

**PUBLIC**

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**Fear for safety/"disappearance"**

**22 April 2004**

**NEPAL**

**Radha Baitha, age 38, teacher  
Bhuwan Sen, aged 28, farmer**

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Radha Baitha and Bhuwan Sen were reportedly arrested by security forces personnel on 5 April and 20 March respectively and their whereabouts are now unknown. An army officer first acknowledged but later denied having Radha Baitha in custody, and Amnesty International is concerned that both men may have "disappeared".

Radha Baitha was arrested at 2pm by a group of 15 security forces personnel in plain clothes at his residence in Ward No 4, Sirsia Village Development Committee (VDC), Parsa district. According to witnesses, the men asked Radha Baitha to come with them for questioning. As he was being taken away, some of the villagers approached the security forces personnel and asked them not to arrest him because he had done nothing. They replied that he would be released the following day, after completing some formalities. Relatives visited Birganj army barracks and asked the Major in charge to release him. The Major assured them that he would be released a week later. When he was not released, his family visited the barracks again, and this time the Major denied that he was detained there. Radha Baitha has not returned home and his whereabouts are unknown.

The arrest and "disappearance" of Radha Baitha was reported to government authorities including the Defence and Home Ministries, and also to the National Human Rights Commission (NHRC), on 19 April.

Bhuwan Sen (also known as Chham Bahadur Sen), a permanent resident of Ward No 2, Baglung District, was reportedly arrested on 20 March 2004 in Ward No 7, Tarakhola VDC, Baglung district, by a group of over 50 security forces personnel in uniform. According to witnesses who saw Bhuwan Sen in Baglung Bazar after his arrest, he was handcuffed and blindfolded. It is not known where he was taken and his whereabouts are unknown.

Relatives reported the arrest and "disappearance" of Bhuwan Sen to the Nepal Bar Association, which is making inquiries on his behalf.

### **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 (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. The TADA was renewed by royal ordinance, after it expired on 9 April 2004. In both 2002 and 2003, Nepal recorded the highest number of "disappearances" of any country in the world. The CPN (Maoist) are also reported to have abducted hundreds of people, and are recently reported to have abducted large numbers of schoolchildren for "indoctrination" purposes.

Both sides agreed to a ceasefire on 29 January 2003, and held three rounds of peace talks, in April, May and August 2003. 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 Radha Baitha and Bhuwan Sen, reportedly arrested by the security forces on 5 April and 20 March 2004 respectively;
- urging that they be treated humanely while in custody and not tortured or ill-treated;
- calling on the authorities to grant them immediate access to their relatives, lawyers and any medical attention they may require;
- calling for Radha Baitha and Bhuwan Sen to be released immediately and unconditionally, unless they are to be charged with a recognizably criminal offence.

**APPEALS TO:**

Mr Dharanidhar Khatiwada  
Officer, Parsa district  
Office, Birgunj, Parsa district  
Nepal

Chief District  
District Administration

**Telegram:** CDO Dharanidhar Khatiwada, District Administration Office, Birgunj, Parsa, Nepal

**Fax:** +977 51 524066 (if someone answers the phone, please ask them in English to switch on the fax line)

**Salutation:** Dear Chief District Officer  
(for appeals on behalf of Radha Baitha)

Mr Prem Narayan Sharma  
Chief District Officer, Baglung district  
District Administration Office, Baglung,  
Baglung district, Nepal

**Telegram:** CDO Prem Narayan Sharma, District Administration Office, Baglung, Nepal

**Fax:** +977 68 520322 (if someone answers the phone, please ask them in English to switch on the fax line)

**Salutation:** Dear Chief District Officer  
(for appeals on behalf of Bhuwan Sen)

Colonel Nilendra Prasad Aryal  
Head of Army Human Rights Cell, Army Headquarters  
Singha Durbar, Kathmandu, Nepal

**Telegram:** Colonel N P Aryal, Army Headquarters, Singha Durbar, Kathmandu, Nepal

**Fax:** + 977 1 4 245 020 /226 292 (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:**

His Majesty the King Gyanendra Bir Bikram Shah Dev  
C/O The Chief of Protocol Division  
Protocol Division  
Ministry of Foreign Affairs  
Chital News, Kathmandu  
Nepal

**Fax:** + 977 1 4 416 007

**Salutation:** Your Majesty

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 June 2004.