

**PUBLIC**

**AI Index: ASA 31/055/2003**

**22 October 2003**

**Further Information on UA 295/03 (ASA 31/052/2003, 17 October 2003) Fear for safety/possible 'disappearance' New concern: Fear of torture**

**NEPAL**

**Ram Hari Kadel (m), aged 26, businessperson  
Ram Prasad Tripathi (m), aged 16, student**

**New name:**

**Amrit Kadel (m), aged 22, student**

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Amnesty International is concerned for the safety of student Amrit Kadel, who was arrested by army personnel at 2.30pm on 11 October in Chabahil, Kathmandu. He is the younger brother of Ram Hari Kadel, who was arrested on 12 September. The whereabouts of both brothers and student Ram Prasad Tripathi are unknown.

Amrit Kadel, originally from Beneghat, Ward 2, Dhading district, is a student at Saraswati Campus, Kathmandu. He was reportedly arrested by army personnel in Chabahil, Kathmandu. His family found out that he had been arrested through reports in local newspapers. Initial reports by newspapers that said Amrit Kadel was shot at the time of his arrest are now thought to be false.

According to unofficial reports, Amrit Kadel is being held at an army barracks in Kathmandu and has been severely tortured. Amrit Kadel's relatives have contacted local army personnel, who have denied that he has been arrested by them or that they know of his whereabouts. Efforts by Amrit Kadel's relatives to locate him, including writing to a government minister, the Home Ministry, Ministry of Defence and the National Human Rights Commission (NHRC) have so far failed.

The All Nepal National Free Students Union (Revolutionary) (ANNFSU), which is affiliated with the Communist Party of Nepal (CPN) (Maoist), issued a statement on 12 October demanding the immediate release of Amrit Kadel, who they claim is a district committee member of the organization. His arrest may be linked to his involvement with the ANNFSU.

The whereabouts of Ram Hari Kadel and Ram Prasad Tripathi are still unknown. They were arrested in Kathmandu on the 12 and 13 September respectively.

## **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, in your own words:**

- expressing concern for the safety of Amrit Kadel, who was reportedly arrested by army personnel in Kathmandu on 11 October;
- expressing concern at reports that Amrit Kadel has been tortured and calling upon the authorities to guarantee that they will not be subjected to torture, ill-treatment or other human rights violations while in custody;
- expressing concern for the safety of Ram Hari Kadel and Ram Prasad Tripathi who were reportedly arrested by army personnel in Kathmandu on 12 and 13 September;
- urging the authorities to make public the whereabouts of Amrit Kadel, Ram Hari Kadel and Ram Prasad Tripathi, 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.

**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 4 229 451/ 226 292

**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

**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 (fax 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 3 December 2003.