

PUBLIC

AI Index: ASA 31/069/2003

UA 317/03

Fear for safety/possible "disappearance"

04 November 2003

NEPAL

Upendra Chaulagain (m), aged 37, businessman

Amnesty International is concerned for the safety of Upendra Chaulagain who was arrested by security force personnel in plain clothes in Kathmandu on 25 October. His whereabouts are unknown.

Upendra Chaulagain is originally from Kanakpur, Rautahat district, but has lived in Chahabil, Kathmandu for 20 years. He was arrested at his clothes shop by two members of the security forces in plain clothes at 11am on 25 October. Upendra Chaulagain asked to make a telephone call to his home, but was denied this by the two men, who said he would be able to return soon. When he did not return that evening his relatives became concerned. Efforts to locate Upendra Chaulagain through the National Human Rights Commission, Defence Ministry and Home Ministry have so far failed.

Upendra Chaulagain was reportedly arrested in March 2002 and held for 15 days whilst blindfolded in an army barrack. The reasons for that arrest and for his current arrest are not known. His family deny he has any involvement with political parties or organizations affiliated with them.

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 Upendra Chaulagain who were reportedly arrested security personnel in plain-clothes in Kathmandu 25 October;
- urging the authorities to make public the whereabouts of Upendra Chaulagain and to grant him immediate access to his relatives, lawyers and any medical attention he may require;
- calling for his immediate and unconditional release, unless he is to be charged with a recognizably 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 (Faxes may be switched off outside office hours, 5 ½ hours ahead of GMT)

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 (Faxes may be switched off outside office hours, 5 ½ hours ahead of GMT)

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 (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 16 December 2003.