

NEPALSharadha Shrestha (f), aged 26

Sharadha Shrestha, a Central Committee member of the Women's Association (Revolutionary), was arrested in Bharatpur, Chitwan District, southern Nepal on 25 July. She has been held in incommunicado detention since then. Guards at the army barracks where she is thought to be held have suggested to Sharadha Shrestha's family that she may have been tortured.

At around noon on 25 July, two plainclothes security personnel arrested Sharadha Shrestha, from Bharatpur, while she was cycling home from a friend's house. She was taken away along with Sudhip Sapkota also from Bharatpur. No further information is available about Sudhip Sapkota. Since then, Sharadha Shrestha's family has been informed unofficially that she is being held nearby, at Bharatpur barracks. However, each time her relatives have gone to the barracks to make inquiries, guards have not allowed them past the main gates, although the guards accepted a change of clothes for Sharadha Shrestha that her family brought for her late last week. Her family has not been allowed to meet with any army officials.

The family was also told that a doctor had visited Sharadha at the army camp. They therefore suspect that she may have been tortured, and needed medical attention.

Sharadha Shrestha has reportedly been arrested previously, but was released unconditionally following an Appellate Court ruling. It is not known whether her current detention and her previous arrest are related to her political affiliations to the Women's Association (Revolutionary), which is affiliated to the Communist Party of Nepal (Maoist).

BACKGROUND INFORMATION

Peace talks, aimed at ending the Communist Party of Nepal (CAN) (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 CAN (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 CAN (Maoist) members or supporters, they may be arrested themselves for "supporting terrorism".

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

- expressing concern about the safety and health of Sharadha Shrestha who was arrested by security personnel on 25 July, and is held in incommunicado detention, reportedly at Bharatpur barracks;
- expressing concern about reports that she may have been tortured while in custody;
- calling for the authorities to make public her whereabouts;
- urging the authorities to ensure that Sharadha Shrestha is not tortured or ill-treated in custody;
- calling upon the authorities to allow her access to her relatives, lawyer and any medical attention she may need;
- calling for her immediate and unconditional release unless she is to be charged with a recognizable criminal offence.

APPEALS TO:

Rt Hon She 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 Affairs Minister
Ministry of Home Affairs
Singha Durbar
Kathmandu, Nepal

Telegram: Home Affairs Minister, Kathmandu, Nepal

Fax: + 977 1 241 942

Salutation: Dear 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

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

Mr Pradeep Shamsheer J B Rana

Inspector General of Police

Police Headquarters

GPO Box 407

Naxal

Kathmandu, Nepal

Telegram: Inspector General of Police, Kathmandu, Nepal

Fax: + 977 1 415 593/415 594

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 September 2002.