

PUBLIC

AI Index: ASA 31/129/2004

07 June 2004

Further Information on UA 40/04 (ASA 31/015/2004, 4 February 2004) Fear for safety/ possible "disappearance"/ fear of torture

NEPAL **Deepak Raj Siataula (m) aged 32, Businessman**
Devi Prasad Dhungel (m) aged 22, Businessman
Prakash Dhungel (m) aged 21, Student

Released: **Ajeet Man Tamang (m), aged 36, employee of Nepal Electricity Authority**

Ajeet Man Tamang was reportedly released from detention on 14 May having been arrested at his office in Kathmandu on 1 January. He was blindfolded whilst in custody, and is unable to confirm his place of detention. His father, Jagat Bahadur Tamang, believes Amnesty International helped to prevent Ajeet Man Tamang from being ill-treated whilst in custody, and sends his thanks to all those who worked on behalf of his son.

Concern remains for the safety of Deepak Raj Siataula, Devi Prasad Dhungel and Prakash Dhungel, who were arrested between 1 January and 29 January. Their whereabouts remain unknown and previous reports suggest that Devi Prasad Dhungel may have been beaten and ill-treated whilst in custody.

Devi Prasad Dhungel and Prakash Dhungel's relatives have received unofficial reports that the two men were being held at Jagdal Ghan camp in Chhauni army barracks, Kathmandu, before being transferred to a new, unknown location on 2 May. The army, however, continues to deny knowledge of their whereabouts.

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 Ajeet Man Tamang on 14 May 2004;
- expressing concern for the safety of Deepak Raj Sitaula, Devi Prasad Dhungel and Prakash Dhungel, who were reportedly arrested by security personnel in plain clothes in Kathmandu district between 1 and 29 January 2004;
- urging that they be treated humanely while in custody and not subjected to torture or ill-treatment;
- expressing concern at reports that Devi Prasad Dhungel may have been beaten during interrogation;
- requesting an immediate, impartial and independent investigation into allegations that Devi Prasad Dhungel was ill-treated and for those responsible to be brought to justice;
- urging the authorities to officially confirm their whereabouts and to grant them immediate access to 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.

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 14 July 2004.