

Dinesh Tripathi, the Arthur Kinoy of Nepal

by Ann M. Schneider

Nepalese lawyer Dinesh Tripathi was one of seven international guests who addressed the Portland convention, along with representatives from Japan, Haiti, the Philippines, Canada, Belgium, and Venezuela.

Tripathi, a solo practitioner with an office in Kathmandu, was single-handedly responsible for bringing some 350 habeas corpus actions after the February 1, 2005 self-coup wrought by King Gyanendra. Tripathi proceeded directly to the Nepal Supreme Court because of the fundamental constitutional rights at stake. He told me, "At first, the court was reluctant to act, confused. Although the constitution was still in effect, it was being massively violated."

In the early morning hours of February 1, 2005, King Gyanendra declared a state of emergency in a televised address. He appointed a new council of ministers, cut off telephone service to the entire nation, seized the international airport, and arrested leaders of the democratic movement. The army asserted censorship and permitted only music to be played on the radio and television. As of this article, there is still no access to the internet, CNN or BBC, and cell phone frequencies are jammed.

With international observers in the courtroom, Tripathi won a show cause order that directed the army to produce and release the prisoner, Gauri Adhikari. However, when Tripathi attempted to serve the army with the order, they would not accept it. In the cases of other individuals arrested and detained without trial, after he won a release order, he would be told by the Home Ministry and the district police that the person was not in custody. Luckily for Adhikari, Tripathi found a witness who saw him in government custody.

Since the government and the army deny the disappearances, Tripathi sought to make the army a party to the litigation and have them held in contempt of court. This petition was dismissed.

Besides the habeas corpus cases, Tripathi has also filed

other challenges to the royal coup. The 1990 Nepali constitution created an independent judiciary and provided for broad socio-economic rights. Invoking the new constitutional guarantee of a right to information, Tripathi sued the government for suspending communication. That suit resulted in the restoration of cell phone service generally, but not to Tripathi.

He also filed a suit to challenge a commission set up by the King to investigate and prosecute political prisoners. The court at first refused to register his case. Then they let Tripathi sit in court day after day, waiting for his case to come up on the calendar. Ultimately, they dismissed his petition.

Recounting his efforts, he said, "Some judges on the bench just like to play hanky panky but there are others who take their responsibilities seriously."

Tripathi usually works alone on behalf of his trade union clients, but for these constitutional cases, he was able to get the Nepali bar association involved. He told me he finds the National Lawyers Guild to be a "symbol of hope."

Now that his habeas corpus cases have worked their way through the judiciary and his affirmative lawsuits have all been dismissed, he is trying to work externally to build international pressure on Nepal. The repression continues. Only a few weeks ago, Kantipur Radio was raided in the middle of the night.

I asked him, "Have you been punished for your activities as a lawyer?" He replied, "You can not say punished. I've been harassed, yes, my articles have been censored, but I live in Kathmandu and am well-known." He also says that having been jailed many times as a student leader, "Jail doesn't scare me."

Tripathi and his clients hope that the Guild will send an international delegation to Nepal in 2006. If you are interested, please contact him at dineshtripathi2002@gmail.com. ■

For more info, contact the Committee to Protect Journalists at or the International Nepal Solidarity Network (banned in Nepal) at <http://insn.org>.



Dinesh Tripathi. Photo by Judy Somberg