

Nepal under military rule

On Tuesday 1 February, Nepal's King sacked the Government, suspended parts of the Constitution, declared a state of emergency, put in place strict censorship measures and cut communications and flights to the rest of the world.

The Nepal Bar Association released the following statement:

The Nepal Bar Association's attention has been seriously drawn towards the political events of 1 February 2005.

The Nepal Bar Association has been committed to constitutional assembly, the basic human rights of the citizens, political freedom, rule of law, supremacy of the constitution and multiparty democracy. The Royal Proclamation has taken away the rights, provisions, meaning and the values bestowed upon the people by the Constitution of Nepal following the people's revolution in 1990.

Reaffirming its commitment to constitutional assembly, basic human rights, political freedom and the rule of law, the Nepal Bar Association appeals to all the practitioners of law to put their commitments into practice.

The Nepalese Human Rights Community issued this urgent public appeal on 5 February 2005.

We, the members of the Nepalese human rights community, express our serious concern regarding the King's February 1, 2005 announcement of forming government under his chairmanship and the declaration of "state of emergency" and virtually handing over the country's governance to the Royal Nepal Army. The King's invocation of Article 27 – C to usurp all state power is a fraud on the Constitution of the Kingdom of Nepal, 1990. We, the Nepalese people now live under an illegal military rule headed by the King.

As you are aware almost all the rights guaranteed by the Nepalese Constitution and those enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and other international instruments that Nepal is a party to have been suspended. Complete press censorship has been

imposed. All means of communication including telephones, internet, and cable tv access to international news media have been severed. All this has been done to create complete terror and panic among the ordinary people.

The King's actions violate international practices and legal standards for human rights even under the conditions of a legitimate "state of emergency." We are deeply concerned by the growing number of political prisoners and the increasing insecurity of human rights defenders, journalists, and lawyers. The current surveillance, monitoring, and harassment of human rights organizations and activists, including obstacles set in place to interrupt the work of the National Human Rights Commission, as well as the harassment of journalists, is unacceptable.

During this critical time, we, the Nepalese human rights defenders, urge the international community to take the following immediate measures to ensure the protection of the fundamental human rights of the citizens and safety of political activists, human rights defenders, journalists, and lawyers, and stop ongoing atrocities by the security forces.

1. The continuing illegal detention of the leaders of the political parties and students' organizations violates the basic norms of human rights and the exercise of political rights. We urge the international community to put adequate pressure on the new regime to disclose the whereabouts of the illegally detained leaders, to refrain from torture, and initiate measures for their unconditional release.
2. The growing insecurity of human rights defenders, journalists, and lawyers creates further fear and terror among the common people.

It also creates obstacles to conduct investigations of human rights abuses. We urge the international community to undertake immediate measures to get guarantees for their safety so they may carry out their legitimate activities without any form of interruption.

3. The King's direct rule is the establishment of a military regime in Nepal. We request all foreign governments to stop all forms of military support, including supplying arms and ammunition to the Nepalese government, which are being used to brutally suppress the rights of the common people.
4. We urge the international community to put pressure on Nepalese authorities to reinstate all fundamental human rights of the citizen that are indispensable, inalienable and indivisible, which are currently suspended.
5. The restriction of free flow of information and media censorship violates the people rights to freedom of information. So, we request the international community to take diplomatic actions to convince the King to lift all forms of media censorship immediately.
6. The shut down of communication services creates severe difficulties for the common people to carry out even daily tasks, as well as restricting democratic practices and civil society activities. We request the international community to put immediate pressure on the King to resume all communication services with immediate effect.

We strongly urge your immediate intervention in order to restore democracy and protect the rights of all Nepalese citizens. We believe

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News from the Federal Court

Practitioners may have noticed changes to the Federal Court web site over recent months. In addition to providing a wide range of information including up to date versions of the Federal Court Rules and forms, specific file details can now be accessed on-line using the new **eSearch** facility.

