

PUBLIC

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UA 267/02

Fear for safety/fear of torture/

28 August 2002

fear of "

NEPAL Raman Kumar Shrestha (m), lawyer

Raman Kumar Shrestha was reportedly arrested by army personnel at about 9.30am on 23 August on the way to his office in Kanuni Uddhar Kendra, Bagbazar, Kathmandu. His whereabouts are unknown, and there are fears for his safety.

Raman Kumar Shrestha left home in the morning on his motorcycle, but did not arrive at his office. He was scheduled to appear in two cases in the Supreme Court that day, but did not appear there either.

At about 8pm on 23 August a group of about ten security forces personnel, one in civilian clothes and the others in army uniform, arrived in a white van at Raman Kumar Shrestha's house and searched it. They returned Raman Kumar Shrestha's motorcycle and helmet to his wife and told her that her husband had been arrested to help them with an inquiry, but did not give her any further explanation for his arrest.

Raman Kumar Shrestha works in a Legal Relief Centre which defends victims of social or political injustice. He may have been arrested because the authorities suspect him of being a supporter or sympathizer of the armed political group, the Communist Party of Nepal (CPN) (Maoist). Amnesty International has frequently received reports of suspected CPN (Maoist) sympathizers being tortured while in detention.

Relatives made inquiries to the Brigadier General heading the army human rights monitoring unit, who has undertaken to confirm whether Raman Kumar Shrestha has been detained, and if so, the reasons for his arrest. The Nepal Bar Association also informed the Home Minister and other authorities but have not received any clarification of Raman Kumar Shrestha's whereabouts.

At a preliminary hearing of a *habeas corpus* writ on 28 August filed on Raman Kumar Shrestha's behalf, the Supreme Court ordered the security forces to respond within 24 hours.

BACKGROUND INFORMATION

Amnesty International has been concerned about a deterioration in the human rights situation in Nepal since the CPN (Maoist) declared a "people's war" in early 1996. This concern has heightened after the army was mobilized and the state of emergency imposed in late November 2001. Since then, the number of reports of alleged unlawful killings, "disappearances", torture and arbitrary arrests and detention by the security forces have increased dramatically. The authorities have so far failed to provide strict instructions to the security forces to uphold human rights or to take appropriate actions against those responsible for reported abuses. Amnesty International has also documented many grave human rights abuses by members of the CPN (Maoist).

Lawyers appearing on behalf of Maoist suspects have repeatedly been targeted by the authorities. There are concerns that lawyers involved in lodging *habeas corpus* petitions (order requiring a detainee to be brought before a judge or into court) on behalf of people arrested as suspected CPN (Maoist) members or supporters, are particularly at risk as they may be arrested themselves for "supporting terrorism".

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* has not been suspended, very few *habeas corpus* petitions have been filed since the state of emergency was declared.

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

- expressing concern about the safety of Raman Kumar Shrestha, a lawyer reportedly arrested by the security forces in Kathmandu on 23 August;
- urging the authorities to make public his whereabouts;
- urging the authorities to ensure that Raman Kumar Shrestha is not tortured or ill-treated in custody;
- calling upon the authorities to allow him immediate, regular access to his relatives, lawyer and any medical attention he may need;
- urging that he be released immediately and unconditionally unless he is to be charged with a recognizable criminal offence.

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 Minister
Ministry of Home Affairs
Singha Durbar
Kathmandu
Nepal

Telegrams: Home Minister, Kathmandu, Nepal

Faxes: + 977 1 241 942

Salutation: Dear Minister

Lt General Pyar Jung Thapa
Acting 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

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 9 October 2002.