

PUBLIC

AI Index: ASA 31/054/2003

21 October 2003

Further Information on UA 281/03 (ASA 31/040/2003, 29 September 2003) Fear for safety/possible 'disappearance'

NEPAL

**Pradeep Adhikari (m), aged 20, student
Prakash Chandra Lohani (m), aged 22, student**

On 9 October, Pradeep Adhikari's father and uncle reportedly had a chance meeting with him as they walked down a street in Kathmandu. Pradeep Adhikari was accompanied by plain clothed security personnel. It is thought the security personnel were using him to gather information.

According to reports, Pradeep Adhikari's father and uncle were able to talk briefly with him and inquired about his health. The security personnel accompanying Pradeep Adhikari told his father that he could buy medicine for his son if he wished. They told him not to worry and that if his son became ill, they would give him the medicine.

Officials have not disclosed the whereabouts of Pradeep Adhikari but another unofficial source has named an army facility where it is believed he is being held. He was reportedly arrested on 22 September by security personnel at his home in Lokhetole, Kathmandu.

There is no new information on Prakash Chandra Lohani, also a student, who was reportedly arrested by plain clothed security personnel in Kathmandu on 12 September. His family's attempts to locate him with the help of the National Human Rights Commission (NHRC) have so far failed.

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 detention in army custody without access to their families, lawyers or a doctor. 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 cease-fire. Three rounds of peace talks were held - in April, May and August - between the government and representatives of the CPN (Maoist). The CPN (Maoist) had listed among their central demands 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 cease-fire agreement on 27 August. Since then fighting between the two sides has resumed throughout the country, and Amnesty International has received reports of human rights abuses committed by both sides in the conflict. In particular there has been a rise in the number of 'disappearances' by 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 Pradeep Adhikari who was reportedly arrested by members of the security forces in Kathmandu on 22 September, and who was seen in their custody on 9 October;
- expressing concern for the safety of Prakash Chandra Lohani, who has not been seen since his arrest by members of the security forces on 12 September;
- urging the authorities to make public their whereabouts, grant them immediate access to relatives, lawyers and any medical attention they may require;
- calling upon the authorities to guarantee that they will not be subjected to torture or ill-treatment while in custody;
- calling for his immediate and unconditional release, unless they are to be charged with a recognizably criminal offence.

APPEALS TO:

Brigadier General B A K Sharma
Head, Army Human Rights Cell
Army Headquarters
Kathmandu, Nepal

Telegram: Brigadier General, Kathmandu, Nepal
Fax: + 977 1 4 229 451/ 226 292
Salutation: Dear Brigadier General

General Pyar Jung Thapa
Chief of Army Staff (COAS)
Army Headquarters
Kathmandu, Nepal

Telegram: Commander-in-Chief, Kathmandu, Nepal
Fax: + 977 1 4 242 168
Salutation: Dear Commander-in-Chief

COPIES TO:

Prime Minister Surya Bahadur Thapa
Prime Minister's Office
Singha Durbar
Kathmandu, Nepal

Fax: + 977 1 4 227 286 (fax may be switched off outside office hours, 5 ½ hours ahead of GMT)
Salutation: Dear Prime Minister

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 December 2003.