

PUBLIC

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20 November 2003

UA 341/03 **Fear for safety / Possible "disappearance"**

NEPAL **Navraj Thapa (m), age 29, shopkeeper**
Resham Bahadur Pun (m), age 26
Deependra Pant (m), age 25, student

Navraj Thapa was reportedly arrested from his grocery shop in Charkilo, Naubise, Dhading district, at 3am on 12 November by ten security forces personnel in plain clothes. He had been previously arrested on 1 October and held at an unknown location in Kathmandu before being released on 9 October. The reason for his initial arrest is unknown, but he believes he may have been denounced as having links with the Communist Party of Nepal (CPN) (Maoist) by an informant who had a grievance against him.

Resham Bahadur Pun was reportedly arrested by plain-clothes security personnel from the New Bus Park of Tulsipur Municipality, Dang district, on 12 November. After his arrest, he was seen by witnesses being taken away to a vehicle parked nearby which drove off towards Tulsipur army barracks.

Deependra Pant is originally from Gorkha district but is currently living in Kapoor Dhara, Kathmandu, while studying for a Bachelor of Science degree at the Amrit Science College. He was reportedly arrested by security forces personnel in plain clothes from Naya Bazar, Kathmandu, on 13 October, while he was walking along the road.

The reasons for the arrest of Resham Bahadur Pun and Deependra Pant are unknown, but may be due to the fact that the authorities suspect them of being members of the All Nepal National Independent Students Union (Revolutionary) which is seen by the authorities as having links with the Communist Party of Nepal (CPN) (Maoist).

The relatives of Navraj Thapa and Deependra Pant have informed the Nepal Bar Association of their "disappearance", and the organization is reported to be making inquiries with the Defence Ministry and the Home Ministry on their behalf. The arrest of Resham Bahadur Pun has been reported to local lawyers who are making inquiries on his behalf with the authorities.

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 Navraj Thapa and Resham Bahadur Pun who were reportedly arrested by security forces personnel in Dhading and Dang districts of Nepal on 12 November, and Deependra Pant who was reportedly arrested in Kathmandu on 13 October;
-urging the authorities to make public their whereabouts 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 be subjected to torture or ill-treatment;
-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 4 226 292/ 229 451 (Faxes may be switched off outside office hours, 5 ½ hours ahead of GMT)

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

Salutation: Dear Commander-in-Chief

Shyam Bhakta Thapa

Inspector General of Police
Police Headquarters
Naxal
Kathmandu, Nepal

Telegram: Inspector General of Police, Kathmandu, Nepal

Fax: + 977 1 4 415 593 / 4 415 594

Salutation: Dear Inspector General

COPIES TO:

Prime Minister Surya Bahadur Thapa

Prime Minister's Office
Singha Durbar
Kathmandu, Nepal

Fax: + 977 1 4 227 286 (Faxes 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 1 January 2004.