

NEPALKrishna Sen - editor, *Janadesh Weekly*

Newspaper editor Krishna Sen, who has spent nearly two years in prison, has reportedly been rearrested immediately after he was released on the orders of the Supreme Court. The authorities have reportedly denied having him in custody, and his whereabouts are now unknown, raising grave concern for his safety.

On 8 March a full bench of the Supreme Court, including the Chief Justice, ordered the release of Krishna Sen. The order for his release apparently reached the Rajbiraj jail, in Saptari district, late on 9 March, after the jailer had left. It appears that the jail authorities released Krishna Sen on 10 or 11 March. Human rights activists and journalists say they believe that police rearrested him immediately and took him to Siraha district police office. However, the authorities have reportedly said that he is not in custody.

Krishna Sen is the editor of *Janadesh Weekly*. He was arrested in April 1999, after the newspaper published an interview with one of the leaders of the Maoist movement, Dr Baburam Bhattarai. He was detained under the Public Security Act (PSA) which allows preventive detention "in order to maintain public order". He was held initially in Bhadracol Jail, Kathmandu, but then transferred to Siraha district jail where he was reported to be facing charges under the Arms and Ammunition Act. He was later transferred to Rajbiraj jail.

BACKGROUND INFORMATION

Amnesty International is concerned by the use of the PSA to re-arrest people suspected of being members or sympathizers of the Communist Party of Nepal (CPN) (Maoist) after a court has ordered their release. The police's blatant disregard for the authority and independence of the judiciary is a particularly disturbing aspect of the human rights situation in Nepal.

Under the PSA a person can be detained for up to 90 days on detention orders issued by local authorities, which can be renewed by the Home Ministry and extended up to 12 months from the original date of issue, subject to the approval of an Advisory Board established under the Act.

Amnesty International has received reports of increasing numbers of "disappearances" and unacknowledged detentions, linked to the Maoist "people's war" declared by the CPN (Maoist) in February 1996.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English or your own language:

- expressing concern for the safety of Krishna Sen, who was reportedly re-arrested on 10 March after he had been released from Rajbiraj Jail on the orders of the Supreme Court;
- urging the authorities to find out where he is, make this information public and take action to protect him;
- asking the authorities to order an independent and impartial investigation into his "disappearance", and to make the findings public;
- urging that if he is in police custody, he be promptly charged with a recognizably criminal offence, or immediately released.

APPEALS TO:

Rt Hon Prime Minister Girija Prasad Koirala
Prime Minister
Office of the Prime Minister
Singha Durbar
Kathmandu
Nepal

Telegrams: Prime Minister, Kathmandu, Nepal
Faxes: + 977 1 227 286 or 428 570
Salutation: Dear Prime Minister

Hon Ram Chandra Poudel
Deputy Prime Minister and
Minister of Home Affairs
Ministry of Home Affairs
Singha Durbar
Kathmandu
Nepal

Telegrams: Home Affairs Minister, Kathmandu, Nepal
Faxes: + 977 1 225 156

Mr Pradeep Shamsheer 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 or 415 594
Salutation: Dear Inspector General

COPIES TO:

Nayan Bahadur Khatri
Chairperson
National Human Rights Commission
Harihar Bhavan
Pulchowk
Lalitpur
Nepal

Telegrams: Chairperson, National Human Rights Commission, Nepal
Faxes: + 977 1 525 842
Salutation: Dear Chairperson

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 24 April 2001.