

PUBLIC

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Incommunicado detention / Possible "disappearance"/
Fear for safety / fear of torture

24 September 2004

NEPAL

Dil Bahadur Baniya (m) aged 19, business person
Bharat Paudel (m) aged 25, teacher

Dil Bahadur Baniya and Bharat Paudel were both reportedly arrested on 16 September, in Kaski district, Western Region. Amnesty International is concerned that they are at risk of torture and ill-treatment as they are being held incommunicado in an army barracks, where those held in detention are often beaten during questioning.

Dil Bahadur Baniya (also known as Bhimsen Baniya), owns a video shop in Leknath municipality, Kaski district. According to a witness four armed security force personnel in civilian clothes came to his shop at 12.30pm on 16 September. They asked for him by name, told him to put on some shoes and then took him away in a white jeep.

The following day his mother made enquiries with the Chief District Officer (CDO) who told her that Dil Bahadur Baniya was being held in army custody, but that he could not give her any more information. Five days later she returned to the CDO accompanied by around 25 people from her village. This time the CDO told her that her son was being detained at Bijaypur army barracks, which is the base of No. 3 Brigade of the Royal Nepalese army, and would be released after an investigation had been made. The reasons for his arrest are unknown and his neighbours deny that he is involved with any political party, including the Communist Party of Nepal (CPN) (Maoist).

On 16 September, **Bharat Paudel** was participating in the celebration of *Teej*, a Hindu women's festival, at the New Light Secondary Boarding School, Leknath municipality, where he worked. According to witnesses, armed security forces personnel in civilian clothes reportedly entered the school without asking permission at around noon and took Bharat Paudel away. When another teacher asked where they were taking Bharat Paudel, they did not answer. He was then taken in a private jeep towards the town of Pokhara.

Bharat Paudel's family and colleagues later went to the CDO to ask about his whereabouts. They were told that he was being held at Bijaypur army barracks. However, when they twice tried to visit him at the barracks they were denied access. It is not known why Bharat Paudel was arrested and his colleagues deny that he has any involvement with the CPN (Maoist).

A national human rights organization has reported the arrests to the National Human Rights Commission (NHRC), the security forces and to relevant government ministries.

BACKGROUND INFORMATION

Since the Communist Party of Nepal (CPN) (Maoist) declared a "people's war" in February 1996, Nepal has been in the grip of nationwide conflict and human rights crisis. Human rights abuses by both the security forces and members of the CPN (Maoist) have escalated since a seven month ceasefire broke down in August 2003.

In both 2002 and 2003, Nepal recorded the highest number of "disappearances" of any country in the world. People detained by the security forces are often held in army barracks with no access to their families, lawyers or medical treatment. They also face a high risk of torture, including beatings, and are sometimes held in solitary confinement or kept blindfolded for the entire time they are in custody. The CPN (Maoist) are also reported to have abducted hundreds of people, including large numbers of teachers and schoolchildren, for the purpose of "political education".

On 1 July 2004, the Home Ministry announced that a five-member commission would investigate what had happened to people who had "disappeared" after arrest by security forces and submit a report to the government. However, the commission only appears to have investigated less than 80 reports of "disappearances". This figure is very disappointing, as over 700 cases of "disappearance" have been reported to the National Human Rights Commission since August 2003.

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

- expressing concern for the safety of Bharat Paudel and Dil Bahadur Baniya who were detained on 16 September 2004 and are believed to be held incommunicado at Bijaypur army barracks;
- urging that they be treated humanely while in custody and not tortured or ill-treated;
- calling on the authorities to make their whereabouts public and to grant them immediate access to their relatives, lawyers and any medical attention they may require;
- calling for them to be released immediately and unconditionally, unless they are to be charged with a recognizably criminal offence.

APPEALS TO: (faxes may be switched off outside office hours, GMT + 5½)

Lieutenant Colonel Raju Nepali
Head Royal Nepal Army Human Rights Cell
Royal Nepalese Army Headquarters
Singha Durbar
Kathmandu, Nepal

Fax: + 977 1 4 226 292 / 245 020 (If someone answers the telephone please ask them in English to switch on the fax machine, and resend the fax).

Salutation: Dear Lieutenant Colonel

Chief District Officer of Kaski
Office of the Chief District Officer,
Kaski District, Nepal

Fax: + 977 61 520 962

Salutation: Dear Chief District Officer

COPIES TO:

His Majesty the King Gyanendra Bir Bikram Shah Dev
C/O The Chief of Protocol Division
Protocol Division
Ministry of Foreign Affairs
Chital News, Kathmandu
Nepal

Fax: + 977 1 4 416007

Salutation: Your Majesty

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 5 November 2004