

**PUBLIC**

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**Fear for safety/possible "disappearance"**

**27 February 2004**

**NEPAL**

**Kaushalya Pokhrel (f), aged 21, student  
Arjun Pokhrel (m), aged 24, student (her brother)  
Madhu Mandal (f), aged 22, student (his wife)**

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Three members of the same family, who were all students at the Gramin Adarsha Multiple Campus in Kathmandu, were reportedly arrested by security forces personnel in separate incidents between 26 November and 16 December 2003. A writ of habeus corpus was filed on behalf of both Kaushalya and Arjun Pokhrel on 2 December, after which the authorities denied they had been arrested. Their whereabouts are unknown and Amnesty International is concerned that all three may have "disappeared".

Kaushalya Pokhrel lived with her family in Chabahil, Kathmandu. She was reportedly arrested on 29 November when she was on her way home from visiting her sister in Dukuchhap Village Development Committee (VDC) in Lalitpur district. Soldiers patrolling in the area had arrested a group they suspected of being members of the Communist Party of Nepal (CPN) (Maoist), and reports suggest that they arrested Kaushalya Pokhrel because she was near this group at the time. She was believed to be held in Shree Jang Gan army camp, at Singha Durbar, Kathmandu. Her family received a message saying that she had been released from Shree Jang Gan on or around 18 February. However, family members say that they have not seen or heard from her at all since her arrest; they fear that she may not actually have been released, and remains "disappeared".

Kaushalya Pokhrel's brother Arjun Pokhrel was reportedly arrested in the afternoon of 26 November in Chabahil, Kathmandu. He was a member of the Kathmandu District Committee of the All Nepal National Independent Student Union (ANNISU) (Revolutionary), which is aligned with the CPN (Maoist); he had been in hiding for some time.

Madhu Mandal, who is married to Arjun Pokhrel, was reportedly arrested at 1pm on 16 December at her home in Manamaiju VDC in Kathmandu district. Five security forces personnel in plain clothes arrived at her home and arrested both her and another member of the family, who was later released. They were taken away in a TATA Mobile pickup truck. It is believed that both Madhu Mandal and Arjun Pokhrel are held at Bhairab Nath Gan army camp in Maharajganj, Kathmandu, although this has been denied by army sources. It is suspected that Madhu Mandal was arrested because of her husband's links with ANNISU (Revolutionary).

### **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 army custody without access to their families, lawyers or medical treatment. 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 ceasefire. Three rounds of peace talks were held - in April, May and August - between the government and representatives of the CPN (Maoist). Among the CPN (Maoist)'s

central demands were 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 ceasefire agreement as of 27 August 2003. Since then, fighting has resumed throughout the country, and Amnesty International has received reports of both sides committing human rights abuses. In particular there has been a rise in the number of "disappearances" at the hands of 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 Kaushalya Pokhrel, Arjun Pokhrel, and Madhu Mandal, who were reportedly arrested between 26 November and 16 December 2003 in separate incidents;
- urging that they be treated humanely while in custody and not tortured or ill-treated;
- calling on the authorities to make public their whereabouts and to grant them immediate access to their relatives, lawyers and any medical attention they may require;
- calling for all three to be released immediately and unconditionally, unless they are to be charged with a recognizably criminal offence.

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

General Pyar Jung Thapa  
Chief of Army Staff (COAS)  
Army Headquarters  
Kathmandu, Nepal

**Telegram:** Commander-in-Chief, Army Headquarters, Kathmandu, Nepal  
**Fax:** + 977 1 4 242 168  
**Salutation:** Dear Commander-in-Chief

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

**Telegram:** Colonel NP Aryal, Army Headquarters, Singha Durbar, Kathmandu, Nepal  
**Fax:** + 977 1 4 226 292/ 229 451  
**Salutation:** Dear Colonel

**COPIES TO:**

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

**Fax:** + 977 1 4 227 286  
**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 10 April 2004.