

PUBLIC

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Fear for safety/ possible "disappearance"

02 April 2004

NEPAL

**Kedar Prasad Bidari (m), aged 41, Businessman
Ngadar Bhote (m), aged 18, Livestock farmer**

Kedar Prasad Bidari and Ngadar Bhote were reportedly arrested in Kathmandu district on 7 and 17 March respectively. Efforts to locate both men, including informing the National Human Rights Commission, have so far failed, and Amnesty International is concerned that they may have "disappeared".

Kedar Prasad Bidari is originally from Mahadevbesi in Dhading district. On 24 June 2002 four members of the Communist Party of Nepal (CPN) (Maoist) came to his home to demand a donation. When he refused to pay them they shot at him. He was slightly injured, but he managed to flee the scene, and made his way to Kathmandu. Since then he has not returned to Dhading district, and has been living in Swayambhu, in Kathmandu municipality. At 7am on 7 March two men on a motorbike arrived at his workplace, looked around without saying a word, and then left again. A short time later a private van pulled up at the site, and four men in civilian dress entered and introduced themselves as soldiers. They took hold of Kedar Prasad Bidari and put him in the van, and took him away.

Relatives at first believed that this might be the work of the CPN (Maoist), but recently Amnesty International has received reports that Kedar Prasad Bidari is being held in Jag Dal Gan, in Chhauni army camp. On 30 March Kedar Prasad Bidari's Jeep was taken by security forces personnel manning a check point at Nagdhunga on the edge of the Kathmandu valley. Relatives were able to retrieve the vehicle from Chhauni army camp on 2 April, and were told that it had been taken for checking by the army. The army denied, however, that Kedar Prasad Bidari was being held in the camp.

Ngadar Bhote is a resident of ward no.3 of Mahankal Village Development Committee (VDC), in Kathmandu district, where he works on his family's pig farm. At 4am on 17 March a group of 15 Armed Police Force personnel arrived at his house, and asked for Ngadar Bhote by name. When they were shown the place where he was asleep, they arrested him immediately and took him away on foot, heading south towards the Boudha area of the city.

Ngadar Bhote is originally from ward no.1 of Hatia VDC, in Sankhuwasabha district. On 16 January 2004 his elder brother was killed in an encounter with the security forces who suspected him of being a worker for the CPN (Maoist). Following this incident the Maoists allegedly targeted Ngadar Bhote, calling on him to join their army. Ngadar Bhote fled to live with family in Kathmandu to escape the attention of the CPN (Maoist), but relatives now believe that he has been arrested because of his brother's suspected links with the organisation. In a separate incident a teenager from Hatia VDC, who had also come to Kathmandu to escape pressure from the Maoists, was arrested by security forces in Balaju, Kathmandu the day after Ngadar Bhote's arrest. He was released after one week in army custody, and was reportedly unharmed. The detainees knew each other, as they were fellow villagers, and both were in Kathmandu under similar circumstances. It appears that the security forces may be using the same intelligence in both cases.

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.

Both sides agreed to a ceasefire on 29 January 2003, and held three rounds of peace talks, in April, May and August 2003. 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 Kedar Prasad Bidari and Ngadar Bhote, who were reportedly arrested on 7 and 17 March 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 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 4 245 020 /226 292 (If someone answers the telephone please ask them in English to switch on the fax machine, and resend the fax).

Salutation: Dear Colonel

Shaha Bir Thapa
Inspector General of the Armed Police Force
Armed Police Force Headquarters, Swayambhu (Halchowk)
Kathmandu, Nepal

Telegram: Inspector General SB Thapa, Armed Police Force Headquarters, Swayambhu, Kathmandu, Nepal

Fax: + 977 1 4 274746/ 287116

Salutation: Dear Inspector 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 14 May 2004.