

PUBLIC

AI Index: ASA 31/193/2004

23 December 2004

Further Information on UA 121/04 (ASA 31/076/2004, 22 March 2004) Fear for safety/possible "disappearance"

NEPAL **Sheshkanta Sharma Chapagain (m), aged 39, businessman**
Tikaram Bishwakarma (m), aged 20
Narayan Dhwaj Mahat (m), aged 25, solicitor

Amnesty International has received information from the government confirming that Narayan Dhwaj Mahat is currently being detained under the Terrorist and Disruptive Activities (Control and Punishment) Act, 2002 (TADA), at Bhairabnath Army Barracks, Maharajgunj District, Kathmandu, where he may be at risk of torture. It is unclear whether he has been allowed access to a lawyer or whether he has been formally charged with any recognizably criminal offence.

Narayan Dhwaj Mahat was arrested by two plain clothes security personnel from his place of work at the Land Revenue Office in Kalanki, Kathmandu at 1pm on 16 March 2004. Narayan Dhwaj Mahat was previously arrested by the police on suspicion of involvement with the CPN (Maoist), and imprisoned between March 2002 and March 2003. His family deny that he had any involvement with the CPN (Maoist). The reasons for his arrest on this occasion are unknown,

There is no further news of Sheshkanta Sharma Chapagain and Tikaram Bishwakarma who were reportedly arrested in Kathmandu on 22 January and 26 February 2004, respectively. Efforts to locate the two men by relatives, including informing the National Human Rights Commission, and visiting police and army camps, have so far been unsuccessful. Amnesty International is very concerned for their safety, as their whereabouts have remained unknown since they were arrested.

BACKGROUND INFORMATION

Since the Communist Party of Nepal (CPN) (Maoist) declared a "people's war" in February 1996 Nepal has been in the grip of nationwide conflict and human rights crisis. Human rights abuses by both the security forces and the CPN (Maoist) have escalated since a seven-month ceasefire broke down in August 2003.

In both 2002 and 2003, Nepal recorded the highest number of "disappearances" of any country in the world. People detained by the security forces are often held in army barracks with no access to their families, lawyers or medical treatment. They also face a high risk of torture, including beatings, and are sometimes held in solitary confinement or kept blindfolded for the entire time they are in custody. The CPN (Maoist) are also reported to have abducted hundreds of people, including large numbers of teachers and schoolchildren, for the purpose of "political education".

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

- expressing concern for the safety of Sheshkanta Sharma Chapagain and Tikaram Bishwakarma who were reportedly arrested in Kathmandu on 22 January and 26 February 2004, respectively;
- calling on the authorities to make public their whereabouts;
- expressing concern for the safety of Narayan Dhwaj Mahat who is reportedly being held under the Terrorist and Disruptive Activities (Control and Punishment) Act, 2002 (TADA), at Bhairabnath Army Barracks, Maharajgunj District;
- urging that all three men be treated humanely while in custody and not tortured or ill-treated;
- calling on the authorities to grant them immediate access to their relatives, lawyers and any medical attention they may require;

- calling for all three men to be released immediately and unconditionally, unless they are to be charged with a recognizably criminal offence.
- if they are to be charged with a recognizably criminal offence calling for all three men to be tried promptly in an open court, and in line with international fair trial standards.

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

Lieutenant Colonel Raju Nepali
Royal Nepal Army Human Rights Cell
Royal Nepalese Army Headquarters
Singha Durbar
Kathmandu, Nepal

Fax: + 977 1 4 226 292 / 245 020 / 226 292/ 229 451/ 227 286 (If someone answers the telephone please ask them in English to switch on the fax machine, and resend the fax).

Salutation: Dear Lieutenant Colonel

Baman Prasad Neupane
Chief District Officer, Kathmandu district
Office of the Chief District Officer,
Kathmandu District, Nepal

Fax: + 977 1 4 267691

Salutation: Dear Chief District Officer

COPIES TO:

His Majesty the King Gyanendra Bir Bikram Shah Dev
C/O The Chief of Protocol Division
Protocol Division
Ministry of Foreign Affairs
Chital News, Kathmandu
Nepal

Fax: + 977 1 4 416 007

Salutation: Your Majesty

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 4 February 2005