

**PUBLIC**

**AI Index: ASA 31/073/2002**

**10 December 2002**

**UA 356/02      Fear for safety/ fear of torture/ fear of "disappearance"**

**NEPAL      Bhogendra Yadav (m), aged 34 - pharmacist**

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Bhogendra Yadav, from Bhawanipur Village Development Committee, Ward 7, Siraha district, was arrested by army personnel at 5pm on 1 December. There are fears he may be at risk of torture, "disappearance" or death in custody.

According to witnesses, some 50 army personnel surrounded Bhogendra Yadav's pharmacy in Chhapradi Chowk in Siraha town, before searching it and taking Bhogendra Yadav away with them in an army truck. It is thought he is being held at the Choharba army barracks. His relatives have visited the barracks, but have not been permitted to see him.

It is believed that Bhogendra Yadav was arrested on suspicion of supplying medicines to members of the Communist Party of Nepal (CPN) (Maoist), who are involved in an armed conflict with government forces after declaring a "people's war" in February 1996. After armed Maoists attacked Lahan Bazar, in Siraha district, on 4 December, relatives fear that Bhogendra Yadav might be subjected to torture or killed in custody in revenge for this attack.

Before the Maoist attack on Lahan Bazar, relatives of Bhogendra Yadav contacted a local political leader and asked him to make inquiries on their behalf to the Chief District Officer, a local government official. The official replied that Bhogendra Yadav was under investigation but that "the process of his release had been started". Asked again after the Maoist attack, the Chief District Officer would say only that they were "thinking about the further process".

## **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 intensified since the army was mobilized and a state of emergency imposed in November 2001. Since then, the number of reports of alleged unlawful killings, "disappearances", torture and arbitrary arrests and detention 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 2002 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 90 days. During a visit to Nepal in September 2002, 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. Amnesty International also found evidence of extrajudicial executions of civilians suspected of providing assistance to the Maoists, and Maoists deliberately killed after they were taken into custody.

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

- expressing concern about the safety of Bhogendra Yadav, who was reportedly arrested from his shop at Chhapradi Chowk, Siraha, by army personnel, and who is believed to be detained at Choharba army barracks;
- urging the authorities to make public his whereabouts, and grant him immediate access to his relatives, lawyers, and any medical attention he may require;
- urging the authorities to ensure that he is not subjected to torture or ill-treatment while in custody;
- calling for his immediate and unconditional release unless he is to be charged with a recognizable criminal offence.

**APPEALS TO:**

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

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

**Fax: + 977 1 242 168**

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

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

**Telegram: Secretary, National Security Council, Kathmandu, Nepal**

**Fax: + 977 1 225 869 (it may be difficult to get through; please keep trying)**

**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 21 January 2003.