

PUBLIC

AI Index: ASA 31/086/2004

UA 128/04 **Fear for safety/ possible "disappearance"**

26 March 2004

NEPAL **Binaya Pokhrel (m), aged 24, student**

Binaya Pokhrel was reportedly arrested in Kathmandu on 18 March. His whereabouts remain unknown and Amnesty International is concerned that he may have "disappeared".

Binaya Pokhrel is originally from Chhoprak Village Development Committee (VDC), of Gorkha district, in western Nepal. He currently resides in Nayabazaar, ward no.16, Kathmandu. At 10am on 18 March three men in plain clothes arrived at his home and introduced themselves as security forces personnel. They searched the house, and then arrested Binaya Pokhrel saying that he would be returned home shortly. Two of the men then left the house with Binaya Pokhrel, whilst the remaining man questioned his family about his movements during the past month. Binaya Pokhrel's family informed the man that he had been to Gorkha district on 28 February, to fetch household goods and foodstuffs. Due to the strikes occurring in the west, he had not been able to move freely with these things, and he had left them in Gorkha district before returning empty handed to Kathmandu on 15 March.

After this questioning relatives went to look for Binaya Pokhrel, but the other two men had already gone with him to an unknown location. Efforts to locate him, including informing the National Human Rights Commission (NHRC) of his arrest, have so far been unsuccessful.

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 2003 - 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 Binaya Pokhrel, who was reportedly arrested on 18 March 2004;
- urging that he be treated humanely while in custody and not tortured or ill-treated;
- calling on the authorities to make public his whereabouts and to grant him immediate access to his relatives, lawyers and any medical attention he may require;
- calling for Binaya Pokhrel to be released immediately and unconditionally, unless he is 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 (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:

His Majesty the King Gyanendra Bir Bikram Shah Dev
C/O The Chief of Protocol Division
Protocol Division
Ministry of Foreign Affairs
Chital News, Kathmandu
Nepal

Fax: + 977 1 4 416007

Salutation: Your Majesty

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 7 May 2004.