

PUBLIC

AI Index: ASA 31/099/2003

04 December 2003

Further Information on UA 311/03 (ASA 31/064/2003, 31 October 2003) Fear of Safety/fear of "disappearance"

NEPAL **Pashupati Dhungana (m), aged 28, school teacher**

Released: **Hari Dev Mandal (m), aged 53, school teacher**

Hari Dev Mandal was reportedly released from army custody at 2pm on 11 November, in the presence of his relatives. He was held at Viman army barracks in Dhanusha. Reports suggest that he was kept blindfolded for the first 13 days of his detention. He was originally arrested at 1.30pm on 26 September from Yagya Balkya Sanskrit Secondary Janakup School in the town of Janakpur, Dhanusha district. The reason for his arrest is not known.

There is no further information on the whereabouts of Pashupati Dhungana. He was reportedly arrested in Kathmandu on 25 September, as he was returning home from school. It is believed that he is detained at the Bhairabnath Gana battalion in Maharajgunj in Kathmandu, but the authorities have not confirmed his whereabouts. Efforts to locate him by his relatives, including informing the National Human Rights Commission (NHRC), have so far failed.

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) announced they were withdrawing from the cease-fire agreement on 27 August 2003 when the government refused to agree to their central demands. 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 English or your own language:

- welcoming the release of Hari Dev Mandal on 11 November;
- expressing concern for the safety of Pashupati Dhungana who was reportedly arrested by security forces in Kathmandu on 25 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 15 January 2004.