

PUBLIC

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25 March 2004

UA 127/04 **Fear for safety/ possible "disappearance"**

NEPAL **Samundra Budathoki (m), aged 24, Electrician**

Samundra Budathoki was reportedly arrested by security forces personnel in plain clothes on 19 March. As his whereabouts remain unknown, Amnesty International is concerned that he may have "disappeared".

Samundra Budathoki is a resident of ward no.3, Shikarbesi Village Development Committee (VDC) in Nuwakot district. He has recently been living at Manmajju in Kathmandu, where he is building a house for his family. He was spending the night at the site of his new house on 19 March, when two men in plain clothes arrived at 10pm. The men said they were from the Armed Police Force, and searched the property. Although they found nothing, they arrested Samundra Budathoki, saying that he was needed for questioning. Witnesses report that he was taken away in a blue van, which had been parked near the house.

According to relatives, Samundra Budathoki was forcibly recruited to the All Nepal National Independent Student Union (ANNISU) (Revolutionary), which is aligned with the Communist Party of Nepal (CPN) (Maoist), when he was a student in Nuwakot, in 2001. In 2002 he reported to police officers in his home village, and told them that he had been forced into accepting membership, stating that he was not involved in ANNISU (Revolutionary) activities. They advised him to make an application to the security forces in the area, explaining his situation, and asserting his innocence. He did this, and received the assurance of the security forces at that time, that they accepted his statement. The reasons for his arrest are not known, but relatives believe that it may be linked to his difficulties in disassociating himself from the ANNISU (Revolutionary). Efforts to locate Samundra Budathoki, including informing the National Human Rights Commission (NHRC) of his arrest, have so far been unsuccessful.

BACKGROUND INFORMATION

Amnesty International has been concerned about a deterioration in the human rights situation in Nepal since the 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 2003 - 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 Samundra Budathoki, who was reportedly arrested on 19 March;
- urging that he be treated humanely while in custody and not tortured or ill-treated;
- calling on the authorities to make public his whereabouts and to grant him immediate access to his relatives, lawyers and any medical attention he may require;
- calling for Samundra Budathoki to be released immediately and unconditionally, unless he is to be charged with a recognizably criminal offence.

APPEALS TO:

Shaha Bir Thapa
Inspector General of the Armed Police Force
Armed Police Force Headquarters
Swayambhu (Halchowk)
Kathmandu
Nepal

Telegram: Inspector General SB Thapa, Armed Police Force Headquarters, Swayambhu, Kathmandu, Nepal

Fax: + 977 1 4 274746/ 287116

Salutation: Dear Inspector General

Shyam Bhakta Thapa
Inspector General of Police
Police Headquarters
GPO Box 407
Naxal
Kathmandu, Nepal

Telegram: Inspector General of Police, Naxal, Kathmandu, Nepal

Fax: + 977 1 4 415 593 / 4 415 594

Salutation: Dear Inspector General

COPIES TO:

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

Telegram: Prime Minister Surya Bahadur Thapa, 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 2 May 2004.