

PUBLIC

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Fear for safety/ possible "disappearance"

13 February 2004

NEPAL

Rajendra Thapa (m), aged 35, farmer
Bhakta Bahadur Mijar (m), aged 49, farmer
Krishna Thapa (m), aged 44, businessman
Ram Prasad Mudvari (m), aged 27, student

The four men named above were reportedly arrested by plain clothed and uniformed security forces personnel in separate incidents between 18 December 2003 and 2 February 2004. Efforts made by relatives to locate the four men, including visiting army barracks, and informing the National Human Rights Commission (NHRC), have so far failed and their whereabouts remain unknown.

Rajendra Thapa is originally from ward no.7 of Likhu Village Development Committee (VDC), in Nuwakot district. Recently he was residing in Imadole VDC of Lalitpur district where he grew vegetables for sale in the market place. At 10.45pm on 18 December 2003, a group of six men in plain clothes came to his rented room, after forcing one of Rajendra's relatives to show them where he lived. They identified themselves as security forces personnel and one of the men showed an identity card, but obscured the section giving his name and personal details. The group then took Rajendra Thapa and drove away in an Isuzu pick-up truck with a concealed number plate. The reason for his arrest is not known.

Bhakta Bahadur Mijar is a resident of Budhichaur village ward no.1, Kevalpur VDC, in Dhading district. On 14 January, at around 5am a large group of uniformed army personnel who were patrolling the area arrived at his home. They woke him up and then arrested him, claiming that he had provided food and shelter to members of the Communist Party of Nepal (CPN) (Maoist). He was marched away from his home for about two hours, before being put in a civilian truck which drove in the direction of Baireni army barracks, also in Dhading district.

His relatives went to Baireni army barracks to inquire about his whereabouts. A guard at the barracks confirmed that some men had been arrested in Dhading on the day in question and had been brought to that camp, but he refused to say whether Bhakta Bahadur Mijar was amongst those detained.

Krishna Thapa is a resident of ward no.1 of Chandranigahapur VDC, in Rautahat district, where he runs a small handicrafts business. At 3.30pm on 1 February, when he was cycling southwards away from his home, witnesses saw a group of 13 armed police personnel in uniform stop and arrest him. He was later seen on foot in the middle of Chandranigahapur Bazaar amongst the police personnel before being taken to an unknown location. The reasons for his arrest are not known, but Krishna Thapa is said to have been closely associated with the Peasant Organisation, which is a sister organisation of the CPN (Maoist). He was previously arrested on suspicion of involvement in Maoist activities and held for fourteen months during the first State of Emergency, which was declared on 26 November 2001.

Ram Prasad Mudvari originally comes from ward no.4 of Kumari VDC in Nuwakot district. He was living in Sitapaila, in Kathmandu municipality whilst completing his studies when at 2pm on 2 February, he was reportedly arrested by two men in plain clothes who arrived at his residence on a Yamaha RX motorcycle. They identified themselves as security forces personnel and took him away in a red taxi. The reasons for his arrest are not known.

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 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 Rajendra Thapa, Bhakta Bahadur Mijar, Krishna Thapa and Ram Prasad Mudvari, who were reportedly arrested by security forces personnel in separate incidents between 18 December 2003 and 2 February 2004;
- 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 four 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

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

Salutation: Dear Colonel

COPIES TO:

Prime Minister Surya Bahadur Thapa
Prime Minister's Office
Singha Durbar
Kathmandu, Nepal

Fax: + 977 1 4 227 286

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 26 March 2004.