

PUBLIC

AI Index: ASA 31/100/2003

05 December 2003

Further Information on UA 342/03 (ASA 31/082/2003, 20 November 2003) Fear for safety/ possible "disappearance"

NEPAL

Tanka Prasad Tripathi (m), aged 33. driver

Released:

Karsang Dhondup Lama (m), aged 45, tailor

On 4 December, army personnel returned Karsang Dhondrup Lama to his home in Sitapaila Village Development Committee, Swayambu, Kathmandu, where they released him. He was released after information received about him from an anonymous informer was found to be untrue. Karsang Dhondrup Lama had been arrested at his home at 1pm on 14 November by six army personnel in plain clothes.

There is no further information on the whereabouts of Tanka Prasad Tripathi. He was arrested at the Kalimati wholesale market at 7.30am on 17 November by three security forces personnel in plain clothes. Tanka Prasad Tripathi is a member of the Communist Party of Nepal - Unified Marxist-Leninist (CPN-UML), one of Nepal's main political parties. It is not known why he was arrested. Efforts to locate Tanka Prasad Tripathi by his family, including contacting the 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:

- welcoming the release of Karsang Dhondrup Lama on 4 December;
- expressing concern for the safety of Tanka Prasad Tripathi, who was reportedly arrested by plain-clothes security personnel in Kathmandu on 17 November;

- urging the authorities to make public his whereabouts and to grant him immediate access to his relatives, lawyers and any medical attention he may require;
- calling for his immediate and unconditional release, unless he is to be charged with a recognizably criminal offence;
- urging that he be treated humanely whilst in custody and not be subjected to torture or ill-treatment.

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 4 226 292/ 229 451 (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

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

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 16 January 2003.