

PUBLIC

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27 October 2003

UA 302/03 **Fear for safety**

NEPAL **Kabir Kumar Shrestha (m), aged 25, shopkeeper**
Raj Kumar Karki (m), aged 21, trainee cook

Kabir Kumar Shrestha and Raj Kumar Karki were arrested in Kathmandu on 12 September and 16 October respectively. Their whereabouts are unconfirmed and there are fears for their safety.

Raj Kumar Karki was reportedly arrested by two security forces personnel in plain clothes from outside his home in Samakhushi, Kathmandu, at 7.30pm on 16 October. According to reports, he was leaving his house to accompany a relative home, when two men approached, put their hands on his shoulders, and took him away. 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 so far been unsuccessful.

Kabir Kumar Shrestha was allegedly arrested by two plainclothes security forces personnel at about 4.30pm on 12 September, as he was working at his shop, also in Samakhushi, Kathmandu. According to reports, Kabir Kumar Shrestha was taken away in a red taxi with the numberplate Ba. 1 Ja. 4223. The reason for his arrest is unknown. His relatives deny he has any political affiliation.

It is believed that he may be detained at the Sri Ganjagandh army barracks, in Singha Durbar, Kathmandu, but this has not been confirmed by the authorities. A human rights organization has made inquiries with the Home Ministry and Defence Ministry but has not yet received a response. The National Human Rights Commission (NHRC) has also been informed.

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:

- expressing concern for the safety of Kabir Kumar Shrestha and Raj Kumar Karki, who were reportedly arrested by plainclothes security personnel in Kathmandu on 12 September and 16 October;
- calling for assurances that both men will be treated humanely while in custody and will not be subjected to torture or ill-treatment;
- urging the authorities to make public the whereabouts of Kabir Kumar Shrestha and Raj Kumar Karki and to grant them immediate access to their relatives, lawyers and any medical attention they may require;
- 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)

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 8 December 2003.