

PUBLIC

AI Index: ASA 31/071/2003

UA 321/03 **Fear for safety/possible "disappearance"**

06 November 2003

NEPAL **Gopi Krishna Thapaliya (m), aged 45, lawyer**

Amnesty International is concerned for the safety of Gopi Krishna Thapaliya who was arrested by security force personnel in plain clothes on 4 November in Kathmandu. His whereabouts are unknown.

Gopi Krishna Thapaliya is originally from Koshi Dekha Village Development Committee (VDC) in Kavrepalanchok district, and currently lives in Koteswar, Kathmandu. He was arrested at his home at 6.30am on 4 November by six security personnel in plain clothes. When Gopi Krishna Thapaliya's family asked the security personnel where they were taking him they did not answer. The security force personnel took Gopi Krishna Thapaliya away in a Toyota car with the registration Ba. 1 Cha 4347.

The reason for Gopi Krishna Thapaliya's arrest is not known. It is possible that his work as a lawyer or his support for the left-wing *Rastriya Janamorcha Nepal* (People's Front of Nepal) political party may be connected to his arrest. Attempts by Gopi Krishna Thapaliya's relatives to locate him, including contacting the National Human Rights Commission and the International Committee of the Red Cross, 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. 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 Gopi Krishna Thapaliya who were reportedly arrested security personnel in plain clothes in Kathmandu on 4 November;
- urging the authorities to make public the whereabouts of Gopi Krishna Thapaliya 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 4 226 292/ 229 451 (Faxes may be switched off outside office hours, 5 ½ hours ahead of GMT)

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

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 (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 18 December 2003.