

PUBLIC

AI Index: ASA 31/034/2003

17 September 2003

UA 268/03      Fear for safety/possible "disappearance"

NEPAL      Mophiuddin Khan (m), aged 42, local administrator

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Mophiuddin Khan was reportedly arrested by Armed Police Force (APF) personnel in Bhalubang, Dang district, mid-western region, at 11am on 11 September. His whereabouts are currently unknown and there are concerns for his safety.

Mophiuddin Khan, a permanent resident of Raniyapur Village, Banke district, mid-western region, was secretary of the Raniyapur Village Development Committee (VDC). He was recently appointed by the Ministry of Local Development to take up a new VDC post in Jajarkot district. He was travelling by bus on his way to take up his new post when all the passengers on the bus were reportedly ordered to show their luggage at an APF checkpoint in Bhalubang. According to eyewitnesses, a group of APF personnel said they were taking Mophiuddin Khan away for questioning. He has not been seen since. The reasons for his alleged arrest are not known, but may be because the authorities suspect him of being a member or supporter of the Communist Party of Nepal (CPN) (Maoist).

The National Human Rights Commission (NHRC) has been informed about the reported arrest and possible "disappearance" of Mophiuddin Khan and is said to be making inquiries.

Mophiuddin Khan was allegedly previously arrested in January 2002 and detained under the 2002 Terrorist and Disruptive Activities Act (TADA). He was held in custody for 17 months, spending most of that time in Central Jail, Nepalgunj, Banke district. He was released on 11 May 2003.

#### **BACKGROUND INFORMATION**

Amnesty International has been concerned about a deterioration in the human rights situation in Nepal since the 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 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 a doctor. The CPN (Maoist) are also reported to have abducted scores of people.

On 29 January 2003 both sides agreed to a cease-fire. Three rounds of peace talks were held - in April, May and August - between the government and representatives of the CPN (Maoist). The CPN (Maoist) had listed among their central demands 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 cease-fire agreement on 27 August 2003. Since then fighting between the two sides has resumed throughout the country, and Amnesty International has received reports of human rights abuses committed by both sides in the conflict.

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

- expressing concern for the safety of Mophiuddin Khan, who was reportedly arrested by members of the Armed Police Force (APF) from a bus in Bhalubang, Dang district, on 11 September;

- urging the authorities to make public his whereabouts, grant him immediate access to his relatives, lawyers and any medical attention he may require;
- calling on the authorities to guarantee that he be humanely treated while in custody and not be subjected to torture or ill-treatment;
- calling for his immediate and unconditional release, unless he is to be charged with a recognizably criminal offence.

**APPEALS TO:**

Gyanendra Raj Rai  
Deputy Inspector General of Police  
Head, APF Human Rights Cell  
Armed Police Force (APF)  
Halchowk  
Swayambhu  
Kathmandu, Nepal

**Telegram:** Deputy Inspector General (APF), Kathmandu, Nepal

**Fax:** + 977 1 4 411 384 (fax may be switched off outside office hours, 5 ½ hours ahead of GMT)

**Salutation:** Dear Deputy Inspector General

Prime Minister Surya Bahadur Thapa  
Prime Minister's Office  
Singha Durbar  
Kathmandu, Nepal

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

**Fax:** + 977 1 4 227 286 (fax may be switched off outside office hours, 5 ½ hours ahead of GMT)

**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 4 242 168

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

**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 29 October 2003.