

## **ANNEX 1**

Follow-up to the Nepalese Army 2006 High-level Task Force Report: Current status of 12 cases of disappearance, torture and illegal detention at the RNA Maharajgunj barracks, Kathmandu, 2003-2004

### **"Astraraj Bajracharya"**

(OHCHR May 2006 report, Annex A, no. 5)

OHCHR investigations subsequent to the release of its May 2006 report indicate that the individual referred to in the report as "Astraraj Bajracharya" is **Astaraj Bajracharya** of Lalitpur district, who was handed over to his family by the NA in April 2004. OHCHR considers the disappearance of "Astraraj Bajracharya" (OHCHR May 2006 report, Annex A, no. 5) to have been clarified, but continues to seek a full account of the illegal detention, torture and ill-treatment of Astaraj Bajracharya by NA personnel.

Astaraj Bajracharya was arrested without warrant from his home on the night of 28 September 2003 and taken to the Bhairabnath Battalion barracks in Maharajgunj. Astaraj Bajracharya was tortured and ill-treated during the time he was disappeared at the Maharajgunj barracks. He was transferred from the Maharajgunj barracks to the Rajdal Battalion barracks in Lagankhel, Lalitpur on 21 November 2003 and was kept in illegal detention at Rajdal Battalion barracks until April 2004, when he was handed over to his family. With regard to "Astaraj Bajracharya", the NA Task Force writes in its report that the Bhairabnath Battalion took control of Astaraj Bajracharya on 28 September 2003 and that the Rajdal Battalion handed him over to his family on 2 April 2004.

Although the NA did eventually release Astaraj Bajracharya, OHCHR would like to emphasize that this does not in any way absolve the army of responsibility for his illegal detention, torture, and ill-treatment during the seven months he was disappeared at the army barracks in Maharajgunj and in Lagankhel.

To date no NA personnel have been properly held accountable for the disappearance, torture and ill-treatment of Astaraj Bajracharya.

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### **"Nirmala Bhandari"**

(OHCHR May 2006 report, Annex A, no. 9)

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OHCHR investigations subsequent to the release of its May 2006 report indicate that **Nirmala Bhandari**, who was arrested on 15 September 2003 in Kathmandu and illegally detained and ill-treated by army personnel at the Bhairabnath Battalion barracks in Maharajgunj, was handed over to her family in October 2004. OHCHR considers the disappearance of "Nirmala Bhandari" (OHCHR May 2006 report, Annex A, no. 9) to have been clarified, but continues to seek a full account of the illegal detention and ill-treatment of Nirmala Bhandari by NA personnel.

With regard to "Nirmala Bhandari", the NA Task Force writes in its 2006 report that Nirmala Bhandari was arrested and kept in the custody of the Bhairabnath Battalion "E" Company on the orders of the Kathmandu District Administration Office and that she was released on the orders of the District Administration Office on 8 October 2004.

OHCHR is concerned to note that though the NA Task Force report acknowledges that Nirmala Bhandari was arrested and detained by the Bhairabnath Battalion "E" Company, Nirmala Bhandari's name does not appear anywhere in the official lists of former detainees given to OHCHR by a Bhairabnath Battalion officer on 30 March 2006.

Although the NA did eventually release Nirmala Bhandari, OHCHR would like to emphasize that this does not in any way absolve the army of responsibility for her illegal detention and ill-treatment during the time she was disappeared at the Maharajgunj barracks.

To date no NA personnel have been properly held accountable for the disappearance and ill-treatment of Nirmala Bhandari.

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### **"Khadka Bahadur Gharti Magar"**

(OHCHR May 2006 report, Annex A, no. 20)

OHCHR investigations subsequent to the release of its May 2006 report indicate that the individual referred to in the report as "Khadka Bahadur Gharti Magar" is **Khadga Bahadur Gharti Magar**, then a resident of Lalitpur district, and that he died in NA custody at Birendra Military Hospital, Chhauni, Kathmandu on 1 March 2004. OHCHR considers the disappearance of "Khadka Bahadur Gharti Magar" (OHCHR May 2006 report, Annex A, no.20) to have been clarified, but continues to seek a full account of the illegal detention, torture and ill-treatment of Khadga Bahadur Gharti Magar by NA personnel and of the exact circumstances which lead to his death.

