

PUBLIC

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UA 354/03 Fear for safety/possible "disappearance"

NEPAL Tej Narayan Sapkota (m), age 38, teacher

Tej Narayan Sapkota was reportedly arrested by four security forces personnel in plain clothes at 12.30pm on 24 November in Bagbazar, Kathmandu. His whereabouts are unknown and there are fears for his safety.

Tej Narayan Sapkota is a resident of Ward No 6, Tinthana Village Development Committee, Kathmandu and is a teacher in the Gyan Kunja School, Rabibhawan, Kathmandu. He is also involved in the work of the *Sarbottam* Printing Press in Bagbazar. He is a member of the *Nepal Patrakar Mahasangh* (Nepal Journalist Federation).

While Tej Narayan Sapkota was in the Printing Press office, two security forces personnel in plain clothes reportedly came in and said they were taking him away for questioning. Two other security forces personnel were waiting outside. When he tried to hand over his mobile phone to a colleague, the security personnel asked him to bring it along with him. When relatives tried to call him on his mobile phone some time later, it was switched off.

The reasons for the arrest of Tej Narayan Sapkota are not known. It is reported that he was arrested in 2002 and released after 11 days. The reason for his arrest was reported to be because an anonymous person had told the authorities that he was involved in some way with the Maoist movement.

Efforts by the relatives to locate Tej Narayan Sapkota by visiting the local police station and contacting the National Human Rights Commission (NHRC) have so far failed. A local human rights organization has also issued an appeal to the Defence and Home Ministries, and the NHRC, on his behalf.

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) announced they were withdrawing from the cease-fire agreement on 27 August because their central demands including the formation of an interim government and elections to a constituent assembly to draft a new Constitution, were not met by the government. 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 Tej Narayan Sapkota who was reportedly arrested by security forces personnel in Bagbazar, Kathmandu, on 24 November;
- urging that he be treated humanely whilst in custody and not be subjected to torture or ill-treatment;
- urging the authorities to make public the whereabouts of Tej Narayan Sapkota 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 14 January 2003.