

PUBLIC

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Fear for safety / possible "disappearance"

1 April 2004

NEPAL

**Bhim Giri (m), aged 27, student
Bhai Kaji Ghimire (m), journalist
Lok Prasad Bhurtel (m), aged 40, accountant**

Amnesty International is concerned for the safety of Bhim Giri and Bhai Kaji Ghimire who were reportedly arrested on 3 December 2003 and Lok Prasad Bhurtel who was believed to have been arrested on 15 March 2004. Their whereabouts remain unknown.

According to witnesses, at around 3 pm on 3 December 2003 Bhim Giri and Bhai Kaji Ghimire were travelling west through the Chhetrapati area of Kathmandu when security forces personnel on motorbikes began following them. They had to stop because a white car was blocking the road. Local residents report that Bhim Giri then called out his name and shouted that he was being arrested at which point he was beaten by the security force personnel. After 10 minutes both Bhim Giri and Bhai Kaji Ghimire were reportedly taken away in a car by security forces personnel.

Lok Prasad Bhurtel has not been seen by his family since he left his office at the premises of the "Nepal Transportation Corporation", Teku, Kathmandu at 3pm on 15 March 2004. His family have since received information from an unofficial source in the army that he was arrested by security force personnel after leaving his office. They have also received information that he may be being held at Maharajgunj army barracks, Kathmandu.

Efforts to locate all three men, including informing the National Human Rights Commission of their arrests, have so far been unsuccessful.

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, 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). 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:

- expressing concern for the safety of Bhim Giri and Bhai Kaji Ghimire who were reportedly arrested on 3 December 2003 and Lok Prasad Bhurtel who was believed to have been arrested on 15 March 2004.
- 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 grant them immediate access to their relatives, lawyers and any medical attention they may require;
- calling for all three 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 4 245 020 /226 292 (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:

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 13 May 2004.