

PUBLIC

AI Index: ASA 31/107/2003

16 December 2003

Further Information on UA 326/03 (ASA 31/073/2003, 12 November 2003) and follow-up (ASA 31/087/2003, 26 November 2003) Fear for safety/ possible "disappearance"

NEPAL

**Bhagirath Kharel (m), aged 60, retired school teacher
Maha Prasad Angai (m), aged 22, teacher**

Released:

Naresh Maharjan (m), aged 16, student

Naresh Maharjan was released from the custody of the security forces at 11pm on 9 December, after a month in detention. Two members of the security forces returned him to his home. He was blindfolded for the duration of his detention, and does not know where he was held.

Naresh Maharjan was arrested by five members of the security forces on 9 November from his home in Kirtipur, Kathmandu district. The reasons for his arrest are not known.

There is no further information on the whereabouts of Bhagirath Kharel and Maha Prasad Angai. The two men were reportedly arrested on 6 and 7 November respectively, by members of the security forces wearing plain clothes. There is particular concern for the health of Bhagirath Kharel, who is said to have a heart condition and may be in need of medical attention. Efforts to locate both men, including contacting the National Human Rights Commission (NHRC), and the International Committee of the Red Cross (ICRC), have so far failed.

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:

- welcoming the release of Naresh Maharjan;

- expressing concern for the safety of Bhagirath Kharel and Maha Prasad Angai, who were reportedly arrested by security personnel on 6 and 7 November respectively;
- expressing particular concern for the health of Bhagirath Kharel, who may require urgent medical attention for a heart condition;
- urging the authorities to make public the whereabouts of the two men and to grant them immediate access to their relatives, lawyers and any medical attention they may require;
- calling on the authorities to guarantee that they will not be subjected to torture or ill-treatment whilst in custody;
- 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 27 January 2004.