

PUBLIC

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Possible "disappearance" / fear for safety

13 February 2004

NEPAL

Sho Prasad Khatiwada (m), aged 27, office assistant
Laxman Prasad Aryal (m), aged 32, factory worker and advocate
Jeetaman Basnet (m), aged 28, journalist and advocate

The three people named above were all reportedly arrested by security forces personnel in January and February, and their whereabouts remain unknown. Amnesty International is concerned for their safety and that they may have "disappeared" as their families have not been informed of their whereabouts.

Sho Prasad Khatiwada was arrested at 8am on 3 January at his place of work in the office of "Duke Nepal Private Limited" garment factory in Sitapaila, Kathmandu, by a group identifying themselves as security forces personnel. The International Committee of the Red Cross (ICRC) and the National Human Rights Commission (NCRC) were informed of his arrest.

Sho Prasad Khatiwada originally comes from ward no.3, Bhadrutar, in Nuwakot district, although he had recently been living in Sitapaila. His relatives say that he may have been arrested on the wrongful suspicion of being involved with the armed opposition group the Communist Party of Nepal (CPN) (Maoist). This is because whilst he was living in Nuwakot, Sho Prasad Khatiwada was reportedly abducted by the CPN and forced to take part in one of their programmes.

On 29 January, **Laxman Prasad Aryal** was working at "NEBICO Private Ltd" factory. At 10.15am three people came to the gates of the factory and asked to talk to him. They reportedly identified themselves as security personnel and asked him to come to Balaju army barracks to help with an investigation, before taking him away by public transport. The NHRC, the ICRC and the National Bar Association (NBA) have been informed of his arrest. He lives in Ward no. 16, Machha Pokhari, Balaju, Kathmandu.

At 6pm on 4 February, **Jeetaman Basnet** was seen by a relative talking to three people dressed in army uniform outside his house in Ward no. 34, Santinagar, Kathmandu. After a while he was taken away and has not been seen since by his family. The NCRC, ICRC and the NBA have been informed of his 'disappearance'.

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 on 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 Sho Prasad Khatiwada, Laxman Prasad Aryal and Jeetaman Basnet who were reportedly arrested by security forces personnel on 3 January, 29 January and 4 February, 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 three 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. If someone answers the telephone please ask them in English to switch on the fax machine and resend the fax).

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) (Rings)

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.