

**PUBLIC**

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**Fear for safety/fear of "disappearance"**

**03 January 2003**

**NEPAL**

**Arjun Adhikary (m), aged 42, photo laboratory assistant  
Dhurba Adhikary (m), aged 26, student**

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Arjun Adhikary, and his brother Dhurba Adhikary, were reportedly arrested from their rented house in Nayabazar, Kirtipur, near Kathmandu by army personnel on 27 December 2002. Their whereabouts are currently unknown and there are fears for their safety.

At about 11pm, while the family was asleep, a group of army personnel reportedly arrived in a van. Eight of them entered the room where the two brothers were sleeping and told them to get ready to accompany them since they wanted to ask them some questions. They were taken away to an unknown destination. The reason for the arrests of the two brothers is unknown, but the manner of their arrests suggests that the authorities may suspect them of having links with or supporting the aims of the Communist Party of Nepal (CPN) (Maoist).

Arjun Adhikary, a permanent resident of Sasharniya Village Development Committee, Ward 6, Dang district, has been living with his family in a rented house in Nayabazar for the last eight years, working as a laboratory assistant at the Paradise Colour Lab. His brother Dhurba Adhikary has been living with him for the past few years while studying for a Masters degree in political science at the Tribhuvan University.

Relatives have made inquiries at several police stations and army barracks in Kathmandu, but the authorities have not acknowledged their arrest. There are reports that they may be detained at Lagankhel army barracks but this has not been confirmed. They have also informed the National Human Rights Commission about the arrests.

#### **BACKGROUND INFORMATION**

Amnesty International has been concerned about a deterioration in the human rights situation in Nepal since the CPN (Maoist) declared a "people's war" in early 1996. This concern has intensified since the army was mobilized and a state of emergency imposed in November 2001. Since then, the number of reports of alleged unlawful killings, "disappearances", torture and arbitrary arrests and detention by the security forces has increased dramatically. The authorities have so far failed to provide or enforce strict instructions to the security forces to uphold human rights, or to take appropriate actions against those responsible for reported abuses. Amnesty International has also documented many grave human rights abuses by members of the CPN (Maoist).

Although the state of emergency expired in late August 2002 and has not been re-imposed, the security forces continue to have wide powers under the Terrorist and Disruptive Activities (Control and Punishment) Act, passed in April 2002, including the power to arrest without warrant and detain suspects in police custody for up to 90 days. During a visit to Nepal in September 2002, Amnesty International delegates found that scores of prisoners were held in illegal detention at army barracks throughout the country and were denied the right to communicate with their families or lawyer, or have access to a doctor. Amnesty International also found evidence of extrajudicial executions of civilians suspected of providing assistance to the Maoists, and Maoists deliberately killed after they were taken into custody.

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

- expressing concern for the safety of Arjun Adhikary and his brother Dhurba Adhikary, who were reportedly arrested from their rented house in Nayabazar, Kirtipur, on 27 December 2002;
- urging the authorities to make public their whereabouts, and grant them immediate access to their relatives, lawyers, and any medical attention they may require;
- urging the authorities to ensure that they are not subjected to torture or ill-treatment while in custody;
- calling for their immediate and unconditional release unless they are to be charged with a recognizable criminal offence.

**APPEALS TO:**

Prime Minister Lokendra Bahadur Chand  
Prime Minister's Office  
Singha Durbar  
Kathmandu  
Nepal

**Telegram:** Prime Minister, Kathmandu, Nepal

**Fax:** + 977 1 227 286

**Salutation:** Dear Prime Minister

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

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

**Fax:** + 977 1 242 168

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

General R Katwal  
Secretary, National Security Council  
Singha Durbar  
Kathmandu, Nepal

**Telegram:** Secretary, National Security Council, Kathmandu, Nepal

**Fax:** + 977 1 225 869 (it may be difficult to get through; please keep trying)

**Salutation:** Dear General

**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 14 February 2003.