

PUBLIC

AI Index: ASA 31/106/2003

16 December 2003

Further Information on UA 295/03 (ASA 31/052/2003, 17 October 2003) and follow-ups (ASA 31/055/2003, 22 October 2003; ASA 31/070/2003, 5 November 2003) - Fear for safety/ fear of torture/ possible "disappearance"

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

Released: **Ram Hari Kadel (m), aged 26, businessman**

Ram Hari Kadel was released on 10 December at 8:30pm. Two security force members returned him to his home, and handed him over to his family. The reasons for his arrest and the place of his detention are unknown, although it is suspected that he was held at Bhairab Nath Gan in Maharajgunj, Kathmandu. Ram Hari Kadel was originally arrested on 12 September from the home of a relative in Nayanbazar, Kathmandu.

There is no further information on the whereabouts of Ram Hari Kadel's younger brother Amrit Kadel. He is a student at Saraswati Campus, Kathmandu and was reportedly arrested by army personnel in Chabahil, Kathmandu, on 11 October. There are reports that he has been subjected to severe torture while in custody.

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) announced they were withdrawing from the cease-fire agreement on 27 August because the government had refused to implement their central demands. 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:

- welcoming the reported release of Ram Hari Kadel on 10 December;
- expressing concern for the safety Amrit Kadel who was reportedly arrested by army personnel in Kathmandu on 11 October;
- expressing concern at reports that Amrit Kadel has been tortured in custody and calling upon the authorities to guarantee that he will not be subjected to further torture, ill-treatment or other human rights violations while in detention;
- urging the authorities to make public the whereabouts of Amrit Kadel 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.

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 27 January 2003.