

23 January 2019

STATEMENT

Nepal - BHRC expresses concern at the arrest and detention of Madhesi activist, Dr Chandra Kant Raut

BHRC expresses renewed concern at the recent arrest and continued detention, in Nepal, of Madhesi human rights activist, Dr Chandra Kant Raut.

Dr Chandra Kant Raut is a Madhesi human rights activist, based in Nepal. BHRC has previously in 2014 sent an open to the prime minister of Nepal in response to Dr Raut's arrest, detention and subsequent charge of sedition for allegedly inciting separatism in the Madhes region of Nepal, an offence that carries a sentence of life imprisonment. BHRC expressed concerns about the restrictions on the freedom of expression being placed on him as unlawful, unnecessary and without a legitimate aim. Dr Raut was later acquitted of this offence, with the Supreme Court declaring his activities were not illegal and recognising his freedom of expression.

Since then, Dr Raut has been subjected to intense surveillance and has been arrested a total of 18 times, including spending periods of time in detention. He continues to face charges for a number of alleged offences.

His most recent arrest was on 7 October 2018 on a charge of a crime against the state for his alleged involvement in a gathering that took place in support of him, in front of the court where he was appearing. He has since then been detained, and on 6 December 2018, he was sent to Rautahat district prison.

BHRC also expresses concern that Dr Raut is also being denied access to urgent medical treatment whilst in detention. On 2 January, he was transferred from Gaur Jail to Bhandra Jail to receive medical care. According to his family, instead of obtaining immediate medical care he was subjected to harassment and ill-treatment. Whilst he has now received medical treatment, the family report that the conditions in which he is detained are not conducive for his health, and he is

detained in an overcrowded prison with inadequate facilities and subjected to continued ill- treatment.

BHRC calls upon Nepal to review the charges against Dr Raut and ensure that they are in line with Nepal's human rights obligation as set out in the Constitution, as well as their international obligations.

BHRC expresses disappointment that despite the 2014 decision of the Supreme Court, the authorities have continued to pursue, arrest and detain Dr Raut for similar offences.

We are further concerned about the wider effect that charging Dr Raut has on deterring others from legitimately exercising their rights to freedom of expression and assembly which are the bedrocks of any functioning democracy.

ENDS.

NOTES FOR EDITORS

1. Background Information

- a. Nepal has been party to the International Covenant on Civil and Political Rights (ICCPR) since 1991. Article 19 of the ICCPR sets out the right to freedom of expression and Article 21 of the ICCPR sets out the right to freedom of assembly. Freedom of expression is also reflected in Article 17 (2)(a) of Nepal's Constitution of 2015 and freedom of assembly in Article 17(2)(b). The right to liberty is similarly enshrined in Article 9 of the ICCPR and also in Article 17(1) of Nepal's constitution.
- b. On 14 September 2014, Dr Raut was placed under detention and then subsequently charged for allegedly inciting separatism in the Madhes region of Nepal, an offence that carries a sentence of life imprisonment. On 20 September, Dr Raut began a hunger strike to protest his arrest for denouncing discrimination of marginalised groups and peacefully demanding autonomy for his region. When his condition became critical he was visited in hospital by several members of the government who made both written and oral commitments that the charges would not be proceeded with. However, the following week Dr Raut was charged with sedition. On 6 November 2014, the Bar Human Rights Committee of England and Wales (BHRC) sent an open letter to the Prime Minister of Nepal in response to the arrest and prosecution of Dr Raut. For our previous statement on this issue see: <http://www.barhumanrights.org.uk/bhrc-sends-open-letter-to-prime-minister-of-nepal-in-response-to-arrest-and-prosecution-of-madhesi-activist-chandra-kant-raut/>

2. For an interview with our spokesperson, please contact Amanda June Chadwick, Executive Officer, on coordination@barhumanrights.org.uk or +44 (0)7854 197862
3. For more information on the Bar Human Rights Committee (BHRC), visit our website at <http://www.barhumanrights.org.uk>
4. BHRC is the international human rights arm of the Bar of England and Wales, working to protect the rights of advocates, judges and human rights defenders around the world. BHRC is concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial. It is independent of the Bar Council.
5. Schona Jolly QC, BHRC's new Chair, is on sabbatical in January and February 2019. Co Vice-Chair Steve Cragg QC is Acting Chair over that period.
6. Sources
 - a. Supreme Court of Nepal, Decision on Crime against State Case of the Government of Nepal v Dr C.K. Raut, Writ No. 072-CR-0313, January 17, 2016. (Morang). Available at: http://nkp.gov.np/full_detail/8606 (in Nepali)
 - b. The Unrepresented Nations and Peoples Organization (UNPO) Calls for the Immediate Release of Dr. C. K. Raut (Dec 14, 2018) <https://unpo.org/article/21286?id=21286>