

PUBLIC

AI Index: ASA 31/030/2004

UA 61/04

Fear for safety/ Possible "disappearance"

13 February 2004

NEPAL

**Gyan Bahadur Koirala (m), aged 43, businessman
Maheshwar Pahari (m), aged 27, journalist**

Amnesty International is concerned for the safety of two men, Gyan Bahadur Koirala and his friend Maheshwar Pahari, who were reportedly arrested in separate incidents in the Kaski district of Western Nepal on 2 January. Both men are believed to be held at Phulbari army barracks in Pokhara, although the army has denied they are being detained there. Their whereabouts remain unknown.

Gyan Bahadur Koirala is a resident of ward no.5 in Firkepul municipality, in Kaski district. He owns a truck haulage business and was inspecting some works a short distance outside of town at 8am on 2 January when about 25 uniformed army personnel came to arrest him. He was bound and held for one hour at the scene, before the soldiers took him away in a convoy of some three vehicles. Eye-witnesses have reported seeing Gyan Bahadur Koirala in Pokhara and the surrounding area since his arrest. He was said to be in a vehicle seated between two army personnel and reports suggest that he was wearing army uniform.

Maheshwar Pahari lives in Buddha Chowk, ward no.10, Pokhara municipality, Kaski district. He worked as a journalist for the *Rastriya Swabhimani Weekly*, a local newspaper in Pokhara, which ended publication when the ceasefire between the government and the CPN (Maoist) broke down. He was arrested on 2 January in Khorako Mukh village in Lwang Ghalel Village Development Committee (VDC), in Kaski district, by a group of uniformed army personnel. Reports suggest that Maheshwar Pahari was on his way to attend a political programme of the CPN (Maoist) at the time of his arrest. Relatives of Maheshwar Pahari were told that he had been transferred from Pokhara to Kathmandu. However, some days later eye-witnesses reported seeing him around the Pokhara area being escorted by army personnel.

Both men were previously arrested at the outbreak of the first State of Emergency on 26 November 2001 on suspicion of sympathising with the Communist Party of Nepal (CPN) (Maoist). Maheshwar Pahari was detained for 13 months, and Gyan Bahadur Koirala was held in detention for 17 months, before being released on the orders of the Supreme Court. Relatives of both men suspect that these recent arrests are linked to their previous detention, and the fact that the authorities continue to regard both men as Maoist sympathisers.

Relatives of the two men have informed the International Committee of the Red Cross (ICRC), and the National Human Rights Commission (NHRC) of their "disappearance".

BACKGROUND INFORMATION

Amnesty International has been concerned about a deterioration in the human rights situation in Nepal since the 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 army custody without access to their families, lawyers or medical treatment. 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 ceasefire. Three rounds of peace talks were held - in April, May and August - between the government and representatives of the CPN (Maoist). Among the CPN (Maoist)'s central demands were 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 ceasefire agreement as of 27 August 2003. Since then, fighting has resumed throughout the country, and Amnesty International has received reports of both sides committing human rights abuses. In particular there has been a rise in the number of "disappearances" at the hands of 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 Gyan Bahadur Koirala and Maheshwar Pahari, who were reportedly arrested by security forces personnel on 2 January 2004;
- urging that they be treated humanely while in custody and not tortured or ill-treated;
- calling on the authorities to make public their whereabouts and to grant them immediate access to their relatives, lawyers and any medical attention they may require;
- calling for the two men to be released immediately and unconditionally, unless they are to be charged with a recognizably criminal offence.

APPEALS TO:

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

Telegram: Commander-in-Chief, Army Headquarters, Kathmandu, Nepal

Fax: + 977 1 4 242 168

Salutation: Dear Commander-in-Chief

Colonel Nilendra Prasad Aryal
Head of Army Human Rights Cell
Army Headquarters
Singha Durbar, Kathmandu, Nepal

Telegram: Colonel NP Aryal, Army Headquarters, Singha Durbar, Kathmandu, Nepal

Fax: + 977 1 4 226 292/ 229 451

Salutation: Dear Colonel

COPIES TO:

Prime Minister Surya Bahadur Thapa
Prime Minister's Office
Singha Durbar
Kathmandu, Nepal

Fax: + 977 1 4 227 286

Salutation: Dear Prime Minister

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 26 March 2004.