

NEPALTikajung Shahi (m), lawyer

Amnesty International is concerned for the safety of Tikajung Shahi. He was arrested at about 4.30pm on 29 May by four army personnel in civilian clothes. The reason for his arrest is unknown and he is at risk of torture or ill-treatment.

Tikajung Shahi was arrested at his office at *Kanuni Upachaar Kendra* (Legal Remedy Centre), Nepalgunj, Banke district. Since he is a heart patient, he requested permission to fetch medicines from his home. He was allowed five minutes to call his house and arrange for clothes and medicines to be brought for him.

According to witnesses, Tikajung Shahi was then taken away in a rickshaw to the grounds of Nepalgunj hospital, where an army vehicle was waiting. Security personnel there said that he would be released after interrogation, but did not say where they were taking him. He is believed to be held at the Chisapani army barracks in Nepalgunj.

BACKGROUND INFORMATION

Peace talks, aimed at ending the Communist Party of Nepal (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 Tikajung Shahi, who was arrested in Nepalgunj on 29 May, and whose whereabouts are currently unknown;
- urging the authorities to make public his place of detention;
- asking the authorities to ensure that he is not subjected to ill-treatment or torture while in custody;
- urging that he be released immediately and unconditionally, unless he is to be charged with a recognizably criminal offence;
- calling on the authorities to allow him access to his relatives and lawyers, and any medical attention he 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

Telegrams: 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 12 July 2002.