

**PUBLIC**

**AI Index: ASA 31/005/2005**

**11 January 2005**

**Further Information on UA 358/03 (ASA 31/101/2003, 5 December 2003) and follow-ups (ASA 31/001/2004, 9 February 2004; ASA 31/037/2004, 17 February 2004) - Fear for safety / possible "disappearance"**

**NEPAL**

**Dev Bahadur Maharjan (m), aged 30, teacher  
Umesh Subedi (m), aged 21, student  
Pushkar Subedi (m), aged 22, student  
Tej Prasad Gautam (m), aged 19, office worker**

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Dev Bahadur Maharjan was released from Sundarijal detention centre, near Kathmandu, on 7 January. However, security forces personnel began looking for him again a few minutes after his release, and he is now in hiding. Amnesty International is concerned that he may be rearrested, and he is at risk of "disappearance" or torture in detention.

Dev Bahadur Maharjan, from Kirtipur in Kathmandu district, was arrested by seven members of the security forces on 26 November 2003. The Supreme Court issued an order for his release on 6 January 2004. Members of his family and representatives of the Human Rights Organisation of Nepal (HURON) met him as he left Sundarijal detention centre at 3pm the following day.

Immediately after his release, two unmarked vehicles containing armed security force personnel in civilian clothes were seen outside the detention centre. At 3.30pm, a policeman stopped a jeep containing representatives of HURON, apparently for no reason, but let them continue after a few minutes. A short while later the jeep was stopped by 25-30 armed security personnel in civilian clothes who had been travelling in three vans. They reportedly pointed their guns at the jeep and repeatedly asked the HURON representatives to hand over Dev Bahadur Maharjan. The HURON representatives said that Dev Bahadur Maharjan had been taken away in another vehicle. The security forces personnel then tried to confiscate the President of HURON's identity card. He refused to give them his identity card, but they noted down his name and telephone number and said that they would contact him again, before allowing the HURON representatives to drive away.

Amnesty International has no further information about Umesh Subedi, Pushkar Subedi or Tej Prasad Gautam, and is increasingly concerned for their safety. They were arrested between August and November 2003 and their whereabouts are still unknown.

#### **BACKGROUND INFORMATION**

Since the Communist Party of Nepal (CPN) (Maoist) declared a "people's war" in February 1996 Nepal has been in the grip of nationwide conflict and human rights crisis. Human rights abuses by both the security forces and the CPN (Maoist) have escalated since a seven-month ceasefire broke down in August 2003.

Over recent months Amnesty International has received dozens of reports of security forces rearresting people immediately after they have been released from detention. In many of these cases people have been rearrested after courts have ordered that they be released.

The HURON representatives are the latest to suffer a pattern of increasing harassment of human rights defenders, including journalists, lawyers, NHRC staff and local human rights activists, by both security forces and the Communist Party of Nepal (Maoist). Human rights defenders have been killed, detained under anti-

terrorist legislation, abducted, tortured and threatened, and the offices of human rights organisations have been raided.

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

- urging the authorities to ensure the safety and security of Dev Bahadur Maharjan, who was released from Sundarjial detention centre, near Kathmandu, on 7 January;
- calling on the authorities to make public the whereabouts of Umesh Subedi, Pushkar Subedi, and Tej Prasad Gautam, and to grant them immediate access to their relatives, lawyers and any medical attention they may require;
- urging that they be treated humanely while in custody and not tortured or ill-treated;
- calling for them to be released immediately and unconditionally, unless they are to be charged with a recognizably criminal offence;
- calling on the authorities to ensure that members of HURON and other human rights defenders are able to carry out their work without fear of harassment by the security forces.

**APPEALS TO:**

Lieutenant Colonel Raju Nepali  
Royal Nepal Army Human Rights Cell  
Royal Nepalese Army Headquarters  
Singha Durbar  
Kathmandu, Nepal

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

**Salutation:** Dear Lieutenant Colonel

Baman Prasad Neupane  
Chief District Officer, Kathmandu district  
Office of the Chief District Officer,  
Kathmandu District, Nepal

**Salutation:** Dear Chief District Officer

**COPIES TO:**

Prime Minister Sher Bahadur Deuba  
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 22 February 2005.