

PUBLIC

AI Index: ASA 31/043/2004

20 February 2004

Further Information on UA 315/03 (ASA 31/066/2003, 03 November 2003) – Fear for safety/Possible "disappearance"

NEPAL

Dinesh Nepali (m), aged 22, hotel worker
Sanjay Raya (m), aged 30, shop owner

Relatives of Dinesh Nepali have received word that he is being held at Gajuri army barracks in Dhading district. His family have been granted access to him in custody there, and have discovered that he was previously held at Bhairab Nath Gan, in Maharajganj, Kathmandu. He was beaten during the early stages of his detention, but is now said to be in good health and is no longer being mistreated. It is still not clear why he was arrested, and his family report that he still has not been presented before a court or formally charged with any offence, although he was arrested four months ago. Reports suggest that the army may soon put his case before the Chief District Officer (CDO) of Dhading district in order to extend his detention for a further three months.

Amnesty International has not received any more information on the "disappearance" of Sanjay Raya. He was reportedly arrested at his shop in Janakpur on 22 October by a group of 30 security forces personnel in plain clothes. He is a ward level coordinator of the Rastriya Milan Kendra (Coordination Centre for Nationalists), a nationalist/royalist organisation, in Janakpur. Efforts to locate him through the local government and the National Human Rights Commission have so far failed.

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:

- welcoming the news that relatives of Dinesh Nepali have been granted access to him in Gajuri army camp, in Dhading;
- expressing concern that he is still in army custody, and has not been presented before a court even after four months;
- expressing concern for the safety of Sanjay Raya who was reportedly arrested by plainclothes security personnel in Janakpur on 22 October;

- urging the authorities to make his whereabouts public and grant him immediate access to his relatives, lawyers and any medical attention he may require;
-calling for both men to be released immediately and unconditionally, 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

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 (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:

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

Fax: + 977 1 4 227 286

Salutation: Dear Prime Minister

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 1 April 2004.