

PUBLIC

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19 March 2004

UA 117/04 Fear for safety / possible "disappearance" / incommunicado detention

NEPAL
Rajendra Roka (m) aged 23, student
Ram Bilas Mahato (m), aged 35, farmer
Laxmi Mahato (m), aged 27, farmer
Durga Thapa (m) aged 38, factory worker

The four people named above were reportedly arrested by security forces personnel between 12 January and 15 March. Amnesty International is concerned for their safety, and fears that all four may have "disappeared".

Rajendra Roka was living in a rented house in Kathmandu, where he was studying. On 12 January he was travelling by bus from Kathmandu to his home in Kuhu Village Development Committee (VDC), ward No. 3, Myagdi district. At around 1pm the bus was stopped at a security forces checkpoint at Amarsingh Chowk, Pokhara district. According to a relative who was travelling with him, by the time Rajendra Roka had passed through the checkpoint the bus had already begun to leave, so he started to run after it. Then security forces personnel reportedly arrested Rajendra Roka because they thought that he was running away from them. Relatives believe that Rajendra Roka was first held at Kali Prasad army barracks, Myagdi, and then moved to Bijapur Barracks, Pokhara, but they still have not been allowed access to him. A Nepali human rights organisation has informed the National Human Rights Commission and relevant government ministries of his arrest.

Ran Bilas Mahato and Laxmi Mahato are friends who live in Belgachi VDC number 9, Mahottari District. Witnesses saw them being blindfolded and arrested by security forces personnel at 3pm on 13 March outside a sugar mill in Ramnagar VDC. It is believed that they were taken to the area police office in Gausala, Mahottari district. Relatives have appealed to the police to let them see the men, but the police have denied that they were arrested. It is believed that they are now being held in an army barracks in Mahottari district but the reason for their arrest remains unknown.

Durga Thapa was reportedly arrested on 15 March 2004 at his home in Labu VDC, Lalitpur district. According to a witness security forces personnel wearing masks took him from his room at 11pm. They reportedly searched his room without finding anything and then took him away in a blue Toyota van. Lalitpur district police office has reportedly denied arresting him. Relatives have informed the National Human Rights Commission of his arrest but his whereabouts and the reason for his arrest remain unknown.

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, 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 - 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 Rajendra Roka, Ram Bilas Mahato, Laxmi Mahato and Durga Thapa;
- urging that they be treated humanely while in custody and not tortured or ill-treated;
- calling on the authorities to make an official public statement of their whereabouts and to grant them immediate access to their relatives, lawyers and any medical attention they may require;
- calling for all four 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 30 April 2004.