

PUBLIC

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29 September 2003

UA 280/03 Fear for safety/possible "disappearance"

NEPAL Dhana Shahi (m), aged 25] shopkeepers
 Shanu Shahi (f), aged 20]

Dhana Shahi and his sister Shanu Shahi were reportedly arrested by army personnel in the town of Bhaktapur in Kathmandu valley on 26 September. Their whereabouts are unknown and there are fears for their safety.

According to reports, Dhana and Shanu Shahi were arrested at their home at 10.30pm on 26 September by a group of about 15 army personnel, some of whom were armed. The two were allegedly forced into an army vehicle and taken away. The army personnel also reportedly searched their home. It is believed that Dhana and Shanu Shahi may have been taken to the Suryabinayak army barracks in Bhaktapur, though this has not been confirmed by the authorities. Their relatives have informed the National Human Rights Commission (NHRC), which is reported to be making inquiries.

The reason for the arrest of Dhana and Shanu Shahi is not known, but may be because the authorities suspect them of having links with the Communist Party of Nepal (CPN) (Maoist).

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 English or your own language:

- expressing concern for the safety of Dhana Shahi and Shanu Shahi, who were reportedly arrested by army personnel in Bhaktapur on 26 September;
- 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 on the authorities to guarantee that they be humanely treated while in custody and will not be subjected to torture or ill-treatment;
- calling for their immediate and unconditional release, 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, Kathmandu, Nepal

Fax: + 977 1 4 242 168

Salutation: Dear Commander-in-Chief

Brigadier General B A K Sharma
Head, Army Human Rights Cell
Army Headquarters
Kathmandu, Nepal

Telegram: Brigadier General, Kathmandu, Nepal

Fax: + 977 1 4 226 292 / 229 451

Salutation: Dear Brigadier 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

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 10 November 2003.