

PUBLIC

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Fear for safety/possible "disappearance"

10 February 2004

NEPAL

**Rafik Miya (m), aged 17, street trader
Kalam Miya (m), aged 48, street trader
Anaraul Miya (m), aged 26, street trader
Kanchha Husain (m), aged 27, street trader**

Street trader Rafik Miya was reportedly arrested by security forces personnel at a highway checkpoint on 17 January. His three relatives, named above, were reportedly arrested two days later at the room the four men rent in Kathmandu, by army personnel in uniform. The security forces have since denied arresting the men, and their whereabouts are unknown.

All four men are originally from Bhabanipur Village Development Committee, ward no.6, in Bara district, south of Kathmandu. They are now living in Takiya Galli, Swayambhu, in Kathmandu municipality, where they work selling toys and trinkets on the streets. On 17 January Rafik Miya was travelling to his home in Bara district with two companions. He was arrested when the vehicle they were travelling in was stopped and searched at the vehicle checkpoint at Nagdhunga in Thankot, at the western entrance to the Kathmandu valley.

On 18 January members of the security forces came to the men's room and took Kalam Miya's identity card. At 10pm the next day, 16 or 17 uniformed army personnel arrived at the room and said they had come from the nearby Chhauni army barracks. They returned the identity card, but then arrested Kalam Miya, Anaraul Miya, and Kanchha Husain, and took them away in an army vehicle. Staff at Chhauni later denied that the men were being held in the camp.

The reason for these arrests remains unknown. Relatives have visited Chhauni army barracks, and informed the National Human Rights Commission (NHRC), but have so far failed to locate the men.

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 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 on 27 August 2003. Since then, fighting between the two sides 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 Kalam Miya, Rafik Miya, Anaraul Miya and Kanchha Husain, who were reportedly arrested by security forces personnel in Kathmandu district on 17 and 19 January 2004;
- urging that they be treated humanely while in custody and not tortured or ill-treated;
- urging the authorities to make public their whereabouts and to grant them immediate access to their relatives, lawyers and any medical attention they may require;
- calling for the four men to be released immediately and unconditionally, unless they are to be charged with a recognizably criminal offence.

APPEALS TO:

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

Colonel Nirendra 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 (Faxes may be switched off outside office hours, 5½ hours ahead of GMT)

Salutation: Dear Colonel

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 23 March 2004.