

NEPALRamnath Mainali (m) lawyer

Ramnath Mainali, a lawyer and member of the Supreme Court Bar Unit of the Nepal Bar Association, was arrested by army personnel from his residence in Ratopul, Kathmandu, at 7am on 14 March. Amnesty International is concerned for his safety as those detained in army custody have reportedly been subjected to torture and ill-treatment.

On the same day, Ramnath Mainali's relatives made inquiries regarding his whereabouts at the local police station but the officers there denied knowledge of the arrest.

At about 6pm on 14 March, two army personnel returned to Ramnath Mainali's residence to collect some clothes and medicines for him and told relatives that he is being held at the army complex at Singha Durbar, within the compound of the National Secretariat, in Kathmandu.

Ramnath Mainali was the legal adviser for *Janadesh Weekly* and as such represented Krishna Sen, the former editor of *Janadesh Weekly*, who was arrested in April 1999 and detained for two years under provisions of the Public Security Act, on charges of supporting the Maoist movement in Nepal. (See UA 57/01, 13 March 2001, ASA 31/005/2001)

Ramnath Mainali has also been involved in filing a *habeas corpus* writ petition on behalf of Govinda Acharya, who assumed the role of editor of *Janadesh Weekly* after Krishna Sen's arrest. Govinda Acharya was arrested on 26 November 2001 in Kathmandu, along with several other editors, journalists and computer operators working for *Janadesh Weekly*, *Janadisha Daily* and *Dishabodh Monthly* (See UA 304/01, 29 November 2001, ASA 31/012/2001). These publications were viewed by the authorities as mouthpieces of the Communist Party of Nepal (CPN) (Maoist).

The Nepal Bar Association made inquiries on behalf of Ramnath Mainali with high level police officers, who denied knowledge of the arrest. The Nepal Bar Association has also appealed for information to the Ministry of Home Affairs, but has not received any response to date.

BACKGROUND INFORMATION

Peace talks, aimed at ending the CPN (Maoist)'s six-year-old "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).

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. It is suspected that many people are 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 Ramnath Mainali, who was arrested by army personnel on 14 March;
- urging that he be treated humanely while in custody;
- calling on the authorities to make public where he is detained;
- urging that he be released immediately and unconditionally unless he is to be charged with a recognizably 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 very difficult to get through to these fax numbers, but please keep trying. If need be contact the international operator and ask for a fax line, before sending the fax)

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 25 April 2002.