

PUBLIC

AI Index: ASA 31/026/2004

UA 53/04

Fear for safety/ possible "disappearance"

11 February 2004

NEPAL

**Shyam Krishna Shrestha (m), aged 23, employee at a clothing company
Dr Birendra Jhapali (m)**

Shyam Krishna Shrestha and Dr Birendra Jhapali were reportedly arrested at their workplaces in Kathmandu municipality on 26 December 2003 and 8 January 2004 respectively. Their whereabouts are now unknown, and Amnesty International is concerned that they may have "disappeared".

Shyam Krishna Shrestha is originally from Talakhu Village Development Committee (VDC), ward no.9, Bindanda, in Nuwakot district. He was living at Koteswar Balkumari, in Lalitpur district, when he was arrested. On 26 December three men in plain clothes entered the garment factory in Koteswar where Shyam Krishna Shrestha works; they identified themselves as security forces personnel and briefly showed identity cards. They claimed to have come from Sitapaila in the west of Kathmandu municipality and drove Shyam Krishna Shrestha away in a blue Maruti car, with civilian number plate Ba 2 Cha 6074. It is believed that he was in fact taken to Bhairab Nath Gan army barracks in Maharajganj. It is likely that he was arrested on suspicion of being involved with the Communist Party of Nepal (CPN) (Maoist); his brother was held for one week in Tokha army barracks, under similar circumstances in August 2002. Relatives deny that Shyam Krishna Shrestha has ever had links with the CPN (Maoist).

Dr Birendra Jhapali lived and worked at the Miteri hospital in Baghbazar, Kathmandu. At 12 noon on 8 January 2004, two men in civilian clothing arrived at the hospital saying that they were security forces personnel, although they did not show any identification. Birendra Jhapali was taken away in a private vehicle, with civilian number plate Ba 3 Cha 9351. The security forces said that he would only be needed for two hours to help with inquiries. However, nothing has been heard of him since.

The men's relatives have visited army barracks, informed the National Human Rights Commission and contacted the Army Human Rights Cell, but have so far been unable to find them.

BACKGROUND INFORMATION

Amnesty International has been concerned about a deterioration in the human rights situation in Nepal since the 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 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 from 27 August 2003. Since then, fighting between the two sides 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 Shyam Krishna Shrestha and Dr Birendra Jhapali, who were reportedly arrested by security forces personnel on 26 December 2003 and 8 January 2004 respectively;
- 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 to grant them immediate access to their relatives, lawyers and any medical attention they may require;
- calling for the two men 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

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 24 March 2004.