

PUBLIC

AI Index: ASA 31/056/2004

UA 85/04

Fear for safety/ possible "disappearance"

27 February 2004

NEPAL

Durga Datta Gautam (m), aged 33, farmer
Laxmi Pande (f), aged 33, teacher
Tek Nath Sigdel (m), aged 39, teacher
Lanka Bahadur Bishwakarma (m), aged 37, farmer
Bal Bahadur Bishwakarma (m), aged 38, farmer
Guru Prasad Subedi (m), aged 34, farmer

The six people named above were all reportedly arrested by security forces personnel at Deurali Village Development Committee (VDC) in Nawalparasi district, in two separate incidents on 18 and 23 February. The whereabouts of all six are now unknown, and Amnesty International is concerned that they may have "disappeared".

On 18 February, a patrol of both uniformed and plainclothes security forces personnel came to the home of Durga Datta Gautam in ward no.2 of Deurali VDC. About ten men apparently went into the house, and took him away.

In a separate incident, at around 1am on 23 February another armed security forces patrol came through Deurali VDC and arrested Lanka Bahadur Bishwakarma and Bal Bahadur Bishwakarma in ward no.2; Tek Nath Sigdel in ward no.3; and Laxmi Pande and Guru Prasad Subedi in ward no.4.

At the house of Tek Nath Sigdel, the security forces reportedly demanded that his wife make food for the entire patrol of approximately 20 men. When she refused, they told Tek Nath Sigdel to get dressed to go outside. When he put on some old clothes, they told him to change into some smarter ones, and once he had done so they took him away. His wife followed for a short way behind the patrol, until they turned her back saying that he was being taken for questioning, and that he would be back in time to teach at the school the next morning.

The same day, 10 security forces personnel reportedly went into Laxmi Pande's home. She thought at first that they were looking for her husband, who was away at the time, but in fact they asked for her, and took her away, accusing her of having provided shelter, food, and telephone facilities to workers of the Communist Party of Nepal (CPN) (Maoist). Her relatives strongly deny that she had any involvement with the CPN (Maoist): apart from teaching in a primary school, Laxmi Pande is also the District Secretary of the Nepal Women's Association (a sister organisation of the mainstream Nepali Congress Party, which was in government until the King dissolved parliament and assumed executive powers in October 2002).

It is suspected that all six may be detained at the nearby Kuwasoti Area Police Office, in Nawalparasi district. However, police at the office have denied this. Attempts by relatives to locate all six, including informing the district level government offices and local human rights organisations, and visiting police stations, 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 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 - 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 Durga Datta Gautam, Laxmi Pande, Tek Nath Sigdel, Lanka Bahadur Bishwakarma, Bal Bahadur Bishwakarma, and Guru Prasad Subedi who were reportedly arrested in Nawalparasi on 18 and 23 February;
- urging that they be treated humanely while in custody and not tortured or ill-treated;
- calling on the authorities to make public their whereabouts and grant them immediate access to their relatives, lawyers and any medical attention they may require;
- calling for all six to be released immediately and unconditionally, unless they are to be charged with a recognizably criminal offence.

APPEALS TO:

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

Telegram: Commander-in-Chief, Army Headquarters, 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

Colonel Nilendra Prasad Aryal
Head of Army Human Rights Cell
Army Headquarters
Singha Durbar, Kathmandu, Nepal

Telegram: Colonel NP Aryal, Army Headquarters, Singha Durbar, Kathmandu, Nepal

Fax: + 977 1 4 226 292/ 229 451 (Faxes may be switched off outside office hours, 5½ hours ahead of GMT)

Salutation: Dear Colonel

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

Telegram: Inspector General of Police

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

Salutation: Dear Inspector 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 10 April 2004.