Khadga Bahadur Gharti Magar was arrested without warrant from his home in Kusunti, Lalitpur on the night of 22 September 2003 and taken to the Bhairabnath Battalion barracks in Maharajgunj by army personnel. Khadga Bahadur Gharti Magar was severely tortured and ill-treated during the six months he was disappeared at the Maharajgunj barracks and died in army custody at Birendra Military Hospital, Chhauni on 1 March 2004 while being treated for a medical condition apparently unrelated to his torture and ill-treatment.

With regard to "Khadga Bahadur Gharti Magar", the NA Task Force writes in its 2006 report that he was arrested from his home in Kusunti, Lalitpur on the night of 23 September 2003, that he became ill while in the custody of the Bhairabnath Battalion in Maharajgunj, and that he died in Birendra Hospital in Chhauni on 1 March 2004. The NA Task Force writes that according to the post-mortem and a report by the Department of Forensic Medicine, Kathmandu Autopsy Center, the cause of death was hypertensive heart disease.

To date no NA personnel have been properly held accountable for the disappearance, torture and ill-treatment of Khadga Bahadur Gharti Magar.

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### "Hira Bahadur Rokka"

(OHCHR May 2006 report, Annex A, no.38)

OHCHR investigations indicate that **Hira Bahadur Rokka** of Nuwakot district was arrested on 6 December 2003 in Kathmandu and that he was illegally detained and severely tortured by army personnel at the Bhairabnath Battalion barracks in Maharajgunj. Hira Bahadur Rokka's current whereabouts have not been clarified.

With regard to "Hira Bahadur Rokka", the NA Task Force writes in its 2006 report that the Task Force received information that "Hira Bahadur Rokaya" [sic] of Nuwakot was released from the District Police Office, Nuwakot on 5 July 2003 and that the Nepal Police had been in contact with the UN Working Group on Enforced or Involuntary Disappearance (UN WGEID) regarding the release of Hira Bahadur Rokaya.

OHCHR investigations indicate that the information contained in the NA Task Force report is not relevant to the 6 December 2003 disappearance of Hira Bahadur Rokka of Nuwakot district, which is ongoing. OHCHR does not accept the clarification provided by the NA Task Force in its 2006 report. The whereabouts of Hira Bahadur Rokka remain unknown.

Information published since June 2006 which corroborates OHCHR's investigations into the ongoing disappearance of Hira Bahadur Rokka is available in public reports and statements issued by:

1. SOFAD (Society of Families of the Disappeared), 2006

A press release issued by SOFAD on 17 October 2006 states that **Hira Bahadur Rokka** has not, despite claims to the contrary, been handed over to his family.

2. ICRC (International Committee of the Red Cross), 2008

The ICRC report, *Missing in Nepal – The Right to Know*, lists:

**Hira Bahadur Rokka**, of Nuwakot, missing since 6 December 2003 from Hanuman Chowk, Kathmandu.

3. NHRC (National Human Rights Commission), Nepal, 2008

The NHRC report, *Status Report on Individuals Disappeared During Nepal's Armed Conflict*<sup>1</sup>, lists:

65. **Hira B Roka**, of Kakani-5, Nuwakot, residing in Bhotahiti, Kathmandu, disappeared on 11 October 2003 from Bhotahiti, Kathmandu.

4. ICRC, 2009

The ICRC website<sup>2</sup>, updated on 1 April 2009, lists:

**Hira Bahadur Rokka**, of Nuwakot, missing since 6 December 2003 from Hanuman Chowk, Kathmandu.

To date no NA personnel have been properly held accountable for the torture, ill-treatment and ongoing disappearance of Hira Bahadur Rokka.

<sup>1</sup> <http://www.nhrenepal.org///publication/doc/reports/Disapp-Status-Rep-2008-Nep.pdf>, accessed on 23 July 2009

<sup>2</sup> [http://www.familylinks.icrc.org/wfl/mis\\_npl.nsf/QuickSearch/A83CDD0A3579F759C125758C00253DE2?OpenDocument&lang=par](http://www.familylinks.icrc.org/wfl/mis_npl.nsf/QuickSearch/A83CDD0A3579F759C125758C00253DE2?OpenDocument&lang=par), accessed on 23 July 2009.

