

PUBLIC

AI Index: ASA 31/063/2003

29 October 2003

UA 308/03 **Fear for safety/possible "disappearance"**

NEPAL **Himal Sharma Chapagain (m), aged 34, political activist**
Sharita Devi Sharma (f), aged 26, student, his sister
Bhim Prasad Chaulagain (m), aged 30, shop worker

Himal Sharma Chapagain, Sharita Devi Sharma and Bhim Prasad Chaulagain were reportedly arrested by security forces in Kathmandu on 21, 23 and 24 October respectively. Their whereabouts remain unknown and there are fears for their safety.

Himal Sharma Chapagain is General Secretary of the All Nepal National Independent Student Union (ANNISU) (Revolutionary), which is affiliated to the Communist Party of Nepal (CPN) (Maoist). He was reportedly arrested by security forces personnel while walking along the street in Asan, Kathmandu, at about 3pm on 21 October.

Sharita Devi Sharma, the sister of Himal Sharma Chapagain, was arrested from her rented room in Baluwatar, Kathmandu on 23 October. She was witnessed being taken away in a vehicle, blindfolded, to an unknown destination.

Bhim Prasad Chaulagain was reportedly arrested at about 7.30pm on 24 October by two plainclothes security forces personnel at the shoe shop where he worked in Kamalachhi, Kathmandu. Two days later, the security forces personnel returned to search the shop, apparently looking for a boy named Bharat, who had worked at the shop for a brief period some time ago.

Relatives of Himal Sharma Chapagain, Sharita Devi Sharma and Bhim Prasad Chaulagain have made inquiries to the authorities concerning their whereabouts but have not yet received any response.

BACKGROUND INFORMATION

Amnesty International has been concerned about a deterioration in the human rights situation in Nepal since the 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 had not been 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. 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 Himel Sharma Chapagain, Sharita Devi Sharma and Bhim Prasad Chaulagain, who were reportedly arrested by security forces personnel in Kathmandu between 21 and 24 October;
- calling for assurances that all three will be treated humanely while in custody and will not be subjected to torture or ill-treatment;
- urging the authorities to make public the whereabouts of Himel Sharma Chapagain, Sharita Devi Sharma and Bhim Prasad Chaulagain and to grant them immediate access to their relatives, lawyers and any medical attention they may require;
- calling for their immediate and unconditional release, unless they are 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 10 December 2003.