

PUBLIC

AI Index: ASA 31/135/2004

21 June 2004

Further Information on UA 118/04 (ASA 31/073/2004, 18 March 2004) and follow-up (ASA 31/103/2004, 16 April 2004) - Fear for safety / possible disappearance

NEPAL **Indra Raj Pathak (m) aged 25, health worker**

Released: **Ramesh Dhungana (m) aged 36, businessman**

Amnesty International has received information that Ramesh Dhungana was released on 26 May. He had reportedly been arrested by security force personnel in civilian clothes on 12 March in Balaju, Kathmandu.

He believes he was held in Chhauni army barracks, Kathmandu, on suspicion of involvement with the Communist Party of Nepal (CPN) (Maoist). However, he denies these allegations. He was held without access to his family or a lawyer but he says he was not tortured or ill treated.

Amnesty International is increasingly concerned about the safety of Indra Raj Pathak who was reportedly arrested by security force personnel in civilian clothes on 8 March in the Bhimsenthan area of Kathmandu. His family still have received no information about his whereabouts and they fear that he may have been targeted because of a personal vendetta against him.

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 Ramesh Dhungana;
- expressing concern for the safety of Indra Raj Pathak who was reportedly arrested by security personnel in civilian dress on 8 March 2004;
- urging that he be treated humanely while in custody and not subjected to torture or ill-treatment;
- urging the authorities to make public his whereabouts and to grant him immediate access to relatives, lawyers and any medical attention he may require;
- calling for his immediate and unconditional release, unless he is 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 Lieutenant 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 2 August 2004.