

PUBLIC

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Fear for safety/possible "disappearance"/medical concern

12 November 2003

NEPAL

Bhagirath Kharel (m), aged 60, retired school teacher

Maha Prasad Angai (m), aged 22, teacher

Naresh Maharjan (m), aged 16, student

Jagatkrishna Pokharel (m), aged 40, teacher

Amnesty International is concerned for the safety of Bhagirath Kharel, Maha Prasad Angai, Naresh Maharjan and Jagatkrishna Pokharel who were reportedly arrested by members of the security forces between 6 and 10 November. There is particular concern for the health of Bhagirath Kharel who is said to have a heart condition and may be in need of immediate medical attention. The whereabouts of all four are unknown.

Bhagirath Kharel is a retired school teacher. He was arrested by ten security forces personnel in plain clothes at 8pm on 6 November from his home in Samakhusi, Kathmandu. Bhagirath Kharel's family are concerned about his health as he has a heart condition and had an appointment to have a heart operation on 7 November. Four other people living at the same house as Bhagirath Kharel were also arrested at the same time, but were all released the next day from Hanumandhoka police station, Kathmandu. One of the four confirmed that all five had been kept over night in Durbar Marg police station, Kathmandu, but could not confirm where Bhagirath Kharel was currently being detained. Bhagirath Kharel is a former member of the Nepal Teachers Organization (NTO), which is close to the political left in Nepal, particularly the communist parties. His former membership of this organization may be connected with his arrest. Efforts to locate Bhagirath Kharel by his family, including contacting the police, army and National Human Rights Commission (NHRC), have so far failed.

Maha Prasad Angai is a teacher at Padma Chakra English Secondary School, Phutung, Kathmandu. He was arrested by members of the security forces in plain clothes at 9.30am on 7 November while walking in the street in Sorakhutte, Kathmandu. Five years ago Maha Prasad Angai had stood for election on behalf of the All Nepal National Independent Student Union (ANNISU) (Revolutionary), which is affiliated with the Communist Party of Nepal (CPN) (Maoist). He is also a member of the Nepal Teachers Organization (NTO). Maha Prasad Angai's involvement with these two organizations may be connected with his arrest. Efforts to locate Maha Prasad Angai by his family, including contacting the NHRC and the International Committee of the Red Cross (ICRC), have so far failed.

Naresh Maharjan is a student at Janashewa Secondary School, Panga, Kirtipur, Kathmandu district. He was arrested by five members of the security forces in plain clothes at 11pm on 9 November from his home in Kirtipur. The security force personnel said they required Naresh Maharjan to accompany them to help them with their inquiries, and told his family they would bring him back the next day. Naresh Maharjan was reportedly arrested before in April 2002 and held for two months without charge. His previous arrest is thought to have been due to his membership of the All Nepal National Independent Student Union (ANNISU) (Revolutionary). Efforts to locate Naresh Maharjan by his family, including contacting the police, have so far failed. However, his family did receive an anonymous phone call on 10 November saying that Naresh Maharjan would be released after a couple of days.

Jagatkrishna Pokharel is a teacher at Sanothimi Campus, Bhaktapu, a town near Kathmandu. He was arrested by army personnel at 3pm on 10 November as he was walking home from work. He was taken away in an army vehicle. He was reportedly previously arrested in November 2001 and detained for nine months. The reason for his current or previous detentions are not known. Efforts to locate Jagatkrishna Pokharel by his family, including contacting the NHRC and ICRC, 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 Bhagirath Kharel, Maha Prasad Angai, Naresh Maharjan and Jagatkrishna Pokhrel who were reportedly arrested by security personnel between 6 and 10 November;
- expressing particular concern for the health of Bhagirath Kharel who reportedly has a heart condition and may require urgent medical attention.
- urging the authorities to make public the whereabouts of the four men and to grant them immediate access to their relatives, lawyers and any medical attention they may require;
- calling on the authorities to guarantee that they will not be subjected to torture or ill-treatment whilst in custody;
- 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

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 24 December 2003.