

AMNESTY INTERNATIONAL

Public Statement

AI Index: ASA 31/101/2004 (Public)
News Service No: 091
15 April 2004

Nepal: Amnesty International urges Kathmandu authorities to respect rights of protestors

As sustained street demonstrations and mass arrests continue in Kathmandu, Amnesty International today appealed to the Kathmandu authorities to halt rights violations against those involved in the protests.

It is estimated that well over 1,000 protestors have been arrested since 8 April, when an order was issued banning public demonstrations. These protestors have reportedly been held in warehouses and other overcrowded and unsanitary locations unsuitable for the detention of prisoners - in many cases for a number of days - before being released without charge. The National Human Rights Commission and other human rights organisations report being denied access to the detainees.

In addition, 11 political party members who participated in the protests and 3 students are being held in preventive custody under the Public Security Act (PSA). It is also alleged that some of those arrested during the demonstrations continue to be held incommunicado while their detention is denied by the authorities, making their detention illegal and placing them in danger of 'disappearance'.

Amnesty International has called on the Kathmandu authorities and police to respect the human rights of those participating in the demonstrations.

"In light of the massive increase in arrests and detention of protestors in the last two weeks, we are concerned that security provisions are being abused to prevent legitimate political expression and to harass and arbitrarily detain peaceful protestors. In particular, preventive detention provisions under the PSA are being used to stop the organisers of these rallies from continuing their campaign," said Amnesty International.

"We urge the authorities to stop these mass arrests and to ensure that any future arrests and detentions are based on adequate grounds and are in line with international standards, including those in the International Covenant on Political and Civil Rights (ICCPR), to which Nepal is party. Those who are detained must be held in suitable conditions, treated humanely, given access to their lawyers and families, and either promptly charged and brought to trial, or immediately released. We also call on the Nepal government to honour its recent commitment to provide all assistance to the National Human Rights Commission to carry out its monitoring duties."

Background

Since the beginning of April there has been growing protest by Nepal's main political parties and their supporters, calling for the reinstatement of an elected government. This has taken the form of large demonstrations in Kathmandu city, involving hundreds of thousands of people. In response to these demonstrations, on 8 April, the Kathmandu District Administration declared the area within the Ring Road of

Kathmandu Valley as "Riot Prone" under the Local Administration Act, thereby prohibiting public gatherings.

The PSA, under which some political leaders are being detained, allows for preventive detention of up to 90 days on the orders of a local authority, with potential for extension of up to 12 months. Amnesty International has previously expressed concerns about abuses under the PSA and has consistently urged Nepal to abide by their international commitments and not to detain anyone unless they are to be charged with a recognizably criminal offence and tried within a reasonable period.