

PUBLIC

AI Index: ASA 31/070/2003

05 November 2003

Further Information on UA 295/03 (ASA 31/052/2003, 17 October 2003) and follow-up (ASA 31/055/2003, 22 October 2003) - Fear for safety/fear of torture/ possible "disappearance"

NEPAL **Ram Hari Kadel (m), aged 26, businessperson**
Amrit Kadel (m), age 22, student

Released: **Ram Prasad Tripathi (m), age 16, student**

Sixteen-year-old Ram Prasad Tripathi was reportedly released at 8pm on 24 October. He was arrested on 13 September and held at the Maharajgunj army barracks in Kathmandu. He was kept blindfolded for the entire period of his detention.

Brothers Ram Hari Kadel and Amrit Kadel are reportedly still being detained at the army barracks, where there are continuing fears for their safety. Ram Hari Kadel, originally from Beneghat, Ward 2, Dhading district, was reportedly arrested at midnight on 12 September, by ten army personnel in uniform, from the home of a relative in Kathmandu, where he was staying the night. His younger brother, Amrit Kadel, is a student at Saraswati Campus, Kathmandu and was reportedly arrested by army personnel in Chabahil, Kathmandu, on 11 October. There are reports that he has been subjected to severe torture while in custody.

The All Nepal National Free Students Union (Revolutionary) (ANNFSU), which is affiliated with the Communist Party of Nepal (CPN) (Maoist), issued a statement on 12 October demanding the immediate release of Amrit Kadel, who they claim is a district committee member of the organization. His arrest may be linked to his involvement with the ANNFSU.

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) announced they were withdrawing from the cease-fire agreement on 27 August because the government had refused to implement their central demands. 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 Nepal or your own language:

- welcoming the reported release of Ram Prasad Tripathi on 24 October;

- expressing concern for the safety Ram Hari Kadel and Amrit Kadel who were reportedly arrested by army personnel in Kathmandu on 12 September and 11 October respectively;
- expressing concern at reports that Amrit Kadel has been tortured in custody and calling upon the authorities to guarantee that he will not be subjected to further torture, ill-treatment or other human rights violations while in detention;
- urging the authorities to make public the whereabouts of Ram Hari Kadel and Amrit Kadel and to grant them immediate access to their relatives, lawyers and any medical attention they may require;
- 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 4 229 451/ 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 17 December 2003.