

UA 185/02

Fear of t

NEPALBipin Bhandari (m)]
Dil Bahadur Rai (m)]
Ramhari Rupakheti (m)] students
Shusila Thapa (f)]
Nita Gautam (f)]

The students named above were reportedly arrested by police on 17 June in Kathmandu. Their whereabouts are unknown and there are fears for their safety.

According to reports, police officers had previously visited Bipin Bhandari's residence on two occasions to search for him and threatened his family with death, unless they handed him over. The family reported the incidents to the National Human Rights Commission (NHRC) on 30 April. On 7 May, a Deputy Superintendent of Police (DSP) allegedly visited the house and threatened the family to make Bipin Bhandari surrender to the police or face serious consequences. The DSP also reportedly issued threats suggesting that Bipin Bhandari might be killed after arrest.

Bipin Bhandari and all the students named above are alleged by the authorities to be members of the All Nepal National Independent Students' Union (Revolutionary). This organization was declared a restricted organization after the authorities imposed a nationwide emergency, because it is believed to have links with the armed opposition Communist Party of Nepal (CPN) (Maoist).

Relatives of the students made inquiries with the police at Hanuman Dhoka district police office who denied any knowledge of the arrest of the students. They have also informed the NHRC.

BACKGROUND INFORMATION

The CPN (Maoist) declared a "People's War" six years ago. Peace talks, and an accompanying cease-fire, broke down on 23 November 2001, after the Maoists withdrew from the talks and attacked police and army posts in 42 districts. The authorities responded on 26 November by declaring a nationwide emergency and deploying the army.

On 10 April 2002, the Terrorist and Disruptive Activities (Control and Punishment) Act became law. It replaced an Ordinance of the same name, which the King announced after the state of emergency was declared. Under the Act, the authorities have wide powers to arrest people suspected of being involved in "terrorist" activities without a warrant, and search their properties. The Act will remain in force for two years.

Since the state of emergency was declared, thousands of people have been arrested throughout the country. Among them are many lawyers, students, journalists and teachers who are suspected of being members or sympathizers of the CPN (Maoist). The whereabouts of many of them remain unknown.

Under the state of emergency, a number of fundamental rights guaranteed in the Constitution have been suspended, including the rights to freedom of assembly, freedom of expression and to constitutional remedy. Although the right to apply for *habeas corpus* (order requiring a detainee to be brought before a judge or into court) has not been suspended, very few *habeas corpus* petitions have been filed since the state of emergency was declared. Lawyers are afraid that if they lodge such petitions on behalf of people arrested as

suspected CPN (Maoist) members or supporters, they may be arrested themselves for "supporting terrorism".

Following a recommendation to the cabinet by Prime Minister Sher Bahadur Deuba, parliament was dissolved on 22 May and fresh elections called for 13 November. Parliament has been dissolved at a time when it seemed poised to reject a six-month extension to emergency rule. On 27 May King Gyanendra extended the emergency for a further three month period.

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

- expressing concern for the safety of Bipin Bhandari, Dil Bahadur Rai, Ramhari Rupakheti, Shusila Thapa and Nita Gautam who were arrested in Kathmandu on 17 June, and whose whereabouts are currently unknown;
- urging the authorities to make public their whereabouts;
- asking the authorities to ensure that they are not ill-treated or tortured in custody;
- urging the authorities to release them immediately and unconditionally, unless they are to be charged with a recognizably criminal offence;
- calling on the authorities to allow them access to their relatives and lawyers, and any medical attention they 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 (It may be difficult to get through but please keep trying)

Salutation: Dear Prime Minister

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

Telegrams: Home Minister, Kathmandu, Nepal

Faxes: + 977 1 241 942

Salutation: Dear Minister

Mr Pradeep Shamsheer J B Rana
Inspector General of Police
Police Headquarters
GPO Box 407
Naxal
Kathmandu
Nepal

Telegrams: Inspector General of Police, Kathmandu, Nepal

Faxes: + 977 1 415 593/ 415 594

Salutation: Dear Inspector General

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 31 July 2002.