

PUBLIC

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Disappearance/Fear for safety

17 January 2000

NEPAL

**Suresh Ale Magar, university lecturer  
Pawan Shrestha, civil engineer**

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The two men named above were released from jail on the orders of the Supreme Court on 23 December 1999, but reportedly rearrested immediately. The police deny having them in custody, and their whereabouts are unknown. Amnesty International is concerned for their safety.

They were apparently forced into a police van outside Central Jail just after they were released. Relatives made inquiries in Kathmandu at Hanuman Dhoka police station, the Mahendra Police Club and at Police Headquarters, but police deny they are in custody.

Suresh Ale Magar, a lecturer in English at the Nepal Lok Campus, Tribhuvan University, and member of the Magar ethnic community, is the former general secretary of the Nepal Federation of Nationalities and president of the All Nepal Nationalities Organization. He is also a founder member of the Nepal Indigenous People's Movement. These three organisations campaign for the rights of Nepal's indigenous peoples, particularly the right to use their own languages. The government considers that these organisations may be sympathetic towards the aims of the Communist Party of Nepal (CPN) (Maoist), which declared a "people's war" in February 1996. Pawan Shrestha is a member of the All Nepal Nationalities Organization.

Suresh Ale Magar was arrested on 8 October 1999 under the Public Security Act (PSA) on a three-month detention order issued by the Chief District Officer of Kathmandu, and taken to Hanuman Dhoka police station. Pawan Shrestha was arrested at the same time. They were later transferred to Central Jail, Kathmandu. The Supreme Court ordered their release in December 1999, after hearing *habeas corpus* writs lodged on their behalf. The Central Jail administration has confirmed that both men were released on 23 December.

Suresh Ale Magar had been arrested and later released on the order of the Supreme Court twice before. After he was released for the second time, in May 1999, he was immediately re-arrested just outside Central Jail. Each time he has been arrested under a detention order issued by a different Chief District Officer.

#### **BACKGROUND INFORMATION**

Amnesty International is concerned about repeated re-arrests under the 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). Several people have been re-arrested by police at court premises immediately after a court order to release them. 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/faxes/express/airmail letters in English or your own language:**

- expressing serious concern for the safety of Suresh Ale Magar and Pawan Shrestha, who were released from Central Jail, Kathmandu on 23 December 1999 on the orders of the Supreme Court, but were immediately rearrested and have now "disappeared";

- calling on the authorities to establish an independent and impartial investigation into their fate and whereabouts and to make the findings public;
- calling on the authorities to allow the men, if they are found to be in detention, immediate access to their relatives, lawyers and any medical treatment they may need;
- urging that, if they are detained, they be promptly charged with a recognizable criminal offence, or immediately released and that steps be taken in the meantime to guarantee their safety;
- expressing grave concern at the deteriorating human rights situation in Nepal and appealing for an immediate halt to human rights violations, particularly repeated re-arrests under the PSA.

**APPEALS TO (please note that fax numbers can be difficult to obtain):**

Rt Hon Prime Minister K P Bhattarai  
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 Purna Bahadur Khadka  
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 1 415 593/415 594**

**Salutation: Dear Inspector General**

**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 28 February 2000.