

PUBLIC

AI Index: ASA 31/061/2003

28 October 2003

UA 305/03      Fear for safety/possible "disappearance"

NEPAL      Shyam Kumar Shrestha (m), aged 46, lawyer

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Shyam Kumar Shrestha was reportedly arrested by security forces personnel at around 9pm on 23 October at his home in Bagbazar, Kathmandu. His whereabouts are unknown and there are fears for his safety.

According to reports, three young men dressed in track suits, believed to be security forces personnel, arrived at the house and said they were taking Shyam Kumar Shrestha to Maharajgunj in Kathmandu for questioning. They reportedly said that they would bring him back the following day. The men then took Shyam Kumar Shrestha away in a white taxi. He has not been seen since.

The reason for his arrest is unknown. Shyam Kumar Shrestha is a member of the Nepal Bar Association, but is not a member or supporter of any political party. The Nepal Bar Association has made inquiries with the Home Ministry and the human rights investigation cells attached to the army and the police, but has not received any response. The National Human Rights Commission has also been informed and is reported to be making inquiries.

#### **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 Shyam Kumar Shrestha, who was reportedly arrested by security forces personnel in Kathmandu on 23 October;
- urging the authorities to make public the whereabouts of Shyam Kumar Shrestha and to grant him immediate access to his relatives, lawyers and any medical attention he may require;

- urging that Shyam Kumar Shrestha be treated humanely 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 4 226 292/ 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)

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 15 December 2003.