

PUBLIC

AI Index: ASA 31/04/99

This is a limited action. Please restrict appeals to 20 per section.

EXTRA 23/99

Torture /

NEPALSahadev Jung Shah, lawyer and human rights defender

Shiva Prasad Sharma, librarian

Amnesty International is concerned for the safety of Sahadev Jung Shah and Shiva Prasad Sharma who have reportedly been tortured in police custody during interrogation. They are being held in incommunicado detention.

The two men were arrested on 12 January 1999 and are reportedly detained at Jajarkot district jail (Mid-Western region) but being taken for questioning to Khalanga police station nearby. They were apparently arrested on suspicion of involvement in the Maoist "people's war" (see background information).

Sahadev Jung Shah is chairman of the Jajarkot District Bar Association and president of the People's Rights Concern Movement, Jajarkot, a local human rights group. Shiva Prasad Sharma is a librarian at the Bheri Gyanodaya Campus (educational establishment) in Jajarkot.

Sahadev Jung Shah was detained for two weeks in June 1998 after he gave legal representation to members of the Communist Party of Nepal (CPN) (Maoist). He was reportedly released on condition that he would not take on similar cases in future.

Habeas corpus writs (requests that detainees are produced in court and any charges made known) have been filed by their legal representatives in the Supreme Court.

BACKGROUND INFORMATION

Following the declaration of a "people's war" by the CPN (Maoist) in February 1996, both the police and the CPN (Maoist) have reportedly been responsible for serious human rights abuses. The police are reported to have committed widespread violations including extrajudicial executions, "disappearances", torture and arbitrary arrests and detentions. A large-scale police operation, launched in May 1998 and centred in the Mid-Western Region of the country, aimed at flushing out armed members of the CPN (Maoist) has led to an alarming deterioration in Nepal's human rights situation.

Human rights defenders have been threatened by both the police and the CPN (Maoist). Lawyers, in particular, have come under pressure from the police not to represent CPN (Maoist) members or sympathizers. The CPN (Maoist), on the other hand, have warned human rights defenders not to report abuses by their members.

Under the Public Security Act a detainee can be kept in preventive detention for up to 12 months.

RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in English or your own language:

- expressing concern that Sahadev Jung Shah and Shiva Prasad Sharma have allegedly been tortured in police custody;
- asking the authorities to immediately investigate these allegations and if substantiated to bring those responsible to justice;

- urging the authorities to grant Sahadev Jung Shah and Shiva Prasad Sharma immediate access to their family, legal counsel and to any medical treatment they require;

- asking the reason for their detention, and urging that unless they are to be promptly charged with a recognizable criminal offence, they be immediately and unconditionally released.

APPEALS TO:

Rt. Hon Prime Minister Girija Prasad Koirala
Office of the Prime Minister
Singha Durbar
Kathmandu
Nepal

Telegrams: Prime Minister, Kathmandu, Nepal

Faxes: + 977 1 227 765

Salutation: Dear Prime Minister

Hon. Govinda Raj Joshi
Minister of Home Affairs
Ministry of Home Affairs
Singha Durbar
Kathmandu
Nepal

Telegrams: Minister Home Affairs, Kathmandu, Nepal

Faxes: + 977 1 241 942

Salutation: Dear Minister

Mr. Achyut Krishna Kharel
Inspector General of Police
Police Headquarters
GPO Box 407
Naxal
Kathmandu
Nepal

Telegrams: Inspector General of Police, Kathmandu, Nepal

Faxes: + 977 1 415 593

Salutation: Dear Inspector General

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 19 March 1999.