

**PUBLIC**

**AI Index: ASA 31/118/2004**

**07 May 2004**

**Further Information on UA 360/03 (ASA 31/102/2003, 09 December 2003) - Fear for safety/possible "disappearance"**

**NEPAL**

**Ghanashyam Adhikari (m), aged 45, shopkeeper  
Indra Bahadur Aryal (m), aged 35, shopkeeper  
Mukunda Prasad Pant (m), aged 29, shopkeeper**

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Amnesty International has received new information about Indra Bahadur Aryal, who was reportedly arrested by security force personnel at his home in Dhading on 11 November. His wife, Radhika Aryal, recently got unofficial information that her husband was being held at Jagdal Ghan camp, in Chhauni army barracks in Kathmandu. When she went to Chhauni, she was told by security personnel that her husband had been transferred to either Baireni or Gajuri army barracks in Dhading. However, when she went to Gajuri, she was told by an army officer that no one was currently held at the camp: some detainees had been released, while others had been transferred to Dhading Besi or Baireni barracks. She has not been able to find her husband at either place and is increasingly worried about him.

Amnesty has received no new information about Mukunda Prasad Pant, who was arrested on 11 November and Ghanashyam Adhikari, who was arrested 21 September. Amnesty is very concerned about the safety of all three men.

### **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 army custody without access to their families, lawyers or medical treatment. The TADA was renewed by royal ordinance, after it expired on 9 April 2004. In both 2002 and 2003, Nepal recorded the highest number of "disappearances" of any country in the world. The CPN (Maoist) are also reported to have abducted hundreds of people, and are recently reported to have abducted large numbers of schoolchildren for "indoctrination" purposes.

Both sides agreed to a ceasefire on 29 January 2003, and held three rounds of peace talks, in April, May and August 2003. 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 Ghanashyam Adhikari, Indra Bahadur Aryal and Mukunda Prasad Pant, who were reportedly arrested by members of the security forces in Dhading district between 21 September and 11 November 2003;
- urging the authorities to make public the whereabouts of the three men and to grant them immediate access to their relatives, lawyers and any medical attention they may require;
- urging that they be treated humanely while in custody and not tortured or ill-treated;
- calling for them to be released immediately and unconditionally, unless they are to be charged with a recognizably criminal offence.

**APPEALS TO: (Faxes may be switched off outside office hours, 5 ½ hours ahead of GMT)**

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**

**Salutation: Dear Commander-in-Chief**

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

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

**Fax: + 977 1 4 245 020 /226 292 (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:**

His Majesty the King Gyanendra Bir Bikram Shah Dev  
C/O The Chief of Protocol Division  
Protocol Division  
Ministry of Foreign Affairs  
Chital News, Kathmandu  
Nepal

**Fax: + 977 1 4 416 007**

**Salutation: Your Majesty**

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 18 June 2004.