

**PUBLIC**

**AI Index: ASA 31/078/2003**

**UA 336/03**      **Fear for safety/fear of "disappearance"**

**18 November 2003**

**NEPAL**      **Bal Ram Karki (m), age 58, businessman**

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Bal Ram Karki was reportedly arrested by four security forces personnel in plain clothes at 3.00pm on 13 November from his residence in Maitidevi, Kathmandu. His whereabouts remain unknown and there are fears for his safety.

Relatives were informed by the security forces that Bal Ram Karki was being taken away for questioning and would be released after about half an hour. According to the relatives, he was put into a car and taken away towards Raatopul in Kathmandu, but he did not return home.

Bal Ram Karki is the owner of Everest Mustard Oil, a company dealing in edible oils, and lives on the same premises as his shop. The reasons for his arrest are unknown.

The Nepal Bar Association is reported to be making inquiries with the authorities on behalf of Bal Ram Karki.

#### **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 sharp rise in the number of arrests and '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:**

- expressing concern for the safety of Bal Ram Karki who was reportedly arrested by security personnel in plain clothes in Kathmandu on 13 November 2003;
- urging the authorities to make public his whereabouts and to 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;
- urging that he be treated humanely whilst in custody and not be subjected to torture or ill-treatment.

**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 4 226 292/ 229 451 (Faxes may be switched off outside office hours, 5 ½ hours ahead of GMT)

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

**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 (Faxes 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 30 December 2003.