

Case NPL 120704

Arbitrary arrest / Forced disappearance / Risk to personal integrity

The International Secretariat of OMCT requests your **URGENT** intervention in the following situation in **Nepal**.

Brief description of the situation

The International Secretariat of OMCT has been informed by the Informal Sector Service Centre (INSEC), a member of the OMCT network, of the arbitrary arrest and forced disappearance of Mr **Hari Sharan Maharjan** in Nepal.

According to the information received, Mr **Hari Sharan Maharjan**, aged 23, a resident of Bosigaun, ward no. 3 of Satungal VDC of Kathmandu district, was reportedly arrested by security personnel from the office of Machhindra Nath Brick Industry, ward no. 4, Satungal VDC, Kathmandu district on 2 July 2004 at 4 pm. According to a witness working at the same factory, a security person came, called Mr **Hari Sharan Maharjan** and took him away. His relatives have informed the National Human Rights Commission (NHRC) and the International Committee of the Red Cross (ICRC) about the case.

His whereabouts and reasons for his arrest are unknown yet. However, it may be related to the fact that the authorities suspect him of being a member or a supporter of the Communist Party of Nepal (CPN) (Maoist).

The International Secretariat of OMCT is gravely concerned for the physical and psychological integrity of Mr **Hari Sharan Maharjan**, as his whereabouts remain unknown, giving rise to fears that he may be being subjected to ill-treatment, torture or potentially extra-judicial execution. OMCT calls on the authorities to immediately locate the whereabouts of this person, guarantee his personal integrity at all times and order his release in the absence of legal charges that are consistent with international law and standards. Furthermore, OMCT calls on the authorities to launch prompt, thorough and impartial investigations into the circumstances of this event in order to find those responsible for any violations of human rights and to bring them to justice.

Action requested

Please write to the authorities in Nepal urging them to:

- i. immediately locate the whereabouts of Mr **Hari Sharan Maharjan**
- ii. take all measures necessary to guarantee his physical and psychological integrity;
- iii. order his immediate release in the absence of legal charges that are consistent with international law and standards, or, if such charges exist, bring him before an impartial and competent tribunal and guarantee their procedural rights at all times;
- iv. order a thorough and impartial investigation into the circumstances of this event in order to identify those responsible, bring them to trial and apply the penal and/or administrative sanctions as provided by law;
- v. guarantee the respect of human rights and the fundamental freedoms throughout the country in accordance with national laws and international human rights standards.

Addresses

- Prime Minister Surya Bahadur Thapa, Prime Minister's Office, Singha Durbar, Kathmandu, Nepal, Fax: + 977 1 4 227 286
- General Pyar Jung Thapa, Chief of Army Staff (COAS), Army Headquarters, Kathmandu, Nepal, Fax + 977 1 4 242 168
- Deputy Brigadier General Nirendra Prasad Aryal, Head, Army Human Rights Cell, Army Headquarters, Kathmandu, Nepal, Fax: + 977 1 4 226 292/ 229 451
- Ambassador Acharya, Gyan Chandra, Permanent Mission of the Kingdom of Nepal, 81 rue de la Servette, 1201 Geneva, Switzerland, Fax: +4122 7332722, E-mail: mission.nepal@ties.itu.int

Please also write to the embassies of Nepal in your respective country.

Geneva, 12 July 2004

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.