

**PUBLIC**

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**Fear for safety/ possible "disappearance"**

**12 February 2004**

**NEPAL**

**Shakti Raj Bhattarai (m), aged 19, Journalist  
Lekhnath Sapkota (m), Travel agency employee**

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Journalist Shakti Raj Bhattarai was reportedly arrested in Pokhara on 1 February. Lekhnath Sapkota was reportedly arrested in Kathmandu three days later. The men's whereabouts are now unknown, and Amnesty International is concerned for their safety.

Shakti Raj Bhattarai is a resident of Chhorepatan, in ward no.17 of Pokhara, in Kaski district. He was working as a reporter for the *Sachar Darpan* (Communication Mirror) Weekly, which is published in Pokhara. At 1.30 pm on 1 February he went to pay a telephone bill at the Telecommunication Office in Ranipauwa, in Kaski district. Two security forces personnel in plain clothes arrested him there and took him away in a taxi with number plate Ga.1Ja.2143. The reasons for his arrest are not known.

Lekhnath Sapkota is originally from Kharkhola village in ward no.5 of Mirkot Village Development Committee (VDC), Gorkha district. He was living in Lainchaur, in ward no.29 of Kathmandu municipality. At 2pm on 4 February he was arrested at his office at Yeti Travels by three security forces personnel in plain clothes. Reports suggest that he had been followed all morning before he was arrested.

Lekhnath Sapkota has been arrested and held without charge on two previous occasions. The first was in 2002, on the street in central Kathmandu. He was held at a police station in Maharajganj for fifteen days, before being released without charge. Reports suggest that he was arrested simply because he was in the wrong place at the wrong time. He was arrested a second time on 22 September 2003, when he was at work in his office. The Supreme Court ordered his release on 17 November, after his family filed a writ of habeas corpus, and he was released the next day. At the time, police said he had been detained because he was working for the Communist Party of Nepal (CPN) (Maoist), which his relatives strongly deny. No reasons have been given for his arrest this time, although relatives feel that Lekhnath Sapkota is being repeatedly targeted because the security forces now associate him with the CPN (Maoist).

Both men's relatives have contacted the National Human Rights Commission, and made other efforts to find them, so far without success.

## **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 (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 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 - 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 on 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 Shakti Raj Bhattarai and Lekhnath Sapkota, who were reportedly arrested by security forces personnel on 1 and 4 February 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 the two men to be released immediately and unconditionally, unless they are to be charged with a recognizably criminal offence.

**APPEALS TO: (Please note that faxes may be switched off outside office hours, 5 ½ hours ahead of GMT)**

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

**Telegram:** Commander-in-Chief, Army Headquarters, Kathmandu, Nepal  
**Fax:** + 977 1 4 242 168  
**Salutation:** Dear Commander-in-Chief

Colonel Nilendra Prasad Aryal  
Head of Army Human Rights Cell  
Army Headquarters  
Singha Durbar, Kathmandu, Nepal

**Telegram:** Colonel NP Aryal, Army Headquarters, Singha Durbar, Kathmandu, Nepal  
**Fax:** + 977 1 4 226 292/ 229 451  
**Salutation:** Dear Colonel

**COPIES TO:**

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

**Fax:** + 977 1 4 227 286  
**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 25 March 2004.