

**PUBLIC**

**AI Index: ASA 31/149/2004**

**23 July 2004**

**Further Information on UA 224/04 (ASA 31/143/2004, 15 July 2004) - Fear for safety / fear of "disappearance" / detention without charge**

**NEPAL**

**Yek Raj Basnet (m)  
Khagendra Sambahamfe (m)  
Ram Bahadur Ingaram (m)  
Tek Bahadur Bista (m)**

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The Nepalese authorities have publicly acknowledged that the four individuals named above are currently being held in Morang District Prison. Amnesty International remains concerned for their safety as they have only had limited access to a lawyer and have not been granted access to their families.

The four individuals were reportedly rearrested on 14 July by security forces in civilian clothes at Morang District Court. They had been afraid, that they would be targeted and perhaps killed by security forces after the court ordered their release following the end of their detention order.

Since their rearrest, the detainees have been charged under the Terrorist and Disruptive Activities (Control and Punishment) Act which allows them to be held for up to 90 days with the permission of the Chief District Officer (CDO).

Members of Advocacy Forum, a local human rights organization, were initially denied access to the four but eventually prison authorities agreed to allow a lawyer from the organization to meet with them for two minutes in the presence of prison guards.

**BACKGROUND INFORMATION**

The human rights situation in Nepal has deteriorated 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 members of the CPN (Maoist) have been reported in the context of the eight-year-old armed conflict and have escalated following the breakdown of a seven month old ceasefire in August 2003.

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 hundreds of people including large numbers of schoolchildren for "indoctrination" purposes.

The PSA allows people to be detained for up to 90 days without charge or trial on the orders of a local authority, which can be extended for up to 12 months with the approval of the Home Ministry and an Advisory Board. Since the beginning of the CPN (Maoist) insurgency it has been used by the government to detain scores of people suspected of sympathising with the CPN (Maoist). However, since 2002 the government has more frequently used the Terrorist and Disruptive Activities (Control and Punishment) Act (TADA) as a legal justification for detention without trial.

Amnesty International has in the past expressed its concerns about the repeated re-arrests of people under preventive detention orders, issued under the PSA or the TADA. People detained by the security forces are often held in army barracks with no access to their families, lawyers or medical treatment. They also face a high risk of torture including beatings, and are sometimes held in solitary confinement or blindfolded for the entire period of their detention.

**Many thanks to all those who sent appeals. If possible, please send a final round of appeals to arrive as quickly as possible, in English or your own language:**

- noting that the authorities have made public the whereabouts of Yek Raj Basnet, Khagendra Sambahamfe, Ram Bahadur Ingaram and Tek Bahadur Bista, who were rearrested on 14 July by security forces in civilian clothes at Morang District Court;
- asking the authorities to guarantee their safety in Morang District Prison and ensure that they are treated humanely and not subjected to torture or ill-treatment;
- urging that they be granted immediate and unimpeded access to a lawyer, their family and any medical treatment they require.

**APPEALS TO: (faxes may be switched off outside office hours, 5 and a half hours ahead of GMT)**

Lt. Colonel Raju Nepali  
Head, Royal Nepal Army Human Rights Cell,  
Army Headquarters  
Singha Durbar  
Kathmandu, Nepal

**Fax: + 977 14 245 020 or + 977 14 226 292 (If someone answers the telephone please ask them in English to switch on the fax machine, and resend the fax).**

**Salutation: Dear Lt. Colonel**

Chief District Officer of Morang (CDO)

Office of the Chief District Officer  
Morang District, Nepal

**Fax: + 977 21 525 251 (If someone answers the telephone please ask them in English to switch on the fax machine, and resend the fax).**

**Salutation: Dear Chief District Officer**

**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 3 September 2004.