

# NEPAL

## Suresh Ale Magar and Pawan Shrestha

Suresh Ale Magar (pictured above), a university lecturer and Pawan Shrestha, a civil engineer, "disappeared" following their release on 23 December 1999 on the orders of the Supreme Court from Kathmandu Central Jail, where they had been detained under the Public Security Act (PSA).

Suresh Ale Magar is a lecturer in English at the Nepal Law Campus, Tribhuvan University in Kathmandu. He is a member of the tribal Magar community and a founder member of the *Nepal Jansdati Masa* (Nepal Indigenous People's Movement). He is also the former general secretary of the Nepal Federation of Nationalities and current president of the All Nepal Nationalities Organization.

Suresh Ale Magar had been arrested on three separate occasions during 1999 under the PSA, which allows for people to be held in preventive detention for a period up to 90 days to prevent any person from taking any action which could have an adverse effect, among others, on the security or order and tranquillity of the country. His first arrest, on 31 March, was from a meeting of the *Newar Khala*, a group demanding language rights for minorities. Bishnu Pukar Shrestha, (see appeal case ASA 31/08/2000) who attended the same meeting, was also arrested on that day. They were detained under a detention order issued by the Chief District Officer (CDO) of Lalitpur district and taken to Nakhu Jail, Lalitpur. Lawyers filed a *habeas corpus* writ challenging the legality of their detention in the Supreme Court which ordered their release. Bishnu Pukar Shrestha was released on 11 May and Suresh Ale Magar was released on 12 May 1999.

Suresh Ale Magar was arrested for the second time on 15 July 1999 and detained under the PSA on the orders of the Bhaktapur Chief District Officer and taken to the Bhaktapur District Police Office. He was kept for just under three months before being released on the

order of the Supreme Court. On the day of his release, 8 October 1999, he was immediately re-arrested outside Central Jail. He was again detained under the PSA on another 3-month detention order, this time issued by the Chief District Officer of Kathmandu and taken to Hanuman Dhoka police station.

Pawan Shrestha, a civil engineer and member of the Newar community, was also arrested in October. He is a member of the Association of Newars and the All Nepal Nationalities Organization. Both he and Suresh Ale Magar were transferred to Central Jail, Kathmandu. Following hearings in December of separate *habeas corpus* writs filed on their behalf, the Supreme Court ordered both men to be released. According to eye-witnesses, after their release on 23 December, Suresh Ale Magar and Pawan Shrestha were put into a police van outside Central Jail and taken away to an unknown destination. Their whereabouts remain unknown. On 24 January 2000 relatives filed *habeas corpus* writs on behalf of the two men in the Supreme Court to try to establish their whereabouts. At the time of writing, their whereabouts remain unknown.

The PSA allows for detainees to be held in preventive detention under detention orders issued by local authorities for a period of up to 90 days. This period can be extended for another 90 days by the Home Ministry. A further extension up to 12 months from the original date of issue can be obtained subject to the approval of an Advisory Board established under the Act.

### **Background Information:**

The establishment of multi-party democracy in Nepal in 1990 providing for a new Constitution with increased protection for human rights and the ratification of all major human rights treaties led to high expectations of an era of stability, development and increased human rights protection. Despite some improvements, progress towards bringing existing legal and administrative provisions fully in line with the principles enshrined in the Constitution and international standards has been slow and a climate of impunity has persisted among members of the police force. Nepal remains one of the poorest countries in the world and many people are denied their basic economic and social rights.

Reports of torture, alleged extra-judicial executions and "disappearances" have been reported in recent years in the context of a "people's war" declared by the Communist Party of Nepal (CPN) (Maoist) on 13 February 1996. Continued poverty and corruption are seen as among the main factors behind this conflict. Support for the "people's war" has been particularly strong in the most economically deprived areas of Nepal. The aims of the CPN (Maoist) include the establishment of a republican state. Members of the CPN (Maoist) have been responsible for scores of deliberate killings, abductions and torture of civilians. Grave human rights violations by the police, including hundreds of extrajudicial executions, dozens of "disappearances" and numerous incidents of torture and arbitrary arrests and detentions have been reported.

Amnesty International recognizes the responsibility of the Nepali state to maintain order and protect life and property, but asserts that this must be done by adherence to the human rights principles laid down in its Constitution and international standards to which it is a party. The organization calls on armed political groups to respect human rights and to halt abuses such as the abduction of civilians, hostage-taking, torture and unlawful killings.

Amnesty International is concerned about reports in recent years of an upsurge in human rights violations in Nepal, most of which have occurred in the context of a "people's war" declared by the Communist Party of Nepal in February 1996. The organization has called upon the government to ensure that all reports of extrajudicial executions, torture and "disappearances" are fully and impartially investigated and that those found responsible are brought to justice. It has also called on the CPN (Maoist) for an immediate halt to deliberate killings of civilians.

### **The re-emergence of "Disappearances" in Nepal?**

Amnesty International is disturbed by a re-emerging pattern of "disappearances" and long-term unacknowledged detention in the context of police operations against suspected members of the CPN (Maoist). Since the beginning of 1998, Amnesty International has recorded a total of 44 "disappearances", all of which have occurred within the context of the Maoist "people's war". There is evidence to suggest that some detainees have been held incommunicado in unofficial places of detention, including the Police Training Centre in Maharajgunj, Kathmandu.

Several "disappearances" were reported in Nepal in mid-1985 in the context of a civil disobedience campaign against the government and a series of bomb explosions in the capital. The United Nations Working Group on Disappearances retains four un-clarified cases from that period. In at least two of these cases, there were credible reports that detainees had been held at the Maharajgunj Police Training Centre.

## **TAKE ACTION!**

**Please send telegrams/faxes/express/airmail letters/e-mails in English:**

- expressing concern for the safety of Suresh Ale Magar and Pawan Shrestha, whose whereabouts remain unknown following their release from Central Jail, Kathmandu, on 23 December 1999;
- calling on the government to take steps to investigate their fate and whereabouts and to make the findings public;
- urging that, if they are still in detention, they be promptly charged with a recognizably criminal offence, or immediately released;
- calling upon the government, if they remains in detention, to safeguard their physical integrity and to allow them immediate access to their family, legal counsel and medical care;
- expressing concern at the deteriorating human rights situation in Nepal and appealing for a halt to human rights violations.

## Addresses:

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## For further information see:

- See Urgent Action 09/99 *Disappearance/Fear for safety: Suresh Ale Magar, university lecturer and Pawan Shrestha, civil engineer* (AI Index: ASA 31/01/00)
- *Nepal: Human rights and security*, February 2000 (AI Index: 31/01/2000)
- *Nepal: Human rights at a turning point?*, March 1999 (AI Index: 31/01/99)
- *Nepal: Human Rights violations in the context of a Maoist "people's war"*, March 1997 (AI Index: 31/01/97)

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