

PUBLIC

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"Disappearance"/Fear for safety

13 November 2002

NEPAL

Krishna Bahadur Gole (m)

Killed: Four men (names unknown)

Krishna Bahadur Gole was reportedly arrested by army personnel on 23 October, during a search operation in Kaleswor village, Lalitpur district, 50 kilometres from Kathmandu. His whereabouts are unknown. Four other unidentified men arrested in the same area were later found shot dead. Amnesty International is gravely concerned for Krishna Bahadur Gole's safety.

The previous day, army personnel had gone to a place called Batase Danda, near Kaleswor, in response to reports that members of the armed political group the Communist Party of Nepal (CPN) (Maoist) had gathered there. The army team, reportedly from the Raj Dal Barracks in Lalitpur, searched several houses in Kaleswor before arresting Krishna Bahadur Gole early the following morning. He was seen being driven away in a military van at about midday.

Krishna Bahadur Gole works as a *peon* (low level administrative assistant) at *Bagh Bhairavan*, the local secondary school. The reasons for his arrest are unknown, but it may be on suspicion of supporting or assisting the CPN (Maoist).

On 23 October, around 11am, villagers from a neighbouring village, Chandanpur, heard shots coming from the direction of the jungle near Kaleswor. On 26 October, human rights activists visited the area where shots had been heard. They found four dead bodies at a place called Nigale Gairho in the Panighat community forest, near Kaleswor. According to witnesses, one body could be Risheswor Adhikari, from Kaleswor. Two of the dead men were thought to be members of the Tamang and one from the Magar ethnic communities, but their names are not known.

The bodies each had three bullet wounds - one in the face, one in the chest and one in the stomach. It is feared that they were summarily executed. Villagers alleged that the four dead men were unarmed members of the CPN (Maoist) who had been arrested by the army, taken to the jungle and shot dead.

It is not known what happened to the bodies after the human rights activists had visited the area. To Amnesty International's knowledge, the bodies have not been taken for post mortem examination.

BACKGROUND INFORMATION

Amnesty International has been concerned about a deterioration in the human rights situation in Nepal since the CPN (Maoist) declared a "people's war" in early 1996. This concern has intensified since the army was mobilized and a state of emergency imposed in November 2001. Since then, the number of reports of alleged unlawful killings, "disappearances", torture and arrests and detention without charge by the security forces has increased dramatically. The authorities have so far failed to provide or enforce strict instructions to the security forces to uphold human rights, or to take appropriate actions against those responsible for reported abuses. Amnesty International has also documented many grave human rights abuses by members of the CPN (Maoist).

Although the state of emergency expired in late August and has not been re-imposed, the security forces continue to have wide powers under the Terrorist and Disruptive Activities (Control and Punishment) Act, passed in April 2002,

including the power to arrest without warrant and detain suspects in police custody for up to 90 days. During a recent visit to Nepal, Amnesty International delegates found that scores of prisoners were held in illegal detention at army barracks throughout the country and were denied the right to communicate with their families or lawyer, or have access to a doctor. Amnesty International also found evidence of extrajudicial executions of civilians suspected of providing assistance to the Maoists and Maoists deliberately killed after they were taken into custody.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- expressing concern about the safety of Krishna Bahadur Gole, reportedly arrested in Kaleswor, Lalitpur district, on 23 October by army personnel from Raj Dal barracks and whose whereabouts remain unknown;
- urging the authorities to make public his whereabouts;
- urging the authorities to ensure that he is not subjected to torture or ill-treatment while in custody;
- calling upon the authorities to allow him immediate access to his relatives, lawyers, and any medical attention he may require;
- urging that he be released immediately and unconditionally unless he is to be charged with a recognizable criminal offence;
- calling upon the authorities to conduct an impartial and independent investigation into the allegations that four suspected members of the CPN (Maoist), possibly including Risheswor Adhikari from Kaleswor, who may have been deliberately killed after they were taken prisoner by army personnel from the Raj Dal barracks in the forest near Kaleswor, Lalitpur district, on 23 October;
- calling for the findings of the investigation to be made public, and those responsible to be brought to justice.

APPEALS TO:

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

Telegram: Commander-in-Chief, Kathmandu, Nepal

Fax: + 977 1 242 168

Salutation: Dear Commander-in-Chief

General R Katwal
Secretary, National Security Council
Singha Durbar
Kathmandu, Nepal

Telegram:Secretary, National Security Council, Kathmandu, Nepal

Fax: + 977 1 225 869 (it may be difficult to get through; please keep trying)

Salutation:Dear General

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 25 December 2002.