

**PUBLIC**

**AI Index: ASA 31/053/2004**

**26 February 2004**

**Further Information on UA 53/04 (ASA 31/026/2004, 11 February 2004) Fear for safety/ possible "disappearance"**

**NEPAL                      Shyam Krishna Shrestha (m), aged 23, employee at a clothing company**

**Released:                      Dr Birendra Jhapali (m)**

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Dr Birendra Jhapali was released at around 7.30am on 24 February. Army personnel reportedly drove him to his home and asked his family to sign a receipt for his release. He has thanked Amnesty International for campaigning for his release.

There is no further information about Shyam Krishna Shrestha who was reportedly arrested from his workplace in Lalitpur district on 26 December 2003. He was possibly arrested on suspicion of being involved with the Communist Party of Nepal (CPN) (Maoist), though his relatives deny that he ever had links with the organisation.

#### **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 (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. 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. 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:**

- welcoming the release of Dr Birendra Jhapali;
- calling on the authorities to make public the whereabouts of Shyam Krishna Shrestha, and to grant him immediate access to his relatives, lawyers and any medical attention he may require;
- urging that he be treated humanely while in custody and not tortured or ill-treated;
- calling for his immediate and unconditional release, unless he is 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 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**

**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 8 April 2004.