

UA 166/02

Fear for**NEPAL Shanta Shrestha (f) - social worker**

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Shanta Shrestha was reportedly arrested by the security forces at midnight on 31 May. Army personnel, some of whom were in civilian dress, surrounded her residence at Purano Baneshwar, Kathmandu, before entering and taking her away. Her current whereabouts are unknown, as is the reason for her arrest.

Shanta Shrestha was an active campaigner during the pro-democracy movements in Nepal during 1950 and 1990. She is General Secretary of the Association for Promoting the Welfare and Honour of the Democratic Freedom Fighters (APWHDF), a non-political forum established to honour the activists who were involved in the pro-democracy movements. She was also a founder member of the *Nepal Mahila Sangh*, Nepal Women's Association, which is affiliated to the Nepali Congress Party (NC).

Her relatives have registered her arrest with the International Committee of the Red Cross (ICRC) which has reportedly made inquiries on their behalf. However, the authorities have not said where she is currently being detained.

**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 Shanta Shrestha, who was arrested in Kathmandu on 31 May, and whose whereabouts are currently unknown;
- urging the authorities to make public her place of detention;
- asking the authorities to ensure that she is not subjected to ill-treatment or torture while in custody;
- urging that she be released immediately and unconditionally, unless she is to be charged with a recognizably criminal offence;
- calling on the authorities to allow her access to her relatives and lawyers, and any medical attention she 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**

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**

Padam Kumar Acharya  
Secretary  
Ministry of Defence  
Singha Durbar  
Kathmandu  
Nepal

**Telegram: 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 18 July 2002.