

PUBLIC

AI Index: ASA 31/039/2004

09 March 2004

UA 100/04 **Fear for safety/ possible "disappearance"**

NEPAL **Shita Ram Dhakal (m), aged 28**
Prabhu Ram KC (m), aged 34, building contractor
Yamanath Lohani (m), aged 50, teacher

The three men named above were reportedly arrested in Kathmandu district between 11 January and 1 March. Their whereabouts are unknown, and Amnesty International is concerned that they may have "disappeared".

Shita Ram Dhakal is originally from ward no.4 of Kamala Mai municipality in Sindhuli district. He currently lives in Balaju, in ward no.16 of Kathmandu municipality. He was in a tea shop near his rented room at 8am on 11 January, when three men in plain clothes entered and identified themselves as soldiers. They said that Shita Ram Dhakal was needed for questioning, and then arrested him. It is believed that he is held at Jagadal Gan in Chhauni army camp.

Prabhu Ram KC is a resident of Panauti municipality, ward no, 5, in Kavrepalanchowk district, although his work has often taken him to Butwal in western Nepal. He was having lunch with friends at Bagbazar in Kathmandu at 12 noon on 19 February, when three men in plain clothes approached and identified themselves as security forces personnel. They asked Prabhu Ram KC to come and talk with them a short distance away; he has not been seen since. Family members were able to contact him on his mobile phone on 20 February, and he told them that he was going to Butwal for a few days. They contacted him again on 25 February, but he was reluctant to speak and told them not to phone again. On 27 February three uniformed soldiers came to search the family home, and left with a photograph of Prabhu Ram KC. Reports suggest that he is held at Shree Jang Gan army camp, in Singha Durbar, in Kathmandu.

Yamanath Lohani is a resident of ward no.9, Thanapati Village Development Committee, in Nuwakot district. He had been visiting family in Kathmandu on 29 February, and had to return to his village for a teacher training course the next day, so he caught the bus home at 8am on 1 March. At 10.30am the bus stopped for a routine check at Fhusredada, near the Shivapuri army camp in the northern end of the Kathmandu valley. There were between 10 and 15 soldiers manning the post, and they told Yamanath Lohani to remain behind for questioning, saying that they would put him on a later bus. The reasons for his arrest are not known, and his family strongly deny that he had any links with the Communist Party of Nepal (CPN) (Maoist), as he was a member of the CPN-United Marxist-Leninist (UML), a mainstream political party who were the principle opposition party prior to the dissolution of parliament by the King in October 2002. Reports suggest that he may be being held at Gha Gul army barracks in Shivapuri, a commando training facility.

Efforts to locate all three men by relatives, including informing the National Human Rights Commission, have so far been unsuccessful.

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 Shita Ram Dhakal, Prabhu Ram KC and Yamanath Lohani, who were reportedly arrested in Kathmandu district between 11 January and 1 March;
- 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 the three men to be released immediately and unconditionally, unless they are to be charged with a recognizably criminal offence.

APPEALS TO:

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 (Faxes may be switched off outside office hours, 5 ½ hours ahead of GMT)

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 (Faxes may be switched off outside office hours, 5½ hours ahead of GMT)

Salutation: Dear Colonel

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

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 20 April 2004.