

PUBLIC

AI Index: ASA 31/030/2005

12 April 2005

UA 83/05 Possible "Disappearance" / Fear for safety / Fear of torture or ill treatment

NEPAL Sailendra Maske (m), aged 35

On 11 April, Sailendra Maske was re-arrested by security officers in plain clothes, minutes after being released by officers at the Shri Jung army barracks in the Singha Durbar area of the capital Kathmandu. His whereabouts are unknown, and there are fears that he may be at risk of torture, ill-treatment or even extrajudicial execution.

At around 7pm on 11 April, Sailendra Maske's wife, Sita Thapaliya, received a telephone call from the Shri Jung army barracks, summoning her there for a meeting. The army major at the barracks freed Sailendra Maske and ordered Sita Thapaliya to sign a document acknowledging her husband's release from custody. Army personnel then took Sailendra Maske and his wife to their home in the Balaju area of Kathmandu in an army vehicle. However, minutes after they arrived home, three men identifying themselves as members of the security forces entered the house and re-arrested Sailendra Maske. According to eyewitnesses, the men took him away in a vehicle with the registration number 6814. When Sita Thapaliya called army officials to report the incident, she was told that Sailendra Maske had been abducted by members of the Communist Party of Nepal (CPN) (Maoist), and not the security forces.

Until his release on 11 April, Sailendra Maske had been held in illegal detention for nearly 10 months on suspicion of involvement with the CPN (Maoist). Sita Thapaliya, who works as a clerk for the Kathmandu District Development Committee, a local government body, had previously registered a *habeas corpus* petition with the Supreme Court requiring Sailendra Maske to be brought before a court or judge. Speaking last year to non-governmental organisation The Women's Foundation of Nepal about her search for her "disappeared" husband, she asked, "Why are they allowed to arrest people without giving us the chance to see them or know where they are?" Sita Thapaliya said that her husband, a former school teacher, was previously arrested for collecting the names of families whose relatives had "disappeared". "I don't know whether he is alive or dead, and all I ask is to be able to see him," she said.

BACKGROUND INFORMATION

Amnesty International has repeatedly raised concerns over the escalating number of "disappearances" occurring in Nepal. These are taking place in the context of counter-insurgency operations by the security forces, in response to the "people's war" being fought by the CPN (Maoist) since 1996. The problem intensified following the breakdown of the ceasefire between the government and the CPN (Maoist) in August 2003. Amnesty International has received information on more than 400 people who have "disappeared" since then.

In addition to these widespread "disappearances", the organisation has received reports of hundreds of extrajudicial executions, thousands of arbitrary arrests and widespread torture by security forces. Meanwhile, the CPN (Maoist) has been responsible for thousands of abductions and hostage-takings, as well as killings and torture. At the heart of the problem is the environment of impunity within which the security forces and the CPN (Maoist) operate. Despite high profile pledges of commitment to human rights, both the Nepali government and military and the CPN (Maoist) leadership have failed to investigate human rights abuses or punish those responsible.

The human rights crisis has deteriorated further following the events of 1 February, when King Gyanendra of Nepal dismissed the Government, assumed direct power, and declared a nationwide State of Emergency. Under the State of Emergency, fundamental rights were suspended, including freedom of expression, press

and publication rights, and freedom of assembly. Within days, the security forces had arrested hundreds of people - including political leaders, trade unionists, student activists, journalists, and human rights defenders. While some people have been released, many others remain in detention, and arrests are ongoing.

The King's takeover has strengthened the hand of the military, reduced the prospect of a political process toward peace, and increased the likelihood of intensified violence - with the attendant risk of increased human rights abuses.

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

- expressing concern for the safety of Sailendra Maske, who is believed to have been abducted by security forces personnel on 11 April;
- calling on the authorities to immediately make public his whereabouts and grant him immediate access to relatives, lawyers and any medical attention he may require;
- urging that he be treated humanely while in custody and not tortured or ill-treated;
- calling for him to be released immediately and unconditionally, unless he is to be charged with a recognizably criminal offence.

APPEALS TO:

(It may be difficult to get through to fax numbers in Nepal. Please keep trying.)

Lieutenant Colonel Rajendra Karki
Royal Nepal Army
Shri Jung Gan
Singha Durbar
Kathmandu, Nepal

Fax: + 977 1 4 228 144 (Please ask for the fax)

Salutation: Dear Lieutenant Colonel

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

Fax: + 977 1 4 226 292 (Please ask for the fax)

Email: humanrights@rna.mil.np

Salutation: Dear Lieutenant Colonel

His Majesty the King Gyanendra Bir Bikram Shah Dev
C/O The Chief of Protocol Division
Protocol Division

Ministry of Foreign Affairs
Shital Niwas, Kathmandu, Nepal
Fax: + 977 1 4 416 016

Salutation: Your Majesty

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 24 May 2005.