



INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

" dedicated since 1952 to the primacy, coherence and implementation of international law and principles that advance human rights "

19 February 2004

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URGENT CALL FOR ICJ WORLD-WIDE INTERVENTION: ARBITRARY ARREST AND DETENTION OF NEPALESE LAWYERS

The Centre for the Independence of Judges and Lawyers (CIJL) is urging the Members, National Sections and Affiliated Organisations of the International Commission of Jurists to immediately request their respective Governments to intervene with the Government of Nepal to release two Nepalese lawyers currently in detention.

On 29 January, Laxman Prasar Ayril, a lawyer from Kathmandu, was approached by three men in civilian clothing. After identifying themselves as members of the security forces, the men asked Mr. Ayril to accompany them to an Army barracks to assist with an investigation. Mr. Ayril was then taken by public transportation to an Army barracks, where he continues to be held.

Jeetaman Basnet, a lawyer also based in Kathmandu, was abducted on 4 February by three men in Army uniform. He was taken to an undisclosed location and his whereabouts remain unknown.

According to the information received by the ICJ/CIJL, no formal charges have been brought against either Mr. Ayril or Mr. Basnet. Furthermore, the two lawyers have not had any access to legal counsel.

The CIJL is alarmed at these arrests, which are in flagrant violation of the International Covenant on Civil and Political Rights (ICCPR), to which Nepal is a party. Article 9 of the ICCPR, which expressly prohibits arbitrary arrest and detention, states that:

"(1). Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law".

"(2). Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him".

The arrests of Mr. Ayril and Mr. Basnet add to the long list of lawyers and other citizens who have been arbitrarily arrested and disappeared by the security forces in Nepal. In October 2003, the ICJ/CIJL condemned the enforced disappearance of Shyam Kumar Shrestha, a member of the Nepal Bar Association. On 12 November 2003, the ICJ/CIJL called for the immediate release of Gopi Krishna Thapaliya, who was arrested and disappeared due to his alleged membership in the Rastriya Janamorcha Nepal (People's Front of Nepal) political party. On 5 February 2004, the immediate release of three other lawyers arrested and detained by the security forces

was demanded. To date, no information has been forthcoming on any of these lawyers.

After conducting a fact-finding mission to Nepal in January 2003, the ICJ expressed its deep concern at the significant number of illegal detentions of civilians by the Army with de facto connivance or acquiescence by Ministers at the highest levels of government. Furthermore, the ICJ has denounced the Army killings and the increase in the number of enforced disappearances by the security forces and abductions by the Maoists since fighting between the two sides resumed in August 2003. In this context, lawyers seem to be particularly targeted because of association with their clients.

Moreover, according to the 2003 report of the UN Working Group on Enforced or Involuntary Disappearances, the highest number of such disappearances in 2002 reportedly took place in Nepal.

The ICJ/CIJL, therefore, calls upon its Members, National Sections and Affiliate Organisations to write to the Government of Nepal to either immediately release Mr. Ayrat, Mr. Basne, and all other lawyers in detention or charge them with a criminal offence and bring them before a court. Furthermore, the Government should investigate all human rights abuses and bring those responsible to justice. The ICJ/CIJL also urges its Members, National Sections and Affiliate Organisations to write to their own Governments to request their intervention with the Government of Nepal on behalf of these lawyers.

Please write to your own Ministry of Foreign Affairs and to the Nepalese Government at:

His Majesty
King Gyanendra Bir Bikram Shah Dev
Narayanhiy Royal Palace,
Kathmandu,
Nepal

By fax: 00 977 1 4227 295

Salutation: His Majesty

Mr. Surya Bahadur Thapa
Prime Minister
Prime Minister's Office
Singha Durbar,
Kathmandu, Nepal

Fax: 00 977 1 422 72 86

Salutation: Your Excellency