The eSearch facility is based on the Court's new case management system and allows party details, listing information and orders in any Federal Court matter to be viewed from your desktop. The system also records details of the documents filed in a matter. Just look for the **eCourt** heading at www.fedcourt.gov.au and follow the prompt to **eSearch**. Enter the file number or name for display of the information. Of course, the information available is limited to the information which could be searched on the file without leave of the court.

Bankruptcy searches and searches in relation to admiralty caveats can now be done on-line. You can also check the next listing date and the latest orders. We hope the new

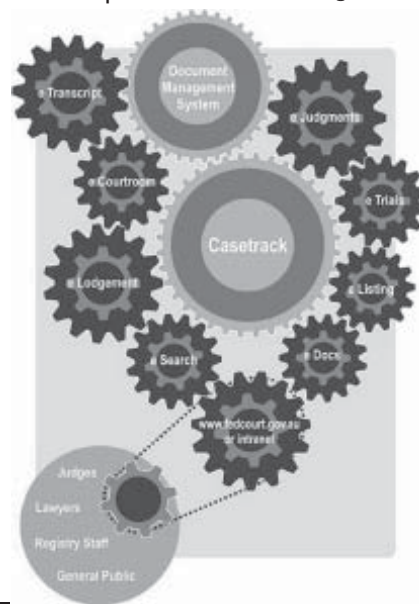
system will be of particular benefit to court users in regional areas. Of course, we still look forward to taking calls from practitioners and to providing personal assistance.

The **eSearch** facility is a step towards implementation of the Federal Court's broad ranging **eCourt** initiative. The Court is moving to bring together a range of **eCourt** services and systems (including **eFiling**, **eCourt Forum** and **eSearch**) which may be accessed through a single web browser interface, to be known as 'myFiles'.

myFiles will bring many benefits to the profession and has the capacity to transform the way that lawyers work with the Court and with each other. Practitioners will be able to use a single log-on to view all the files in which they have a client who is a party to a proceeding in the Court, and to access multiple services such as searching for case information, updating information in certain Casetrack databases, reviewing transcript, lodging a document or participating in a virtual directions

hearing. Data duplication and re-entry will be significantly reduced and ultimately eliminated, with information entered "at source" in the Court's case management system and available to practitioners as well as the Court.

The Court will be providing more information as the project progresses and welcomes your questions and comments on the initiatives to date and the plans for the future.①



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that this is a legitimate obligation of the international community under the charter of the United Nations to uphold fundamental human rights and democracy among all member states of UN.

This appeal has been submitted on behalf of 25 leading Human Rights Organizations. Due to the current threat to human rights defenders, the names of the organizations have been kept confidential.

LAWASIA issued this public statement on 8 February 2005

LAWASIA, the Law Association for Asia and the Pacific, expresses its deep concern for the civil and legal rights of the people of Nepal following the recent dismissal of the elected government and declaration of a state of emergency by King Gyanendra.

LAWASIA supports its member organisation, the Nepal Bar

Association, in its call to protect the human rights, political freedom and adherence to the rule of law as guaranteed to Nepali people under the constitution of that country.

Recent reports from Nepal indicate that amongst others, the former president of the Nepal Bar Association, Mr Sindhu Nath Pyakurel, has been taken into detention and that members of the Nepal Bar Association's Human Rights Project (which is investigating abuses by authorities) have been asked to report to the authorities.

"The recent Royal Proclamation has curtailed severely the constitutional and human rights of the Nepali people and contributes nothing to Nepal's struggle to find peace and stability," said LAWASIA's president, Mr GL Sanghi of India.

"This development leaves us in fear for the safety of those in that country

who work to protect these rights."

"I am also concerned about the reported decline in the rule of law, particularly in respect of delays in the hearing of habeus corpus applications", Mr Sanghi said.

"Furthermore, the reported detention of members of the legal profession and the press is intolerable, and I call on the authorities to ensure they are released immediately".

Mr Sanghi also criticised the shut down of telephone and internet communications, which made it more difficult for the outside world to monitor developments in Nepal.

LAWASIA notes the importance of continued international attention to the deteriorating situation in Nepal and joins other voices in calling for the immediate restoration of multi-party democratic institutions under a constitutional monarchy in Nepal.①