

**PUBLIC**

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**UA 294/03**

**Fear for safety/Possible 'disappearance'**

**17 October 2003**

**NEPAL**

**Ram Chandra Maharjan (m), aged 50, farmer**

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Amnesty International is concerned for the safety of Ram Chandra Maharjan, who was arrested by approximately 15-20 army personnel at 11.30pm on 14 October at his home in Bhol Dhokha, Ward 8, Lalitpur, Lalitpur district. His current whereabouts remain unknown.

The army personnel entered Ram Chandra Maharjan's home and proceeded to search the premises, whilst questioning him and his family. Ram Chandra Maharjan and his male tenant were then taken away in two Tata army vans. The tenant was released after several hours. It is not known why Ram Chandra Maharjan was arrested, though it is thought he may be suspected of being involved with the Communist Party of Nepal (CPN) (Maoist).

The Nepal Bar Association has taken up Ram Chandra Maharjan's case and has written letters to the Army Human Rights Cell, the Police Human Rights Cell, the National Human Rights Commission, and the Home Ministry to determine his whereabouts. They have yet to receive a response.

#### **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 a doctor. 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 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. 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. In particular there has been a rise in the number of 'disappearances' by 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 Ram Chandra Maharjan who was reportedly arrested by army personnel in Lalitpur district on 14 October;
- urging the authorities to make public his whereabouts, grant him immediate access to his relatives, lawyers and any medical attention he may require;
- calling upon the authorities to guarantee that he will not be subjected to torture or ill-treatment while in custody;

- calling for his immediate and unconditional release, unless he is to be charged with a recognizable criminal offence.

**APPEALS TO:**

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

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:**

Prime Minister Surya Bahadur Thapa  
Prime Minister's Office  
Singha Durbar  
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

and 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 28 November 2003.