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OHCHR-Nepal conveys concerns to Home Ministry regarding use of PSA

OHCHR-Nepal today conveyed its concerns to the Home Ministry regarding the use of the Public Security Act (PSA) to hold five former ministers in preventive detention.

Former ministers Kamal Thapa (Home), Ramesh Nath Pandey (Foreign Affairs), Shrish SJB Rana (Information & Communications), Tanka Dhakal (Local Development) and Nikshya SJB Rana (Health) were arrested on 12 May 2006 and are currently being held in the Nepal Police Academy and the Armed Nepali Police barracks in Tripeshwor. OHCHR-Nepal visited all five detainees on 14 May 2006, and was satisfied that the conditions of detention were generally acceptable.

OHCHR-Nepal believes that the use of the PSA raises serious questions about the legality of the arrests and detention. According to the detention letters issued by the Chief District Officer of Kathmandu, all detainees were "involved in conspiratorial activities including organizing secret meetings likely to jeopardise the sovereignty of the people and the people's rights achieved by the people's movement". The detention letters however do not indicate the basis on which these accusations are being made, nor do they give specific details of the "conspiratorial activities" and how such activities "immediately jeopardise the sovereignty, integrity, or public tranquility and order of the Kingdom of Nepal".

"OHCHR-Nepal has repeatedly condemned the use of the PSA in the past to hold individuals in preventive detention in violation of international human rights standards. It is disappointed that the new Government has continued this practice at a time when it should be setting new standards for fully respecting human rights and upholding the rule of law. Those responsible for human rights violations should be brought to justice, but I call on the authorities to ensure that the rights of anyone accused in connection with their activities under the previous Government are fully respected," said Ian Martin, Representative of the United Nations High Commissioner for Human Rights in Nepal.