

EXTRA 23/02

Fear of t

NEPAL Mana Kaji Manandhar (m), age 31, tea shop owner
Sankha Narayan Dangol (m), age 22, carpenter
Narayan Das Dangol (m), age 25, motor mechanic
Suraj Dangol (m), age 17, student

Killed: Kancha Dangol (m)

The five men named above were arrested by soldiers on 15 March, in an outlying district of Kathmandu. One of them was later found shot dead, and appeared to have been tortured. The other four are at grave risk of torture or death in custody. Their whereabouts are now unknown.

Around 20 soldiers arrived at Saraswoti Village, in Tokha, Kathmandu at 7.30pm. They arrested the five men in different locations in the village. The five were apparently suspected members of the Communist Party of Nepal (CPN) (Maoist), which declared a "people's war" on the government six years ago. Relatives who made inquiries at the Tokha Army Camp were told that the men were not in custody there.

Police brought the body of Kancha Dangol to Tribhuvan University Teaching Hospital in Kathmandu for a post-mortem examination on 18 March. He appeared to have been severely tortured, and had been shot through the head.

On 20 March a team of human rights organizations, including a representative of the National Human Rights Commission (NHRC), conducted a fact-finding mission to the village and concluded that Kancha Dangol had been taken into custody with four others, tortured and then shot dead.

Relatives have appealed to the NHRC to conduct a formal investigation into the alleged death in custody of Kancha Dangol and the whereabouts of the other four men. Lawyers have lodged a habeas corpus petition on behalf of the four.

BACKGROUND INFORMATION

Peace talks aimed at ending the CPN (Maoist)'s six-year "people's war", and an accompanying cease-fire broke down on 23 November 2001, after the Maoists withdrew from the talks and attacked police and army posts in 42 districts. The authorities responded on 26 November by declaring a nationwide emergency, and deploying the army. The King also officially announced the Terrorist and Disruptive Activities (Prevention and Control) Ordinance (TADO), 2001, granting wide powers to arrest people involved in "terrorist" activities. The CPN (Maoist) was declared a "terrorist organization" under the Ordinance.

According to official sources, more than 5,000 people have been arrested since the state of emergency was declared. Among them are many lawyers, students, journalists and teachers arrested throughout the country as suspected members or sympathizers of the CPN (Maoist).

To Amnesty International's knowledge, very few of those arrested have so far been brought to court. Under the TADO, they can be held without charge or trial for up to 90 days, extendable for another 90 days with the permission of the Home Ministry. It is suspected that many people are held in army camps without access to their relatives, lawyers or doctors.

Under the state of emergency, a number of fundamental rights guaranteed in the Constitution have been suspended, including the rights to freedom of assembly, freedom of expression and to constitutional remedy. Although the right of *habeas corpus* (order requiring a detainee to be brought before a judge or into court) has not been suspended, no *habeas corpus* petitions have been filed since the state of emergency was declared. Lawyers are afraid that if they lodge such petitions on behalf of people arrested as suspected CPN (Maoist) members or supporters, they may be arrested themselves under the Ordinance for "supporting terrorism".

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

- expressing concern for the safety of Mana Kaji Manandhar, Sankha Narayan Dangol, Narayan Das Dangol and Suraj Dangol who were arrested by soldiers in Saraswoti Village Development Committee, Tokha, Kathmandu, on 15 March;
- asking the authorities to ensure that they are not ill-treated or tortured in custody;
- urging that they be released immediately and unconditionally unless they are to be charged with a recognizably criminal offence;
- calling on the authorities to allow them access to their relatives, lawyers and any medical attention they may need;
- urging the authorities to conduct an impartial and independent investigation into the allegations that Kancha Dangol was tortured and killed in army custody, to make the findings public, and bring the perpetrators to justice.

APPEALS TO:

Rt Hon Sher Bahadur Deuba
Prime Minister
Office of the Prime Minister
Singha Durbar
Kathmandu
Nepal

Telegrams: Prime Minister, Kathmandu, Nepal

Fax: + 977 1 227 286

Salutation: Dear Prime Minister

Padam Kumar Acharya
Secretary
Ministry of Defence
Singha Durbar
Kathmandu
Nepal

Telegrams: Defence Secretary, Kathmandu, Nepal

Fax: + 977 1 228 204

Salutation: Dear Secretary

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 3 May 2002.