

PUBLIC

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UA 342/03 Fear for safety / Possible "disappearance"

NEPAL Karsang Dhondrup Lama (m), aged 45, tailor
Tanka Prasad Tripathi (m), aged 33, driver

Amnesty International is concerned for the safety of Karsang Dhondrup Lama and Tanka Prasad Tripathi, who were reportedly arrested by members of the security forces in plain clothes on 14 and 17 November respectively. Their whereabouts remain unknown.

Karsang Dhondup Lama, originally from Baglung district, lives in Sitapaila Village Development Committee (VDC), Swayambu, Kathmandu where he runs a tailoring shop. He was arrested at his home at 1pm on 14 November by six army personnel in plain clothes. One of the army personnel showed Karsang Dhondup Lama's wife an identity card, but she could not read it clearly. The army personnel asked Karsang Dhondup Lama questions about people on a list they had with them. He told them he did not know any of the people. The army personnel told him that he must accompany them, and when his wife asked where they were taking him they refused to tell her. They took him away in a white jeep. Efforts to locate Karsang Dhondup Lama by his family, including contacting the National Human Rights Commission (NHRC), a member of parliament, and visiting Swayambu police station, have so far failed.

Tanka Prasad Tripathi, originally from Kavrepalanchok district, lives in Ward No.35, Kathmandu. He drives a *tempo* (three wheeled vehicle) delivering fruit and vegetables from the wholesale market in Kalimati, Kathmandu, to local shops. He was arrested at the Kalimati wholesale market at 7.30am on 17 November by three security forces personnel in plain clothes. He was taken away in a car with the registration Ba 2 Cha 9962.

Tanka Prasad Tripathi is a member of the Communist Party of Nepal - Unified Marxist-Leninist (CPN-UML), one of the main political parties. It is not known why he was arrested. Efforts to locate Tanka Prasad Tripathi by his family, including contacting the NHRC, have so far failed.

BACKGROUND INFORMATION

Amnesty International has been concerned about a deterioration in the human rights situation in Nepal since the Communist Party of Nepal (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 (TADA), 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 detention in army custody without access to their families, lawyers or a doctor. 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 cease-fire. Three rounds of peace talks were held - in April, May and August - between the government and representatives of the CPN (Maoist). The CPN (Maoist) had listed among their central demands 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 cease-fire agreement on 27 August. Since then, fighting between the two sides has resumed throughout the country, and Amnesty International has

received reports of human rights abuses committed by both sides in the conflict. In particular there has been a rise in the number of 'disappearances' by 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 Karsang Dhundrup Lama and Tanka Prasad Tripathi, who were reportedly arrested by plain-clothes security personnel in Kathmandu on 14 and 17 November respectively;
- urging the authorities to make public the whereabouts of the two men and to grant them immediate access to their relatives, lawyers and any medical attention they may require;
- calling for their immediate and unconditional release, unless they are to be charged with a recognizably criminal offence;
- urging that they be treated humanely whilst in custody and not be subjected to torture or ill-treatment.

APPEALS TO:

Brigadier General B A K Sharma
Head, Army Human Rights Cell
Army Headquarters
Kathmandu, Nepal

Telegram: Brigadier General, Kathmandu, Nepal

Fax: + 977 1 4 226 292/ 229 451 (Faxes may be switched off outside office hours, 5 ½ hours ahead of GMT)

Salutation: Dear Brigadier General

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

Telegram: Commander-in-Chief, 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

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

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 1 January 2004..