



# 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 "*

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Immediate Release

## **New Anti-Terrorism Measure a Major Step Backwards for Nepal**

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The International Commission of Jurists today called on the Government of King Gyanendra of Nepal to reverse its decision to allow government officials to put people in preventive detention without charge or trial or supervision by the courts for up to one year.

On 13 October the Government re-promulgated the Terrorist and Disruptive Activities (Control and Punishment) Ordinance (TADO) which includes this provision.

"Locking people away without due process and beyond the reach of the courts for up to one year will do nothing to reduce the violence or increase security in Nepal," said ICJ Secretary-General Nicholas Howen.

"The security forces are already regularly arbitrarily detaining Nepalis. This measure now gives a legal cover for local officials to hold people for four times as long, without sufficient safeguards or evidence of criminal wrongdoing."

"It will also put these detainees at risk of other serious abuses such as enforced disappearance and torture," warned Nicholas Howen.

"Anyone suspected of carrying out criminal acts must be quickly charged and tried or released and the courts must closely supervise all detentions," he added.

"The country is facing a crisis but our experience around the world shows that human rights abuses only make a conflict worse. The best way to bring security to the people of Nepal is for both sides to respect fundamental human rights," concluded Nicholas Howen.

Under the prior version of TADO, people could be detained for up to 90 days on authority of the Chief District Officer (CDO), an executive, rather than a judicial official. In practice, many persons have been detained for far longer periods, without benefit of a meaningful review by the courts or even the CDO. Under the newly amended TADO, the CDO is empowered to detain any person for six months and may do so for a further six months on authorization by the Home Ministry.

Since the breakdown of peace talks between the Government and the Maoist insurgents in August 2003, the human rights situation in Nepal has deteriorated dramatically. Widespread abuses have been committed by both sides, including unlawful killings, enforced disappearances, torture and arbitrary detention.

The National Human Rights Commission of Nepal has requested assistance from the UN Office of the High Commissioner on Human Rights to carry out its human rights protection work throughout Nepal. The Government committed itself to accepting such assistance at the UN Human Rights Commission in Geneva in April 2004. Nevertheless, the Government has so far not concluded an agreement with the UN to implement this commitment.

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