

PUBLIC

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Possible "disappearance"/ incommunicado detention

29 March 2004

NEPAL

**Sane Adhikari (m), aged 55, priest
Jeet Bahadur Chaudhari (m), aged 28, farmer
Krishna Bahadur Paudel (m), aged 27, farmer**

Sane Adhikari, Jeet Bahadur Chaudhari, and Krishna Bahadur Paudel were reportedly arrested in three separate incidents on 19, 20, and 21 March respectively in Nawalparasi district. Sane Adhikari and Jeet Bahadur Chaudhari's whereabouts remain unknown and Amnesty International is concerned that they may have "disappeared".

All three men are residents of Panchanagar Village Development Committee (VDC) in Nawalparasi district of southern Nepal. At 5pm on 19 March, two men in plain clothes arrived at Sane Adhikari's home in ward no. 8 of Panchnagar VDC. They identified themselves as being Armed Police Force (APF) personnel from the Bindhya Basini APF camp, and told Sane Adhikari to show them where the village chairman's house was. He did this, but the men then said that they needed him to come for questioning, and took him away on a motorbike with no number plates.

At 6am on 20 March, a group of four men in plain clothes arrested Jeet Bahadur Chaudhari from his home, which is also in ward no. 8 of Panchanagar VDC. The men again identified themselves as being from Bindhya Basini APF camp. The following day at 5am, a group of ten uniformed APF personnel went to the home of Krishna Bahadur Paudel in ward no. 3 of Panchanagar VDC, and took him away for questioning. A notice was later put out by the security forces Unified Command, that Krishna Bahadur Paudel was arrested and being held in the District Police Office. Relatives tried to visit him there but the police have refused all access to him. Reports suggest that he has not been charged thus far, and is being held incommunicado.

Sane Adhikari and Jeet Bahadur Chaudhari's relatives have been searching for them at both the District Police Office, and Bindhya Basini APF camp. Their cases have also been reported to the National Human Rights Commission, but there has been no news of either man since their arrests.

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 2003 - 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 Sane Adhikari, Jeet Bahadur Chaudhari, and Krishna Bahadur Paudel who were reportedly arrested on 19,20, and 21 March 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 all three men to be released immediately and unconditionally, unless they are to be charged with a recognizably criminal offence.

APPEALS TO:

Shaha Bir Thapa
Inspector General of the Armed Police Force
Armed Police Force Headquarters
Swayambhu (Halchowk)
Kathmandu
Nepal

Telegram: Inspector General SB Thapa, Armed Police Force Headquarters, Swayambhu, Kathmandu, Nepal

Fax: + 977 1 4 274746/ 287116

Salutation: Dear Inspector General

Shyam Bhakta Thapa
Inspector General of Police
Police Headquarters
GPO Box 407
Naxal

Kathmandu, Nepal

Telegram: Inspector General of Police, Naxal, Kathmandu, Nepal

Fax: + 977 1 4 415 593 / 4 415 594

Salutation: Dear Inspector General

COPIES TO:

His Majesty the King Gyanendra Bir Bikram Shah Dev
C/O The Chief of Protocol Division
Protocol Division
Ministry of Foreign Affairs
Chital News, Kathmandu
Nepal

Fax: + 977 1 4 416007

Salutation: Your Majesty

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 10 May 2004.