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### **"Jalandhar Bastola"**

(OHCHR May 2006 report, Annex A, no. 8)

OHCHR investigations indicate that **Jalandhar Bastola** of Sindhuli (originally Solukhumbu) district was arrested in Kathmandu during or before September/October 2003 and illegally detained and severely tortured by army personnel at the Bhairabnath Battalion barracks in Maharajgunj. Jalandhar Bastola's current whereabouts have not been clarified.

With regard to "Jalandhar Bastola", the NA Task Force writes in its 2006 report that according to police records, Jalandhar Bastola died on 15 August 2004 when a pressure cooker bomb he was planting in the Thumka area of Bidur Municipality, Nuwakot district suddenly exploded.

OHCHR investigations indicate that the information contained in the NA Task Force report regarding the death of Jalandhar Bastola is not accurate. Multiple sources affirm that Jalandhar Bastola was not one of the two people killed in the 15 August 2004 explosion in Nuwakot. OHCHR's investigations in Nuwakot in 2007 indicate that police records regarding the death of Jalandhar Bastola in a pressure cooker bomb explosion on 15 August 2004 were not genuine.

OHCHR does not accept the clarification contained in the NA Task Force report. The whereabouts of Jalandhar Bastola remain unknown.

Information published since June 2006 which corroborates OHCHR's investigations into the ongoing disappearance of Jalandhar Bastola is available in public reports and statements issued by:

1. SOFAD (Society of Families of the Disappeared), 2006

A press release issued by SOFAD on 17 October 2006 states that it was another party member, and not **Jalandhar Bastola**, who was killed [in an earlier incident], despite claims to the contrary.

2. ICRC (International Committee of the Red Cross), 2008

The ICRC report, *Missing in Nepal – The Right to Know*, lists:

**Jalandhar Bastola**, of Solukhumbu, missing since 19 May 2004 from Kalanki, Kathmandu.

3. NHRC (National Human Rights Commission), Nepal, 2008

The NHRC report, *Status Report on Individuals Disappeared During Nepal's Armed Conflict*<sup>3</sup>, states that **Jalandhar Bastola** is one of at least 43 individuals who was illegally detained at Bhairabnath and Yuddha Bhairab Battalion barracks in Maharajgunj and who remains disappeared.

4. ICRC, 2009

The ICRC website<sup>4</sup>, updated on 1 April 2009, lists:

**Jalandhar Bastola**, of Solukhumbu, missing since 19 May 2004 from Kalanki, Kathmandu.

To date no NA personnel have been properly held accountable for the torture, ill-treatment and ongoing disappearance of Jalandhar Bastola.

<sup>3</sup> <http://www.nhrcnepal.org/publication/doc/reports/Disapp-Status-Rep-2008-Nep.pdf>, accessed on 23 July 2009

<sup>4</sup> [http://www.familylinks.icrc.org/vfl/mis\\_npl.nsf/QuickSearch/A83CDD0A3579F759C125758C00253DE2?OpenDocument&lang=par](http://www.familylinks.icrc.org/vfl/mis_npl.nsf/QuickSearch/A83CDD0A3579F759C125758C00253DE2?OpenDocument&lang=par), accessed on 23 July 2009.

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### "Chetnath (CN) Dhungana"

(OHCHR May 2006 report, Annex A, no. 17)

OHCHR investigations indicate that **Chetnath Dhungana** of Sunsari district was arrested on 21 August 2003 in Kathmandu and that he was illegally detained and severely tortured by army personnel at the Bhairabnath Battalion barracks in Maharajgunj. Chetnath Dhungana's current whereabouts have not been clarified.

With regard to "Chetnath Dhungana", the NA Task Force writes in its 2006 report that this name is a match for Chetnath Dhungana of Phutung, Kathmandu, who was arrested by army personnel on 29 June 2004 in Kathmandu and released on 3 September 2004.

