

**PUBLIC**

**AI Index: ASA 31/090/2003**

**27 November 2003**

**Further Information on UA 278/03 (ASA 31/037/2003, 26 September 2003) Fear for safety/possible "disappearance"**

**NEPAL Ek Nath Chaulagain (m), aged 42, businessman**

**Released: Akash Lama (m), aged 16, bus company employee  
Akash Lama's friend (name unknown) (m), aged 22  
Kiran Usa Pun (also known as Navin Bivas) (m), aged 25, journalist/writer**

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Both Akash Lama and his friend (name unknown), were released on 29 September 2003. They were reportedly arrested on 8 September by security personnel in plain clothes, from the bus in which they had been sleeping. The reasons for their arrest are unknown, but may have been because they were considered to be breaking the curfew which had been declared by the District Administration Office in Lalitpur district.

Kiran Usa Pun was released on 22 November. He was reportedly arrested on 21 September from his rented room in Panga, Kirtipur, Kathmandu, by security personnel in plain clothes. Since he was kept blindfolded for the entire period in custody, the place of his detention is not known.

Amnesty International has received reports, which suggest that Ek Nath Chaulagain is being held at Singha Durbar army barracks in Kathmandu. His family have been denied access to the barracks, and the authorities have still not confirmed that he is there. He was reportedly arrested from his home in Koteswor, Kathmandu, at 6.30pm on 11 September. Reports suggest that he was last seen being forced to get into a red pick-up van with the number plate Ba.1 Pa.4169. His relatives have made inquiries at the Royal Nepal Army human rights cell about his "disappearance", but have received no response.

#### **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 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. The CPN (Maoist) are also reported to have abducted scores of people.

On 29 January 2003, both sides agreed to a cease-fire. Three round 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 2003. 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.

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

- welcoming the news of the releases of both Akash Lama and his friend on 29 September, and the release of Kiran Usa Pun on 22 November;

- expressing concern for the safety of Ek Nath Chaulagain, who was reportedly arrested in Kathmandu on 11 September by security forces personnel;
- urging the authorities to make public his whereabouts and to grant him immediate access to his relatives, lawyers and any medical attention he may require;
- calling on the authorities to guarantee that he be humanely treated while in custody and not be subjected to torture or ill-treatment;
- 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 4 229 451/ 226 292 (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

Prime Minister's Office  
 Prime Minister Surya Bahadur Thapa  
 Singha Durbar  
 Kathmandu, Nepal

**Telegram:** Prime Minister, Kathmandu, Nepal

**Fax:** + 977 1 4 227 286 (fax may be switched off outside office hours, 5 ½ hours ahead of GMT)

**Salutation:** Dear Prime Minister

**COPIES 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 9 January 2004.