

PUBLIC

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Fear for safety/possible "disappearance"

28 November 2003

NEPAL

**Gyanendra Prasad Bidari (m), aged 45, farmer**  
**Manoj Kumar Shah (m), aged 25, farmer**  
**Kamal KC (m), aged 39, farmer**  
**Shyam Raj Acharya (m), aged 50, farmer**

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Amnesty International is concerned for the safety of farmers Gyanendra Prasad Bidari, Manoj Kumar Shah, Kamal KC, and Shyam Raj Acharya, who were reportedly arrested by members of the security forces between 30 October and 18 November. Their whereabouts are unknown.

**Gyanendra Prasad Bidari** lives in Thakre Village Development Committee (VDC) Ward no.3, Ranibari, Dhading district. He was arrested at his home by members of the security forces in plain clothes at 2am on 30 October. Gyanendra Prasad Bidari is a member of the Communist Party of Nepal-Unified Marxist Leninist (CPN-UML), though the exact reason for his arrest is not known. Efforts to locate him by his relatives, including informing the National Human Rights Commission (NHRC), have so far failed.

**Manoj Kumar Shah** lives in Ward no.6, Sarpallo VDC, Mahottari district. He was arrested in Belathan, Bihar, India at 9am on 7 November by members of the Indian police. He was travelling in India with his wife to visit relatives. The Indian police handed him over to members of the Nepalese security forces and government personnel of Mahottari district, Nepal. On 8 November, he was then handed over to the Chief District Officer (CDO), District Level Chief of National Investigation Department (NID), and an army Major from Mahottari district. Manoj Kumar Shah was allegedly a member of the Communist Party of Nepal (CPN) (Maoist) but surrendered himself to the Nepalese authorities in 2001. It is thought that the Indian police arrested him due to his previous work with the CPN (Maoist). Efforts to locate him by his relatives, including informing the NHRC, and visiting army barracks, have so far failed.

**Kamal KC** lives in Kirtipur Municipality Ward no.15, Taudaha, Kathmandu district. He was arrested at his home by ten army personnel at 5am on 13 November. The reason for his arrest is not known. Efforts to locate him by his relatives, including visiting the Headquarters of the Royal Nepalese Army and army barracks, as well as informing the NHRC, the International Committee of the Red Cross (ICRC), and the Defence Ministry and Home Ministry, have so far failed.

**Shyam Raj Acharya** lives in Chauthi VDC, Ward no.1, Nuwakot district. He was arrested by approximately one hundred army personnel at his home at 6am on 18 November. The reason for his arrest is not known. Efforts to locate him by his family, including visiting a local police station, and reporting his arrest to the NHRC, Defence Ministry and Home Ministry, have so far failed.

#### **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 Gyanendra Prasad Bidari, Manoj Kumar Shah, Kamal KC, and Shyam Raj Acharya, who were reportedly arrested by members of the security forces between the 30 October and 18 November;

-urging the authorities to make public the whereabouts of the four men and to grant them immediate access to their relatives, lawyers and any medical attention they may require;

-calling for their immediate and unconditional release, unless they are to be charged with a recognizably criminal offence;

-urging that they be treated humanely whilst in custody and not be subjected to torture or ill-treatment.

**APPEALS TO:**

Brigadier General B A K Sharma

Head, Army Human Rights Cell

Army Headquarters

Kathmandu, Nepal

**Telegram:** Brigadier General, Kathmandu, Nepal

**Fax:** + 977 1 4 226 292/ 229 451 (Faxes may be switched off outside office hours, 5 ½ hours ahead of GMT)

**Salutation:** Dear Brigadier 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 (Faxes may be switched off outside office hours, 5 ½ hours ahead of GMT)

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

**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 10 January 2004.