

NEPAL Bishnu Pukar Shrestha (m) , former secondary school teacher and human rights activist

Bishnu Pukar Shrestha was arrested by plainclothes security forces personnel in at 5.00pm on 29 July at his rented apartment in Thapatali, Kathmandu. His whereabouts are now unknown and there are fears for his safety.

Security forces personnel went to Bishnu Pukar Shrestha's sister's house in Satungal, Kathmandu, at 10.30pm on 28 July and took her and her daughter away with them in a van. They reportedly asked her to show them the house where Bishnu Pukar Shrestha is currently living. They carried out a search of this house and took some papers away with them.

The security forces personnel returned Bishnu Pukar Shrestha's sister and her daughter to their home in Satungal the same day. They arrested Bishnu Pukar's wife at 3.00am on 29 July and returned her to her home at 9.00pm the same day. Meanwhile they had arrested Bishnu Pukar Shrestha at 5.00pm.

Earlier this year Bishnu Pukar Shrestha's name and photo were included in a list of wanted top Maoist leaders shown on an army television broadcast. A cash award was offered to anyone giving information leading to their arrest "dead or alive". After widespread protests, the authorities clarified that the award was offered to individuals who assist in arresting Maoist leaders.

Bishnu Pukar Shrestha himself has always categorically denied that he is a member of the Communist Party of Nepal (CPN) Maoist.

Bishnu Pukar Shrestha was arrested on 2 September 1999 and held incommunicado for ten months. For the majority of the time he was held within the Armed Forces Section of the Police Training Centre at Maharajgunj, Kathmandu, an unofficial place of detention. He was subjected to torture while in custody. Following international pressure from Amnesty International and others, he was finally released on 7 July 2000.

BACKGROUND INFORMATION

Peace talks, aimed at ending the (CPN) (Maoist)'s six-year-old "people's war" and an accompanying cease-fire broke down on 23 November 2001, after the Maoists withdrew from the talks and attacked police and army posts in 42 districts. The authorities responded on 26 November by declaring a nationwide emergency and deploying the army.

On 10 April 2002, the Terrorist and Disruptive Activities (Control and Punishment) Act became law. It replaced an Ordinance of the same name, announced by the King after the declaration of the state of emergency. Under the Act, the authorities have wide powers to arrest people suspected of being involved in "terrorist" activities without warrant and search their properties. The Act will remain in force for two years.

Since the state of emergency was declared, thousands of people have been arrested throughout the country. Among them are many lawyers, students, journalists and teachers who are suspected of being members or sympathizers of the CPN (Maoist). The whereabouts of many of them remain unknown.

Under the state of emergency, a number of fundamental rights guaranteed in the Constitution have been suspended, including the rights to freedom of assembly, freedom of expression and to constitutional remedy. Although the right of *habeas corpus* (order requiring a detainee to be brought before a judge or into court) has not been suspended, very few *habeas corpus* petitions have been filed since the state of emergency was declared. Lawyers are afraid that if they lodge such petitions on behalf of people arrested as suspected CPN (Maoist) members or supporters, they may be arrested themselves for "supporting terrorism".

Following a recommendation to the cabinet by Prime Minister Sher Bahadur Deuba, parliament was dissolved on 22 May and fresh elections called for 13 November. The dissolution of parliament came at a time when it seemed poised to reject a six-month extension to emergency rule. On 27 May, King Gyanendra extended the emergency for a further three month period.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- expressing concern for the safety of Bishnu Pukar Shrestha, who was arrested in Kathmandu on 29 July;
- calling on the authorities to make public his place of detention;
- appealing to the authorities to ensure that he is treated humanely and is not subjected to torture or ill-treatment while in custody;
- urging that he be released immediately and unconditionally, unless he is to be charged with a recognizably criminal offence;
- calling on the authorities to allow him access to his relatives, a lawyer, and any medical treatment he may need.

APPEALS TO:

Rt Hon Sher Bahadur Deuba
Prime Minister
Office of the Prime Minister
Singha Durbar
Kathmandu, Nepal

Telegram: Prime Minister, Kathmandu, Nepal

Fax: + 977 1 227 286 (It may be difficult to get through but please keep trying)

Salutation: Dear Prime Minister

Hon Khum Bahadur Khadka
Home Affairs Minister
Ministry of Home Affairs
Singha Durbar
Kathmandu, Nepal

Telegram: Home Affairs Minister, Kathmandu, Nepal

Fax: + 977 1 241 942

Salutation: Dear Minister

General Prajwal Shamsheer Rana JBR
Chief of Army Staff (COAS)
Kathmandu, Nepal

Telegram: Commander-in-Chief, Kathmandu, Nepal

Fax: + 977 1 242 168

Salutation: Dear Commander-in-Chief

Madan Prasad Aryal
Defence Secretary

Ministry of Defence
Singha Durbar
Kathmandu, Nepal
Telegram:Defence Secretary, Kathmandu, Nepal
Fax: + 977 1 228 204
Salutation:Dear Defence Secretary

Mr Pradeep Shamsher J B Rana
Inspector General of Police
Police Headquarters
GPO Box 407
Naxal
Kathmandu, Nepal
Telegram: Inspector General of Police, Kathmandu, Nepal
Fax: + 977 1 415 593/415 594
Salutation:Dear Inspector General

COPIES TO:

to diplomatic representatives of Nepal accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 11 September 2002.