OHCHR investigations indicate that the information contained in the NA Task Force report is not relevant to the ongoing disappearance of Chetnath Dhungana of Sunsari district. OHCHR does not accept the clarification provided by the NA Task Force in its 2006 report. The whereabouts of Chetnath Dhungana remain unknown.

Information published since June 2006 which corroborates OHCHR's investigations into the ongoing disappearance of Chetnath Dhungana is available in public reports and statements issued by:

1. SOFAD (Society of Families of the Disappeared), 2006

A press release issued by SOFAD on 17 October 2006, states that **Chetnath Dhungana**, of Sunsari, was disappeared by the State in *BS 2060* (CE 2003-2004) and his whereabouts are unknown.

2. Devraj Dhungana, brother of Chetnath Dhungana, 2006

A press release issued by Devraj Dhungana, brother of Chetnath Dhungana, on 17 October 2006 refutes a clarification provided by the Defense Secretary on 16 October 2006 and maintains that **Chetnath Dhungana** is still disappeared.

3. ICRC (International Committee of the Red Cross), 2008

The ICRC report, *Missing in Nepal – The Right to Know*, lists:

**Chetnath Dhungana**, of Sunsari, missing since 21 August 2003 from Kalikasthan, Kathmandu.

4. NHRC (National Human Rights Commission), Nepal, 2008

The NHRC report, *Status Report on Individuals Disappeared During Nepal's Armed Conflict*<sup>5</sup>, lists:

38. **Chetnath Dhungana**, of Kathmandu, disappeared on 22 August 2003 from Kalikasthan, Kathmandu.

5. ICRC, 2009

The ICRC website<sup>6</sup>, updated on 1 April 2009, lists:

**Chetnath Dhungana**, of Sunsari, missing since 21 August 2003 from Kalikasthan, Kathmandu.

To date no NA personnel have been properly held accountable for the torture, ill-treatment and ongoing disappearance of Chetnath Dhungana.

<sup>5</sup> <http://www.nhrcnepal.org///publication/doc/reports/Disapp-Status-Rep-2008-Nep.pdf>, accessed on 23 July 2009.

<sup>6</sup> [http://www.familylinks.icrc.org/wfl/mis\\_npl.nsf/QuickSearch/485AEC31693C7B2EC125758C00253CEE?OpenDocument&lang=par](http://www.familylinks.icrc.org/wfl/mis_npl.nsf/QuickSearch/485AEC31693C7B2EC125758C00253CEE?OpenDocument&lang=par) ent, accessed on 23 July 2009.

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### "Nima Dorje Lama"

(OHCHR May 2006 report, Annex A, no.24)

OHCHR investigations subsequent to the release of its May 2006 report indicate that the individual referred to in the report as "Nima Dorje Lama" is **Nima Nurpu Lama** (also known as "Aaite Lama") of Kathmandu district, who was arrested by the NA in November 2003 in Kathmandu and illegally detained and severely tortured by army personnel at the Bhairabnath Battalion barracks in Maharajgunj. Nima Nurpu Lama's current whereabouts have not been clarified.

With regard to "Nima Dorje Lama", the NA Task Force writes in its 2006 report that Nima Dorje Lama, of Ryale- 3, Kavre was arrested by the Singhanath Battalion on 19 December 2004 and on 20 December 2004 was sent to prison for six months by the Bhaktapur District Administration Office.

OHCHR investigations indicate that the information contained in the NA Task Force is not relevant to the ongoing disappearance of Nima Nurpu Lama of Kathmandu district and OHCHR does not accept the clarification provided by the NA Task Force in its 2006 report. The whereabouts of Nima Nurpu Lama remain unknown.

Information published since June 2006 which corroborates OHCHR's investigations into the ongoing disappearance of Nima Nurpu Lama is available in public reports issued by:

1. ICRC (International Committee of the Red Cross), 2008

The ICRC report, *Missing in Nepal – The Right to Know*, lists:

**Nima Nurpu Lama**, of Kathmandu, missing since 23 October 2003 from Baudha, Kathmandu.

2. NHRC (National Human Rights Commission), Nepal, 2008

The NHRC report, *Status Report on Individuals Disappeared During Nepal's Armed Conflict*<sup>7</sup>, lists:

143. **Nim Nurpu Lama (Aaite)**, of Nanglebhare-9, Kathmandu, disappeared on 21 November 2004 from Sallaghari, Bhaktapur.

