

PUBLIC

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Fear for safety/ possible "disappearance"

13 February 2004

NEPAL

**Deepak Thakuri (m), aged 17, shop assistant
Yag Prasad Dulal (m), aged 32, farmer**

Deepak Thakuri and Yag Prasad Dulal were reportedly arrested by the security forces on 27 January and 6 February respectively. Their whereabouts are now unknown. Efforts to locate them, including informing the National Human Rights Commission (NHRC), have so far failed, and Amnesty International fears they may have "disappeared".

Deepak Thakuri is originally from ward no.1 of Jeevanpur Village Development Committee (VDC), in Dhading district. He is living in Teku, in Kathmandu municipality. He works at a shop in the "RB Complex" shopping arcade in central Kathmandu. On 27 January a man whom Deepak Thakuri knew and used to call "uncle" came to the shop while he was working. The man took him outside saying he needed to talk. Witnesses report that he handed Deepak Thakuri over to a group of seven or eight men in plain clothes waiting outside, who introduced themselves as security forces personnel. Deepak Thakuri has no political background, and the reasons for his arrest are not known. Relatives believe that he has been the victim of false allegations, possibly by the man known as "uncle".

Yag Prasad Dulal is a resident of ward no.5 of Melamchi VDC, in Sindhupalchowk district. He was at home at 8pm on 6 February, when uniformed soldiers, reportedly from Shri Nath Gan barracks in Melamchi, entered his house and told him to come outside. Some time later they apparently called his young daughter outside, and asked where her mother was. She said her mother was not at home, and the soldiers told her and the other children to stay quietly in the house while they took Yag Prasad Dulal away for a while. The group then left in the direction of Shri Nath Gan barracks. Eyewitnesses report that Yag Prasad Dulal had been blindfolded, and that his hands were tied behind his back. He apparently had no political background, and the reasons for his arrest are not known.

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 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). 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 for the safety of Deepak Thakuri and Yag Prasad Dulal, who were reportedly arrested by security forces personnel on 27 January and 6 February respectively;
- urging that they be treated humanely while in custody and not tortured or ill-treated;
- calling on the authorities to make public their whereabouts and to grant them immediate access to their relatives, lawyers and any medical attention they may require;
- calling for the two men to be released immediately and unconditionally, unless they are 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 Commander-in-Chief

Colonel Nilendra Prasad Aryal
Head of Army Human Rights Cell
Army Headquarters
Singha Durbar, Kathmandu, Nepal

Telegram: Colonel NP Aryal, Army Headquarters, Singha Durbar, Kathmandu, Nepal

Fax: + 977 1 4 226 292/ 229 451

Salutation: Dear Colonel

COPIES TO:

Prime Minister Surya Bahadur Thapa
Prime Minister's Office
Singha Durbar
Kathmandu, Nepal

Fax: + 977 1 4 227 286

Salutation: Dear Prime Minister

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 26 March 2004.