

PUBLIC

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Fear for safety/fear of "disappearance" / detention without charge

15 July 2004

NEPAL

**Yek Raj Basnet (m)
Khagendra Sambahamfe (m)
Ram Bahadur Ingaram (m)
Tek Bahadur Bista (m)**

Amnesty International is seriously concerned for the safety of the four people named above. They were reportedly rearrested by security forces personnel in plain clothes at the Morang District Court, eastern Nepal on 14 July and their current whereabouts are unknown.

Government records show that a detention order was issued on 15 January 2004 authorising the detention of all four people for 90 days under the Public Security Act (PSA). However, Ram Bahadur Ingaram had reportedly been arrested on 27 September 2003 and it is believed he was detained without charge in an unknown place of detention until January 2004. It is not known if the other three detainees were held in detention before the detention order was issued, and if so for how long.

The detainees were held in Morang District Prison and the detention order was later extended for a further 90 days to mid-June 2004. On 12 July, the prison authorities wrote to the Morang District Court, requesting it to order the release of the detainees because their detention order had expired. However, the detainees reportedly did not want to leave the jail as they feared they would be targeted and perhaps even killed by security forces after their release.

On 14 July, the four detainees were brought to the district court because it is required that people held under the PSA are released in the presence of a judge. The judge then requested four lawyers from the district Bar Association to sign a document confirming that they had been present when the detainees were released. However, as soon as the four detainees left the court chambers, they were re-arrested by security forces personnel in civilian clothes who forced them into a vehicle parked nearby and took them away to an unknown destination.

BACKGROUND INFORMATION

The human rights situation in Nepal has deteriorated 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 members of the CPN (Maoist) have been reported in the context of the eight-year-old armed conflict and have escalated following the breakdown of a seven month old ceasefire in August 2003.

In both 2002 and 2003, Nepal recorded the highest number of "disappearances" of any country in the world. The CPN (Maoist) are also reported to have abducted hundreds of people including large numbers of schoolchildren for "indoctrination" purposes.

The PSA allows people to be detained for up to 90 days without charge or trial on the orders of a local authority, which can be extended for up to 12 months with the approval of the Home Ministry and an Advisory Board. Since the beginning of the CPN (Maoist) insurgency it has been used by the government to detain scores of people suspected of sympathising with the CPN (Maoist). However, since 2002 the government has more frequently used the Terrorist and Disruptive Activities (Control and Punishment) Act (TADA) as a legal justification for detention without trial.

Amnesty International has in the past expressed its concerns about the repeated re-arrests of people under preventive detention orders, issued under the PSA or the TADA. 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 blindfolded for the entire period of their detention.

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

- urging the authorities to make public the whereabouts of Yek Raj Basnet, Khagendra Sambahamfe, Ram Bahadur Ingaram and Tek Bahadur Bista who were reportedly rearrested from Morang District Court on 14 July 2004;
- requesting the authorities to ensure their safety and security, to allow them immediate access to their relatives, lawyers and any medical attention they may require;
- calling for them to be immediately and unconditionally released unless they are to be charged with a recognisably criminal offence;
- calling for the authorities to ensure that the four people named above are not killed, tortured, threatened, arbitrarily rearrested or otherwise harassed by security forces on their release from detention;
- calling on the security forces not to arbitrarily re-arrest anyone who is released from detention.

APPEALS TO: (faxes may be switched off outside office hours, 5 and a half hours ahead of GMT)

Prime Minister

Sher Bahadur Deuba
Prime Minister's Office
Singha Durbar
Kathmandu, Nepal

Fax: + 977 14 227 286

Salutation: Dear Prime Minister

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

Fax: + 977 14 245 020 or + 977 14 226 292 (If someone answers the telephone please ask them in English to switch on the fax machine, and resend the fax).

Salutation: Dear Lt. Colonel

Chief District Officer (CDO)

Mr Y.R. Porel
Office of the Chief District Officer
Morang District, Nepal

Fax: + 977 21 525 251

Salutation: Dear Chief District Officer

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 26 August 2004.