

PUBLIC

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“Disappearance” / Fear for Safety

19 January 2004

NEPAL

**Pushpa Lal Dhakal (m), aged 31, farmer
Gopi Bhandari (m), aged 27, businessman**

Amnesty International is concerned for the safety of Pushpa Lal Dhakal and Gopi Bhandari who were reportedly arrested by armed security force personnel on 13 January and 15 January respectively. The whereabouts of both these men are unknown.

Pushpa Lal Dhakal lives in Village Development Committee 7, Jhapa District and works as a farmer. At 3pm on 13 January he was returning to his home by tractor, after selling sugar cane at a market in Biratnagar, Morang District, when witnesses saw him being arrested by 15 armed security force personnel. According to his relatives, Pushpa Lal Dhakal had previously experienced threats from both the Communist Party of Nepal (CPN) (Maoist) and the security forces. CPN (Maoist) members pressured him to give them food and the security forces suspected him of being involved in the CPN (Maoist) rebellion because he was visited by CPN (Maoist) members.

Gopi Bhandari lives in Balaju district, Kathmandu and owns a button factory in Nayabazar district. At 12 noon on 15 January, a witness saw him being arrested at his factory by five armed security personnel who then took him away in an unmarked green van. According to his family Gopi Bhandari has never been involved in political activities.

Gopi Bhandari's younger sister, Nirmala Bhandari, was also arrested by security force personnel on 15 September 2003 (see UA 279/03, ASA 31/038/2003, 26 September 2003 and updates) and her family still do not know where she is being detained. She had previously been detained by the army for 42 days during the State of Emergency (November 2001 to August 2002). According to one source, Nirmala Bhandari was accused of involvement with the CPN (Maoist), but the charge was reportedly later found to be false. Amnesty International is concerned that Gopi Bhandari may have been targeted by security forces merely because his sister had been suspected of involvement with the CPN (Maoist).

Efforts to locate Pushpa Lal Dhakal and Gopi Bhandari through the National Human Rights Commission (NHRC) and by appealing to the Defence Ministry and the Home Ministry have so far failed. It is not known whether these men have been charged by security forces.

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. 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 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 2003. 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. In particular there has been a rise in the number of 'disappearances' by 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 Pushpa Lal Dhakal, who was reportedly arrested by 15 armed security personnel on 13 January on the way from Biratnagar, Morang District to Gauradaha, Jhapa district;
- expressing concern for the safety of Gopi Bhandari, who was reportedly arrested by five armed security personnel on January 15 in Kathmandu.
- urging that they be treated humanely while in custody and not subjected to torture or ill-treatment;
- urging the authorities to make public the whereabouts of Pushpa Lal Dhakal and Gopi Bhandari and to grant them immediate access to their relatives, lawyers and any medical attention they may require;
- calling for their immediate and unconditional release, unless they are to be charged with a recognizably criminal offence.

APPEALS TO:

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 (Faxes may be switched off outside office hours, 5 ½ hours ahead of GMT)

Salutation: Dear Commander-in-Chief

Colonel Nirendra 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 (Faxes may be switched off outside office hours, 5 ½ hours ahead of GMT)

Salutation: Dear Colonel

COPIES TO:

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

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

Salutation: Dear Prime Minister

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 1 March 2004.