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Fear of t

NEPAL Padam Prasad Baidik (m), age 36, lawyer
Sita Baidik (f), age 33, book seller

Sita Baidik was arrested on 16 January, and when her husband Padam Prasad Baidik went to see her in custody the following day, he was arrested as well. The police say they have handed the couple over to the army. No one has been able to visit them since, and it is feared they may be at risk of torture.

Sita Baidik was arrested at her book stall in Tulsipur town, Dang district, in mid-western Nepal. She was reportedly taken to the area police office in Tulsipur, and Padam Prasad Baidik was arrested when he went there to try and visit her on 17 January. When the Chairman of the Appeal Court Bar Association went to the police station to make inquiries on their behalf, the police told him that they had both been handed over to army officers from an army camp in the district, called Bahini Adda.

It is believed that Padam Prasad Baidik and Sita Baidik may have been arrested because the authorities suspect them of being members or supporters of the Communist Party of Nepal (CPN) (Maoist). In their student days, both were members of the All Nepal National Free Students Union (ANNFSU), affiliated to the *Samjukta Jana Morcha* (United People's Front, UPF).

When the CPN (Maoist) declared a "people's war" in February 1996, the UPF split in two. Those who supported the aims of the CPN (Maoist) became the UPF (Bhattarai), but this has since ceased to operate as a political party. Those members who opted not to join the armed struggle have continued to function as the UPF. However, the authorities view the UPF as a front for the CPN (Maoist). When peace talks aimed at ending the "people's war" broke down in November 2001, and the government declared a nationwide state of emergency, the UPF was reportedly placed on an unpublicized list of organizations whose members would be treated as "terrorists".

BACKGROUND INFORMATION

When the peace talks and accompanying cease-fire broke down on 23 November, the Maoists attacked police and army posts in 42 districts. The authorities responded on 26 November by declaring a nationwide emergency, and deploying the army. The King also officially announced the Terrorist and Disruptive Activities (Prevention and Control) Ordinance (TADO), 2001, which grants wide powers to arrest people involved in "terrorist" activities. The CPN (Maoist) was declared a "terrorist organization" under the Ordinance.

According to official sources, more than 3,300 people have been arrested since the state of emergency was declared. Among them are many lawyers, students, journalists and teachers arrested throughout the country as suspected members or sympathizers of the CPN (Maoist).

To Amnesty International's knowledge, very few of those arrested have so far been brought to court. Under the TADO, they can be held for up to 90 days, extendable for another 90 days with the permission of the Home Ministry. It is suspected that many people are held in army camps without access to their relatives, lawyers or doctors.

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, no *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 under the Ordinance for "supporting terrorism".

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

- expressing concern for the safety of Sita Baidik, and her husband Padam Prasad Baidik, who were arrested on 16 and 17 January 2002 respectively;
- appealing to the authorities to reveal where they are held, and urging the authorities to ensure that they are treated humanely while in custody;
- urging that they be released immediately and unconditionally unless they are to be charged with a recognizably criminal offence;
- calling on the authorities to allow them access to their relatives, lawyers and any medical attention they may need.

APPEALS TO:

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

Telegrams: Prime Minister, Kathmandu, Nepal

Fax: + 977 1 227 286

Salutation: Dear Prime Minister

Padam Kumar Acharya
Secretary
Ministry of Defence
Singha Durbar
Kathmandu
Nepal

Telegrams: Defence Secretary, Kathmandu, Nepal

Fax: + 977 1 228 204

Salutation: Dear Secretary

COPIES 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 1 March 2002.