

PUBLIC

AI Index: ASA 31/070/2004

17 March 2004

UA 113/04 Fear for safety / possible "disappearance" / incommunicado detention

NEPAL **Chakrapadi Acharya (m) aged 28, businessman**
Binod Prabhat Ghimere (m) aged 25, student

Chakrapadi Acharya and Binod Prabhat Ghimere were reportedly arrested by security forces personnel on 8 March and 11 March respectively. Their whereabouts are unknown, and it is feared that they have "disappeared".

Chakrapadi Acharya runs a small grocery shop in Niskot village development committee (VDC), ward No. 3, Myagdi district. At the time of his arrest 100 army personnel were marching through Niskot VDC. According to witnesses army personnel came into Chakrapadi Acharya's shop at around 11.30am, asked him his name and said they were looking for him. Army personnel reportedly slapped his father before dragging Chakrapadi Acharya from the shop and marching him away.

There are reports that Chakrapadi Acharya is being detained at the army barracks in Myagdi district headquarters but he has not been granted access to his family or to a lawyer. According to his family, members of the Communist Party of Nepal (Maoist) tried to force Chakrapadi Acharya to take up a post in a local CPN (Maoist)-affiliated "people's government". His family fear that Chakrapadi Acharya was arrested because of his suspected involvement with the CPN (Maoist) and that it is therefore likely that he will "disappear" and be tortured.

Binod Prabhat Ghimere lives in Sijuwa VDC, ward No. 8, Morang district, and is studying for a Bachelor of Business Studies qualification in that district. At 9pm on 11 March, four men who appeared to be security forces personnel reportedly came into the house in Kathmandu where Binod Prabhat Ghimere was staying with his relatives. They acted as though they knew him even though he did not recognise them. Binod Prabhat Ghimere was still wearing his slippers when the men reportedly asked him to come with them for questioning and led him away from the house on foot.

Binod Prabhat Ghimere's relatives who witnessed the arrest believe the four men who arrested him were security forces personnel. They also say that members of the local police force who have investigated the case suspect that he was arrested by army personnel. It is not known why Binod Prabhat Ghimere was arrested.

A local human rights organisation has appealed to the National Human Rights Commission, the Defence Ministry and the Prime Minister's office for the safety of both men to be guaranteed and for their whereabouts to be made officially public.

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, 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 Chakrapadi Acharya and Binod Prabhat Ghimere, who were reportedly arrested by security forces personnel on 8 March and 11 March 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 both 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 (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)

Salutation: Dear Prime Minister

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 28 April 2004.