

PUBLIC

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UN 295/02

Fear of torture/ 30 September 2002
fear of "disappearance"

NEPAL

Chandra Bahadur Choudari (m), aged 18, farmer

According to reports recently received by Amnesty International, Chandra Bahadur Choudari was reportedly arrested by army personnel on 27 August from his house in Dhipur Village Development Committee, Dang district, Mid-western region. His whereabouts are currently unknown and there are fears for his safety.

According to reports, Chandra Bahadur Choudari and his mother had just returned to their house in Tehara village after working in the fields when they were approached by eight armed individuals. They appeared to be dressed in a uniform worn by members of the Communist Party of Nepal (CPN) (Maoist). They said they were Maoists on their way back from India and, since they knew Chandra Bahadur Choudari was a Maoist, they wanted to speak to him. Chandra Bahadur Choudari and his mother responded by saying that they were farmers, and not involved in any way with the Maoists. The eight individuals then revealed that they were in fact army personnel and alleged that Chandra Bahadur Choudari and his mother were telling a lie. They reportedly dragged Chandra Bahadur Choudari outside the house. His mother followed, pleading with them not to take him away. The eight people reportedly threatened to kill both of them and tied Chandra Bahadur Choudari's mother to a tree so she could not follow them. Chandra Bahadur Choudari was then forcibly taken away to an unknown destination. Relatives made inquiries at the local police office and with the army, but both the police and the army denied he had been arrested.

According to his relatives, Chandra Bahadur Choudari was forcibly recruited by the CPN (Maoist) about ten months ago. After about twenty days he escaped and returned home.

BACKGROUND INFORMATION

Amnesty International has been concerned about a deterioration in the human rights situation in Nepal since the CPN (Maoist) declared a "people's war" in early 1996. This concern has heightened after the army was mobilized and a state of emergency imposed in late November 2001. Since then, the number of reports of alleged unlawful killings, "disappearances", torture and arrests and detention without charge by the security forces has increased dramatically. The authorities have so far failed to provide or enforce strict instructions to the security forces to uphold human rights, or to take appropriate actions against those responsible for reported abuses. Amnesty International has also documented many grave human rights abuses by members of the CPN (Maoist).

Although the state of emergency expired in late August and has not been re-imposed, the security forces continue to have wide powers under the Terrorist and Disruptive Activities (Control and Punishment) Act passed in April 2002, including the power to arrest without warrant and detain suspects in police custody for up to 60 days. During a recent visit to Nepal, Amnesty International delegates found that scores of prisoners were held in illegal detention at army barracks throughout the country and were denied the right to communicate with their families or lawyer, or have access to a doctor.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- expressing concern about the safety of Chandra Bahadur Choudari, a farmer reportedly arrested by the security forces in Dang district on 27 August;
- urging the authorities to make public his whereabouts;
- urging the authorities to ensure that Chandra Bahadur Choudari is not tortured or ill-treated in custody;
- calling upon the authorities to allow him immediate, regular access to his relatives, lawyer and any medical attention he may need;

- urging that he be released immediately and unconditionally unless he is to be charged with a recognizably criminal offence.

APPEALS TO:

Rt Hon Shree Bahadur Deuba
Prime Minister
Office of the Prime Minister
Singha Durbar
Kathmandu
Nepal

Telegram: Prime Minister, Kathmandu, Nepal

Fax: + 977 1 227 286 (It may be difficult to get through but please keep trying)

Salutation: Dear Prime Minister

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

Telegram: Commander-in-Chief, Kathmandu, Nepal

Fax: + 977 1 242 168

Salutation: Dear Commander-in-Chief

General Katwal
Secretary, National Security Council
Singha Durbar
Kathmandu, Nepal

Telegram: Secretary, National Security Council, Kathmandu, Nepal

Fax: + 977 1 225 869

Salutation: Dear 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 11 November 2002.