

UA 182/02

Fear of "**NEPAL Pramod Kumar Shrestha (m)**

Pramod Kumar Shrestha was arrested by police on 9 May in Banke district. His whereabouts are unknown and there are fears for his safety.

Pramod Kumar Shrestha is a resident of Khalanga VDC, Salyan district, who has been living temporarily in Banke district while he is working on a timber contract. He is reported to be a member of the main opposition political party, the Communist Party of Nepal-United Marxist Leninist (CPN-UML).

A man believed to be a plainclothes police officer reportedly came to his home and said the police had called him to the area police office in Kohalpur. The man said that inquiries would last a short while and that he would be released afterwards.

When he did not return home that night, relatives went to the area police office. The police said that the army had taken Pramod Kumar Shrestha away for questioning, and would release him later. His relatives then went to the Chisapani army camp and to the office of the Chief District Officer to make further inquiries, but could not get any information.

It is not known why he was arrested. The CPN-UML is not connected with the armed opposition Communist Party of Nepal (CPN) (Maoist).

BACKGROUND INFORMATION

The CPN (Maoist) declared a "People's War" six years ago. Peace talks 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. Three days later the authorities responded 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 state of emergency was declared. Under the Act, the authorities have wide powers to arrest people suspected of being involved in "terrorist" activities without a 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 this year, and fresh elections called for 13 November. At the time when it was dissolved, parliament had 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 Pramod Kumar Shrestha, who was arrested in Banke district on 9 May, and whose whereabouts are currently unknown;
- urging the authorities to reveal where he is held;
- asking the authorities to ensure that he is not tortured or ill-treated 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.