

PUBLIC

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Fear for safety/fear of torture/possible 'disappearance'

24 October 2003

NEPAL

**Subindra Buda Magar (m), aged 22, publisher
Bandhu Dev Pandey (m), aged 41, businessperson**

Amnesty International is concerned for the safety of Subindra Buda Magar and Bandhu Dev Pandey who were arrested by plain-clothed security personnel on the 11 and 16 October respectively. Their whereabouts are unknown.

Subindra Buda Magar is originally from Thakshera, Rukum district, but currently lives in Balaju, near Kathmandu. At 8.30pm on 11 October, he was at home with his brother and friends when four plain-clothed security personnel wearing masks arrived and inquired which one was Subindra Buda Magar. When Subindra Buda Magar identified himself they arrested him and took him away in a green Tata Mobile van. One of his friends was shown an identification card by one of the security personnel but was unable to read what was written on it.

Subindra Buda Magar publishes the monthly magazine *Nischhall Masic Patrika* and reportedly has no political background. It is not known why he was arrested. Inquiries to the Ministry of Home Affairs, the National Human Rights Commission (NHRC), and the International Committee of the Red Cross (ICRC) to try and establish the whereabouts of Subindra Buda Magar have so far failed.

Bandhu Dev Pandey also lives in Balaju, near Kathmandu. He runs a printing press business in Naradevi, Kathmandu. At 2.30pm on 16 October, four plain-clothed security personnel arrived at his business premises and arrested him. Witnesses claim that Bandhu Dev Pandey asked the army personnel why they were arresting him and where they were taking him but they gave no response. Inquiries at army and police facilities by Bandhu Dev Pandey's relatives to try and establish his whereabouts have so far failed.

Bandhu Dev Pandey was previously arrested under the Terrorist and Disruptive Activities (Control and Punishment) Act (TADA) on 26 January 2002. He was released on 30 October 2002 on the orders of the Supreme Court. While in detention he was allegedly tortured, and was so badly beaten he continued to have hearing problems for weeks afterwards.

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. 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 Subindra Buda Magar and Bandhu Dev Pandey who were reportedly arrested by plain clothed security personnel in Kathmandu on 11 and 16 of October;
- expressing concern that Bandhu Dev Pandey was allegedly tortured during his previous detention and urging that both men be treated humanely while in custody and not be subjected to torture or ill-treatment;
- urging the authorities to make public the whereabouts of Subindra Buda Magar and Bandhu Dev Pandey, 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:

Brigadier General B A K Sharma
Head, Army Human Rights Cell
Army Headquarters
Kathmandu, Nepal

Telegram: Brigadier General, Kathmandu, Nepal

Fax: + 977 1 4 229 451/ 226 292 (Faxes may be switched off outside office hours, 5 ½ hours ahead of GMT)

Salutation: Dear Brigadier General

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

Salutation: Dear Commander-in-Chief

Shyam Bhakta Thapa
Inspector General of Police
Police Headquarters
GPO Box 407
Naxal
Kathmandu, Nepal

Telegram: Inspector General of Police, Kathmandu, Nepal

Fax: + 977 1 4 415 593 / 415 594 (Faxes may be switched off outside office hours, 5 ½ hours ahead of GMT)

Salutation: Dear Inspector General

COPIES TO:

Prime Minister Surya Bahadur Thapa
Prime Minister's Office
Singha Durbar
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

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 5 December 2003.