

PUBLIC

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15 March 2004

UA 108/04 **Fear for safety / possible "disappearance" / incommunicado detention**

NEPAL **Dhani Ram Tharu (m), aged 40, NGO worker and journalist
Navina Lama (aka Pasang) (f), aged 30, painter**

Navina Lama and Dhani Ram Tharu were reportedly arrested on 5 March and 13 March respectively. Amnesty International is concerned for their safety.

A bomb exploded in the ward office of ward no. 17, Lagankhel, Lalitpur district on 5 March at 9.45am. It was suspected that the bomb had been planted by two members of the Communist Party of Nepal (CPN) Maoist. According to Nepali news reports local people suspected Navina Lama of being involved in planting the bomb. A group of civilians detained her and handed her over to security forces personnel who were still at the scene of the explosion. Although the Home Ministry have confirmed that she was arrested, her family have not been able to find out where she is being held and they fear she may face torture and ill-treatment in custody. Her family deny that she was involved with the CPN (Maoist).

Dhani Ram Tharu is district secretary of the Bardiya District "Backward Society Education Society" (BASE) and he presents a radio program which caters for Tharu people. The Tharu are a socially and economically deprived ethnic group of people who live mainly in the southwest of Nepal. At around 5.30pm Dhani Ram Tharu, and six colleagues who work on the same radio program, were in the office of "Youth Society Adult Education Service Forum" in Nepalgunj, Banker District when they were reportedly arrested by uniformed members of the Armed Police Force. Nepali newspapers report that all seven are suspected of involvement in Maoist activities. They were reportedly taken away in a white van with government number plates to Birendra Prahari Byayamshala police compound. Witnesses report that Dhani Ram Tharu was blindfolded and taken inside, while the other six were taken to the District Police Office. They were released the following morning, but Dhani Ram Tharu has not been released and his whereabouts remain unknown. It is feared that he may have "disappeared".

Both of these arrests have been reported to the National Human Rights Commission.

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 (Control and Punishment) Act, 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 army custody without access to their families, lawyers or medical treatment. 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 ceasefire. Three rounds of peace talks were held - in April, May and August - between the government and representatives of the CPN (Maoist). Among the CPN (Maoist)'s central demands were 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 ceasefire agreement as of 27 August 2003. Since then, fighting has resumed throughout the country, and Amnesty International has received reports of both sides committing human rights abuses. In particular there

has been a rise in the number of "disappearances" at the hands of 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 Dhani Ram Tharu and Navina Lama, who were reportedly arrested in on 5 and 13 March respectively;
- urging that they be treated humanely while in custody and not tortured or ill-treated;
- calling on 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 for both of them to be released immediately and unconditionally, unless they are to be charged with a recognizably criminal offence.

APPEALS TO:

Shaha Bir Thapa
Inspector General of the Armed Police Force
Armed Police Headquarters
Swayambhu (Halchok)
Kathmandu
Nepal

Telegram: Inspector General of the Armed Police Force, Armed Police Headquarters, Kathmandu, Nepal

Fax: + 977 1 4 275 685

Salutation: Dear Inspector General

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

Telegram: Commander-in-Chief, Army Headquarters, Kathmandu, Nepal

Fax: + 977 1 4 242 168

Salutation: Dear General

COPIES TO:

Colonel Nilendra Prasad Aryal
Royal Nepal Army
Human Rights Cell
Royal Nepalese Army Headquarters
Singha Durbar
Kathmandu
Nepal

Telegram: Colonel NP Aryal, Army Headquarters, Singha Durbar, Kathmandu, Nepal

Fax: + 977 1 4 226 292/ 229 451/ 227 286 (If someone answers the telephone please ask them in English to switch on the fax machine, and resend the fax).

Salutation: Dear Colonel

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 26 April 2004.