

PUBLIC

AI Index: ASA 31/110/2004

11 June 2004

Further Information on UA 63/04 (ASA 31/031/2004, 13 February 2004) and follow up (ASA 31/038/2004, 18 February 2004) - Fear for safety/possible "disappearance"

NEPAL **Yag Prasad Dulal (m), aged 32, farmer**

Released: **Deepak Thakuri (m), aged 17, shop assistant**
Chet Bahadur Thakuri (m) aged 46, farmer

Deepak Thakuri and his uncle, Chet Bahadur Thakuri, were released from detention on 6 May and 25 May respectively. Deepak was reportedly arrested on 27 January and Chet Bahadur on 13 January. Both men say they were detained at Bareni army barracks, Dhading district.

Syam Thakuri who is Deepak's father and Chet Bahadur's brother, was reportedly arrested by 12 armed security force personnel on 19 April. He may have been targeted because of his involvement with the Communist Party of Nepal - United Marxist Leninist (CPN – UML) which is a legal and peaceful political party. Though the army denied knowledge of his whereabouts, after he was released on 13 May Syam said that he too had been held at Bareni barracks. He also said that the involvement of Amnesty International in his family's case had enabled him to be released from detention earlier.

Amnesty International continues to be concerned for the safety of Yag Prasad Dulal who was reportedly arrested on 6 February. We have received no further information about him at this time.

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 Terrorist and Disruptive Activities Act (TADA), which gave the security forces the power to arrest suspects without a warrant and hold them 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. The TADA was renewed by royal ordinance, after it expired on 9 April 2004. In both 2002 and 2003, 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.

Both sides agreed to a ceasefire on 29 January 2003, and held three rounds of peace talks, in April, May and August 2003. 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:

- welcoming the release of Deepak Thakuri and Chet Bahadur Thakuri;
- expressing concern for the safety of Yag Prasad Dulal who was reportedly arrested on 6 February 2004;

-urging that he be treated humanely while in custody and not subjected to torture or ill-treatment;
-urging the authorities to make public his whereabouts and to grant him immediate access to relatives, lawyers and any medical attention he may require;
-calling for his immediate and unconditional release, unless he is to be charged with a recognizably criminal offence.

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

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 Commander-in-Chief

Lieutenant Colonel Raju Nepali
Head of Army Human Rights Cell, Army Headquarters
Singha Durbar, Kathmandu, Nepal

Telegram: Lieutenant Colonel Raju Nepali, Army Headquarters, Singha Durbar, Kathmandu, Nepal

Fax: + 977 1 4 226 292 (If someone answers the telephone please ask them in English to switch on the fax machine, and resend the fax).

Salutation: Dear Colonel

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 4 416 007

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 23 July 2004.