

**PUBLIC**

**AI Index: ASA 31/083/2004**

**25 March 2004**

**Further Information on UA 94/04 (ASA 31/062/2004, 4 March 2004) - Fear for safety / possible "disappearance" / fear of torture**

**NEPAL** **Surendra Rai (m), aged 40, Carpet factory worker**

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Surendra Rai was released on 6 March, but is believed to have been arrested again on 18 March. His whereabouts are now unknown and Amnesty International is concerned that he may have "disappeared" and faces a high risk of torture.

Surendra Rai was reportedly first arrested on 27 February and then released at 1pm on 6 March, when he was taken to his home by four security forces personnel from Rajdal army barracks, Lagankhel, Lalitpur district. After his release he was reportedly required to report back to Rajdal barracks every day.

According to his family, on 15 March two people in civilian clothes came to Surendra Rai's house at around 8pm and identified themselves as security force personnel. After Surendra Rai told them that he was reporting to Rajdal barrack daily, one of the security force personnel made a phone call, and then they both took Surendra Rai away in a taxi. He was again released at his home, at 7pm the next day. He believes he was held at Chhauni army barracks, Kathmandu.

On 17 March Surendra Rai reported to Rajdal army barracks as usual. However, after he went there again on 18 March he did not return home and his family believes that he was arrested. A Nepali human rights organisation has reported his arrest to the National Human Rights Commission, the Prime Minister's office, relevant ministries and the Human Rights Cells of the Army, the Police and the Armed Police Force. Officials at Rajdal army barracks deny that he is being detained there and the reason for his arrest remains unknown.

## **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, 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 Surendra Rai, who is believed to have been arrested on 18 March;
- urging that he be treated humanely while in custody and not tortured or ill-treated;
- calling on the authorities to make public his whereabouts 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: (Faxes may be switched off outside office hours, 5 ½ hours ahead of GMT)**

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 (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**

**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 2 May 2004.