

PUBLIC

AI Index: ASA 31/096/2003

02 December 2003

Further Information on UA 302/03 (ASA 31/058/2003, 27 October 2003) Fear for safety

NEPAL

Raj Kumar Karki (m), aged 21, trainee cook

Released:

Kabir Kumar Shrestha (m), aged 25, shopkeeper

Kabir Kumar Shrestha was released from army custody in Singha Durbar on 14 November. He was reportedly arrested by two plainclothes security personnel on 12 September while working in his shop in Samakhushi, Kathmandu. The reasons for his arrest are not known.

Amnesty International has received no further reports on the whereabouts of trainee cook Raj Kumar Karki. He was allegedly arrested from his home in Samakhushi, Kathmandu, on 16 October by two security personnel in plain clothes. The reason for his arrest is unknown. It is believed that he may be detained in the No.1 Bahini army barracks in Balaju, near Kathmandu, but this has not been confirmed by the authorities. Relatives have approached a former member of parliament and a member of the Nepali Congress (NC) party to ask for help in trying to locate Raj Kumar Karki, but have been unsuccessful to date.

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 Kabir Kumar Shrestha after more than two months in army detention;
- expressing concern for the safety of Raj Kumar Karki, who was reportedly arrested by security personnel in plain clothes in Kathmandu on 16 October;
- urging that he be treated humanely while in custody and not be subjected to torture or ill-treatment;
- urging the authorities to make public the whereabouts of Raj Kumar Karki 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 13 January 2004.