

PUBLIC

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UA 311/03

Fear for safety/fear of "disappearance"

31 October 2003

NEPAL

Pashupati Dhungana (m), aged 28, school teacher

Hari Dev Mandal (m), aged 53, school teacher

Pashupati Dhungana and Hari Dev Mandal were reportedly arrested on 25 and 26 September respectively, by plain-clothed security personnel. Their whereabouts are unconfirmed and there are fears for their safety.

Pashupati Dhungana was reportedly arrested in Kathmandu on 25 September, as he was returning home from Shiddi Ganesh Secondary School, Paknajol, Kathmandu. It is believed that he is being held at the Bhairabnath Gana battalion in Majarajgunj in Kathmandu, but the authorities have not confirmed his whereabouts.

Hari Dev Mandal was reportedly arrested at 1.30pm on 26 September from Yagya Balkya Sanskrit Secondary Janakup School in the town of Janakpur, Dhanusha district. According to witnesses, he was taken away in a white coloured pick-up van with a covered number plate. Hari Dev Mandal is chairperson of the district committee of the National Teachers' Organization (NTO) which is affiliated with the Communist Party of Nepal-United Marxist Leninist (CPN-UML). The reasons for the arrest of the two teachers are unknown, but may be because the authorities suspect them to be involved in activities linked with the Communist Party of Nepal (CPN) (Maoist).

Relatives of Hari Dev Mandal have made inquiries with the district police, district administration office and the local army barracks about his whereabouts. The authorities have denied his arrest. The National Human Rights Commission has been informed about the arrests of Pashupati Dhungana and Hari Dev Mandal and is reported to be making inquiries.

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 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. 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) announced they were withdrawing from the cease-fire agreement on 27 August 2003 when the government refused to agree to their central demands. 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.

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

-expressing concern for the safety of Pashupati Dhungana who was reportedly arrested by security forces in Kathmandu on 25 September and for Hari Dev Mandal who was reportedly arrested in Janakpur on 26 September;

-urging 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 on the authorities to guarantee that they be humanely treated while in custody and will not be subjected to torture or ill-treatment;
-calling for their immediate and unconditional release, unless they are to be charged with a recognizably criminal;

APPEALS TO:

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

Brigadier General B A K Sharma

Head, Army Human Rights Cell

Army Headquarters

Kathmandu, Nepal

Telegram: Brigadier General, Kathmandu, Nepal

Fax: + 977 1 4 226 292 / 229 451

Salutation: Dear Brigadier General

Prime Minister Surya Bahadur Thapa

Prime Minister's Office

Singha Durbar

Kathmandu, Nepal

Telegram: Prime Minister, 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

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 12 December 2003.