

UA 117/02

"Disappea**NEPAL Arjun Lamichhane (m), age 32, businessman**

There are fears for the safety of Arjun Lamichhane, whose whereabouts are unknown since his arrest at around 6am on 9 April in the capital Kathmandu.

According to reports, four or five security personnel, some of whom were in plain clothes and the others in army uniform, came to Arjun Lamichhane's shop in Kaldhara and told him that he had to accompany them because they "had some work to do with him". They took him away in a van.

Relatives made inquiries at the District Police Office at Hanuman Dhoka in Kathmandu, but police there denied knowledge of his arrest. They have also made inquiries with several government officials, but have not been able to ascertain where Arjun Lamichhane is detained.

BACKGROUND INFORMATION

Peace talks, aimed at ending the CPN (Maoist)'s six-year-old "people's war" and an accompanying cease-fire broke down on 23 November 2001, after the Maoists withdrew from the talks and attacked police and army posts in 42 districts. The authorities responded on 26 November by declaring a nationwide emergency and deploying the army.

On 10 April 2002, the Terrorist and Disruptive Activities (Control and Punishment) Act became law. It replaced an Ordinance of the same name, announced by the King after the declaration of the state of emergency. Under the Act, the authorities have wide powers to arrest people suspected of being involved in "terrorist" activities without warrant and search their properties. The Act will remain in force for two years.

Since the state of emergency was declared, thousands of people have been arrested. Among them are many lawyers, students, journalists and teachers arrested throughout the country as suspected members or sympathizers of the CPN (Maoist). The whereabouts of many of them remain unknown.

Under the state of emergency, a number of fundamental rights guaranteed in the Constitution have been suspended, including the rights to freedom of assembly, freedom of expression and to constitutional remedy. Although the right of *habeas corpus* (order requiring a detainee to be brought before a judge or into court) has not been suspended, very few *habeas corpus* petitions have been filed since the state of emergency was declared. Lawyers are afraid that if they lodge such petitions on behalf of people arrested as suspected CPN (Maoist) members or supporters, they may be arrested themselves for "supporting terrorism".

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

- expressing concern for the safety of Arjun Lamichhane, who was arrested in Kathmandu on 9 April, and whose whereabouts are currently unknown;
- urging the authorities to make public his place of detention;
- asking the authorities to ensure that he is not subjected to ill-treatment or torture;
- urging that he be released immediately and unconditionally, unless he is to be charged with a recognizably criminal offence;

- calling on the authorities to allow him access to his relatives and lawyers, and any medical attention he may need.

APPEALS TO:

Rt Hon Sher Bahadur Deuba
Prime Minister
Office of the Prime Minister
Singha Durbar
Kathmandu
Nepal

Telegram: Prime Minister, Kathmandu, Nepal

Fax: + 977 1 227 286

Salutation: Dear Prime Minister

General Prajwal Shamsheer Rana JBR
Chief of Army Staff (COAS)
Kathmandu
Nepal

Telegram: Commander-in-Chief, Kathmandu, Nepal

Fax: + 977 1 242 168

Salutation: Dear Commander-in-Chief

Padam Kumar Acharya
Secretary
Ministry of Defence
Singha Durbar
Kathmandu
Nepal

Telegrams: Defence Secretary, Kathmandu, Nepal

Fax: + 977 1 228 204

Salutation: Dear Secretary

(It may be difficult to get through to these numbers, but please keep trying.)

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 30 May 2002.