

**PUBLIC**

**AI Index: ASA 31/102/2003**

**UA 360/03**

**Fear for safety/possible "disappearance"**

**09 December 2003**

**NEPAL**

**Ghanashyam Adhikari (m), aged 45, shopkeeper  
Indra Bahadur Aryal (m), aged 35, shopkeeper  
Mukunda Prasad Pant (m), aged 29, shopkeeper**

---

Amnesty International is concerned for the safety of Ghanashyam Adhikari, Indra Bahadur Aryal, and Mukunda Prasad Pant, who were reportedly arrested between 21 September and 11 November in Dhading district. Their whereabouts are unknown.

Ghanashyam Adhikari lives in Naubise Village Development Committee (VDC), Ward no.1, Dharke, Dhading district, where he also works in a shop. He was arrested at the shop at 4am on 21 September by army personnel who were part of a patrol. Other patrols arrested another six unidentified men from the area, and at 7am drove them all in an army truck in the direction of Kathmandu. When the family of Ghanashyam Adhikari asked the army personnel why they were arresting him they replied that someone had made a report against him, though the actual reason behind his arrest is not known. Efforts to locate Ghanashyam Adhikari, including informing the National Human Rights Commission (NHRC) and the International Committee of the Red Cross (ICRC), have so far failed.

Indra Bahadur Aryal lives in Mahadevbesi Thakre VDC Ward no.3, Dhading district, where he runs a grocery shop. He is also a VDC member representing the Communist Party of Nepal (Unified Marxist–Leninist) (CPN-UML). He was arrested at his home at 12am on 11 November by between 20 and 25 members of the security forces in plain clothes. They searched his home and took his motorbike. The reason for his arrest is not known. Efforts to locate him by his family, including visiting local army barracks, the District Administration Office, and informing the NHRC, Defence Ministry and Home Ministry, have so far failed.

Mukunda Prasad Pant lives in Thakre VDC Ward no.8, Dhading district, where he runs a shop and rice mill. He was arrested at home on the night of 11 November by between 15 and 20 members of the security forces in plain clothes. They searched his house and blindfolded him before taking him away. The reason for his arrest is unknown. Efforts to locate him by his family, including visiting local army barracks and the District Administration Office, have so far failed.

### **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 Ghanashyam Adhikari, Indra Bahadur Aryal and Mukunda Prasad Pant who were reportedly arrested by members of the security forces in Dhading district between 21 September and 11 November;
- urging the authorities to make public the whereabouts of the three men 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:**

Deputy Brigadier General Nirendra Prasad Aryal

Head, Army Human Rights Cell

Army Headquarters

Kathmandu, Nepal

**Telegram: Deputy 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 Deputy 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**

**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 20 January 2004.