

PUBLIC

AI Index: ASA 31/192/2004

17 December 2004

Further Information on UA 153/04 (ASA 31/105/2004, 21 April 2004) Fear for safety/"disappearance"

NEPAL

**Radha Baitha, (m), aged 38, teacher
Bhuwan Sen, (m), aged 28, farmer**

Amnesty International has received information from the government that Bhuwan Sen, (also known as Chham Bahadur Sen), is currently being detained under the Terrorist and Disruptive Activities (Control and Punishment) Act, 2002 (TADA), at a prison in Baglung District.

It is unclear whether Bhuwan Sen has been granted access to a lawyer or whether he has been formally charged with any recognizably criminal offence. He was arrested from Baglung Bazar by a group of over 50 security force personnel on 20 March 2004.

There is no further information on Radha Baitha who was arrested on 5 April 2004, by a group of 15 security force personnel in plain clothes at his residence in Ward No 4, Sirsia Village Development Committee (VDC), Parsa district. An army officer at Birganj Army Barracks first acknowledged, but later denied having Radha Baitha in custody. Amnesty International is very concerned for his safety, as his whereabouts remain unknown.

BACKGROUND INFORMATION

Since the Communist Party of Nepal (CPN) (Maoist) declared a "people's war" in February 1996 Nepal has been in the grip of nationwide conflict and human rights crisis. Human rights abuses by both the security forces and the CPN (Maoist) have escalated since a seven-month ceasefire broke down in August 2003.

In both 2002 and 2003, Nepal recorded the highest number of "disappearances" of any country in the world. People detained by the security forces are often held in army barracks with no access to their families, lawyers or medical treatment. They also face a high risk of torture, including beatings, and are sometimes held in solitary confinement or kept blindfolded for the entire time they are in custody. The CPN (Maoist) are also reported to have abducted hundreds of people, including large numbers of teachers and schoolchildren, for the purpose of "political education".

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

- acknowledging the government's announcement that Bhuwan Sen, (also known as Chham Bahadur Sen), is currently being detained under the Terrorist and Disruptive Activities (Control and Punishment) Act, 2002 (TADA), at a prison in Baglung District;
- expressing concern for the safety of Radha Baitha who was reportedly arrested in Parsa District on 5 April 2004;
- calling on the authorities to make public his whereabouts;
- urging that both men be treated humanely while in custody and not tortured or ill-treated;
- calling on the authorities to grant them immediate access to their relatives, lawyers and any medical attention they may require;
- calling for both men to be released immediately and unconditionally, unless they are to be charged with a recognizably criminal offence.

APPEALS TO:

Lieutenant Colonel Raju Nepali
Head Royal Nepal Army Human Rights Cell

Royal Nepalese Army Headquarters
Singha Durbar
Kathmandu, Nepal

Fax: + 977 1 4 226 292 / 245 020 (If someone answers the telephone please ask them in English to switch on the fax machine, and resend the fax).

Salutation: Dear Lieutenant Colonel

Mr Dharanidhar Khatiwada
Officer, Parsa district
Office, Birgunj, Parsa district
Nepal

Chief District
District Administration

Fax: +977 51 524066 (if someone answers the phone, please ask them in English to switch on the fax line)

Salutation: Dear Chief District Officer
(for appeals on behalf of Radha Baitha)

Mr Prem Narayan Sharma
Chief District Officer, Baglung District
District Administration Office, Baglung, Baglung District
Nepal

Fax: +977 68 520322

Salutation: Dear Chief District Officer
(For appeals on behalf of Bhuwan Sen)

COPIES TO:

His Majesty the King Gyanendra Bir Bikram Shah Dev
C/O The Chief of Protocol Division
Protocol Division
Ministry of Foreign Affairs
Chital News, Kathmandu
Nepal

Fax: + 977 1 4 416 007

Salutation: Your Majesty

and 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 28 January 2005.