

PUBLIC

AI Index: ASA 31/073/2004

18 March 2004

UA 118/04 **Fear for safety / possible "disappearance"**

NEPAL **Indra Raj Pathak (m) aged 25, health worker**
Ramesh Dhungana (m) aged 36, businessman
Ravindra Kumar Pudasani (m) aged 24, businessman

The men named above were reportedly arrested in and around Kathmandu between 12 and 16 March. The whereabouts of all three men remain unknown, and Amnesty International is concerned that they may have "disappeared".

Health worker Indra Raj Pathak has been working in Chatreaurali medical post, Dhading district, for the past five years. At the time of his arrest he was staying with relatives in Kathmandu while he was seeking medical treatment. According to witnesses, two armed men in civilian clothes approached him at around 5.30pm on 8 March, when he was walking along a street in the Bhimsenthan area of Kathmandu. The two men, who appeared to be security forces personnel, asked Indra Raj Pathak to come with them. They reportedly led him into a van, with government registration plates, which drove away towards Kalimati. The National Human Rights Commission (NHRC), the Army and relevant government ministries have been informed of his arrest. There are reports that security forces personnel came to Chatreaurali medical post and beat Indra Raj Pathak one month before he was arrested, because they suspected him of giving medical treatment to members of the Communist Party of Nepal (CPN) (Maoist) and of allowing them to use the phone at the medical post. This may also be a reason why he was arrested.

Ramesh Dhungana runs a wholesale shop in Kathmandu. According to witnesses, at around 8.30pm on 12 March two men alleged to be security forces personnel in civilian clothes came to his house in Balaju, Kathmandu, saying that they wanted to buy a watch from him. They led him away on foot and his family has not seen him since. The NHRC has been informed of his arrest, but the reasons for his arrest remain unknown.

Before his arrest Ravindra Kumar Pudasani ran a shop which sold metal pots in the building where he was living in Samakhusi, Kathmandu. At 12 noon on 16 March, three people in civilian clothes who identified themselves as security forces personnel reportedly came into the shop and asked him to come with them for a few hours to help them with their enquiries. Ravindra Kumar Pudasani's neighbours, who witnessed the incident, say that they tried to convince the security forces personnel to wait until his wife returned, but the security forces personnel refused and took him away in a van. His arrest has been reported to the NHRC and relevant government ministries, but the reasons for his arrest remain unknown.

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, 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 Indra Raj Pathak, Ramesh Dhungana and Ravindra Kumar Pudasani, who were reportedly arrested between 12 March and 16 March.
- 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 all three men to be released immediately and unconditionally, unless they are to be charged with a recognizably criminal offence.

APPEALS TO: (Faxes may be switched off outside office hours, 5 ½ hours ahead of GMT)

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 (If someone answers the telephone please ask them in English to switch on the fax machine, and resend the fax).
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

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 30 April 2004.