

PUBLIC

AI Index: ASA 31/054/2004

UA 83/04

Fear for safety/ possible "disappearance"

26 February 2004

NEPAL

**Shankha Buddha Lama (m), aged 41, Nepali Congress Party activist,
and social worker**

Shankha Buddha Lama was reportedly arrested by security forces personnel in plain clothes in Dulikhel, Kavrepalanchowk district on 24 February. His whereabouts remain unknown, and Amnesty International is concerned that he has "disappeared".

Shankha Buddha Lama was a resident of Dhulikhel in Kavrepalanchowk district. He was the Constituency President for the Nepali Congress Party, and was involved with several social organisations locally, including being President of the District Committee of the Non-Governmental Organisation (NGO) Federation of Nepal. He was in a committee meeting of the NGO Federation at 4pm on 24 February when he was called outside by two men in plain clothes. They reportedly identified themselves as security forces personnel, before taking him away. His colleagues at the meeting did not realise that he had been taken away until several minutes later when they heard about his arrest. They attempted to contact him on his mobile phone, but it was switched off. It is believed that he may be detained at Surya Binayak Army Barracks in the neighbouring Bhaktapur district.

Shankha Buddha Lama would often visit remote areas in the course of his NGO work, particularly drinking water projects. The reasons for his arrest are unknown, but it is believed that the security forces suspect him of having contact with the Communist Party of Nepal (CPN) (Maoist), whilst travelling in remote areas. Efforts to locate him by relatives, including visiting the district government offices, and army camps including Surya Binayak, have so far been unsuccessful.

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). Among the CPN (Maoist)'s central demands were 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 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 Shankha Buddha Lama who was reportedly arrested in Kavrepalanchowk District on 24 February 2004;
- 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 him immediate access to his relatives, lawyers and any medical attention he may require;
- calling for Shankha Buddha Lama to be released immediately and unconditionally, unless he is 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 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 (Faxes may be switched off outside office hours, 5½ 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

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 8 April 2004.