



Ref.: TG ASA 31/2004.47

ASA 31/119/2004

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

10 September

Dear Lieutenant Colonel Raju Nepali,

I am writing to express Amnesty International's concern about the safety of Om Prakash BC, Krishna KC, Khagda Bahadur Garti, Dikman Mukhiya and two other people who were reportedly arrested on the 26 and 27 August, and whose whereabouts are now unknown. Amnesty International is also increasingly concerned about the safety of Dinsh Gautam, Bina Magar, Raghulal Chaudhari and Patiram Chaudhari who have now been "disappeared" for between 5 months and 2 years after reportedly being arrested by security forces.

Om Prakash BC (aged 42) and **Bal Krishna KC** (aged 50) are both former teachers who were reportedly arrested at on 27 August along with Khagda Bahadur Gharti and two other men whose names are unknown. According to witnesses, seven men in total were arrested at 8.30am on 27 August by around 150 uniformed army personnel from Bal Krishna KC's home in Rugha Village Development Committee (VDC), Rukum district. Two of the seven were released the following day from Bhairabi Dal army barracks but the whereabouts of the other five including Om Prakash BC, Bal Krishna KC and Khagda Bahadur Gharti are unknown. Relatives of the five missing men have informed the National Human Rights Commission (NHRC) and have visited Bhairabi Dal army barracks but army officers denied that they were being held there. These five men are thought to have been arrested because of their involvement with the Communist Party of Nepal (CPN) (Maoist).

Dikman Mukhiya's (aged 45) is a student whose whereabouts has been unknown since 26 August. At 4am he was reportedly outside his house in the Sokedhara area of Kathmandu, whilst security force personnel were conducting an operation to arrest people in the area. There was no witness to his arrest but his relatives believe that he was arrested at that time. A national human rights organisation has reported this case to the NHRC.

Dinesh Gautam (aged 20) is a farmer and a CPN (Maoist) commander from Pokali VDC, Okhaldhunga district. According to a witness he was arrested from Tatopani, Sindhupalchowk district in late March or early April 2004 by around 50 uniformed security forces personnel. A national human rights organisation has reported his arrest to the NHRC but his whereabouts remain unknown.

Bina Magar (aged 22) is a student of Ratna Rajya Laxmi University in Kathmandu but her family come from Kalika VDC in Kanchanpur district. She is believed to have been arrested in the Asan area of Kathmandu on 24 October 2003. She may have been arrested because she was a member of the All Nepal National Independent Students' Union (Revolutionary) which is aligned to the CPN (Maoist). About three weeks later she was seen with security forces personnel in the Samakhusi area of Kathmandu. At around that time the family also received unofficial information that she was held at Bhairabnath army barracks which has often been reported as a place where the army detain people

AMNESTY INTERNATIONAL

INTERNATIONAL SECRETARIAT

1 Easton Street, London WC1X 0DW, United Kingdom

Tel: Int. Code: 44 (20) 7413 5500. UK Code: 020 7413 5500. Fax: Int. Code: 44 (20) 7956 1157. UK Code: 020 7056 1157

E-Mail: amnesty@amnesty.org

Web: <http://www.amnesty.org>

secretly. However, since then her family has received no news about her whereabouts. Her “disappearance” has been reported to the Prime Minister.

Patiram Chaudhari (aged 28) is a carpenter who lives in Manau VDC, Bardiya district who was reportedly arrested at 3am on 11 August 2002 and **Raghulal Chaudhari (aged 20)** owns a pharmacy in Khairachandan VDC, Bardiya district who was reportedly arrested at midnight on the evening of 11 August 2002. They are not related to each other. In both cases witnesses saw them being arrested from their homes by a group of uniformed and armed security force personnel including members of the police, the army and the armed police force. In both cases relatives say that security forces personnel had told them that they wanted to question the two men and would bring him back the following day. In both cases family member reported the arrests to local army barracks and to the NHRC but the whereabouts of the two men remain unknown. Both families have filed *habeas corpus* petitions at the Appellate Court in Nepalgunj without success.

Amnesty International urges the authorities to make public the whereabouts of all ten people; to ensure that they are treated humanely and not tortured or ill treated; and that they are given access to their relatives, lawyers and any medical treatment they may require. Furthermore we urge the authorities to release all eight people immediately and unconditionally, unless they are to be charged with a recognizably criminal offence.

Yours sincerely,

Ingrid Massagé
Interim Program Director
Asia & Pacific Region