3. ICRC, 2009

Data available on the ICRC website<sup>8</sup>, updated on 1 April 2009, lists:

**Nima Nurpu Lama**, of Kathmandu, missing since 23 October 2003 from Baudha, Kathmandu.

To date no NA personnel have been properly held accountable for the torture, ill-treatment and ongoing disappearance of Nima Nurpu Lama.

Regarding Nima Dorje Lama, OHCHR information indicates that the actual date of his arrest by the NA was more than one year before the date indicated in the NA Task Force report and that Nima Dorje Lama of Ryale-3, Kavre was arrested without warrant from his home on the night of 5 November 2003 by personnel from the Singhanath Battalion, Surya Binayak, Bhaktapur. OHCHR is deeply concerned by what appears to be deliberately misleading information contained in the NA Task Force report regarding the arrest date of Nima Dorje Lama and notes that the practice of falsifying the arrest dates of detainees in army custody has been previously documented by OHCHR on numerous occasions.

Nima Dorje Lama was severely tortured during the 13 months he was held in illegal detention at the Singhanath Battalion barracks in Bhaktapur and OHCHR has received credible allegations that army medical personnel may have been complicit in his torture and ill-treatment at the barracks.

To date no NA personnel have been properly held accountable for the disappearance, torture and ill-treatment of Nima Dorje Lama.

<sup>7</sup> <http://www.nhrcnepal.org/publication/doc/reports/Disapp-Status-Rep-2008-Nep.pdf>, accessed on 23 July 2009.

<sup>8</sup> [http://www.familylinks.icrc.org/wfl/mis\\_npl.nsf/QuickSearch/1279438EA5BA7363C125758C00253F3D?OpenDocument&lang=parent](http://www.familylinks.icrc.org/wfl/mis_npl.nsf/QuickSearch/1279438EA5BA7363C125758C00253F3D?OpenDocument&lang=parent), accessed on 22 July 2009.

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"Ali [or Oli]" "(f, under 16-years-old) (name not confirmed)"

(OHCHR May 2006 report, Annex A, no. 4)

OHCHR investigations subsequent to the release of its May 2006 report indicate that the female minor referred to in the report as "Ali" or "Oli" is **Renuka Ale Magar** of Lalitpur district, who was handed over to her family by the NA on 3 June 2004. OHCHR considers the disappearance of "Ali [or Oli]" (OHCHR May 2006 report, Annex A, no. 4) to have been clarified, but continues to seek a full account of the illegal detention, torture and ill-treatment of Renuka Ale Magar by NA personnel.

Renuka Ale Magar, then 14 years old, was arrested without warrant by the NA from a relative's home in Kathmandu on the night of 15 November 2003. Renuka Ale Magar was taken to the Bhairabnath Battalion barracks in Maharajgunj where she was interrogated and tortured by NA personnel. Renuka Ale Magar was illegally detained at Maharajgunj barracks from 15 November 2003 until her release on 3 June 2004.

With regard to a female under the age of 16 with the family name "Ali" or "Oli", the NA Task Force writes in its 2006 report it learned through questioning during the course of its investigation that Renuka Ale Magar, a 14-year old girl from Lalitpur district, had been arrested and detained by the Bhairabnath Battalion "E" Company on 15 November 2003. The NA Task Force also writes that the army's Psychological Operations Division broadcast an interview with Renuka Ale Magar on Nepal Television on 28 June 2004 and that she had been handed over to her family in the presence of ICRC representatives.

OHCHR is concerned to note that though the NA Task Force report acknowledges that Renuka Ale Magar was arrested by the Bhairabnath Battalion "E" Company on 15 November 2003, Renuka Ale Magar's name does not appear anywhere in the official lists of former detainees given to OHCHR by a Bhairabnath Battalion officer on 30 March 2006.

Although the NA did eventually release Renuka Ale Magar, OHCHR would like to emphasize that this does not in any way absolve the army of responsibility for her illegal detention, torture, and ill-treatment during the seven months she was disappeared at the Maharajgunj barracks.

