

PUBLIC

AI Index: ASA 31/23/00

UA 195/00

"Disappea.

NEPAL Tara Prasad Pausal, 17-year-old school student

Seventeen-year-old Tara Prasad Pausal was re-arrested by police on 25 June, at the court that had just ordered his release. His whereabouts are now unknown.

He was reportedly first arrested several months ago at his village in Nawalparasi district, and has already been released and re-arrested twice. He was originally held under the Public Offences Act, and re-arrested first under the Arms and Ammunition Act, and then in Palpa district under the Public Security Act, on an order issued by the Chief District Officer.

He was held in Palpa Jail. After lawyers submitted an appeal, the Butwal Appellate Court, in Butwal district, ordered his release at a hearing on 25 June. Before he could leave the court premises, he was seized by a group of about 15 policemen, some in plain clothes, who took him away in a blue Maruti jeep. Witnesses said one of the policemen was an inspector. Some witnesses claimed the jeep's number plate was covered, while others said it had an Indian number plate.

BACKGROUND INFORMATION

Amnesty International is concerned about repeated re-arrests of people suspected of being members or sympathizers of the Communist Party of Nepal (CPN) (Maoist) and by the use of the Public Security Act (PSA), which allows preventive detention "in order to maintain public order", under detention orders issued by local authorities, for up to 90 days. This can be extended for a further 90 days by the Home Ministry. A further extension to 12 months from the original date of issue can be obtained subject to the approval of an Advisory Board established under the Act.

Over the last year or so, 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. Several people have been re-arrested by police on court premises immediately after the 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.

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

- expressing concern for the safety of Tara Prasad Pausal, who was reportedly taken away by police just after Butwal Appellate Court ordered his release, on 25 June;
- urging the authorities to find and make public his whereabouts, and take steps to ensure his safety;
- calling on the authorities to establish an independent and impartial investigation into his "disappearance", and others reported over the last two years, 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;
- expressing grave concern at the deteriorating human rights situation in Nepal and appealing for an immediate halt to human rights violations.

APPEALS TO:

Girija Prasad Koirala
Prime Minister
Prime Minister's Office
Singha Durbar
Kathmandu
Nepal

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

Hon Govinda Raj Joshi
Minister of Home Affairs
Ministry of Home Affairs
Singha Durbar
Kathmandu
Nepal

Telegrams:Home Affairs Minister, Kathmandu, Nepal
Faxes:+ 977 1 241 942
Salutation:Dear Minister

Mr Achyut Krishna Kharel
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

Please send copies of your letters/faxes to:

Mr Keshav Prasad Upadhaya
Chief Justice
Supreme Court
Ram Shah Path
Kathmandu
Nepal

Salutation: Dear Chief Justice

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 11 August 2000.