

PUBLIC

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Fear for safety/ possible "disappearance"

14 January 2004

NEPAL

Hira Bahadur Rokka (m), aged 34, street trader

Amnesty International is concerned for the safety of Hira Bahadur Rokka who was reportedly arrested by security forces personnel in plain clothes on 6 December 2003 in Kathmandu. His whereabouts are unknown.

Hira Bahadur Rokka is originally from Kakani Village Development Committee (VDC) in Nuwakot district, and currently lives in Bhotahity, Kathmandu. His work as a trader took him out onto the footpaths of the local areas selling clothing. He was arrested on the street in Hanuman Chowk, Bhotahity, at 1pm on 6 December by 12 security forces personnel in plain clothes. The security personnel were using a van marked "Nepal Police".

The reason for Hira Bahadur Rokka's arrest is not known. Relatives made enquiries at the District Police Office in Hanumandokha. The police office stated that two persons had been arrested from Bhotahity, but they refused to identify these detainees, and refused to say whether Hira Bahadur Rokka was amongst the detainees. Attempts by Hira Bahadur Rokka's relatives to locate him, including contacting the National Human Rights Commission (NHRC) 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 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 Hira Bahadur Rokka who was reportedly arrested by security personnel in plain clothes in Kathmandu on 6 December 2003;
- urging that Hira Bahadur Rokka be treated humanely while in detention, and not be subjected to torture or ill treatment;
- urging the authorities to make public the whereabouts of Hira Bahadur Rokka and to grant him immediate access to his relatives, lawyers and any medical attention he may require;

-calling for his immediate and unconditional release, unless he is to be charged with a recognizably criminal offence.

APPEALS TO:

Shyam Bhakta Thapa
Inspector General of Police
Police Headquarters
GPO Box 407

Naxal

Kathmandu, Nepal

Telegram: Inspector General of Police, Naxal, Kathmandu, Nepal

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

Salutation: Dear Inspector 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

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

Telegram: Colonel NP Aryal, 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 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

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 25 February 2004.