

PUBLIC

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Fear for safety/fear of "disappearance"

12 November 2003

NEPAL

**Saha Dev Risal (m), age 55, former government official
Purushottam Sapkota (m), age 48, farmer**

Amnesty International is concerned for the safety of Saha Dev Risal and Purushottam Sapkota. They were reportedly arrested by security forces personnel in plain clothes on 6 November. Their current whereabouts is unknown.

Saha Dev Risal was arrested from his home in Purano-Kalimati, Kathmandu, at 8.15pm by eight armed security forces personnel. According to the reports, two security forces personnel entered the house, and six others, who had their faces covered, waited outside. When Saha Dev Risal saw them he jumped from the first floor window of the house and there are fears he may have injured himself. According to his relatives the security forces personnel identified themselves by showing them a yellow card, but they could not read it. The relatives asked where he was being taken and how they could contact him. The security forces personnel asked for their phone number and said they would ring them later, but failed to do so.

Saha Dev Risal was a former sub-inspector working at the National Investigation Department (NID), a government police intelligence institution in Kathmandu and had been in government service for over 20 years. Relatives suspect that Saha Dev Risal may have been arrested because during 2002 he tried to obtain the release from Bhadracol jail in Kathmandu of a relative accused of Maoist activities. They have reported Saha Dev Risal's arrest to the police station in Kalimati, Kathmandu, and to the NID, but no information about his whereabouts has been forthcoming.

Purushottam Sapkota was arrested from his home at Gokarna Baluwa Village, Kathmandu district, at 9pm by five security forces personnel in plain clothes. Relatives received a phone call from Purushottam Sapkota telling them he had been arrested. They went to army barracks at Sundarijal, Satdobato and Maharajgunj to try and locate him, but the security forces at these barracks denied he was detained there. The reasons for his arrest are unknown, since he is said not to have been a member of any political party for the last ten years.

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 Saha Dev Risal and Purushottam Sapkota who were reportedly arrested by security forces personnel in Kathmandu district on 6 November;
- urging the authorities to make public the whereabouts of Saha Dev Risal and Purushottam Sapkota and to grant them immediate access to their relatives, lawyers and any medical attention they may require;
- request the authorities to ensure medical attention is provided to Saha Dev Risal, since he is reported to be injured following the fall from a first floor window in his house;
- urging that they be treated humanely while in custody and not be subjected to torture or ill-treatment
- calling for their immediate and unconditional release, unless they are to be charged with a recognizably criminal offence.

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 24 December 2003.