

PUBLIC

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Fear of t

NEPAL Tulashi Prasad Amgain (m), aged 29

Tour operator Tulashi Prasad Amgain was arrested at his home in Kathmandu on 25 November at around 4am, by a group of about seven police or soldiers, one of whom was in uniform. His relatives have not yet been able to see him in custody. There are unconfirmed reports that he has been tortured and Amnesty International is concerned for his safety.

The men who arrested Tulashi Prasad Amgain also took away his computer and a collection of kitchen knives. For the first few days after he was arrested, police refused to confirm that he was in their custody. On 11 December, the family learned unofficially that Tulashi Prasad Amgain was held at the Kathmandu District Police Station, in Durbar Square. Officers there confirmed the report, and asked the family to bring him food and clothes. However, his family have not yet been allowed to see him. It is feared that he is kept in incommunicado detention to conceal the fact that he has been tortured under interrogation about alleged links or sympathies for the Communist Party of Nepal (CPN) (Maoist), an armed political group.

Tulashi Prasad Amgain should have been brought before a judicial authority within 24 hours, as provided for in the Constitution of Nepal, but this is not known to have happened. No *habeas corpus* petitions have been filed on his behalf as lawyers are afraid to do so out of fear of being labeled supporters of the CPN (Maoist).

His relatives have appealed to the National Human Rights Commission but to date the Commission is not known to have acted on their complaint.

BACKGROUND INFORMATION

Peace talks aimed at ending the CPN (Maoist)'s five-year "people's war" and an accompanying cease-fire broke down on 23 November. The Maoists attacked police and army posts in Dang, Syangja and Solukhumbu districts.

The King of Nepal responded on 26 November by declaring a nationwide emergency, and authorized the deployment of the army. He also announced the Terrorist and Disruptive Activities (Prevention and Control) Ordinance, 2001, which grants wide powers to arrest people involved in "terrorist" activities. The CPN (Maoist) was also declared a "terrorist organisation" under the ordinance.

Since then dozens of people, including lawyers, students and teachers, have been arrested throughout the country on suspicion of being members or sympathizers of 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 tour operator Tulashi Prasad Amgain, who has not been allowed to see his family since he was arrested at his home in Kathmandu on 25 November;
- saying that you understand he is currently held at the Kathmandu District Police Office in Durbar Square;
- urging the authorities to ensure that he is treated humanely while in custody;
- calling on the authorities to allow him access to his relatives, lawyers and any medical attention he may need.

APPEALS TO:

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

Telegrams: Prime Minister, Kathmandu, Nepal

Faxes: + 977 1 227 286/ 428 570

Salutation: Dear Prime Minister

Hon Khum Bahadur Khadka
Home Minister
Ministry of Home Affairs
Singha Durbar
Kathmandu
Nepal

Telegrams: Home Minister, Kathmandu, Nepal

Faxes: + 977 1 241 942

Salutation: Dear Minister

Mr Pradeep Shamsher J B Rana
Inspector General of Police
Police Headquarters
GPO Box 407
Naxal
Kathmandu
Nepal

Telegrams: Inspector General of Police, Kathmandu, Nepal

Faxes: + 977 1 415 593/ 415 594

Salutation: Dear Inspector General

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 29 January 2002.