

PUBLIC

AI Index: ASA 31/062/2003

28 October 2003

UA 307/03 Fear for safety/fear of torture or ill-treatment

NEPAL **Min Kumar Koirala (m), aged 26, student
Wagle (m) (First name unknown)**

Min Kumar Koirala and a young man named only as Wagle were reportedly arrested by army personnel at the premises of the Dugadh Iron Still Industry in Tripureshwar, Kathmandu at around 4pm on 4 September. Their whereabouts are unknown and they are at risk of torture or ill-treatment.

According to reports, Min Kumar Koirala, a student at the Pashupati Campus in Kathmandu, Wagle and two other unnamed men were working as day labourers at the factory, unloading supplies of rice. The four were allegedly arrested because the security forces suspected that they were supplying the rice to members of the Communist Party of Nepal (CPN) (Maoist). The two unnamed individuals were released later the same day. They said they believed they were taken to the army barracks in Singha Durbar, Kathmandu, where they were forced to lie on a cement floor and beaten.

Relatives of Min Kumar Koirala visited the army barracks in Singha Durbar to make inquiries but were reportedly refused entry. The Nepal Bar Association and the National Human Rights Commission (NHRC) have been informed and are 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 Min Kumar Koirala and the man arrested with him whose family name is Wagle, who were reportedly arrested by army personnel in Tripureshwar, Kathmandu, on 4 September;

- 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 Min Kumar Koirala and Wagle, 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;
- expressing concern at claims by two other men arrested at the same time and later released, that they were beaten in detention, and calling for a full and impartial investigation into these allegations, with the results made public and anyone found to be responsible brought to justice.

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 10 December 2003.