

PUBLIC

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UA 94/04 **Fear for safety/ possible "disappearance"**

NEPAL **Surendra Rai (m), aged 40, Carpet factory worker**

Surendra Rai was reportedly arrested in Lalitpur district on 27 February 2004. His whereabouts are now unknown, and Amnesty International is concerned that he may have "disappeared".

Surendra Rai is a resident of Nakkhu, in ward no.13 of Lalitpur district. At 2.45pm on 27 February three men in civilian clothes entered his house, and behaved as though they knew him very well. Witnesses suspected that despite their appearance, they were members of the security forces in plain clothes. The three men told a story about having just been released from prison on theft charges, and asked him to come outside to speak with them. One other man was waiting outside, and the four men began to take Surendra Rai away from the house. He resisted, and eyewitnesses stated that the men eventually resorted to dragging him along the road away from the area.

Surendra Rai has been taken into custody in Lalitpur district police station twice, in November 2001 and January 2002. Both times he was released without charge. He was previously a member of the Trade Union Federation (TUF) (Revolutionary), which is aligned with the Communist Party of Nepal (CPN) (Maoist), but he disassociated himself from this group seven months ago. Family members strongly deny that he has had any involvement with the CPN (Maoist) since that time. They suspect that he has been arrested because of his previous membership of the TUF (Revolutionary), and his past arrests.

Efforts to locate Surendra Rai by human rights groups, including informing the National Human Rights Commission (NHRC), the Defence and Home Ministries, and army and police camps, have so far been unsuccessful.

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 Surendra Rai, who was reportedly arrested in Lalitpur district on 27 February;
- 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 Surendra Rai to be released immediately and unconditionally, unless he is 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

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

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 15 April 2004.