

PUBLIC

AI Index: ASA 31/050/2004

24 February 2004

Further Information on UA 354/03 (ASA 31/097/2003, 03 December 2003) Fear for safety/ possible "disappearance"

NEPAL **Tej Narayan Sapkota (m), aged 38, teacher**

Amnesty International has received reports that Tej Narayan Sapkota may be held at the National Police Academy in Maharajganj, Kathmandu. Police however deny that he is being held there and also refused his relatives entry to the academy when they attempted to locate him.

Tej Narayan Sapkota was originally arrested on 24 November 2003, by security force personnel in plain clothes who took him from the *Sarbottam* printing press in Bagbazar, Kathmandu. His relatives have become increasingly afraid for his safety, as efforts to locate him including contacting the National Human Rights Commission (NHRC), and the Home and Defence Ministries have been unsuccessful.

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). Among the CPN (Maoist)'s central demands were 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 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 Tej Narayan Sapkota who was reportedly arrested by security forces personnel in Bagbazar, Kathmandu, on 24 November 2003;
- urging that he be treated humanely whilst in custody and not be subjected to torture or ill-treatment;
- urging the authorities to make public the whereabouts of Tej Narayan Sapkota and to confirm whether or not he is being held at the National Police Academy in Maharajganj, Kathmandu;
- urging the authorities 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.

APPEALS TO:

Shyam Bhakta Thapa
Inspector General of Police
Police Headquarters
GPO Box 407
Naxal
Kathmandu, Nepal

Telegram: Inspector General of Police, Police Headquarters, Naxal, Kathmandu, Nepal

Fax: + 977 1 4 415 594/ 415 593

Salutation: Dear Inspector General

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 (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

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 6 April 2004.