

**PUBLIC**

**AI Index: ASA 31/084/2004**

**25 March 2004**

**Further Information on UA 84/04 (ASA 31/055/2004, 27 February 2004) Fear for safety/possible "disappearance" New Concern: Fear of torture/ ill-treatment**

**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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Kaushalya Pokhrel's family has received unconfirmed reports that she is being held at Raj Dal Gana army barracks, Lagankhel, Lalitpur District. This information contradicts a previous message received by the Pokhrel family, which claimed she had been released around 18 February from Shree Jang Gan army camp at Singha Durbar, Kathmandu.

Kaushalya Pokhrel, Arjun Pokhrel and Madhu Mandal were reportedly arrested by security forces personnel in separate incidents between 26 November and 16 December 2003. It is believed that both Madhu Mandal and Arjun Pokhrel are being held at Bhairab Nath Gan army camp in Maharajganj, Kathmandu, although this has been denied by army sources. Amnesty International is concerned that if they are being detained at army barracks all three face a high risk of torture and ill-treatment.

#### **BACKGROUND INFORMATION**

Amnesty International has been concerned about a deterioration in the human rights situation in Nepal since the 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 2003 - 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;
- urging that they are treated humanely while in custody and not tortured or ill-treated;
- calling for them 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 (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

**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 6 May 2004.