To date no NA personnel have been properly held accountable for the disappearance, torture and ill-treatment of Renuka Ale Magar.



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### **"Budi Lama Tamang"**

(OHCHR May 2006 report, Annex A, no. 23)

OHCHR investigations subsequent to the release of its May 2006 report indicate that the individual referred to in the report as "Budi Lama Tamang" is **Buddhi Lama** of Kavre district, who was arrested in Bungmati, Lalitpur district on 29 November 2003 and illegally detained and severely tortured by army personnel at the Bhairabnath Battalion barracks in Maharajgunj. Buddhi Lama's current whereabouts have not been clarified.

With regard to "Buddhi Lama Tamang", the NA Task Force writes in its 2006 report that it could find no information about an individual by this name from NA officers and other personnel at the Maharajgunj barracks and that the Task Force learned from the NA Human Rights Cell that a deserter from the Nepal Army named "Buddhi Man Lama", of Bhumlu, Kavre district, had been arrested by the Nepal Police and, according to a letter from the District Police Office dated 14 June 2004, was handed over to the Shri Jang Battalion at Singha Durbar (Kathmandu) and imprisoned for two years in accordance with the Army Act, 1959.

OHCHR investigations indicate that the information contained in the NA Task Force report is not relevant to the ongoing disappearance of Buddhi Lama of Kavre district and OHCHR does not accept the clarification provided by the NA Task Force in its 2006 report. The whereabouts of Buddhi Lama remain unknown.

Information published since June 2006 which corroborates OHCHR's investigations into the ongoing disappearance of Buddhi Lama is available in public reports and statements issued by:

1. SOFAD (Society of Families of the Disappeared), 2006

A press release issued by SOFAD on 17 October 2006, states that **Buddhi Lama**, of Madan Kudari, Kavre, disappeared on 28 November 2003 and his whereabouts are unknown.

2. Ruman Lama, brother of Buddhi Lama, 2006

A press release issued by Ruman Lama, brother of Buddhi Lama, on 17 October 2006 refutes a clarification provided by the Defense Secretary on 16 October 2006 and maintains that **Buddhi Lama** is still disappeared.

3. ICRC (International Committee of the Red Cross), 2008

The ICRC report, *Missing in Nepal – The Right to Know*, lists:

**Buddhi Lama**, of Kavrepalanchowk, missing since 29 November 2003 from Bungmati, Lalitpur.

4. NHRC (National Human Rights Commission), Nepal, 2008

The NHRC report, *Status Report on Individuals Disappeared During Nepal's Armed Conflict*<sup>9</sup>, lists:

63. **Buddhi Lama**, of Kavrepalanchowk, living in Boudha, Kathmandu, disappeared on 29 November 2003 from Bungmati, Lalitpur.

5. ICRC, 2009

The ICRC website<sup>10</sup>, updated on 1 April 2009, lists:

**Buddhi Lama**, of Kavre, missing since 29 November 2003 from Bungmati, Lalitpur.

To date no NA personnel have been properly held accountable for the torture, ill-treatment and ongoing disappearance of Buddhi Lama.

<sup>9</sup> <http://www.nhrcnepal.org/publication/doc/reports/Disapp-Status-Rep-2008-Nep.pdf>, accessed on 23 July 2009.

<sup>10</sup>

[http://www.familylinks.icrc.org/wfl/mis\\_npl.nsf/QuickSearch/48B25932290E74D3C125758C00253CC7?OpenDocument&lang=parent](http://www.familylinks.icrc.org/wfl/mis_npl.nsf/QuickSearch/48B25932290E74D3C125758C00253CC7?OpenDocument&lang=parent), accessed on 23 July 2009.

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### **"Hem Narayan Shrestha"**

(OHCHR May 2006 report, Annex A, no. 42)

OHCHR investigations indicate that **Hem Narayan Shrestha** of Okhaldhunga district was arrested in October 2003 in Kathmandu and that he was illegally detained and severely tortured by army personnel at the Bhairabnath Battalion barracks in Maharajgunj. Hem Narayan Shrestha's current whereabouts have not been clarified.

