

**PUBLIC**

**AI Index: ASA 31/078/2004**

**UA 124/04**      **Fear for safety / possible "disappearance"**

**23 March 2004**

**NEPAL**      **Tuk Nath Dhungana (m) aged 46, farmer**

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On 17 March, Tuk Nath Dhungana was reportedly arrested from his home by armed security forces personnel in both uniform and civilian clothes. Amnesty International is concerned for his safety as his whereabouts are unknown.

Early in the morning, Tuk Nath Dhungana was working in his fields when around 20 security forces personnel, who were patrolling through the area, came to his house in ward No. 5, Chautha Village Development Committee, Nuwakot District. According to witnesses, the security forces searched Tuk Nath Dhungana's house and asked his daughter to fetch him from the fields. When he returned at around 7 am, they arrested him.

Relatives have reported Tuk Nath Dhungana's arrest to the National Human Rights Commission. They believe he may have been arrested because other members of his family are suspected of having links with the Communist Party of Nepal (CPN) (Maoist).

#### **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 Tuk Nath Dhungana who was reportedly arrested on 17 March 2004;
- urging that he be treated humanely while in custody and not tortured or ill-treated;
- calling on 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.

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

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 Commander-in-Chief

Colonel Nilendra Prasad Aryal

Head of Army Human Rights Cell

Army Headquarters

Singha Durbar, Kathmandu, Nepal

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

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

**Salutation:** Dear Colonel

**COPIES TO:**

Prime Minister Surya Bahadur Thapa

Prime Minister's Office

Singha Durbar

Kathmandu, Nepal

**Fax:** + 977 1 4 227 286

**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 4 May 2004.