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Nepal: Rights must be restored along with the lifting of the State of Emergency

(London, 3 May 2005) Following the lifting of the State of Emergency in Nepal by King Gyanendra, Human Rights Watch (HRW), Amnesty International (AI), and the International Commission of Jurists (ICJ) call for the restoration of all fundamental rights formally suspended under the State of Emergency.

The three organizations pointed out that the lifting of the State of Emergency occurred almost simultaneously with the publication of an order by the Kathmandu District Authority against public gatherings, meetings or any kind of protest programmes in public spaces and roads. Since the lifting of the State of Emergency local officials have also reportedly been given the authority to intervene in any "political programme" that involves more than two people.

The three organizations also pointed out that the Terrorist and Disruptive Activities Ordinance (TADO), with its draconian provision allowing up to one year incommunicado detention, still remains in effect.

"Under the State of Emergency most fundamental rights of Nepali people were formally suspended. Now that the State of Emergency has been lifted the people of Nepal must be able to exercise their full range of rights under the Constitution," said Nicholas Howen, Secretary-General of the ICJ. "The King has yet to spell out what the lifting of emergency regulations means in terms of the daily exercise of basic rights - is the press free? Will those continuing to be held in arbitrary detention be released? Can human rights defenders work without harassment? All of this is still unclear."

On February 1, the King seized effective control of all levers of power in Nepal. All fundamental constitutional rights, including freedom of assembly and expression, the right to information and privacy, the right to property and the prohibition against arbitrary detention were suspended. In the nearly 100 days since then, Nepal has witnessed ongoing muzzling of journalists and detention of hundreds of political leaders and activists, as well as a dramatic increase in violence and killings across the country.

While several senior political leaders have been released, hundreds of other party officials are still in jail, including 175 whose detentions were extended on Monday for another three months. Human rights activists continue to receive threats and face the possibility of arrest. Nepal's National Human Rights Commission continues to be denied access to military barracks and is only permitted access to police stations with advance notice.

"A key test for the King is whether he will now allow journalists, lawyers, and human rights defenders to operate freely," said Purna Sen, Director of the Asia Pacific Programme at Amnesty International. "If Nepal's once vibrant civil society continues to be suppressed, the lifting of the State of Emergency will be meaningless."

King Gyanendra justified his takeover by blaming Nepal's political parties for failing to address the nine year conflict between often brutal Maoist insurgents and government forces. Since the war began in 1996, over 11,000 people have been killed, many of them at the hands of Nepal's security forces, in particular the Royal Nepal Army. In 2003 and 2004, the U.N. Working Group on Enforced and Involuntary Disappearances stated it received more reports of disappearances at the hands of the Nepali government than from any other country.

In the wake of the King's 1 February takeover, some of Nepal's most significant foreign military supporters, such as India and the U.K., suspended their military aid. The U.S. has not explicitly suspended military assistance, saying that no deliveries of security assistance were scheduled and that it would review military assistance on a case by case basis. US assistance could resume as soon as late May.

The King's announcement of the lifting of the State of Emergency came on the heels of his first official visit abroad since the takeover. Immediately after King Gyanendra's meeting with Indian Prime Minister Manmohan Singh in Jakarta on April 23, Nepal's Royal Palace Press Secretariat announced that India would resume its military aid to Nepal. Since that announcement, however, the Indian government has retreated from this position, and stated that the resumption of military aid is under review.

"The lifting of the State of Emergency might be a tactical ploy by the King to convince India to resume military aid," said Brad Adams, Asia Director of Human Rights Watch. "Without specific and direct action by the King to an immediate return to full democratic, constitutional rule, this could simply turn out to be a cynical attempt to convince India and others, such as the United States, to resume their aid."

For further information, contact:

Clare Castillejo Amnesty International (AI): +44 20 7413 5650
Brad Adams, Human Rights Watch (HRW): +44 7960 844 996
Susan Appleyard, International Commission of Jurists (ICJ): +41 22 979 3800

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566
Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

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