

UA 13/02 Fear for Safety/Incommunicado detention/11 January 2002
Fear of torture or ill-treatment

NEPALBhuminanda Devkota (m), aged 40, Water Board employee

Amnesty International is concerned for the safety of Bhuminanda Devkota, who was arrested from his home in Maharajgunj, Kathmandu, by six men believed to be plain-clothed army personnel on 31 December 2001. He is being held in incommunicado detention and is at risk of torture or ill-treatment.

Bhuminanda Devkota has in the past been associated with the Nepal National Intellectual Organization (NNIO) which is alleged by the government to be close to the Communist Party of Nepal (CPN) (Maoist). He is originally from Gorkha District and was employed as a manager of the Drinking Water Board for a World Bank funded project located at Panipokhari, Maharajgunj, Kathmandu.

According to reports, on 31 December 2001, six men in civilian dress visited Bhuminanda Devkota at his office in Panipokhari and questioned him. They then requested that he accompany them while they made further inquiries. As he had work to do, Bhuminanda Devkota refused to accompany them. When the office closed, he rode to his home in Nayabazar, Kathmandu, by motorcycle. He was followed by the six men in a white vehicle, described as a pick-up van (registration number unknown).

They followed him into his home and questioned him further. He was then taken away at around 6pm. Relatives were told the he would be released at around 10pm that day or before 10am the following morning. He has not been seen since.

BACKGROUND INFORMATION

Peace talks aimed at ending the CPN (Maoist)'s five-year "people's war" and an accompanying cease-fire broke down on 23 November 2001. The Maoists attacked police and army posts in Dang, Syangja and Solukhumbu districts. The authorities responded on 26 November by declaring a nationwide emergency, and deploying the army. The King of Nepal also officially announced the Terrorist and Disruptive Activities (Prevention and Control) Ordinance (TADO), 2001, which grants wide powers to arrest people involved in "terrorist" activities. The CPN (Maoist) was declared a "terrorist organization" under the Ordinance.

According to official sources, more than 3,300 people have been arrested since the state of emergency has been declared. Among them are many lawyers, students, journalists and teachers arrested throughout the country on suspicion of being members or sympathizers of the CPN (Maoist).

To Amnesty International's knowledge, very few of those arrested have so far been brought to court. Under the TADO, they can be held in detention for up to 90 days, extendable for another 90 days with the permission of the Home Ministry. It is suspected that many people are held in army camps without access to their relatives, lawyers or a doctor.

Under the state of emergency, a number of fundamental rights guaranteed in the Constitution including freedom of assembly, freedom of expression and the right to constitutional remedy have been suspended. While the right of *habeas corpus* (order requiring a detainee to be brought before a judge or into court) is not suspended, no such petitions have been filed. Lawyers are afraid of being arrested under the Ordinance for "supporting terrorism" if they were to appear in such cases.

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

- expressing concern for the safety of Bhuminanda Devkota following his arrest from his home on 31 December 2001;
- appealing to the authorities to make public his whereabouts;
- urging the authorities to ensure that he is treated humanely while in custody;
- urging that he be released immediately and unconditionally unless he is to be charged with a recognizably criminal offence;
- calling on the authorities to allow him access to his relatives, lawyers and any medical attention he may need.

APPEALS TO:

Rt Hon Sher Bahadur Deuba
Prime Minister
Office of the Prime Minister
Singha Durbar
Kathmandu
Nepal

Telegrams: Prime Minister, Kathmandu, Nepal

Fax: + 977 1 227 286

Salutation: Dear Prime Minister

Rt Hon Khum Bahadur Khadka
Minister of Home Affairs
Ministry of Home Affairs
Singha Durbar
Kathmandu
Nepal

Telegrams: Home Minister, Kathmandu, Nepal

Fax: + 977 1 240 942

Salutation: Dear Minister

Padam Kumar Acharya
Secretary
Ministry of Defence
Singha Durbar
Kathmandu
Nepal

Telegrams: Defence Secretary, Kathmandu, Nepal

Fax: + 977 1 228 204

Salutation: Dear Secretary

(Please note that it may be difficult to get through to these fax numbers, but please keep trying.)

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 22 February 2002.