

PUBLIC

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19 September 2003

UA 270/03 Fear for safety/ possible "disappearance"

NEPAL Shubhashankar Kandel (m), aged 30, journalist

Shubhashankar Kandel, managing editor of *Janadharana* ("People's Opinion"), a weekly newspaper, was arrested on 9 September by plainclothes security forces personnel. His whereabouts are unconfirmed and Amnesty International is concerned for his safety.

Shubhashankar Kandel was arrested at 7.30pm on 9 September from his home in Balaju Banasthali in the northern part of the Kathmandu Valley. The security forces personnel who arrested him told his family that he was being taken away for interrogation. They also searched Shubhashankar Kandel's room and took away some of his books.

According to unconfirmed reports, Shubhashankar Kandel may be detained at the Chhauni army barracks in Kathmandu. The reasons for his arrest are unknown but may be because authorities suspect him of being a member or supporter of the Communist Party of Nepal (CPN) (Maoist).

The National Human Rights Commission, the International Committee of Red Cross and the Nepalese Journalists' Federation have been informed of the arrest of Shubhashankar Kandel. The Nepalese Journalists Federation has made inquiries to the government but has not yet received a reply.

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 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 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.

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

- expressing concern for the safety of Shubhashankar Kandel, who was arrested in Kathmandu by the security forces personnel on 9 September;
- urging the authorities to make public his whereabouts and to grant him immediate access to his relatives, lawyers and any medical attention he may require;

- calling on the authorities to guarantee that he be humanely treated while in custody and not be subjected to torture or ill-treatment;
- calling for his immediate and unconditional release, unless he is to be charged with a recognizably criminal offence.

APPEALS TO:

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

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

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 31 October 2003.