

PUBLIC

AI Index: ASA 31/038/2003

26 September 2003

UA 279/03 Fear for safety/possible "disappearance"

NEPAL Lokendra Dhvaj Khand (m), President of student union at Nepal Law Campus Unit
Nirmala Bhandari (f), aged 20, student
Ujjwal Sukla (m), aged 27, lawyer

The three people named above were reportedly arrested by plain clothed members of the security forces from different locations in Kathmandu and Lalitpur, between 27 August and 23 September. Their whereabouts are unknown and they may have "disappeared". Amnesty International is concerned for their safety.

Lokendra Dhvaj Khand, acting President of the *Nepal Bidhyarthi Sangh* (Nepal Student Union) at Nepal Law Campus Unit in Kathmandu, was arrested at the Campus Unit on 27 August. He was reportedly taken away by plain clothed members of the Royal Nepalese Army. His current whereabouts and the reason for his arrest are unknown. His family's attempts to locate him, including approaches to the Ministry of Defence and the Headquarters of the Royal Nepalese Army, have so far failed.

Nirmala Bhandari, also a student, was arrested at her home in Balaju, Kathmandu, at about 10.30pm on 15 September. She was taken away by five plain clothed members of the security forces, who were all wearing masks. Her current whereabouts and the reason for her arrest are unknown. Nirmala Bhandari had previously been arrested by police and detained by the army for a month during the State of Emergency (November 2001 to August 2002).

Ujjwal Sukla, a lawyer and member of Amnesty International, was arrested at his home in Ganabahal, Lalitpur, at about 9pm on 23 September. He was taken away by nine members of the security forces, two of whom wore masks, to an unknown location. One of those who arrested him identified himself as C. Chandra Bahadur Rai by showing an identity card. The reason for his arrest is 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 (TADA), 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 detention in army custody without access to their families, lawyers or a doctor. The CPN (Maoist) are also reported to have abducted scores of people.

On 29 January 2003 both sides agreed to a cease-fire. Three rounds of peace talks were held - in April, May and August - between the government and representatives of the CPN (Maoist). The CPN (Maoist) had listed among their central demands 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 cease-fire agreement on 27 August. Since then fighting between the two sides has resumed throughout the country, and Amnesty International has received reports of human rights abuses committed by both sides in the conflict.

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

- expressing concern for the safety of Lokendra Dhvaj Khand, Nirmala Bhadhari and Ujjwal Sukla, who were reportedly arrested by plain clothes security forces personnel in Kathmandu and Lalitpur district between 27 August and 23 September;
- urging the authorities to make public their whereabouts, grant them immediate access to their relatives, lawyers and any medical attention they may require;
- calling upon the authorities to guarantee that they are not subjected to torture or ill-treatment while in custody;
- calling for their immediate and unconditional release, unless they are to be charged with a recognizable criminal offence.

APPEALS TO:

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

Telegram: Commander-in-Chief, Kathmandu, Nepal

Fax: + 977 1 4 242 168

Salutation: Dear Commander-in-Chief

Prime Minister Surya Bahadur Thapa
Prime Minister's Office
Singha Durbar
Kathmandu, Nepal

Telegram: Prime Minister, Kathmandu, Nepal

Fax: + 977 1 4 227 286 (fax may be switched off outside office hours, 5 ½ hours ahead of GMT)

Salutation: Dear Prime Minister

Brigadier General B A K Sharma
Head, Army Human Rights Cell
Army Headquarters
Kathmandu, Nepal

Telegram: Brigadier General, Kathmandu, Nepal

Fax: + 977 1 4 226 292 / 229 451

Salutation: Dear Brigadier General

Shyam Bhakta Thapa
Inspector General of Police
Police Headquarters
Naxal

Kathmandu, Nepal

Telegram: Inspector General of Police, Kathmandu, Nepal

Fax: + 977 1 4 415 593 / 415 594

Salutation: Dear Inspector General

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 7 November 2003.