

**PUBLIC**

**AI Index: ASA 31/104/2004**

**20 April 2004**

**Further Information on UA 106/04 (ASA 31/068/2004, 12 March 2004) - Fear for safety/ possible "disappearance"**

**NEPAL**

**Released: Om Prakash Timalsena (m), aged 30, Factory Worker  
Bishnu Thapa (m), aged 30, Businessman**

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Bishnu Thapa was reportedly released on 13 April, from Bhaireni barracks, Dhading district. According to his relatives he was first held at Bhaireni barracks, then transferred to Gajuri army camp and finally released from Bhaireni. He has reportedly been asked to report back to Bhaireni army barracks on a weekly basis and is said to be in good health.

Bishnu Thapa was arrested on 3 February by three men in plain clothes who identified themselves as security force personnel.

Om Prakash Timalsena's whereabouts remain unknown. He was arrested on 10 February, at the garment factory where he worked in Kalanki, Kathmandu. In April, his family reportedly received an anonymous letter suggesting he was being held at Chhauni army barracks in Kathmandu, but there has been no official confirmation of his location. Amnesty International remains concerned that his life may be in danger.

### **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 army custody without access to their families, lawyers or medical treatment. The TADA was renewed by royal ordinance, after it expired on 9 April 2004. In both 2002 and 2003, 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.

Both sides agreed to a ceasefire on 29 January 2003, and held three rounds of peace talks, in April, May and August 2003. Among the CPN (Maoist)'s central demands were 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 ceasefire agreement as of 27 August 2003. Since then, fighting has resumed throughout the country, and Amnesty International has received reports of both sides committing human rights abuses. In particular there has been a rise in the number of "disappearances" at the hands of 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:**

- welcoming the release of Bishnu Thapa
- expressing concern for the safety of Om Prakash Timalsena, reportedly arrested on 10 February 2004;
- urging that he be treated humanely while in custody and not tortured or ill-treated;

- calling on the authorities to make an official statement publicising his whereabouts;
- to grant him immediate access to his relatives, lawyers and any medical attention he may require;
- calling for Om Prakash Timalseña to be released immediately and unconditionally, unless he is to be charged with a recognizably criminal offence.

**APPEALS TO: (Faxes may be switched off outside office hours, 5 ½ hours ahead of GMT)**

General Pyar Jung Thapa  
Chief of Army Staff (COAS)  
Army Headquarters  
Kathmandu, Nepal

**Telegram:** **Commander-in-Chief, Army Headquarters, Kathmandu, Nepal**

**Fax:** **+ 977 1 4 242 168**

**Salutation:** **Dear Commander-in-Chief**

Colonel Nilendra Prasad Aryal  
Head of Army Human Rights Cell  
Army Headquarters  
Singha Durbar, Kathmandu, Nepal

**Telegram:** **Colonel NP Aryal, Army Headquarters, Singha Durbar, Kathmandu, Nepal**

**Fax:** **+ 977 1 4 245 020/ 229 451 (If someone answers the telephone please ask them in English to switch on the fax machine, and resend the fax).**

**Salutation:** **Dear Colonel**

**COPIES TO:**

Prime Minister Surya Bahadur Thapa  
Prime Minister's Office  
Singha Durbar  
Kathmandu, Nepal

**Fax:** **+ 977 1 4 227 286**

**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 28 May 2004.