

PUBLIC

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Fear for safety/ possible "disappearance"

24 March 2004

NEPAL

Man Bahadur Shrestha (m), aged 41, businessman

Surya Bastakoti (m), aged 36, trekking company manager

Man Bahadur Shrestha and Surya Bastakoti were reportedly arrested in Kathmandu municipality on 11 December 2003, and 22 March 2004 respectively. Their whereabouts remain unknown, and Amnesty International is concerned that they may have "disappeared".

Man Bahadur Shrestha originally comes from Boguwa Village Development Committee (VDC) in Gorkha district of western Nepal. He currently resides at Dhapasi, in Kathmandu. At 1am on 11 December 2003, an army patrol was carrying out a search of houses in the neighbourhood where Man Bahadur Shrestha was living. Witnesses report that a group of ten soldiers entered his home, saying that they were carrying out a routine search. They discussed Man Bahadur Shrestha's business before taking him away, telling his family that they were going to one of his factories and that they would return him soon. There has been no further news of Man Bahadur Shrestha in the four months since his arrest.

Surya Bastakoti is originally from Tandruka VDC in Gorkha district, but currently resides in Kushlechowr, ward no.16, Kathmandu. At 9.50pm on 22 March 2004 six men in plain clothes wearing masks arrived at his home and identified themselves as security forces personnel. They demanded that he go with them to the Sorakhutte police office for questioning and took him away in a blue van marked with the logo of the Sorakhutte police. When relatives visited the police office a short while later, they were told that Surya Bastakoti had been there, but that he had been moved on to an unknown destination. The next morning, staff at the same station denied that he had been held there, and instead suggested that the family try the National Police Academy, in Maharajganj, central Kathmandu. When relatives went to the Academy the police denied that Surya Bastakoti was held there.

In a related incident, Raju Pande, an employee of Surya Bastakoti's office was reportedly detained by the security forces on 22 March. Witnesses report that a group of security forces went to the office during the day to search for Surya Bastakoti, but when they could not find him they blindfolded Raju Pande and took him away in a police van. He was ordered to telephone the home of Surya Bastakoti to find out where he was, and when he would be returning home. Raju Pande was released immediately after Surya Bastakoti's arrest.

The reasons for the arrests of Man Bahadur Shrestha and Surya Bastakoti are not known, although it is suspected that it may be because both men originally come from Gorkha district, which has been heavily affected by the armed insurgency started by the Communist Party of Nepal (CPN) (Maoist). Both men's families deny that they had any links with the CPN (Maoist). Efforts to locate both men, including informing the National Human Rights Commission (NHRC) of their arrests, 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 Man Bahadur Shrestha and Surya Bastakoti, who were reportedly arrested on 11 December 2003 and 22 March 2004 respectively;
- 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 both men 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 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 (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 5 May 2004.