With regard to "Hem Narayan Shrestha", the NA Task Force writes in its 2006 report that a comparison of Hem Narayan Shrestha's name with the list of individuals who had at one time been taken under control by Bhairabnath Battalion suggests there is a strong possibility that the individual named as "Hem Narayan Shrestha" could be either "Rup Narayan Shrestha" or "Machchhe Narayan Shrestha", both of whom had been released.

OHCHR investigations indicate that the information provided by the NA Task Force is not relevant to the ongoing disappearance of Hem Narayan Shrestha of Okhaldhunga district. OHCHR is also troubled by the statement in the NA Task Force report that the Task Force found Rup Narayan Shrestha's name on the list of individuals taken into control by Bhairabnath Battalion because the name "Rup Narayan Shrestha" appears nowhere in the official lists of former detainees given to OHCHR by a Bhairabnath Battalion officer on 30 March 2006. OHCHR does not accept the clarification provided by the NA Task Force in its 2006 report. The whereabouts of Hem Narayan Shrestha remain unknown.

Information published since June 2006 which corroborates OHCHR's investigations into the ongoing disappearance of Hem Narayan Shrestha is available in public reports and statements issued by:

1. SOFAD (Society of Families of the Disappeared), 2006

A press release issued by SOFAD on 17 October 2006, states that **Hem Narayan Shrestha** of Gamnangtar, Okhaldhunga was disappeared by the army and his whereabouts are unknown.

2. Man Narayan Shrestha, brother of Hem Narayan Shrestha, 2006

A press release issued by Man Narayan Shrestha on 17 October 2006 refutes a clarification provided by the Defense Secretary on 16 October 2006 and maintains that **Hem Narayan Shrestha** is still disappeared.

3. ICRC (International Committee of the Red Cross), 2008

The ICRC report, *Missing in Nepal -- The Right to Know*, lists:

**Hem Narayan Shrestha**, of Okhaldhunga, missing since 24 September 2003 from Dhapasi, Kathmandu.

4. NHRC (National Human Rights Commission), Nepal, 2008

The NHRC report, *Status Report on Individuals Disappeared During Nepal's Armed Conflict*<sup>11</sup>, lists:

152. **Hem Narayan Shrestha**, of Okhaldhunga, residing in Thamel, Kathmandu, disappeared on 19 October 2003, from Basundhara, Dhapasi-9 (Kathmandu).

5. ICRC, 2009

The ICRC website<sup>12</sup>, updated on 1 April 2009, lists:

**Hem Narayan Shrestha**, of Okhaldhunga, missing since 24 September 2003 from Dhapasi, Kathmandu.

To date no NA personnel have been properly held accountable for the torture, ill-treatment and ongoing disappearance of Hem Narayan Shrestha.

<sup>11</sup> <http://www.nhrcnepal.org/publication/doc/reports/Disapp-Status-Rep-2008-Nep.pdf>, accessed on 23 July 2009.

<sup>12</sup> [http://www.familylinks.icrc.org/wfl/mis\\_npl.nsf/QuickSearch/6FD137142EE22C6FC125758C00253DDC?OpenDocument&lang=parent](http://www.familylinks.icrc.org/wfl/mis_npl.nsf/QuickSearch/6FD137142EE22C6FC125758C00253DDC?OpenDocument&lang=parent), accessed on 23 July 2009.

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### **"Sudarshan (Sapkota) Rizal"**

(OHCHR May 2006 report, Annex A, no. 37)

OHCHR investigations subsequent to the release of its May 2006 report indicate that the individual referred to in the report as "Sudarshan (Sapkota) Rizal" is **Sudarshan Rijal**, born in Dhading district but residing in Kathmandu, who was arrested in Kalimati, Kathmandu on 29 October 2003 and illegally detained and severely tortured by army personnel at the Bhairabnath Battalion barracks in Maharajgunj. Sudarshan Rijal's current whereabouts have not been clarified.

With regard to "Sudarshan (Sapkota) Rizal", the NA Task Force writes in its 2006 report that there is a strong possibility that the individual referred to in OHCHR's report is "Sadhuram Sapkota" of Ryale-3, Kavre district, who the Yuddha Bhairab Battalion in Maharajgunj took under control on 15 March 2004 and released on 18 March 2004 after interrogation.

