

PUBLIC

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Fear for safety/"disappearance"

8 January 2002

NEPAL

Thakur Prasad Kandel (m)]
Tanka Prasad Devkota (m)] teachers
Badri Bahadur Pandey (m)]

Amnesty International is concerned for the safety of the above named teachers from Jeevan Jyoti Secondary School in Gorkha District, who were arrested in December 2001. They were taken into custody apparently on suspicion of being members or sympathizers of the Communist Party of Nepal (CPN) (Maoist), who have been waging a "people's war" since February 1996.

They have not been seen since their arrest and are in danger of torture or ill-treatment.

Thakur Prasad Kandel, headmaster of the Jeevan Jyoti Secondary School, was arrested at the school on 11 December by a group of army personnel who said they wanted to take him for questioning. Two days later, he was reportedly transferred to the District Police Office in Gorkha District where he is believed to be held incommunicado. When relatives took clothes for him to the police station they were not permitted to see him, but were told that the clothes would be handed over to him later.

Tanka Prasad Devkota and Badri Bahadur Pandey, also teachers from the Jeevan Jyoti Secondary School, were arrested at the school at 1pm on 26 December by a joint group of army and police personnel. Nothing is known about their whereabouts.

According to reports, several other teachers in different schools in Gorkha district have received a summons through the District Education Office asking them to report to the district police office.

The three teachers named above are also members of Amnesty International.

BACKGROUND INFORMATION

Peace talks aimed at ending the CPN (Maoist)'s five-year "people's war" and an accompanying cease-fire broke down on 23 November 2001. The Maoists attacked police and army posts in Dang, Syangja and Solukhumbu districts. The authorities responded on 26 November by declaring a nationwide emergency, and deploying the army. The King of Nepal also officially announced the Terrorist and Disruptive Activities (Prevention and Control) Ordinance (TADO), 2001, which grants wide powers to arrest people involved in "terrorist" activities. The CPN (Maoist) was declared a "terrorist organization" under the Ordinance.

According to official sources, more than 3,300 people have been arrested since the state of emergency has been declared. Among them are many lawyers, students and teachers arrested throughout the country on suspicion of being members or sympathizers of the CPN (Maoist).

To Amnesty International's knowledge, very few of those arrested have so far been brought to court. Under the TADO, they can be held in detention for up to 90 days, extendable for another 90 days with the permission of the Home Ministry. It is suspected that many people are held in army camps without access to their relatives, lawyers or a doctor.

Under the state of emergency, a number of fundamental rights guaranteed in the Constitution including freedom of assembly, freedom of expression and the right to constitutional remedy have been suspended. While the right of *habeas corpus* (order requiring a detainee to be brought before a judge or into court) is not suspended, no such petitions have been filed. Lawyers are afraid of being arrested under the Ordinance for "supporting terrorism" if they were to appear in such cases.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- expressing concern for the safety of the three teachers, Thakur Prasad Kandel, Tanka Prasad Devkota and Badri Bahadur Pandey, following their arrest on 11 and 26 December 2001;
- appealing to the authorities to make public their whereabouts;
- urging the authorities to ensure that they are treated humanely while in custody;
- urging that they be released immediately and unconditionally unless they are to be charged with a recognizably criminal offence;
- calling on the authorities to allow them access to their relatives, lawyers and any medical attention they may need.

APPEALS TO:

Rt Hon Sher Bahadur Deuba
Prime Minister
Office of the Prime Minister
Singha Durbar
Kathmandu
Nepal

Telegrams: Prime Minister, Kathmandu, Nepal

Fax: + 977 1 227 286

Salutation: Dear Prime Minister

Rt Hon Khum Bahadur Khadka
Minister of Home Affairs
Ministry of Home Affairs
Singha Durbar
Kathmandu
Nepal

Telegrams: Home Minister, Kathmandu, Nepal

Fax: + 977 1 240 942

Salutation: Dear Minister

Padam Kumar Acharya
Secretary
Ministry of Defence
Singha Durbar
Kathmandu
Nepal

Telegrams: Defence Secretary, Kathmandu, Nepal

Fax: + 977 1 228 204

Salutation: Dear Secretary

(It may be difficult to get through on the fax numbers given for the authorities, but please keep trying)

COPIES 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 19 February 2002.