

**NEPAL** Saligram Sapkota (m), lawyer

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Lawyer Saligram Sapkota, who is President of the Banke district Appellate Court branch of the Nepal Bar Association, was arrested by seven soldiers at his home in Nepalgunj at 4am on 12 March. He was reportedly taken to Chisapani Army Barracks in Nepalgunj, Banke district. There are fears that he may be tortured in custody.

According to witnesses, the soldiers did not allow him to get dressed, and brought him out in his underwear. They allegedly punched him repeatedly and then took him away in a van.

Later that day, relatives went to the army camp to hand over some clothes for Saligram Sapkota. They reported that when they were allowed to see him, he had bruises on his face and body, and they believed that he had been tortured. Army personnel had reportedly accused him of "indirectly supporting the Communist Party of Nepal (CPN) (Maoist)".

Saligram Sapkota is reported to be a member of the Banke district branch of the *Janabadi Morcha* (Democratic Front), which is described as "a loose forum of left-wing oriented people".

**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, granting 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.

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, no *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 under the Ordinance for "supporting terrorism".

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

- expressing concern for the safety of Saligram Sapkota, who was arrested by soldiers in Nepalgunj on 12 March;
- expressing concern that Saligram Sapkota has reportedly been tortured while in army custody at the Chisapani Army Barracks in Nepalgunj;
- asking the authorities to ensure that he is not subjected to further ill-treatment or torture;
- urging that those responsible for torturing him are brought to justice and that he receives compensation;
- 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, lawyers and a doctor should he be in need of medical attention.

**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 24 April 2002.