

PUBLIC

AI Index: ASA 31/015/2003

23 April 2003

Further Information on UA 185/02 (ASA 31/047/2002, 19 June 2002) Fear of torture/fear for safety New concerns: Medical concern/Possible "disappearance"

NEPAL	Bipin Bhandari (m)]	
	Dil Bahadur Rai (m)]	
	Ramhari Rupakheti (m)]	students
Released:	Shusila Thapa (f)]	
Released:	Nita Gautam (f)]	
New names:	Navin Rai, student (m)		
	Purna Poudel (m)		
	Ishwar Lama (m)		

Bipin Bhandari, Dil Bahadur Rai and another student, Navin Rai, are reportedly being detained incommunicado at the premises of the Para Battalion of the Nepal Army in Maharajgunj, Kathmandu. They are said to be in poor health and Dil Bahadur Rai is allegedly being denied access to medical treatment, which he requires urgently.

Bipin Bhandari, Dil Bahadur Rai and Ramhari Rupakheti were arrested by police on 17 June 2002 in Kathmandu. A fourth student, Kavi Gautam, also arrested on 17 June along with Bipin Bhandari and Dil Bahadur Rai, was detained for about two months at Balaju Ward Police Office in Kathmandu. He was released on bail on 3 January 2003.

Navin Rai and two others, Purna Poudel and Ishwar Lama, were arrested on 26 April 2002 in Kalimati, Kathmandu. The whereabouts of Purna Poudel and Ishwar Lama are unknown, and there are fears they may have "disappeared". There is no new information about the whereabouts and health of Ramhari Rupakheti. Amnesty International is concerned for their safety.

Two women, Shusila Thapa and Nita Gautam, who were arrested in June 2002, were detained for at least nine months. They were held for some of the time at Hanuman Dhoka district police office and at Central Jail in Kathmandu, before being released on 26 March 2003.

On 19 June 2002 the relatives of Bipin Bhandari and Dil Bahadur Rai lodged a *habeas corpus* petition on their behalf in the Supreme Court. At the most recent hearing of the petition on 21 April 2003, the Supreme Court requested the National Human Rights Commission (NHRC), which it had earlier asked to investigate the report that the students had been detained, to present its findings.

The authorities have repeatedly denied that the students were arrested. On 30 September 2002 Amnesty International received a letter from the Permanent Mission of Nepal to the United Nations in Geneva, denying that Bipin Bhandari and the other students had been arrested by police.

The students were alleged by the authorities to be members of the All Nepal National Independent Students' Union (Revolutionary). This organization was declared a "restricted" organization after the authorities imposed a nationwide state of emergency in November 2001, because it was believed to have links with the armed opposition Communist Party of Nepal (CPN) (Maoist).

BACKGROUND INFORMATION

The CPN (Maoist) declared a "people's war" in February 1996. Peace talks and an accompanying cease-fire broke down on 23 November 2001 after the Maoists withdrew from the talks and attacked police and army posts in 42 districts. The authorities responded on 26 November by declaring a nationwide emergency and deploying the army. During the state of emergency, thousands of people were arrested throughout the country. Among them were lawyers, students, journalists and teachers, who were suspected of being members of sympathizers of the CPN (Maoist). The whereabouts of many of them remain unknown.

On 29 January 2003 the government and the CPN (Maoist) declared a cease-fire. In mid-March, both sides agreed a 22-point Code of Conduct which includes a number of welcome human rights provisions, including for the gradual release of prisoners; the prohibition on "searches, arrests and kidnappings" and guarantees for the free movement of people, food, medicine and other essential supplies, as well as the return of all internally displaced people to their homes. However, the Code is silent on other long-standing human rights concerns reported in the context of the "people's war" over the last seven years, including "disappearances" at the hands of the security forces and the Maoists. Amnesty International has urged the government and the Maoist leadership to address this issue in their forthcoming negotiations. So far, both sides have met once but formal negotiations to bring an end to the conflict have not commenced.

On 22 April 2003, Brigadier General B.A. Sharma, head of the army's Human Rights Investigation Cell, speaking at a press conference reportedly said that the army was not holding any Maoist prisoners as those held had all been released after the cease-fire started. However, Amnesty International estimates that more than 1,000 prisoners may continue to be held in incommunicado detention by the security forces.

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

- expressing concern for Bipin Bhandari, Dil Bahadur Rai, Ramhari Rupakheti, who were reportedly arrested in Kathmandu on 17 June 2002 and Navin Rai, Purna Poudel and Ishwar Lama, reportedly arrested on 26 April 2002, and whose whereabouts remain unknown;
- urging the authorities to make public their whereabouts immediately;
- if they are in custody, calling on the authorities to ensure they are not ill-treated or tortured;
- calling for Dil Bahadur Rai to be given immediate access to medical treatment;
- calling for all the detainees to be given access to medical treatment, their relatives, lawyers and members of the National Human Rights Commission (NHRC);
- urging the authorities to release them immediately and unconditionally unless they are to be charged with a recognizably criminal offence.

APPEALS TO:

Rt Hon Lokendra Bahadur Chand
Prime Minister
Office of the Prime Minister
Singha Durbar
Kathmandu, Nepal

Telegrams: Prime Minister, Kathmandu, Nepal
Fax: + 977 1 422 3838 / 442 8220 / 442 8570
Salutation: Dear Prime Minister

Hon Badri Prasad Mandal
Deputy Prime Minister and Home Minister
Office of the Deputy Prime Minister
Singha Durbar
Kathmandu, Nepal

Telegrams: Deputy Prime Minister and Home Minister, Kathmandu, Nepal
Fax: + 977 1 424 0942
Salutation: Dear Deputy Prime Minister and Home Minister

General Pyar Jung Thapa
Chief of Army Staff (COAS)
Army Headquarters
Kathmandu, Nepal

Telegram: Commander-in-Chief, Kathmandu, Nepal
Fax: + 977 1 424 2168
Salutation: Dear Commander-in-Chief

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 4 June 2003.