

PUBLIC

AI Index: ASA 31/075/2003

UA 328/03 Fear for safety/possible "disappearance"

12 November 2003

NEPAL Arjun Maharjan (m) aged 33, business person

Amnesty International is concerned for the safety of Arjun Maharjan who was reportedly arrested by members of the security forces in plain clothes on 29 October. His whereabouts are unknown.

Arjun Maharjan is a resident of Kirtipur, Kathmandu district, and runs a glass business in Kalimati, Kathmandu. According to a witness he was arrested on 29 October by three members of the security forces in plain clothes at the vegetable market near his business in Kalimati. At 3pm on 29 October one of the relatives of Arjun Maharjan received an anonymous call saying that he had been arrested. At 5.30pm, and again at 6pm, relatives managed to contact Arjun Maharjan on his mobile phone and although he appeared not able to speak openly he was able to confirm his arrest by the security forces. His relatives were able to contact him again by phone at 9am on 30 October, though all he was able to tell them was that he was being detained "close to them." Since then his relatives have had no further contact with him.

Arjun Maharjan is a central committee member of the *Nawa Rastriya Mukti Morcha* (Newar National Liberation Front) a Newari ethnic organization affiliated with the Communist Party of Nepal (CPN) (Maoist). His involvement with this organization may be connected with his arrest.

Efforts to locate Arjun Maharjan by his relatives, including contacting the National Human Rights Commission, Ministry of Defence, and Home Ministry, 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 Arjun Maharjan who were reportedly arrested by security personnel in plain-clothes in Kathmandu on 29 October;
- urging the authorities to make public the whereabouts of Arjun Maharjan and to grant him immediate access to his relatives, lawyers and any medical attention he may require;

-calling for his immediate and unconditional release, unless he is to be charged with a recognizably criminal offence;
-urging that he be treated humanely whilst in custody and not be subjected to torture or ill-treatment.

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 24 December 2003.