

PUBLIC

AI Index: ASA 31/067/2002

UA 299/02

Fear of torture/fear for safety/  
incommunicado detention

2 October 2002

**NEPAL**

**Mukunda Gajural, aged 31, (m), Secretary, Jibanpur Village Development Committee**

**Saligram Sapkota, aged 27, (m), staff member of Tribhuvan University**

**Nirmal Dhakal, aged 25, (m), Civil servant**

**Uttam Phuyal, aged 27, (m), Farmer**

**Dinas Dhakal, aged 27, (m), Farmer**

**Gita Dhakal, aged 30 (f), Health worker**

---

The six people named above were reportedly arrested at 6am on 29 September at Gagajadi Village Development Committee, Ward No 7, Kathmandu, by army personnel who said they were from the Sundarimal army post. It is believed that the six people have been taken to Tokha army camp, 9 miles north of Kathmandu, where they are being held in incommunicado detention. There are fears for their safety and that they may be subjected to torture or ill-treatment.

According to witnesses, a group of around 40 to 50 armed army personnel, accompanied by about 15 people in civilian dress, surrounded the village in the early hours of the morning. At 6am they entered houses in the village and arrested those named above. Appeals by human rights activists have been made to the army authorities at the camp to release or acknowledge detention of the six detainees, but the authorities have not responded.

The reasons for the arrest of the six is not known, but it may be that the authorities suspect they may be involved in or supporting the activities of the banned armed opposition group, the Communist Party of Nepal (CPN) (Maoist). However, the six are all reported to be active members of the main opposition party, the Communist Party of Nepal-United Marxist Leninist (CPN-UML).

**BACKGROUND INFORMATION**

Amnesty International has been concerned about a deterioration in the human rights situation in Nepal since the CPN (Maoist) declared a People's war in early 1996. This concern has intensified since the army was mobilized and a state of emergency imposed in November 2001. Since then, the number of reports of alleged unlawful killings, disappearances, torture and arrests and detention without charge by the security forces has increased dramatically. The authorities have so far failed to provide or enforce strict instructions to the security forces to uphold human rights, or to take appropriate actions against those responsible for reported abuses. Amnesty International has also documented many grave human rights abuses by members of the CPN (Maoist).

Although the state of emergency expired in late August and has not been re-imposed, the security forces continue to have wide powers under the Terrorist and Disruptive Activities (Control and Punishment) Act, passed in April 2002, including the power to arrest without warrant and detain suspects in police custody for up to 60 days. During a recent visit to Nepal, Amnesty International delegates found that scores of prisoners were held in illegal detention at army barracks throughout the country and were denied the right to communicate with their families or lawyer, or have access to a doctor.

**RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in**

**English or your own language:**

- expressing concern about the safety of the six people named above, who were reportedly arrested in Kathmandu on 29 September by army personnel;
- urging the authorities to make public their whereabouts;
- urging the authorities to ensure that the six detainees are not subjected to torture or ill-treatment while in custody;
- calling upon the authorities to allow them immediate access to their relatives, lawyers, and any medical attention they may require;
- urging that they be released immediately and unconditionally unless they are to be charged with a recognizably criminal offence.

**APPEALS TO:**

Rt Hon Sher Bahadur Deuba  
 Prime Minister  
 Office of the Prime Minister  
 Singha Durbar  
 Kathmandu  
 Nepal

**Telegram: Prime Minister, Kathmandu, Nepal**

**Fax: + 977 1 227 286 (It may be difficult to get through but please keep trying)**

**Salutation: Dear Prime Minister**

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

**Telegram: Commander-in-Chief, Kathmandu, Nepal**

**Fax: + 977 1 242 168**

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

General R Katwal  
 Secretary, National Security Council  
 Singha Durbar  
 Kathmandu, Nepal

**Telegram:Secretary, National Security Council, Kathmandu, Nepal**

**Fax: + 977 1 225 869**

**Salutation:Dear General**

**COPIES 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 13 November 2002.