

PUBLIC

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Fear for safety

14 December 2001

INDIA

Ghanshyam Arial (m), aged 40  
Gunkar (m), aged 24  
Chabilal Pandey (m), aged 25  
Motilal Pokhrel (m), aged 52  
A 13-year-old boy

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The five Nepalis listed above were taken from their home in New Delhi by men believed to be members of the Indian security forces. They have not been seen since, and lawyers and friends have been unable to find them, despite visiting the local police, police headquarters and the offices of the Investigation Bureau. Amnesty International fears that they may be tortured or possibly even killed.

Three "Gypsy"-type vans (which are widely used by the security forces) arrived outside the building where the five live, in Safdarjung Enclave, at 5.15am. A group of men in blue uniforms got out, who said they were members of an "International Task Force". They asked the five repeatedly about whether they had links to the *Maowadis* (Maoist armed groups that operate in both Nepal and India). Local observers say that Ghanshyam Arial, Gunkar, Chabilal Pandey and Motilal Pokhrel may have been picked up on suspicion that supporters of Maowadi had held meetings in the house where they lived.

The four men live together in a group of around six Nepali families in a slum area of New Delhi. There are reports that the 13-year-old, who was visiting his elder brother, was taken because the security forces suspected him of being a child soldier. His brother, who is one of the four men named above, was reportedly arrested when he protested at this. The only people who saw the five being taken are the wives of the two of them.

#### **BACKGROUND INFORMATION**

There are Maoist armed groups operating within India and Nepal, which have historically maintained links with each other. There is a large Nepali community in India and many political groups from Nepal are active within the diaspora.

The Communist Party of Nepal (Maoist) has been engaged in a "people's war" for the past five years. Peace talks with the Nepali government, and an accompanying cease-fire, broke down on 23 November. The Maoists attacked a number of police and army posts. The Indian government has accused the Pakistani secret service, the ISI, of providing logistical support to Maoist insurgents in Nepal.

The Government of India has recently provided military equipment to the Government of Nepal in their fight against the Maoist insurgency.

#### **RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:**

- strongly urging the authorities to make known the whereabouts of Ghanshyam Arial, Gunkar, Chabilal Pandey, Motilal Pokhrel and the 13-year-old boy immediately;

- calling for all five to be released immediately and unconditionally, unless they are to be charged with a recognisably criminal offence and brought before a court of law;

- expressing grave concern that a 13-year-old boy is reportedly being held in custody by a government agency, and pointing out that the authorities are obliged under the Convention on the Rights of the Child to protect his human rights. Under the Convention all children who are detained should be brought before a judicial authority without delay after being taken into custody and given immediate access to relatives, legal counsel and medical assistance. Relatives or guardians should be notified immediately of the child's whereabouts;

- urging the authorities to guarantee that Ghanshyam Arial, Gunkar, Chabilal Pandey, Motilal Pokhrel and the 13-year-old boy will not be tortured or otherwise ill-treated while they are in custody.

**APPEALS TO:**

Mr L K Advani  
Minister of Home Affairs  
Ministry of Home Affairs  
Room No 104  
North Block  
New Delhi 110 001

**Fax:** +91 11 301 5750 [please be aware that it can take some time to get through to Indian fax numbers - you may hear messages such as "this number is out of order" or "this number does not exist" but please ignore them and keep trying]

**Salutation:** Dear Minister

The Director General of Police  
Delhi Police Headquarters  
New Delhi  
India

**Salutation:** Dear Director General

**COPIES TO:**

The National Human Rights Commission  
Sardar Patel Bhawan  
Sansad Marg  
New Delhi 110 001  
India

**Fax:** + 91 11 3340016

The Embassy of Nepal  
Barakhamba Road  
New Delhi 110 001

**Fax:** + 91 11 6146120

diplomatic representatives of India accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 29 January 2002.