

PUBLIC

AI Index: ASA 31/078/2005

10 October 2005

Further Information on UA 61/04 (ASA 31/030/2004, 13 February 2004) - Fear for safety/Possible "disappearance"

NEPAL Maheshwar Pahari (m), aged 30, journalist

Journalist Maheshwar Pahari died in custody on 4 October, after 21 months imprisoned without trial. He was reportedly seriously ill, but the prison authorities had reportedly refused him proper medical treatment.

Maheshwar Pahari, who was working for a Pokhara local newspaper, the *Rastriya Swabhiman Weekly*, was arrested by a group of uniformed soldiers on 2 January 2004 in Khorako Mukh village, in Lwang Ghalel Village Development Committee (VDC) in Kaski district. On 23 August 2004 the Kaski District Administration Office confirmed that he was in "preventive detention" in Kaski jail, Pokhara. They reported that he was being held under the 2002 Terrorist and Disruptive Activities (Control and Punishment) Act (TADA), which gave the security forces the power to arrest suspects without a warrant, and for police to detain them for up to 90 days. He had previously been detained from November 2001 to December 2002 on suspicion of association with the Communist Party of Nepal (CPN) (Maoist).

There have been conflicting reports as to the nature of Maheshwar Pahari's illness. It has been reported that prison authorities had repeatedly refused requests for him to be moved to Kathmandu for treatment, and had refused to let his friends and colleagues see him. A local human rights organisation has also expressed fears that he was tortured. Maheshwar Pahari was reportedly moved to the western regional hospital in Pokhara a week before he died.

BACKGROUND INFORMATION

In the course of the nine-year internal armed conflict, Amnesty International has documented thousands of cases of arbitrary arrests, unacknowledged detentions, torture and "disappearances" at the hands of the security forces. The human rights situation deteriorated further after the king seized executive power on 1 February 2005, with the security forces exercising virtually unchecked power. Many journalists have been arrested and detained without trial, or have "disappeared", at the hands of the security forces.

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

- expressing concern that journalist Maheshwar Pahari has died in custody in Kaski jail, Pokhara;
- urging the government to order an independent and impartial investigation into his death, his treatment in custody, and allegations that prison authorities repeatedly refused requests for proper medical treatment;
- urging that his family be given compensation if an investigation finds that Maheshwar Pahari died due to negligence or ill-treatment.

APPEALS TO:

Minister for Home Affairs
Dan Bahadur Shahi
Ministry of Home Affairs

Singha Durbar, Kathmandu, Nepal

Fax: + 977 1 4211232

Salutation: Dear Minister

Senior government representative responsible for administration of law and order in Kaski District

Yograj Pudel

Chief District Officer

District Administration Office

Pokhara, Kaski, Nepal

Fax: +977 61 520962

Salutation: Dear Chief District Officer

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 21 November 2005.