

**PUBLIC**

**AI Index: ASA 31/010/2003**

**07 February 2003**

**UA 37/03**      **Fear of torture/fear for safety**

**NEPAL**      **Pushpa Raj Kadariya (m), age 45, farmer**

---

Pushpa Raj Kadariya was reportedly arrested by army personnel while on his way home in Ramechhap district on 30 January. Witnesses reported that he was beaten severely on arrest. Amnesty International is concerned that he may be subjected to further torture and ill-treatment in detention.

It is believed that Pushpa Raj Kadariya, a resident of Khimti Village Development Committee, Ramechhap district, was arrested because of his suspected links with the Communist Party of Nepal (CPN) (Maoist). He has reportedly been taken to the Kirnetar army barracks in Ramechhap district where he is being held incommunicado. Pushpa Raj Kadariya's relatives have asked to see him in detention but have been denied by the army authorities. They have also met with the Chief District Officer (CDO) to ask why he had been arrested the day after a cease-fire was declared by the government and the CPN (Maoist) on 29 January. The CDO replied that he had been arrested prior to the declaration of the cease-fire. The National Human Rights Commission (NHRC) was also informed about the arrest.

#### **BACKGROUND INFORMATION**

Amnesty International has been concerned about the deterioration in the human rights situation in Nepal since the CPN (Maoist) declared a 'people's war' in early 1996. This concern intensified when the army was mobilized and a state of emergency imposed in November 2001. Since then, the number of reports of alleged unlawful killings, disappearances, torture and arbitrary arrests and detention by the security forces increased dramatically. The authorities have so far failed to provide or enforce strict instructions to the security forces to uphold human rights, or to take appropriate actions against those responsible for reported abuses. Amnesty International has also documented many grave human rights abuses by members of the CPN (Maoist).

Although the state of emergency expired in late August 2002 and has not been re-imposed, the security forces continue to have wide powers under the Terrorist and Disruptive Activities (Control and Punishment) Act (TADA), passed in April 2002. Under Section 9 and 12 of the TADA respectively, people can be held in preventive detention for up to 90 days and in detention for the purpose of investigation for 60 days. However, there is evidence to suggest that hundreds of people suspected of Maoist activities have spent more than one year in detention without being taken to court. In many cases it would appear that the security forces are using a loophole in the TADA to repeatedly issue new detention orders, even if the maximum periods of 90 or 60 days' detention as specified in the Act have expired.

On 29 January 2003, the government of Nepal and the CPN (Maoist) declared a cease-fire and began to take steps towards initiating a dialogue about possible peace talks.

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

- expressing concern for the safety of Pushpa Raj Kadariya, who was reportedly arrested by army personnel from the Kirnetar army barracks on 30 January 2003;
- expressing concern at reports that he was beaten severely on arrest;

- urging that he be treated humanely while in custody and not be subjected to further torture or ill-treatment;
- urging that he be released immediately and unconditionally unless he is to be charged with a recognizably criminal offence;
- calling on the authorities to allow him access to his relatives, lawyer and a doctor, should he be in need of medical attention.

**APPEALS TO:**

Prime Minister Lokendra Bahadur Chand  
Prime Minister's Office  
Singha Durbar  
Kathmandu  
Nepal

**Telegram:** Prime Minister, Kathmandu, Nepal  
**Fax:** + 977 1 227 286 (it may be difficult to get through; please keep trying)  
**Salutation:** Dear Prime Minister

General Pyar Jung Thapa  
Chief of Army Staff (COAS)  
Army Headquarters  
Kathmandu, Nepal

**Telegram:** Commander-in-Chief, Kathmandu, Nepal  
**Fax:** + 977 1 242 168  
**Salutation:** Dear Commander-in-Chief

General R Katwal  
Secretary, National Security Council  
Singha Durbar  
Kathmandu, Nepal

**Telegram:** Secretary, National Security Council, Kathmandu, Nepal  
**Fax:** + 977 1 225 869 (it may be difficult to get through; please keep trying)  
**Salutation:** Dear General

**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 21March 2003.