

PUBLIC

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29 September 2003

UA 281/03 Fear for safety/possible 'disappearance'

NEPAL Prakash Chandra Lohani (m), aged 22] students
 Pradeep Adhikari (m), aged 20]

Students Prakash Chandra Lohani and Pradeep Adhikari have reportedly been arrested by security personnel in Kathmandu. Their whereabouts are unknown, and Amnesty International is concerned for their safety.

Prakash Chandra Lohani was reportedly arrested from his brother's room in Kathmandu by nine plain clothed security personnel at 9.30pm on 12 September. The security personnel did not tell Prakash's brother, who witnessed the arrest, where they were taking him. His family's attempts to locate him with the help of the National Human Rights Commission (NHRC) have so far failed.

It is thought that Prakash Chandra Lohani was arrested in connection with arms, including bomb making equipment, which the army recently found in his rented room at Hanuman Dhoka, Kathmandu. His brother claims that the arms did not belong to Prakash Chandra Lohani, but were stored there by his friends.

Pradeep Adhikari was reportedly arrested at the rented room he shared with his mother in Lokhetole, Kathmandu, at 8pm on 22 September. Six or seven security personnel in civilian clothing allegedly searched the room and forced him into a car before driving him to an unknown location. When his mother asked the security personnel who they were and where they were taking her son, they replied, "We are security personnel, and we can take him wherever we wish."

Attempts by his family to locate him, including through approaches to the NHRC, International Committee of the Red Cross (ICRC) and visits to police stations, have so far failed.

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 Prakash Chandra Lohani and Pradeep Adhikari, who were reportedly arrested by plain clothes security forces personnel in Kathmandu between 12 September and 22 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

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

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

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 10 November 2003.