

PUBLIC

AI Index: ASA 31/052/2003

UA 295/03

Fear for safety/Possible 'disappearance'

17 October 2003

NEPAL

Ram Hari Kadel (m), aged 26, businessperson

Ram Prasad Tripathi (m), aged 16, student

Amnesty International is concerned for the safety of Ram Hari Kadel and Ram Prasad Tripathi who were arrested by army personnel on 12 and 13 September respectively. Their whereabouts remain unknown.

Ram Hari Kadel is originally from Beneghat, Ward 2, Dhading district, but currently lives in Naya Bazaar, Ward 16, Kathmandu, Kathmandu district, where he runs a small glass business. At midnight on 12 September, ten army personnel in uniform came to Ram Hari Kadel's home. When they discovered he was not there, they asked members of his family to take them to him. Two members of his family took them to their aunt's house, also in Kathmandu, where Ram Hari Kadel was staying that night. On arrival Ram Hari Kadel was arrested and taken away by the army personnel. He has not been seen since.

Ram Prasad Tripathi is originally from Beneghat, Ward 2, Dhading district, but is currently living in Kathmandu, Kathmandu district. Sixteen year old Ram Prasad Tripathi recently started a course in journalism at Ratna Rajya Campus, Kathmandu. At 12.30pm on 13 September, four army personnel in plain clothes came to the glass shop owned by Ram Hari Kadel where Ram Prasad Tripathi works and arrested him. Witnesses report sightings of Ram Prasad Tripathi in an army van with army personnel sometime between the 14-19 September. He was seen near the police station in Soraw Khutte, Kathmandu, at the Ratna Rajya Campus gate, and at Patan Dhoka, Lalitpur. One week after his arrest he was taken by four army personnel to his home, where he was allowed to wash, before being taken away again. When Ram Prasad Tripathi's father asked one of the army personnel when his son would be released, he was told that his son would be released after "completing some formalities." However, Ram Prasad Tripathi has not been seen since.

It is not known why the army arrested Ram Hari Kadel and Ram Prasad Tripathi, though it is thought they both may be suspected of involvement with the Communist Party of Nepal (CPN) (Maoist). Relatives of the two men deny that either of them are involved with the Maoists and have written to senior members of the Rastriya Prajantra Party (RPP), some of whom are in the current government, to determine their whereabouts. They were given assurances that they would be released. However, to date neither has been located or released.

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 Ram Hari Kadel and Ram Prasad Tripathi, who were reportedly arrested by army personnel in Kathmandu on 12 and 13 September;
- urging the authorities to make public their whereabouts, grant them immediate access to their relatives, lawyers and any medical attention he may require;
- calling upon the authorities to guarantee that they will not be subjected to torture or ill-treatment while in custody;
- calling for their immediate and unconditional release, unless they are to be charged with a recognizable 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 4 229 451/ 226 292
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
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 (fax 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 28 November 2003.