

**PUBLIC**

**AI Index: ASA 31/067/2004**

**12 March 2004**

**UA 105/04**      **Fear for safety/ possible "disappearance"**

**NEPAL**      **Tej Mudbhari (m), aged 39, Businessman**  
**Deepak Mudbhari (m), aged 22, student (his nephew)**

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Tej Mudbhari and his nephew Deepak Mudbhari were reportedly arrested in Kathmandu municipality on 3 March 2004. Their whereabouts are now unknown and Amnesty International is concerned that they may have "disappeared".

Both men are originally from ward no.9 of Kumari Village Development Committee (VDC), in Nuwakot district, but they now live at Bahinimarg in Balaju, Kathmandu. At around 1.30pm on 3 March, a group of 14 men in civilian clothes arrived at their house in two vehicles, one black and one white. Tej Mudbhari was climbing the stairs to his room when the men entered and identified themselves as security forces personnel. They took him back outside and put him in one of the vehicles. Meanwhile, some of the men continued to search the building and arrested Deepak Mudbhari, who had been sitting in an upstairs room.

Tej Mudbhari was previously arrested on 12 February, when he was detained in Balaju army camp until 26 February. He was released on condition that he report back every three days. He had been to report on 1 March, and was due to visit the camp again on 4 March.

The reasons for the arrests on both occasions are not known. It is suspected that both men may be held in Balaju army camp, although efforts to locate them, including informing the National Human Rights Commission, have so far been unsuccessful.

### **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, 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 Tej and Deepak Mudbhari, who were reportedly arrested in Kathmandu municipality on 3 March;
- 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 both men to be released immediately and unconditionally, unless they are to be charged with a recognizably criminal offence.

**APPEALS TO:**

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

**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 (If someone answers the telephone please ask them in English to switch on the fax machine, and resend the fax).

**Salutation:** Dear Colonel

**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 23 April 2004.