

**PUBLIC**

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**Fear for safety/ possible "disappearance"**

**12 March 2004**

**NEPAL**

**Bishnu Thapa (m), aged 30, Businessman  
Om Prakash Timalsena (m), aged 30, Factory worker**

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Bishnu Thapa and Om Prakash Timalsena were reportedly arrested on 3 and 10 February respectively. Their whereabouts are unknown, and Amnesty International is concerned that they may have "disappeared".

Bishnu Thapa is originally from Dhareini Village Development Committee (VDC) in Dhading district, but for the last five years he has been living in Mahadevbesi, where he runs a business supplying vegetables to the Kathmandu valley. At 11.30pm on 3 February three men in plain clothes came to his house and identified themselves as security forces personnel, adding that they were there on official duty. They asked who was living in the house, and on learning that Bishnu Thapa was at home, they woke him up and asked him whether he had any warm clothes to wear. He reportedly said that he had warm clothes and about 6-7,000 rupees (approx US\$100) in cash. Witnesses state that the security forces personnel told him to put on his clothes and bring the money, as he was to go with them for questioning. He was seen being taken away on foot, but later he was put into a van and driven away from the area. The reasons for his arrest are not known, and Bishnu Thapa's family strongly deny that he had any involvement with the Communist Party of Nepal (CPN) (Maoist). Relatives reportedly visited both Gajuri and Bhaireni army camps in Dhading district, but the army has denied that he is held in either place.

Om Prakash Timalsena originally comes from Gamarmani VDC in Jhapa district, but is living in Sitapaila, Kathmandu. At noon on 10 February he was at work at the Basu garment factory in Kalanki, Kathmandu, when four men in plain clothes arrived at the factory and told the guard that they had come from Om Prakash Timalsena's house, and that they wanted to see him. The men did not provide any further information or identification. The guard reportedly sent Om Prakash Timalsena out to meet them, and they took him away. His family say that he has no involvement in politics, and the reasons for his arrest are not known. Reports suggest that he is currently being held at Jag Dal Gan, in Chhauni army camp.

Om Prakash Timalsena was previously arrested and held without charge for one week at Hanumandhoka district police office when the state of emergency was declared in November 2001.

Efforts to locate both men, including informing the National Human Rights Commission, have so far failed.

### **BACKGROUND INFORMATION**

Amnesty International has been concerned about a deterioration in the human rights situation in Nepal since the 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, 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 army custody without access to their families, lawyers or medical treatment. 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 ceasefire. Three rounds of peace talks were held - in April, May and August - between the government and representatives of the CPN (Maoist). Among the CPN (Maoist)'s central demands were 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 ceasefire agreement as of 27 August 2003. Since then, fighting has resumed throughout the country, and

Amnesty International has received reports of both sides committing human rights abuses. In particular there has been a rise in the number of "disappearances" at the hands of 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 Bishnu Thapa and Om Prakash Timalsena, who were reportedly arrested in on 3 and 10 February respectively;
- urging that they be treated humanely while in custody and not tortured or ill-treated;
- calling on the authorities to make public their whereabouts and to grant them immediate access to their relatives, lawyers and any medical attention they may require;
- calling for both men to be released immediately and unconditionally, unless they are to be charged with a recognizably criminal offence.

**APPEALS TO:**

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

**Telegram: Commander-in-Chief, Army Headquarters, 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**

Colonel Nilendra Prasad Aryal  
Head of Army Human Rights Cell  
Army Headquarters  
Singha Durbar, Kathmandu, Nepal

**Telegram: Colonel NP Aryal, Army Headquarters, Singha Durbar, Kathmandu, Nepal**

**Fax: + 977 1 4 226 292/ 229 451 (If someone answers the telephone please ask them in English to switch on the fax machine, and resend the fax).**

**Salutation: Dear Colonel**

**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 23 April 2004.