

PUBLIC

AI Index: ASA 31/042/2003

02 October 2003

UA 284/03 Fear for safety/Possible "disappearance"

NEPAL Dharma Raj Dangol (m), aged 19, artist

Dharma Raj Dangol was reportedly arrested by army personnel from the Rudrayani Temple, Khokana Village Development Committee (VDC), Lalitpur district, near Kathmandu at 4.30am on 23 September. His whereabouts are unknown and there are fears for his safety.

According to reports, Dharma Raj Dangol had spent the night of 22 and 23 September guarding the local temple, a task which the local people share among themselves. A number of army personnel in uniform arrived at his house looking for him, and on learning that he was at the temple, forced relatives to lead them to him. They reportedly arrested him at the temple and took him away in a truck.

The reasons for the arrest of Dharma Raj Dangol are not known. He is an artist and sculptor, and is not known to be a member or supporter of the Communist Party of Nepal (CPN) (Maoist) or any other political group.

On 26 September relatives informed the National Human Rights Commission (NHRC) who are reported to be making inquiries. They also informed the Royal Nepal Army (RNA) human rights cell, who have not yet replied to their inquiry.

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 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. 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 2003. 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.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Nepal or your own language:

- expressing concern for the safety of Dharma Raj Dangol, who was reportedly arrested by army personnel near Kathmandu on 23 September;
- urging the authorities to make public his whereabouts and to grant him immediate access to his relatives, lawyers and any medical attention he may require;

- calling on the authorities to guarantee that he be humanely treated while in custody and will not be subjected to torture or ill-treatment;
- calling for his immediate and unconditional release, unless he 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, Kathmandu, Nepal

Fax: + 977 1 4 242 168

Salutation: Dear Commander-in-Chief

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

Salutation: Dear Brigadier General

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

Telegram: Prime Minister, Kathmandu, Nepal

Fax: + 977 1 4 227 286 (fax may be switched off outside office hours, 5 ½ hours ahead of GMT)

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 13 November 2003.