

PUBLIC

AI Index: ASA 31/042/2004

20 February 2004

Further Information on UA 345/03 (ASA 31/085/2003, 25 November 2003) and follow-up (ASA 31/095/2003, 02 December 2003) - Fear for safety /possible "disappearance" / Torture

NEPAL

**Tara Bhandari (f), aged 26, former factory worker
Sujindra Maharjan (m), aged 30, council worker
Shomsher Rupakheti (m), aged 31
Kedar Gautam (m), aged 31, driver
Ram Prasad Gautam (m), aged 40, driver
Ram Krishna Shrestha (m), aged 39, construction businessman**

Shiva Prasad Gautam (m), aged 38, committee member of the Communist Party of Nepal - Unified Marxist Leninist (CPN-UML)

Amnesty International has been informed that Shiva Prasad Gautam was released on 5 December 2003. He had reportedly been beaten during the early stages of his detention.

He had been held since 1 September 2003 at the Singha Durbar army barracks. He has been required to report back there every month.

Ram Krishna Shrestha's family believe that he is being held in Chhauni army barracks but officials there deny this. He was reportedly arrested on 20 November and his family fear he has been tortured.

The families of Tara Bhandari, Sujindra Maharjan, Kedar Gautam and Ram Prasad Gautam, who were arrested in October and November 2003, still have not been informed of their whereabouts. Amnesty International has received no further information about Shomsher Rupakheti, who was arrested on 17 November 2003. Amnesty International is increasingly concerned about the safety of all these people especially in the light of reports that detainees in army custody are routinely subjected to torture and ill-treatment.

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 release of Shiva Prasad Gautam.
- expressing concern at reports that he was beaten while in detention, and asking the authorities to conduct a full and impartial investigation into these allegations immediately, and bring those responsible for any beatings to justice;
- expressing concern for the safety of Tara Bhandari, Sujindra Maharjan, Shomsher Rupakheti, Kedar Gautam, Ram Prasad Gautam and Ram Krishna Shrestha;
- 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 them 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 2 April 2004.