

**PUBLIC**

**AI Index: ASA 31/012/2004**

**UA 31/04**  
**January 2004**

**"Disappearance"/possible arbitrary detention**

**28**

**NEPAL**

**Basu Dev Sigdel (m), aged 38, lawyer**  
**Rakesh Prasai (m), aged 36, businessman**  
**Durga Prasai (m), aged 33, businessman**

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Lawyer Basu Dev Sigdel was reportedly arrested by security force personnel in Kathmandu on 22 January. Brothers Rakesh and Durga Prasai were arrested by army personnel in Jhapa district two days later. Amnesty international is concerned that all three may have been detained arbitrarily and illegally and is concerned for their safety.

Witnesses say three men in civilian dress, claiming to be from the security forces, came to Subakarna Law Office, where Basu Dev Sigdel worked, at around 10am on 22 January. They reportedly took away his mobile telephone and took him from the office on foot at 10.15am but said that they would return him to the office very soon. Later that day and on 23 January, Basu Dev Sigdel's wife tried to call him on his mobile telephone but found it was switched off.

Basu Dev Sigdel is a resident of of Bafal, Kathmandu but originally came from Arundaya, Tanahu district. His family have reported his arrest to the NBA and the National Human Rights Commission (NHRC). They have also appealed unsuccessfully to the Defence Ministry and the Home Ministry to say where he is and ensure that he is safe.

Rakesh Prasai and Durga Prasai are residents of Anarmuni, Jhapa, and run a furniture business in Birtamod bazaar, Anarmuni. According to witnesses, army personnel in uniform came to the furniture showroom at 2pm to look for Durga Prasai. When they found out that he was away from the showroom they took his brother away in a van. They reportedly told staff that Rakesh Prasai would not be released until Durga Prasai was handed over to them. When Durga returned to the showroom he immediately went to Charali army barracks with one of his relatives. When he asked officials at the barracks why his brother had been arrested, they detained him too, without giving any reason.

Their relatives suspect that Rakesh and Durga Prasai may have been detained because they were wrongly accused of having links with the Communist Party of Nepal (Maoist). They have appealed unsuccessfully for the men's release to the NHRC, the Defence Ministry, the Home Ministry and high ranking members of the armed forces.

## **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.

The ceasefire agreement between the government and the CPN Maoist, which had held since January 2003, broke down 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" 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 Basu Dev Sigdel who was reportedly arrested at his office in Bafal, Kathmandu at 10.15am on 22 January;
- expressing concern for the safety of Rakesh and Durga Prasai, who were arrested by army personnel in Jhapa district on 24 January, and expressing particular concern about reports that Rakesh Prasai was detained to force his brother to hand himself in;
- urging the authorities to make public the whereabouts of Basu Dev Sigdel and to officially confirm the whereabouts of Rakesh and Durga Prasai;
- urging that all three detainees be treated humanely in custody, and not tortured or ill-treated, and urging the authorities to grant them immediate access to their families, lawyers and any medical attention they may require;
- calling for all three 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 Nirendra 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 10 March 2004.