

UA 02/02

Fear of s**NEPAL Jitendra Mahaseth (m), doctor**

Jitendra Mahaseth is a medical doctor working at Nepalgunj medical college hospital situated at Kohalpur, Nepalgunj, western Nepal. He was arrested by police from the college on 17 December 2001 apparently because he had provided medical treatment to a member or members of the Communist Party of Nepal (CPN) (Maoist), an armed political group. He is being held in incommunicado detention and is at risk of torture or ill-treatment.

BACKGROUND INFORMATION

Peace talks aimed at ending the CPN (Maoist)'s five-year "people's war" and an accompanying cease-fire broke down on 23 November 2001. The Maoists attacked police and army posts in Dang, Syangja and Solukhumbu districts. The authorities responded on 26 November by declaring a nationwide emergency, and deploying the army. The King of Nepal also officially announced the Terrorist and Disruptive Activities (Prevention and Control) Ordinance (TADO), 2001, which grants wide powers to arrest people involved in "terrorist" activities. The CPN (Maoist) was declared a "terrorist organisation" under the Ordinance.

According to official sources, more than 3,300 people have been arrested since the state of emergency has been declared. Among them are many lawyers, students and teachers arrested throughout the country on suspicion of being members or sympathizers of the CPN (Maoist).

To Amnesty International's knowledge, very few of those arrested have so far been brought to court. Under the TADO, they can be held in prevention detention for up to 90 days, extendable for another 90 days with the permission of the Home Ministry. It is suspected that many people are held in army camps without access to their relatives, lawyers or a doctor.

In late November, the Ministry of Health announced that all health workers working in private hospitals, nursing homes and clinics are required to inform the local administration or nearby security personnel if they "find persons involved in terrorist activities". It also said that action would be taken against any individual or institution found to be treating such people without informing the local administration or security bodies.

Amnesty International is concerned that doctors should at all times be able to give treatment to people who are in clear need of medical care without fear of intimidation by the authorities and regardless of the patient's political, social or other status. Where the patient is wanted by the authorities and the doctor fails to report the fact of treatment should that be required by law, the response of the authorities to the doctor has to be proportionate to the alleged legal infringement and consistent with prevailing law.

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

- expressing concern about the safety of Dr Jitendra Mahaseth, a doctor at Nepalgunj medical college who was arrested by police on 17 December 2001 apparently for having provided treatment to a member or members of the CPN (Maoist) and urging the authorities to make public his whereabouts immediately;
- urging the government to ensure that he is humanely treated while in custody;

- urging that he be released immediately and unconditionally unless he is to be charged with a recognizably criminal offence;

APPEALS TO:

Rt Hon Prime Minister Sher Bahadur Deuba
Prime Minister
Office of the Prime Minister
Singha Durbar
Kathmandu
Nepal

Telegrams: Prime Minister, Kathmandu, Nepal

Faxes: + 977 1 221 286

Salutation: Dear Prime Minister

Hon Khum Bahadur Khadka
Home Minister
Ministry of Home Affairs
Singha Durbar
Kathmandu
Nepal

Telegrams: Home Minister, Kathmandu, Nepal

Faxes: + 977 1 227 186 or 187

Salutation: Dear Minister

Mr Pradeep Shamsher J B Rana
Inspector General of Police
Police Headquarters
GPO Box 407
Naxal
Kathmandu
Nepal

Telegrams: Inspector General of Police, Kathmandu, Nepal

Faxes: + 977 1 415 593/ 415 594

Salutation: Dear Inspector General

COPIES TO:

Chief District Officer
District Administrative Office
Nepalgunj
Banke district
Nepal

and 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 14 February 2002.