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PUBLIC

NEPAL

Bishnu Pukar Shrestha

Bishnu Pukar Shrestha (pictured above), a secondary school teacher, "disappeared" after his arrest on 2 September 1999 in Kathmandu. After leaving home at 8am that day, Bishnu Pukar Shrestha took a bus from Kalanki Chowk, Kalimati, on his way to visit relatives. As he got off the bus at Satumangal a Maruti Gypsy jeep with black tinted windows stopped in the road and six men in civilian dress grabbed him and forced him inside. Witnesses suspect those responsible were police officers in plain clothes. One of the witnesses tried to follow the jeep on his motorbike but lost contact in the vicinity of the Balambur police post. The jeep at that time was heading towards the centre of Kathmandu.

Local people heard him shout "my name is Bishnu Pukar Shrestha, please inform the police post".

They contacted the local police at Satumangal but police officers there took no action. When relatives made inquiries at other police posts in the area and at police headquarters, the police denied that he had been taken into custody.

Subsequent reports have been received that suggest Bishnu Pukar Shrestha is held within the Armed Forces Section of the Maharajgunj Police Training Centre, an unofficial place of detention, where he may be at risk of torture and possibly death.

Bishnu Pukar Shrestha, aged 42 at the time of his arrest, is married with three children. Although originally from Dhading district he moved to Kathmandu with his family in 1997 to take up a teaching post at Mangal Secondary School. From 1992 to 1996 he was General Secretary of the Nepal National Teachers' Association. His qualifications include a BA in agriculture, MA in political science and a diploma in Public Administration. He is also a qualified lawyer and a member of the Nepal Bar Association. He is a central committee member of the People's Rights Concern Movement (PCRM), a national human rights organization and in recent years had taken part in fact-finding missions to investigate reports of human rights violations in the context of the Maoist "people's war" in Mid-Western region. He had spoken out in public against increasing numbers of "disappearances" that had taken place in Kathmandu and other districts during the past year.

Bishnu Pukar Shrestha had been arrested previously in 1998 in Bhaktapur, a town near Kathmandu, after speaking at a student program. He was held at Central Jail, Kathmandu, for 63 days until the Supreme Court ordered his release. He was also arrested in April 1999 in Lalitpur, Kathmandu municipality, while attending a meeting of the Newar Khala, a group demanding language rights for minorities. He was held for 43 days in Nakkhu jail before being released on the order of the Supreme Court.

In response to a writ of *habeas corpus* filed by relatives after his "disappearance", the authorities have denied his arrest. At subsequent Supreme Court hearings, nine witnesses gave testimony to his arrest and the Transport Department was ordered to reveal the details of the person under whose name the jeep in which Bishnu Pukar Shrestha was abducted was registered. At a further hearing, the court ordered the registered owner of the jeep, Dr

Raj Kumar Agrawal, to attend the next court hearing. At the time of writing Amnesty International had not been able to establish whether this hearing had taken place and if so what its outcome was.

In early January 2000, Amnesty International was informed that the Home Secretary had stated that Bishnu Pukar Shrestha was no longer in police custody. Bishnu Pukar Shrestha's current whereabouts remain unknown and there are grave concerns for his safety.

Background Information:

The establishment of multi-party democracy in Nepal in 1990 providing for a new Constitution with increased protection for human rights and the ratification of all major human rights treaties led to high expectations of an era of stability, development and increased human rights protection. Despite some improvements, progress towards bringing existing legal and administrative provisions fully in line with the principles enshrined in the Constitution and international standards has been slow and a climate of impunity has persisted among members of the police force. Nepal remains one of the poorest countries in the world and many people are denied their basic economic and social rights.

Reports of torture, alleged extra-judicial executions and "disappearances" have been reported in recent years in the context of a "people's war" declared by the Communist Party of Nepal (CPN) (Maoist) on 13 February 1996. Continued poverty and corruption are seen as among the main factors behind this conflict. Support for the "people's war" has been particularly strong in the most economically deprived areas of Nepal. The aims of the CPN (Maoist) include the establishment of a republican state. Members of the CPN (Maoist) have been responsible for scores of deliberate killings, abductions and torture of civilians. Grave human rights violations by the police, including hundreds of extrajudicial executions, dozens of "disappearances" and numerous incidents of torture and arbitrary arrests and detentions have been reported.

Amnesty International recognizes the responsibility of the Nepali state to maintain order and protect life and property, but asserts that this must be done by adherence to the human rights principles laid down in its Constitution and international standards to which it is a party. The organization calls on armed political groups to respect human rights and to halt abuses such as the abduction of civilians, hostage-taking, torture and unlawful killings.

Amnesty International is concerned about reports in recent years of an upsurge in human rights violations in Nepal, most of which have occurred in the context of a "people's war" declared by the Communist Party of Nepal in February 1996. The organization has called upon the government to ensure that all reports of extrajudicial executions, torture and "disappearances" are fully and impartially investigated and that those found responsible are brought to justice. It has also called on the CPN (Maoist) for an immediate halt to deliberate

killings of civilians.

The re-emergence of "Disappearances" in Nepal?

Amnesty International is disturbed by a re-emerging pattern of "disappearances" and long-term unacknowledged detention in the context of police operations against suspected members of the CPN (Maoist). Since the beginning of 1998, Amnesty International has recorded a total of 44 "disappearances", all of which have occurred within the context of the Maoist "people's war". There is evidence to suggest that some detainees have been held incommunicado in unofficial places of detention, including the Police Training Centre in Maharajgunj, Kathmandu.

Several "disappearances" were reported in Nepal in mid-1985 in the context of a civil disobedience campaign against the government and a series of bomb explosions in the capital. The United Nations Working Group on Disappearances retains four un-clarified cases from that period. In at least two of these cases, there were credible reports that detainees had been held at the Maharajgunj Police Training Centre.

TAKE ACTION!

Please send telegrams/faxes/express/airmail letters/e-mails in English: -

- ↯ expressing concern for the safety of Bishnu Pukar Shrestha, whose whereabouts remain unknown following his arrest by police on 2 September 1999;
- ↯ calling on the government to take steps to investigate his fate and whereabouts and to make the findings public;
- ↯ urging that, if he is found to be in detention, he be promptly charged with a recognizably criminal offence, or immediately released;
- ↯ calling upon the government, if he is in detention, to safeguard his physical integrity and to allow him immediate access to his family, legal counsel and medical care;
- ↯ expressing concern at the deteriorating human rights situation in Nepal and appealing for a halt to human rights violations.

Addresses:

Minister Rt Hon Prime Minister K P Bhattarai **Salutation: Dear Prime Minister**

Prime Minister
Office of the Prime Minister
Singha Durbar
Kathmandu, Nepal
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Hon Purna Bahadur Khadka **Salutation: Dear Minister**

Minister of Home Affairs
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Mr Achyut Krishna Kharel **Salutation: Dear Inspector**

General

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For Further Information see:

- ↪ Amnesty International, Urgent Action EXTRA 125/99 *Disappearance/Fear of Torture, Bishnu Pukar Shrestha, school teacher and human rights defender* (AI Index: ASA 31/13/99)
- ↪ Further information on EXTRA 125/99 (AI Index: ASA 31/17/99)
- ↪ *Nepal: Human rights and security*, February 2000 (AI Index: 31/01/2000)
- ↪ *Nepal: Human rights at a turning point?*, March 1999 (AI Index: 31/01/99)
- ↪ *Nepal: Human rights violations in the context of a Maoist "people's war"*, March 1997

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