OHCHR investigations indicate that the information contained in the NA Task Force report is not relevant to the ongoing disappearance of Sudarshan Rijal of Kathmandu (formerly Dhading) district and OHCHR does not accept the clarification provided by the NA Task Force in its 2006 report. The whereabouts of Sudarshan Rijal remain unknown.

Information published since June 2006 which corroborates OHCHR's investigations into the ongoing disappearance of Sudarshan Rijal is available in public reports and statements issued by:

1. ICRC (International Committee of the Red Cross), 2008

The ICRC report, *Missing in Nepal – The Right to Know*, lists:

**Sudarshan Meghnath Rijal**, of Dhading, missing since 2 November 2003 from Kalimati, Kathmandu.

2. NHRC (National Human Rights Commission), Nepal, 2008

The NHRC report, *Status Report on Individuals Disappeared During Nepal's Armed Conflict*<sup>13</sup>, lists:

90. **Sudarshan Rijal**, district unknown, disappeared in October-November 2003 (2060 Kartik) from Kathmandu.

3. ICRC, 2009

The ICRC website<sup>14</sup>, updated on 1 April 2009, lists:

**Sudarshan Meghnath Rijal**, of Dhading, missing since 2 November 2003 from Kalimati, Kathmandu.

To date no NA personnel have been properly held accountable for the torture, ill-treatment and ongoing disappearance of Sudarshan Rijal.

<sup>13</sup> <http://www.nhrcnepal.org/publication/doc/reports/Disapp-Status-Rep-2008-Nep.pdf>, accessed on 23 July 2009

<sup>14</sup>

[http://www.familylinks.icrc.org/wfl/mis\\_npl.nsf/QuickSearch/7562463C70CFEFC7C125758C002540BF?OpenDocument&lang=parent](http://www.familylinks.icrc.org/wfl/mis_npl.nsf/QuickSearch/7562463C70CFEFC7C125758C002540BF?OpenDocument&lang=parent), accessed on 23 July 2009.

## **ANNEX 1**

Follow-up to the Nepalese Army 2006 High-level Task Force Report: Current status of 12 cases of disappearance, torture and illegal detention at the RNA Maharajgunj barracks, Kathmandu, 2003-2004

### "Bal Krishna Shrestha"

(OHCHR May 2006 report, Annex A, no. 41)

OHCHR investigations subsequent to the release of its May 2006 report indicate that **Bal Krishna Shrestha** of Lamjung district, who was arrested in October 2003 in Kathmandu and illegally detained and ill-treated by army personnel at the Bhairabnath Battalion barracks in Maharajgunj, was released in late 2004. OHCHR considers the disappearance of "Bal Krishna Shrestha" (OHCHR May 2006 report, Annex A, no. 41) to have been clarified, but continues to seek a full account of the illegal detention and ill-treatment of Bal Krishna Shrestha by NA personnel.

With regard to "Bal Krishna Shrestha", the NA Task Force writes in its 2006 report that according to information from the Human Rights Cell at the NA Eastern Divisional Command, Bal Krishna Shrestha of Okhaldhunga was arrested on 25 July 2005 in Saptari district and released from detention on 25 May 2006 in accordance with an order from the District Administration Office. The NA Task Force report states that though this arrest date of a Bal Krishna Shrestha in Saptari district differs from the arrest date of Bal Krishna Shrestha listed in OHCHR's 2006, there is a strong possibility that this is the same individual.

OHCHR investigations indicate that the information contained in the NA Task Force is not relevant to the disappearance of Bal Krishna Shrestha of Lamjung district. OHCHR does not accept the clarification provided by the NA Task Force in its 2006 report.

Although the NA did eventually release Bal Krishna Shrestha, OHCHR would like to emphasize that this does not in any way absolve the army of responsibility for his illegal detention and ill-treatment during the time he was disappeared at the Maharajgunj barracks.

To date no NA personnel have been properly held accountable for the disappearance and ill-treatment of Bal Krishna Shrestha.