

PUBLIC

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Fear for safety/ possible "disappearance"

11 February 2004

NEPAL

Ram Chandra Bhandari (m), aged 31, carpenter] brothers
Raja Ram Bhandari (m), aged 38, farmer]

Amnesty International is concerned for the safety of Ram Chandra Bhandari, and his elder brother Raja Ram Bhandari, who were reportedly arrested by security forces personnel two years apart from each other on 31 January 2004 and 9 September 2002 respectively. Attempts by relatives to locate both brothers, including visiting army barracks, and informing the National Human Rights Commission (NHRC), have so far failed.

The brothers come from Thansing Village Development Committee (VDC), ward no.2, Bitalab, in Nuwakot district. At 8.00 am on 9 September 2002 a patrol of the joint security forces came to the family home in Thansing, and arrested Raja Ram Bhandari. His hands were tied behind his back before he was taken away. He had been involved with the Communist Party of Nepal (CPN) (Maoist), but reports state that he had quit the party and returned to farming more than one year prior to his arrest. On 13 September 2002, State media reported that Raja Ram Bhandari had been killed in an encounter between security forces and suspected Maoists. However, when the family went to claim his body from a nearby army barracks they were turned away. They have recently received credible reports that he is still alive and may be held in Bhairab Nath Gan in Maharajganj, Kathmandu; the security forces have denied that he is there.

Ram Chandra Bhandari works for a furniture company, and currently resides in Bafal, Kathmandu. At 1.00pm on 31 January 2004, three men dressed in plain clothes came to the furniture company and introduced themselves as security forces personnel. They said that they needed Ram Chandra Bhandari to come along for questioning, and then took him away. The reasons for his arrest are not known, although it is suspected that his arrest may be linked to that of his elder brother.

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 detention in 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 on 27 August 2003. Since then, fighting between the two sides 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 brothers Ram Chandra Bhandari and Raja Ram Bhandari, who were reportedly arrested by security forces personnel on 31 January 2004 and 9 September 2002 respectively;

- urging that they be treated humanely while in custody and not tortured or ill-treated;
- calling on the authorities to make public their whereabouts and to grant them immediate access to their relatives, lawyers and any medical attention they may require;
- calling for the two men to be released immediately and unconditionally, unless they are 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 Nirendra 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 24 March 2004.