

PUBLIC

AI Index: ASA 31/045/2004

20 February 2004

UA 73/04 **Fear for safety / possible "disappearance"**

NEPAL **Jujubhai Maharjan (m), aged 40, waiter**

Jujubhai Maharjan was reportedly arrested in Bijeshwari, Kathmandu District, on 18 February. Amnesty International is concerned for his safety and is concerned that he may have been "disappeared".

Five men in civilian dress, who identified themselves as security forces personnel, came in a private car to Bajra Hotel, where Jujubhai Maharjan works as a waiter, at 8pm. They questioned Jujubhai Maharjan for about an hour and then took him away, according to witnesses.

Jujubhai Maharjan's family and local human rights organisations have informed the National Human Rights Commission about his arrest, but his whereabouts remain unknown.

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 army custody without access to their families, lawyers or medical treatment. 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 ceasefire. Three rounds of peace talks were held - in April, May and August - between the government and representatives of the CPN (Maoist). The CPN (Maoist) announced they were withdrawing from the ceasefire agreement as of 27 August 2003. Since then, fighting has resumed throughout the country, and Amnesty International has received reports of both sides committing human rights abuses. In particular there has been a rise in the number of "disappearances" at the hands of 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 Jujubhai Maharjan, who was reportedly arrested on 18 February in Kathmandu District;
- urging that he is treated humanely while in custody and not tortured or ill-treated;
- calling on the authorities to make public his whereabouts and to grant him immediate access to his relatives, lawyers and any medical attention he may require;
- calling for him to be released immediately and unconditionally, unless he is to be charged with a recognizably criminal offence.

APPEALS TO: (Faxes may be switched off outside office hours, 5 ½ hours ahead of GMT)

General Pyar Jung Thapa
Chief of Army Staff (COAS)
Army Headquarters

Kathmandu, Nepal

Telegram: **Commander-in-Chief, Army Headquarters, Kathmandu, Nepal**

Fax: **+ 977 1 4 242 168**

Salutation: **Dear Commander-in-Chief**

Colonel Nilendra Prasad Aryal

Head of Army Human Rights Cell

Army Headquarters

Singha Durbar, Kathmandu, Nepal

Telegram: **Colonel NP Aryal, Army Headquarters, Singha Durbar, Kathmandu, Nepal**

Fax: **+ 977 1 4 226 292/ 229 451 (If someone answers the telephone please ask them in English to switch on the fax machine, and resend the fax).**

Salutation: **Dear Colonel**

COPIES TO:

Prime Minister Surya Bahadur Thapa

Prime Minister's Office

Singha Durbar

Kathmandu, Nepal

Fax: **+ 977 1 4 227 286**

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 2 April 2004.