

**PUBLIC**

**AI Index: ASA 31/087/2003**

**26 November 2003**

**Further Information on UA 326/03 (ASA 31/073/2003, 12 November 2003) Fear for safety/possible "disappearance"/medical concern**

**NEPAL**

**Bhagirath Kharel (m), aged 60, retired school teacher  
Maha Prasad Angai (m), aged 22, teacher  
Naresh Maharjan (m), aged 16, student**

**Released:**

**Jagat Krishna Pokharel (m), aged 40, teacher**

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Amnesty International has learned that Jagat Krishna Pokharel was released at 4pm on 14 November. He was reportedly arrested on 10 November by army personnel on his way home from the Sanothimi Campus in the town of Bhaktapur, near Kathmandu, where he teaches. He was held at the Surya Binayak army barracks, south of Bhaktapur.

There is no further news of the whereabouts of Bhagirath Kharel, Maha Prasad Angai, or Naresh Maharjan, who were arrested by the security forces between 6 and 9 November. There is particular concern for the health of Bhagirath Kharel, who is said to have a heart condition and may be in need of medical attention. Efforts to locate these three people by their families, including contacting the police, army, and the National Human Rights Commission (NHRC), 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:**

- welcoming the release of teacher Jagat Krishna Pokharel on 14 Nov;
- expressing concern for the safety of Bhagirath Kharel, Maha Prasad Angai and Naresh Maharjan, who were reportedly arrested by security personnel between 6 and 9 November;

- expressing particular concern for the health of Bhagirath Kharel who reportedly has a heart condition and may require urgent medical attention;
- urging the authorities to make public the whereabouts of the three men and to grant them immediate access to their relatives, lawyers and any medical attention they may require;
- calling on the authorities to guarantee that they will not be subjected to torture or ill-treatment whilst in custody;
- calling for their immediate and unconditional release, unless they are 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)

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 7 January 2004.