

PUBLIC

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Fear for safety/possible "disappearance"

03 November 2003

NEPAL

Dinesh Nepali (m), aged 22, hotel staff
Sanjay Raya (m), aged 30, shop owner

Amnesty International is concerned for the safety of Dinesh Nepali and Sanjay Raya who were arrested by plain-clothed security personnel on 15 and 22 October respectively. There is no obvious reason why the men were arrested and their current whereabouts are unknown.

Dinesh Nepali is originally from Madanpur Village Development Committee (VDC), Nuwakot district, and currently lives and works in Kathmandu. He was arrested at his place of work, the Hotel Thamel, Kathmandu, at 5.30pm on 15 October by three members of the security forces in plain clothes. The reason for his arrest is unknown. Before he was taken away in a taxi, with the registration number Ba 1 Ja 4936, his colleagues were told he would be returned soon. When Dinesh Nepali had not returned by the following day, the hotel staff went to Sorakhutte police post, Kathmandu, to make inquiries into his whereabouts. The police told them they did not have any information on arrests made by the army.

Efforts to locate Dinesh Nepali through the National Human Rights Commission (NHRC), the Defence Ministry and the Home Ministry have so far failed.

Sanjay Raya owns a shop selling newspapers and bus tickets in Janakpur, Dhanusha district. He was arrested at his shop by 30 security force personnel in plain clothes on 22 October. The security personnel arrived in three vehicles, a white pick-up truck, registration Ja 1 Jha 343, a blue vehicle, registration 3560, and one red vehicle. Sanjay Raya is a ward level coordinator of the *Rastrabadi Milan Kendra* (Coordination Centre for Nationalists) in Janakpur. Efforts to locate Sanjay Raya through the local government administration and the NHRC have so far failed.

BACKGROUND INFORMATION

Amnesty International has been concerned about a deterioration in the human rights situation in Nepal since the Communist Party of Nepal (CPN) (Maoist) launched a "people's war" in February 1996. Reports of human rights abuses by both the security forces and the CPN (Maoist) escalated after the army was mobilized and a state of emergency imposed between November 2001 and August 2002. Many people were arrested under the 2002 Terrorist and Disruptive Activities (Control and Punishment) Act (TADA), which gave the security forces the power to arrest without warrant and detain suspects in police custody for up to 90 days. Scores of people are reported to have been held for weeks or even months in illegal detention in army custody without access to their families, lawyers or a doctor. In 2002, Nepal recorded the highest number of "disappearances" of any country in the world. The CPN (Maoist) are also reported to have abducted scores of people.

On 29 January 2003, both sides agreed to a cease-fire. Three rounds of peace talks were held - in April, May and August - between the government and representatives of the CPN (Maoist). The CPN (Maoist) had listed among their central demands a round table conference, the formation of an interim government and elections to a constituent assembly to draft a new Constitution.

The CPN (Maoist) announced they were withdrawing from the cease-fire agreement on 27 August. Since then, fighting between the two sides has resumed throughout the country, and Amnesty International has received reports of human rights abuses committed by both sides in the conflict. In particular there has been a rise in the number of 'disappearances' by the security forces and abductions by the CPN (Maoist).

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

- expressing concern for the safety of Dinesh Nepali and Sanjay Raya who were reportedly arrested by plain-clothed security personnel in Kathmandu and Janakpur on 15 and 22 October respectively;
- urging the authorities to make public the whereabouts of the two men and to grant them immediate access to their relatives, lawyers and any medical attention they may require;
- calling for their immediate and unconditional release, unless they are to be charged with a recognizably criminal offence.

APPEALS TO:

Brigadier General B A K Sharma

Head, Army Human Rights Cell

Army Headquarters

Kathmandu, Nepal

Telegram: Brigadier General, Kathmandu, Nepal

Fax: + 977 1 4 226 292/ 229 451 (Faxes may be switched off outside office hours, 5 ½ hours ahead of GMT)

Salutation: Dear Brigadier General

General Pyar Jung Thapa

Chief of Army Staff (COAS)

Army Headquarters

Kathmandu, Nepal

Telegram: Commander-in-Chief, Kathmandu, Nepal

Fax: + 977 1 4 242 168 (Faxes may be switched off outside office hours, 5 ½ hours ahead of GMT)

Salutation: Dear Commander-in-Chief

COPIES TO:

Prime Minister Surya Bahadur Thapa

Prime Minister's Office

Singha Durbar

Kathmandu, Nepal

Fax: + 977 1 4 227 286 (Faxes may be switched off outside office hours, 5 ½ hours ahead of GMT)

Salutation: Dear Prime Minister

and 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 15 December 2003.