

PUBLIC

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'Disappearance'/fear for safety

14 October 2003

NEPAL

**Deepak Kumar Chaudhary (m), aged 23, sales officer.
Six others (names unknown), one female and five males, labourers**

Amnesty International is concerned for the safety of Deepak Kumar Chaudhary and six others who were allegedly arrested by the army at 9pm on 1 October. They are reportedly being held at Balaju Army post, though the army has denied that they are being held there.

Deepak Kumar Chaudhary lives in Kathmandu, but is originally from Sisahaniya Village Development Committee (VDC), Pipari, Dang district. He is in charge of the sales office of the Uma Maheshwar Brick factory, Balkhu, Kathmandu. He was reportedly arrested at the brick factory by the army, along with six factory labourers from Rolpa district. Govinda Pun, a relative of an employee at the factory was also arrested.

At the time of the arrest, army personnel left the telephone number of Balaju Army post with employees at the factory. However, on 2 October, when Deepak Kumar Chaudhary's relatives telephoned the Balaju Army post, they were told that the seven were not being held there. Two days later, on 4 October, when Govinda Pun was released by the army he confirmed that he had been held at Balaju Army post, Kathmandu, along with Deepak Kumar Chaudhary and the six labourers.

Deepak Kumar Chaudhary's relatives went to the army post on 4 October to make further inquiries and were told by Army personnel at the entrance that all seven individuals were alive and investigations were on-going. When the relatives requested to see the seven or a senior army officer, the army personnel at the entrance went inside the post and on return stated that they "were not there." The relatives returned to the Balaju Army post on 14 October to make further inquiries, but were once again told that the seven were not detained there.

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. 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.

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

- expressing concern for the safety of Deepak Kumar Chaudhary and the six other unnamed individuals who were reportedly arrested by the army in Kathmandu on 1 October;
- urging the authorities to make public their whereabouts, grant them immediate access to their relatives, lawyers and any medical attention they may require;
- calling upon the authorities to guarantee that they are not subjected to torture or ill-treatment while in custody;
- calling for their immediate and unconditional release, unless they are to be charged with a recognizable criminal offence.

APPEALS TO:

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
Salutation: Dear Commander-in-Chief

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

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

Telegram: Prime Minister, Kathmandu, Nepal
Fax: +977 1 4 227 286 (fax may be switched off outside office hours, 5 ½ hours ahead of GMT)
Salutation: Dear Prime Minister

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 25 November, 2003.