

PUBLIC

AI Index: ASA 31/085/2004

26 March 2004

Further Information on UA 108/04 (ASA 31/069/2004, 15 March 2004) Fear for safety / possible disappearance" / Incommunicado detention

NEPAL **Navina Lama (aka Pasang) (f), aged 30, painter**

Found: **Dhani Ram Tharu (m), aged 40, NGO worker and journalist**

Amnesty International has received information that Dhani Ram Tharu was transferred to Nepalgunj jail, Banke District around 16 March after being detained in Birendra Prahari Byayamshala police compound. His friends have been able to visit him in jail.

Amnesty International has received no further information about Navina Lama who was reportedly arrested on 5 March. Her whereabouts remain unknown and Amnesty International is increasingly concerned for her safety.

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 about the safety of Navina Lama who was reportedly arrested on 5 March 2004;
- urging that she be treated humanely while in custody and not tortured or ill-treated;
- calling on the authorities to make public her whereabouts and to grant her immediate access to her relatives, lawyers and any medical attention she may require;
- calling for her immediate and unconditional release, unless she is 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**

Salutation: **Dear General**

Shyam Bhakta Thapa
Inspector General of Police
Police Headquarters
GPO Box 407

Naxal

Kathmandu, Nepal

Telegram: **Inspector General of Police**

Fax: **+ 977 1 4 415 593 / 4 415 594**

Salutation: **Dear Inspector General**

COPIES TO:

His Majesty the King Gyanendra Bir Bikram Shah Dev

C/O The Chief of Protocol Division

Protocol Division

Ministry of Foreign Affairs

Chital News, Kathmandu

Nepal

Fax: **+ 977 1 4 416007**

Salutation: **Your Majesty**

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 7 May 2004.