

**NEPALGopal Budhathoki (m), newspaper editor**

---

Gopal Budhathoki, editor and publisher of the weekly newspaper *Sanghu* (Bridge), was arrested by the security forces on 3 March in Kathmandu, while on his way home from his office by motorbike. Although the authorities have acknowledged that he is in army custody in Kathmandu, to date no one knows where exactly he is held and no one has been able to see him. It is feared he may be tortured.

Following appeals by the Nepal Press Forum and other journalists, the Prime Minister said in parliament on 6 March that Gopal Budhathoki was being held by the army on charges of demoralizing the security forces in his publication. This comment reportedly referred to an article that appeared in *Sanghu* which criticized the behaviour of the army high command during the ongoing fighting with the Communist Party of Nepal (CPN) (Maoist).

The National Human Rights Commission (NHRC) has reportedly made inquiries with the relevant authorities about Gopal Budhathoki's whereabouts, but has apparently not yet received a response.

Gopal Budhathoki had been arrested by police on 17 December 2001 in Kathmandu, but was released after 24 hours in custody. His arrest appears to have been politically motivated.

**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, after the Maoists withdrew from the talks and attacked police and army posts in 42 districts. The authorities responded on 26 November by declaring a nationwide emergency, and deploying the army. The King also officially announced the Terrorist and Disruptive Activities (Prevention and Control) Ordinance (TADO), 2001, granting wide powers to arrest people involved in "terrorist" activities. The CPN (Maoist) was declared a "terrorist organization" under the Ordinance.

According to official sources, more than 5,000 people have been arrested since the state of emergency was declared. Among them are many lawyers, students, journalists and teachers arrested throughout the country as suspected members or sympathizers of the CPN (Maoist).

On 28 November 2001, the Ministry of Information and Communication published a list of issues not to be published or broadcast. They included "anything that aims to create hatred and disrespect against His Majesty the King and the Royal Family", "anything that is likely to create hatred against the Royal Nepal Army, police and civil servants and lower their morale and dignity" and "news that supports Maoist terrorists including individuals or groups". The Ministry encouraged the media to publish official news and reports "regarding bravery and achievements of [the] Royal Nepal Army, police and civil servants". More than 60 journalists have been arrested since the declaration of the state of emergency: about 30 are still in custody.

To Amnesty International's knowledge, very few of those arrested have so far been brought to court. Under the TADO, they can be held without charge or trial for up to 90 days, extendable for another 90 days with the permission of the

Home Ministry. Many people are thought to be held in army camps without access to their relatives, lawyers or doctors.

Under the state of emergency, a number of fundamental rights guaranteed in the Constitution have been suspended, including the rights to freedom of assembly, freedom of expression and to constitutional remedy. Although the right of *habeas corpus* (order requiring a detainee to be brought before a judge or into court) has not been suspended, no *habeas corpus* petitions have been filed since the state of emergency was declared. Lawyers are afraid that if they lodge such petitions on behalf of people arrested as suspected CPN (Maoist) members or supporters, they may be arrested themselves under the Ordinance for "supporting terrorism".

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

- expressing concern for the safety of Gopal Budhathoki, who was arrested by the security forces on 3 March 2002;
- calling on the authorities to reveal where he is detained;
- urging them to ensure that he is treated humanely while in custody;
- urging that he be released immediately and unconditionally unless he is to be charged with a recognizable criminal offence;
- calling on the authorities to allow him access to his relatives, lawyers and a doctor should he be in need of medical attention.

**APPEALS TO:**

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

**Telegrams: Prime Minister, Kathmandu, Nepal**

**Fax: + 977 1 227 286**

**Salutation: Dear Prime Minister**

Padam Kumar Acharya  
 Secretary  
 Ministry of Defence  
 Singha Durbar  
 Kathmandu  
 Nepal

**Telegrams: Defence Secretary, Kathmandu, Nepal**

**Fax: + 977 1 228 204**

**Salutation: Dear Secretary**

**(Please note that it may be difficult to get through to these fax numbers, but please keep trying)**

**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 24 April 2002.