

PUBLIC

AI Index: ASA 31/059/2003

27 October 2003

UA 303/03      Fear for safety/incommunicado detention

NEPAL      Yogesh Rawal (m), aged 26, journalist

---

Yogesh Rawal, a journalist and member of Amnesty International, is reportedly being held incommunicado by security forces in the far western region of Nepal. There are serious concerns for his safety.

Yogesh Rawal was allegedly arrested by a group of twenty Armed Police Force (APF) personnel from Tikapur Bazar, Kailali district, at 7pm on 24 October. He is believed to be held incommunicado at the APF barracks in Tikapur, Kailali district. He may be at risk of torture or ill-treatment in incommunicado detention.

Yogesh Rawal works as a journalist for a daily newspaper called *Rajdhani* (Capital), which is published in Kathmandu. He may have been arrested in connection with his activities as a journalist. He is also secretary of his local Amnesty International group in Tikapur.

The National Human Rights Commission (NHRC) has been informed and is reportedly making inquiries.

#### **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.

On 29 January 2003, both sides agreed to a cease-fire. Three rounds of peace talks were held - in April, May and August - between the government and representatives of the CPN (Maoist). The CPN (Maoist) had listed among their central demands 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 cease-fire agreement 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' by 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 Yogesh Rawal, who was reportedly arrested by Armed Police Forces personnel in Tikapur, Kailali district, on 24 October;
- urging the authorities to acknowledge the whereabouts of Yogesh Rawal and to grant him immediate access to his relatives, lawyers and any medical attention he may require;
- urging that Yogesh Rawal be treated humanely while in custody and not be subjected to torture or ill-treatment;
- calling for his immediate and unconditional release, unless he is to be charged with a recognizably criminal offence.

**APPEALS TO:**

Gyanendra Raj Rai  
Deputy Inspector General of Police  
Head, APF Human Rights Cell  
Armed Police Force (APF)  
Halchowk  
Swayambhu  
Kathmandu, Nepal

**Telegram:** Deputy Inspector General (APF), Kathmandu, Nepal

**Fax:** + 977 1 4 411 384 (fax may be switched off outside office hours, 5 ½ hours ahead of GMT)

**Salutation:** Dear Deputy Inspector General

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

**Telegram:** Commander-in-Chief, Kathmandu, Nepal

**Fax:** + 977 1 4 242 168

**Salutation:** Dear Commander-in-Chief

**COPIES TO:**

Prime Minister Surya Bahadur Thapa  
Prime Minister's Office  
Singha Durbar  
Kathmandu, Nepal

**Telegram:** Prime Minister, Kathmandu, Nepal

**Fax:** + 977 1 4 227 286 (fax 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 8 December 2003.