

# **NEPAL**

## **Milan Nepali**

Milan Nepali (pictured above), a journalist, has not been seen since he was arrested at about 2pm at Sundhara, Kathmandu, near the central post office, on 21 May 1999. Witnesses saw eight policemen, four in police uniform and four in civilian clothes, put him into a police van and drive away.

Milan Nepali, who was aged 31 at the time of his arrest, is married with two children - one six-year-old daughter and one five-year-old son. He is a journalist by profession and worked for *Janadesh*, a weekly newspaper, which is regarded as being sympathetic to the aims of the Communist Party of Nepal (CPN) (Maoist). He was also editor of the monthly newspaper, *Disabodh*. He has a Masters degree in Business Administration and is a member of the Nepal National Intellectuals Association, an organization suspected by the government to be associated with the CPN (Maoist).

The day after his arrest, relatives went to Hanuman Dhoka police station in Kathmandu where an inspector told them that there was no record of his detention there. They also inquired at Police Headquarters in Naxal, Kathmandu, but police denied he was held there. Next day the relatives returned to Police Headquarters with a change of clothes for Milan Nepali and some medicine. A Deputy Superintendent accepted the clothes (but not the medicine) and later returned Milan Nepali's old clothes to the family in the same bag the clean clothes had been brought in.

Relatives returned to Police Headquarters every day for a week, but each time were stopped at the main gate and prevented from entering the compound.



Shortly after the "disappearance" of Milan Nepali, relatives filed a *habeas corpus* writ on his behalf in the Supreme Court at which the witnesses to his arrest appeared to give testimony. The authorities responded by denying his arrest. On 12 July 1999, the court dismissed the writ petition on the basis that not enough evidence had been presented by the petitioners to show that Milan Nepali had been arrested and detained by the authorities.

Milan Nepali was one of seven people who "disappeared" after they were arrested in Kathmandu in February and May 1999.

In July/August two daily local newspapers - *Mahanagar* and *Janasata* - reported that five of the seven people who had "disappeared" in Kathmandu in February and May 1999 had been seen at the premises of the Western Region Armed Police Force section in Pokhara, Kaski district.

On 17 August 1999 the relatives filed a second *habeas corpus* writ in the Supreme Court. The judge subsequently issued an order to the Western Region Armed Police Forces Section in Pokhara to produce the detainee. But a letter sent by the court addressed to this place was reportedly returned stating there was no such police present at the address.

Milan Nepali had been arrested on two previous occasions under the Public Security Act which allows administrative detention for up to 3 months on orders of a Chief District Officer, the most senior local administrator. After the first arrest, in 1996, he was kept in police custody at Hanuman Dhoka police station for 17 days and after the second arrest, in 1997, he was held for one month at Badragol Jail, Kathmandu.

### **Background Information:**

The establishment of multi-party democracy in Nepal in 1990 providing for a new Constitution with increased protection for human rights and the ratification of all major human rights treaties led to high expectations of an era of stability, development and increased human rights protection. Despite some improvements, progress towards bringing existing legal and administrative provisions fully in line with the principles enshrined in the Constitution and international standards has been slow and a climate of impunity has persisted among members of the police force. Nepal remains one of the poorest countries in the world and many people are denied their basic economic and social rights.

Reports of torture, alleged extra-judicial executions and "disappearances" have been reported in recent years in the context of a "people's war" declared by the Communist Party of Nepal (CPN) (Maoist) on 13 February 1996. Continued poverty and corruption are seen as among the main factors behind this conflict. Support for the "people's war" has been particularly strong in the most economically deprived areas of Nepal. The aims of the CPN (Maoist) include the establishment of a republican state. Members of the CPN (Maoist) have been responsible for scores of deliberate killings, abductions and torture of civilians. Grave human rights violations by the police, including hundreds of extrajudicial executions, dozens of "disappearances" and numerous incidents of torture and arbitrary arrests and detentions have been reported.

Amnesty International recognizes the responsibility of the Nepali state to maintain order and protect life and property, but asserts that this must be done by adherence to the human rights principles laid down in its Constitution and international standards to which it is a party. The organization calls on armed political groups to respect human rights and to halt abuses such as the abduction of civilians, hostage-taking, torture and unlawful killings.

Amnesty International is concerned about reports in recent years of an upsurge in human rights violations in Nepal, most of which have occurred in the context of a "people's war" declared by the Communist Party of Nepal in February 1996. The organization has called upon the government to ensure that all reports of extrajudicial executions, torture and "disappearances" are fully and impartially investigated and that those found responsible are brought to justice. It has also called on the CPN (Maoist) for an immediate halt to deliberate killings of civilians.



## The re-emergence of "Disappearances" in Nepal?

Amnesty International is disturbed by a re-emerging pattern of "disappearances" and long-term unacknowledged detention in the context of police operations against suspected members of the CPN (Maoist). Since the beginning of 1998, Amnesty International has recorded a total of 44 "disappearances", all of which have occurred within the context of the Maoist "people's war". There is evidence to suggest that some detainees have been held incommunicado in unofficial places of detention, including the Police Training Centre in Maharajgunj, Kathmandu.

Several "disappearances" were reported in Nepal in mid-1985 in the context of a civil disobedience campaign against the government and a series of bomb explosions in the capital. The United Nations Working Group on Disappearances retains four un-clarified cases from that period. In at least two of these

cases, there were credible reports that detainees had been held at the Maharajgunj Police Training Centre.

## TAKE ACTION!

**Please send telegrams/faxes/express/airmail letters/e-mails in English:**

- ☐ expressing concern for the safety of Milan Nepali, whose whereabouts remain unknown following his arrest by police on 21 May 1999;
- ☐ calling on the government to take steps to investigate his fate and whereabouts and to make the findings public;
- ☐ urging that, if he is found to be in detention, he be promptly charged with a recognizably criminal offence, or immediately released;
- ☐ calling upon the government, if he is in detention, to safeguard his physical integrity and to allow him immediate access to his family, legal counsel and medical care;
- ☐ expressing concern at the deteriorating human rights situation in Nepal and appealing for a halt to human rights violations.



## Addresses:

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## For further information see:

- Amnesty International, Urgent Action 209/99 *Arbitrary arrest/"disappearance" on behalf of eight people including Milan Nepal* (AI Index: ASA 31/10/99)
- *Nepal: Human rights and security*, February 2000 (AI Index: 31/01/2000)
- *Nepal: Human rights at a turning point?*, March 1999 (AI Index: 31/01/99)
- *Nepal: Human Rights violations in the context of a Maoist "people's war"*, March 1997 (AI Index: 31/01/97)

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