

**PUBLIC**

**AI Index: ASA 31/089/2003**

**26 November 2003**

**Further Information on UA 300/03 (ASA 31/057/2003, 24 October 2003) Fear for safety/fear of torture/possible 'disappearance'**

**NEPAL**

**Bandhu Dev Pandey (m), aged 41, business person**

**Released:**

**Subindra Buda Magar (m), aged 22, publisher**

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Subindra Buda Magar was released from army custody on 19 November. He was reportedly arrested on 11 October at his home in Balaju, Kathmandu, by four plain clothes security personnel wearing masks. The reason for his arrest and detention is not known.

In a letter to Amnesty International, Subindra Buda Magar wrote that he "would like to thank Amnesty International for making hard efforts" for his release.

There is no further information on the whereabouts of Bandhu Dev Pandey. He was reportedly arrested by four security personnel in plain clothes who came to the office of his printing press company in Naradevi, Kathmandu on 16 October. His relatives' inquiries to the army and police authorities to try and establish Bandhu Dev Pandey's whereabouts have so far failed.

Bandhu Dev Pandey was previously arrested under the Terrorist and Disruptive Activities (Control and Punishment) Act (TADA) on 26 January 2002. He was released on 30 October 2002 on the orders of the Supreme Court. While in detention he was allegedly tortured, including being so badly beaten that he experienced hearing problems for several weeks afterwards.

#### **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:**

-welcoming news of the release of Subindra Buda Magar on 19 November;  
-expressing concern for the safety of Bandhu Dev Pandey, who was reportedly arrested by plain clothed security personnel in Kathmandu on 16 October;  
-expressing concern that Bandhu Dev Pandey was allegedly tortured during his previous detention and urging that he be treated humanely while in custody and not be subjected to torture or ill-treatment;  
-urging the authorities to make public the whereabouts of Bandhu Dev Pandey, and to grant him immediate access to their relatives, lawyers and any medical attention he may require;  
-calling for their immediate and unconditional release, unless he is 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 (Faxes may be switched off outside office hours, 5 ½ hours ahead of GMT)**

**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 (Faxes may be switched off outside office hours, 5 ½ hours ahead of GMT)**

**Salutation: Dear Commander-in-Chief**

Shyam Bhakta Thapa

Inspector General of Police

Police Headquarters

GPO Box 407

Naxal

Kathmandu, Nepal

**Telegram: Inspector General of Police, Kathmandu, Nepal**

**Fax: + 977 1 4 415 593 / 415 594 (Faxes may be switched off outside office hours, 5 ½ hours ahead of GMT)**

**Salutation: Dear Inspector General**

**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)**

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 7 January 2004.