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FOR HUMAN RIGHTS IN NEPAL



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Today's Arrests in Kathmandu

OHCHR-Nepal has confirmed the arrests during the early morning of 19 January of over 100 persons under Nepal's Public Security Act (PSA). Those arrested are political party leaders and activists, including students, and leaders of the civil society Citizens' Movement for Peace and Democracy. Security forces personnel have also visited the homes of a number of prominent human rights defenders.

The arrests follow the 16 January imposition of a ban on all assemblies, processions and sit-ins in most of Kathmandu and Lalitpur, ahead of a major demonstration called by the alliance of seven political parties for 20 January and other planned protest actions. Fifteen other persons have reportedly been served with three month detention orders under the PSA, following their arrest during activities in Kathmandu on 17 January which were regarded as violating the ban.

The Public Security Act permits detention without trial, initially for up to 90 days, to prevent persons from committing actions that "undermine the sovereignty, integrity or public tranquility and order of the Kingdom."

The OHCHR Representative met today with Home Minister Kamal Thapa, who stated that the ban was made necessary by information received by the authorities that the 20 January demonstration would be used by the CPN (Maoist) as an opportunity to incite or commit violence. The Minister undertook that OHCHR-Nepal would be provided with the full list of those arrested and their places of detention, and would have access to them as guaranteed by the Agreement between the Government and the High Commissioner for Human Rights, as would their families. During the day OHCHR-Nepal human rights officers have visited 97 of those arrested, in three places of detention: Maharajgunj Police Training Academy, Maharajgunj Police Battalion Camp Number 2, and Ghuheswari Armed Police Force camp in Bhaktapur.

While recognising the serious security situation affecting Kathmandu in the light of Maoist attacks in the Kathmandu Valley on 14 January, OHCHR-Nepal regrets that the complete ban on demonstrations represents an extreme limitation on the right to freedom of peaceful assembly.

The human rights concerns raised by the severe restriction on the right to freedom of assembly are compounded by the mass arrests under powers of preventive detention, in apparent violation of the right to freedom from arbitrary arrest. Suspicions of Maoist violence in the context of public demonstrations cannot be used as a justification for the arrest of the demonstrations' organisers, many of whom have repeatedly spoken out against the use of violence.