 977 1 4423 951 / 4416016
Salutation: Your Majesty

Minister Kamal Thapa
Minister of Home Affairs
Singha Durbar, Kathmandu, Nepal
Fax: + 977 1 4211 232
Salutation: Dear Minister

Minister Niranjan Thapa
Minister of Law, Justice and Parliamentary Affairs
Singha Durbar, Kathmandu, Nepal
Fax: + 977 1 4220 684 (please keep trying)
Salutation: Dear Minister

Shyam Bhakta Thapa
Inspector General of Police
Police Headquarters, GPO Box 407, Naxal, Kathmandu, Nepal
Fax: + 977 1 4415 593
Salutation: Dear Inspector General

COPIES TO: diplomatic representatives of Nepal accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 31 March 2006.