

PUBLIC

AI Index: ASA 31/049/2004

UA 80/04

Fear for safety/ possible "disappearance"

24 February 2004

NEPAL

**Purushotam Chudal (m), aged 20, student
Mukunda Ghimire (m), aged 25, political worker
Keshav Chudal (m), aged 25, taxi driver (trainee)**

The three men named above have been arrested by the security forces in two separate incidents. Their whereabouts are now unknown and Amnesty International is concerned that they may have "disappeared".

Purushotam Chudal was a resident of ward no.9 of Shurunga Village Development Committee (VDC) in Jhapa district. He was staying in a friend's home at Shuketangi in ward no.1 of the same VDC on the morning of 23 December 2003, when a large group of armed security forces personnel in plain clothes surrounded the house. Five of them came in and removed Purushotam Chudal, and took him away in the direction of the Charali army barracks. Reports suggest that he is now held at Charali barracks, but the army have denied arresting him or having him in custody there. Purushotam Chudal was previously involved in student union politics, but his family stress that he had no links to the armed opposition group, the Communist Party of Nepal (CPN) (Maoist). It is believed that his arrest is the result of false information provided to the security forces about him.

Mukunda Ghimire originally came from Khartanchha VDC in Bhojpur district, and his friend Keshav Chudal was originally from Taplejung district, both in eastern Nepal. Both men were living in Ghattekulo, in ward no.32 of Kathmandu municipality. They were arrested on 3 February in Ramshahpath, in central Kathmandu, by a group of security forces personnel in plain clothes, one of whom showed identification. Witnesses reported that he was a policeman named Gopiman Shrestha, and that he was in charge of the group. Following the arrest Mukunda Ghimire and Keshav Chudal were taken away in a blue van heading north. Mukunda Ghimire was involved in politics, but he was not aligned with any of the main political parties. It is suspected that the security forces were wrongly informed that he was involved with the CPN (Maoist). It is thought that Keshav Chudal was arrested because he was with Mukunda Ghimire at the time. Relatives of both men strongly deny any suggestion that they were linked to the CPN (Maoist).

Efforts to locate the two men, including visiting police stations, and informing the National Human Rights Commission, have so far failed.

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. 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 Purushotam Chudal, Mukunda Ghimire and Keshav Chudal, who were reportedly arrested on 23 December 2003 and 3 February 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 three 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 (Faxes may be switched off outside office hours, 5 ½ hours ahead of GMT)

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 (Faxes may be switched off outside office hours, 5½ hours ahead of GMT)

Salutation: Dear Colonel

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 6 March 2004.