

PUBLIC

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Fear for safety/ Possible "disappearance"

14 November 2003

NEPAL

Gyan Bahadur Maharjan (m), aged 43, carpenter
Rajesh Maharjan (m) aged 40, carpenter

Gyan Bahadur Maharjan and Rajesh Maharjan were reportedly arrested at their homes in Panga, Kirtipur, in Kathmandu district, on 9 November by the security forces. Their whereabouts are unknown and there are fears for their safety.

According to the family of Gyan Bahadur Maharjan, who were with him at the time of his arrest, five security personnel in plain clothes came to the house at 10.30pm and took him away saying that they needed him for inquiries, and that he would be returned the following day. However, he did not return. Gyan Bahadur Maharjan is said not to belong to any political party, but the cause of his arrest might be because the authorities suspect him of supporting, or having links with the Communist Part of Nepal (Maoist).

Rajesh Maharjan was arrested from home at 11pm by 5 security personnel in plain clothes. The reason for his arrest is unknown, although it is believed that it might be due to the fact that seven years ago he was involved with the *Samyukta Jana Morcha* (United People's Front), a faction of which later split away from the main party to become the CPN (Maoist). It is said however, that Rajesh Maharjan has not had any involvement in politics since that time.

The Human Rights Organisation of Nepal (HURON) has sent appeals to both the Home and Defence Ministries, and to the National Human Rights Commission (NHRC), calling for the release of the two men. An appeal was also broadcast on the radio. Local groups in Kirtipur have approached the Police and Army Barracks in the town. However, the authorities have not given any response.

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) had listed among their central demands a round table conference, the formation of an interim government and elections to a constituent assembly to draft a new Constitution.

The CPN (Maoist) announced they were withdrawing from the cease-fire agreement on 27 August. 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 Gyan Bahadur Maharjan, and Rajesh Maharjan, who were reportedly arrested by security personnel in plain-clothes in Kathmandu district on 9 November 2003;

- urging the authorities to make public their whereabouts 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;
- urging that they be treated humanely whilst in custody and not be subjected to torture or ill-treatment.

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 26 December 2003.