

PUBLIC

AI Index: ASA 31/015/2002

UA 44/02      Fear for Safety/Possible "disappearance"/      12 February 2002  
Fear of Torture/ Possible Extrajudicial Execution

**NEPAL**Surya Prasad Sharma (m), aged 38

---

There are concerns for the safety of Surya Prasad Sharma who had been held incommunicado detention for ten days at an army barrack of Kalidal Gulma in the Baglung district. His relatives were reportedly told on 23 January by army personnel at the camp, that Surya Prasad Sharma had escaped. There have been no traces of Surya Prasad Sharma. It is feared that he might have been severely tortured or killed in custody.

Surya Prasad Sharma returned home on 13 January after living underground for five years as a supporter of the Communist Party of Nepal (CPN) (Maoist). He reportedly intended to surrender to the authorities, and had approached members of mainstream political parties to assist him. He had reportedly prepared an application for his surrender and intended to hand it over to the office of the Chief District Officer in Baglung on 14 January.

At 5 o'clock in the morning on 14 January three army personnel in uniform came to Surya Prasad Sharma's house at Srinagar Tole, Kalika, Baglung district. They searched the house for ammunition, but did not find anything. They then arrested him and took him to the Kalidal Gulma army barrack for questioning.

His wife tried to visit him on several occasions but was not allowed to see him. She was also not allowed to give him any clothing or food. On 22 January, a private source informed the family that Surya Prasad Sharma had unsuccessfully tried to escape from custody earlier that day and was therefore being severely beaten. This information was corroborated by another private source.

When relatives visited the army camp on 23 January, one of the army personnel told them that Surya Prasad Sharma had escaped on 21 January while he was being taken to Amalachour village, in order to show a Maoist hide-out. The soldier claimed that Surya Prasad Sharma had jumped in the Kaligandaki river on the way back to the army barrack. There is serious concern about his safety given that the army is saying that he has escaped from custody while other sources say he is in the army camp.

#### **BACKGROUND INFORMATION**

Peace talks, aimed at ending the CPN (Maoist)'s five-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. The King also officially announced the Terrorist and Disruptive Activities (Prevention and Control) Ordinance (TADO), 2001, which grants the security forces 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 5,000 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 without charge or trial

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. This is in violation of the Army Act which states that anyone arrested by the army has to be handed over to the police within 48 hours and the Constitution of Nepal which requires anyone arrested to be produced before a judicial authority within 24 hours.

"Disappearances" and long-term unacknowledged detention in the context of the "people's war" emerged after May 1998 when the police launched an "intensified security mobilization" operation. Amnesty International recorded 37 "disappearances" in 1998; 61 in 1999, 32 in 2000 and three during the first three months of 2001. After the breakdown of the cease-fire and the declaration of the state of emergency, there are concerns that those arrested are being tortured; and that some of them may have died as a result.

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

- expressing concern about the fate or whereabouts of Surya Prasad Sharma who was arrested by the army at Srinagar Tole, Kalika, Baglung district on 14 January and who has been held at the Kalidal Gulma army camp since;
- expressing concern at reports that he has been tortured, that his relatives have not been allowed access to him and that the army is saying that he has escaped from custody while other sources say he is in the army camp;
- urging the authorities to immediately order an impartial investigation to establish the fate or whereabouts of Surya Prasad Sharma.

**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**

**(Please note that it may be difficult to get through to these fax numbers, but please keep trying)**

**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 25 March 2002.