

PUBLIC

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20 February 2004

UA 69/04 **Fear for safety/ possible "disappearance"**

NEPAL **Lok Krishna Bhattarai (m), politician and lawyer**

Lok Krishna Bhattarai was reportedly arrested on 18 February by four men in plain clothes, who claimed to be security forces personnel. His whereabouts are now unknown and Amnesty International is concerned that he may have "disappeared".

The men arrived at his house in Baluwatar, Kathmandu municipality, at 5am, while he was in the shower. His family said that three men went into the house, while another waited outside the gate. When Lok Krishna Bhattarai returned from his shower the men identified themselves as security forces personnel. When he demanded to see formal identification, the men replied that it should be sufficient that they said they were security forces personnel, and did not produce any proof. They told him to put on warm clothes, as he was to go with them to help with some inquiries. They said he would be returned after two hours.

Lok Krishna Bhattarai is the General Secretary of the Pushpa Lal Memorial Foundation, a social organisation named after the founder of the Communist Party of Nepal (CPN), now known as the CPN-United Marxist Leninist (CPN-UML), a legal party that was the principal opposition party in mainstream politics before Parliament was dissolved by the King in October 2002. Lok Krishna Bhattarai is a member of the CPN-UML Central Social Service Department, and has stood for national elections from his home district of Okhaldhunga. He is also an lawyer, and a member of the Lalitpur Bar Association.

The men did not allow Lok Krishna Bhattarai to phone his office before they took him from the house.

Attempts by relatives to locate Lok Krishna Bhattarai, including contacting human rights organisations and the press in Kathmandu, have so far failed.

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 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). The CPN (Maoist) announced they were withdrawing from the ceasefire agreement as of 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 Lok Krishna Bhattarai who was reportedly arrested on 18 February;
- urging that he be treated humanely while in custody and not tortured or ill-treated;
- calling on the authorities to make public his whereabouts and to grant them immediate access to his relatives, lawyers and any medical attention he may require;
- calling for him to be released immediately and unconditionally, unless he is to be charged with a recognizably criminal offence.

APPEALS TO:

(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 (If someone answers the telephone please ask them in English to switch on the fax machine, and resend the fax).

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

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 2 April 2004.