

PUBLIC

AI Index: ASA 31/008/2004

UA 19/04

Fear for safety/ possible "disappearance"

14 January 2004

NEPAL

**Khadka Singh Tamang (m), aged 30, Tempo (auto-rickshaw) Driver
Madhu Kumar Chaulagain (m), aged 29, Retailer**

Amnesty International is concerned for the safety of Khadka Singh Tamang, and Madhu Kumar Chaulagain who were reportedly arrested in Kathmandu on 26 November 2003 and 17 December 2003 respectively. Their whereabouts are unknown.

Khadka Singh Tamang is originally from Gimdi, ward No. 6 in Pokhari Narayansthan, Kabhrepalanchowk district, but is temporarily residing at Dallu in Kathmandu. On 26 November, he went to the Valley Traffic Police Office in Ram Shah Path, Kathmandu, in order to assist a friend whom he had allowed to drive his auto-rickshaw. His friend had been driving without a licence when he was arrested by the Traffic Police. As he was leaving the Traffic Police Office, having secured his friend's release, Khadka Singh Tamang was taken away by two security forces personnel wearing plain clothes. There are unofficial reports that he is being held at Bhairab Nath Gan army barracks, in Maharajgunj, Kathmandu. However, when relatives attempted to visit him the army denied that he was there. The reasons for his arrest are not known.

Madhu Kumar Chaulagain originally comes from Pokhari Chaur Village Development Committee (VDC) in Kabhrepalanchowk, but is a temporary resident of Bulbulemarg, Baneshwar, Kathmandu. He works in Kathmandu as a supplier of combat clothes and food to the army. He was arrested from his room on the evening of 17 December by three security forces personnel wearing plain clothes. Reports suggest that Madhu Chaulagain is being taken around the city in order to identify residences which are being used by Maoist workers. Eye witnesses have reported seeing him in the Ason, and New Road areas of the city, and he was seen being taken in the direction of Hanuman Dhoka District Police Office (DPO). One eye witness, who saw him being taken away in a van, stated that he appeared to be suffering injuries, possibly as a result of being beaten during interrogation.

Attempts by relatives to locate both Khadka Singh Tamang and Madhu Kumar Chaulagain, including informing the National Human Rights Commission, the Home Ministry, and visiting army and police barracks, have so far failed.

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 2003. 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:

- expressing concern for the safety of Khadka Singh Tamang and Madhu Kumar Chaulagain who were reportedly arrested by security personnel in plain clothes in Kathmandu on 26 November 2003 and 17 December 2003 respectively;
- urging that they be treated humanely while in custody and not subjected to torture or ill-treatment;
- expressing concern at reports that Madhu Kumar Chaulagain may have been severely beaten during interrogation;
- requesting an immediate, impartial and independent investigation into allegations that Madhu Kumar Chaulagain was ill-treated and for those responsible to be brought to justice;
- urging the authorities to make public the whereabouts of Khadka Singh Tamang and Madhu Kumar Chaulagain 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:

Shyam Bhakta Thapa
Inspector General of Police
Police Headquarters
GPO Box 407
Naxal
Kathmandu, Nepal

Telegram: Inspector General of Police, Naxal, Kathmandu, Nepal

Fax: + 977 1 4 415 593 / 4 415 594

Salutation: Dear Inspector 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

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

Telegram: Colonel NP Aryal, 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 Colonel

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 February 2004.