

PUBLIC

AI Index: ASA 31/017/2005

16 February 2005

Further Information on UA 29/05 (ASA 31/009/2005, 8 February 2005) Fear of torture /Fear for safety /Medical concern

NEPAL **Bishnu Nisthuri (m), general secretary, Federation of Nepalese Journalists
parties** **Hundreds of others including student activists and members of political**

Released: **Sindhunath Pyakurel (m), former chairman of the Nepal Bar Association**

The Nepal Bar Association has confirmed that Sindhunath Pyakurel was released on the morning of 14 February after spending two weeks in detention.

Sindhunath Pyakurel was arrested on 1 February by security forces personnel at his office in Kathmandu. He was reportedly held incommunicado for nine days at the Kakani army barracks in Nuwakot District, close to Kathmandu, before being moved to the Armed Police Force camp in Duwakot in neighbouring Bhaktapur District, and then to the Bhaktapur police station. On 9 February, after a *habeas corpus* petition (requiring him to be brought before a court or judge) was filed on his behalf, the Supreme Court ordered the security forces to bring Sindhunath Pyakurel before the Court within three days. The Home Minister permitted Sindhunath Pyakurel's wife to visit him in custody at the Bhaktapur police station on 12 February, and he was released two days later.

"I am happy they released me," Pyakurel said, according to the Kathmandu Post newspaper. "[But] they should not have arrested me since I am a non-political professional lawyer." His family have thanked Amnesty International members for campaigning on his behalf.

Bishnu Nisthuri, who was reportedly arrested on 4 February, is being held at the Singha Durbar police station in Kathmandu. His wife has visited him in custody and was permitted to bring him warm clothes. On 14 February, the Supreme Court issued a notice to the government authorities, giving them three days to inform the Court of the reasons for his arrest. Bishnu Nisthuri was taken into custody two days after the Federation of Nepalese Journalists (FNJ) issued a statement condemning King Gyanendra's seizure of power as a "coup against democracy".

Hundreds of arrests have been reported since King Gyanendra dismissed the government and declared a state of emergency on 1 February. Those detained include political leaders, student activists, and human rights defenders. While the government has released some political leaders and human rights activists in the last week, many others remain in custody. Those arrested in districts outside Kathmandu are at particular risk, as the population is more vulnerable to human rights violations including torture in custody and "disappearance" due to the absence of adequate communications and international monitors.

BACKGROUND INFORMATION

King Gyanendra's seizure of power has plunged the country deeper into crisis and put the Nepalese people at even greater risk of gross human rights abuses. The routine violation of human rights was already a widespread feature of the nine-year conflict in Nepal between government forces and the Communist Party of Nepal (Maoist). Following the declaration of a state of emergency, Nepal's state media reported the suspension of several provisions of the Constitution that protect fundamental human rights and freedoms, including the right to privacy and freedoms of expression, press, assembly and association. Hundreds of people have reportedly been arrested, including political leaders, student activists, and human rights

defenders. For the first week of the emergency, telephone lines and internet connections were cut, making it extremely difficult to obtain information about the scale of the crackdown. The army is said to be enforcing strict new rules on media censorship.

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

- welcoming the release of Sindhunath Pyakurel, former chairman of the Nepal Bar Association;
- expressing concern for the safety of Bishnu Nisthuri and all those arrested following the declaration of a state of emergency, the dismissal of the government and the King's assumption of power on 1 February 2005;
- calling on the authorities to immediately grant them access to their relatives, lawyers and any medical attention they may require;
- urging that they be treated humanely while in custody and not tortured or ill-treated;
- calling for them to be released immediately and unconditionally, unless they are to be charged with a recognizably criminal offence;
- calling on the authorities to ensure that human rights activists, journalists, lawyers and other members of civil society are able to carry out their work without fear of arrest or harassment by the security forces.

APPEALS TO: (Faxes may be switched off outside office hours, 5 ½ hours ahead of GMT. If someone answers the telephone please ask them in English to switch on the fax machine, and resend the fax).

Inspector General of Police Shyam Bhakta Thapa
Police Headquarters
GPO Box 407
Naxal
Kathmandu, Nepal
Fax: + 977 1 4 415 593 / 4 415 594
Email: info@nepalpolice.gov.np
Salutation: Dear Inspector General

Lieutenant Colonel Raju Nepali
Royal Nepal Army
Human Rights Cell
Royal Nepalese Army Headquarters
Singha Durbar
Kathmandu, Nepal
Fax: + 977 1 4 226 292
Email: humanrights@rna.mil.np
Salutation: Dear Lieutenant Colonel

His Majesty the King Gyanendra Bir Bikram Shah Dev
C/O The Chief of Protocol Division
Protocol Division
Ministry of Foreign Affairs
Chital News, Kathmandu, Nepal
Fax: + 977 1 4 4423951
Salutation: Your Majesty

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 30 March 2005.