

PUBLIC

AI Index: ASA 31/032/2003

UA 265/03 **Fear for safety/fear of torture**

16 September 2003

NEPAL **Om Bahadur Thapa (m) aged 31**

Amnesty International is gravely concerned for the safety of Om Bahadur Thapa. He is reportedly being held at army barracks at Singha Durbar, where he is allegedly being kept blindfolded, denied food and subjected to indiscriminate beatings.

He was reportedly arrested at his watch-repair shop at the Prasansa Time Centre, Kupandol, Lalitpur district, near Kathmandu, at about 8.15am on 11 September. He may have been arrested on suspicion of giving support to members of the Communist Party of Nepal (CPN) (Maoist), although he is not a member of any political party.

Om Bahadur Thapa was arrested by two plain clothes security personnel who claimed to be from the Gaushala Ward Police Post. According to reports, he was taken by taxi to the police post before being transferred to the army barracks on 12 September.

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 were 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. The CPN (Maoist) are also reported to have abducted scores of people.

On 29 January 2003, both sides agreed to a cease-fire. Three round 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 2003. 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.

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

- expressing concern for the safety of Om Bahadur Thapa who was reportedly arrested by plain clothes security forces personnel in Lalitpur, near Kathmandu on 11 September;
- expressing concern about reports that he is being subjected to torture or ill-treatment while in custody;
- urging that he be humanely treated while in custody and not be subjected to further torture or ill-treatment;
- urging the authorities to make public his whereabouts, grant him immediate access to his relatives, lawyers and any medical attention he may require;
- calling for his immediate and unconditional release, unless he is to be charged with a recognizably criminal offence.

APPEALS TO:

Chief of Army Staff (COAS)

Army Headquarters

Kathmandu, Nepal

Telegram: Commander-in-Chief, Kathmandu, Nepal

Fax: + 977 1 4 242 168

Salutation: Dear Commander-in-Chief

Prime Minister Surya Bahadur Thapa

Prime Minister's Office

Singha Durbar

Kathmandu, Nepal

Telegram: Prime Minister, Kathmandu, Nepal

Fax: + 977 1 4 227 286 (it may be difficult to get through, please keep trying)

Salutation: Dear Prime Minister

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

Salutation: Dear Brigadier General

Shyam Bhakta Thapa

Inspector General of Police

Police Headquarters

Naxal

Kathmandu, Nepal

Telegram: Inspector General of Police, Kathmandu, Nepal

Fax: + 977 1 4 415 593 / 415 594

Salutation: Dear Inspector General

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 28 October 2003.