

PUBLIC

AI Index: ASA 31/156/2004

19 August 2004

Further Information on UA 363/03 (ASA 31/104/2003, 11 December 2003) and follow-ups (ASA 31/108/2003, 16 December 2003; ASA 31/087/2004, 26 March 2004) - Fear for safety/possible "disappearance"

NEPAL:
Yuba Raj Chaulagain (m), aged 31, taxi driver
Rebakala Tiwari (f), aged 21, student
Subash Shrestha (m), aged 18, student
Shaha Dev Ghimire (m), aged 29, government surveyor
Bhawanath Dhamala (m), aged 27, student

Released: Ganesh Dhakal (m), aged 24, teacher

Ganesh Dhakal was released on 16 August. Security forces personnel brought him to his home in Baneshwar, Kathmandu. He had reportedly been arrested at his home at 5.30pm on 3 December 2003 by approximately 15 members of the security forces.

Taxi driver Yuba Raj Chaulagain is held at Singha Durba army barracks, and there are reports that he has been beaten. He sent a letter to his family by giving it to a fellow prisoner who was being released. The army have reportedly admitted that he is held at the barracks, but have not allowed visits or offered any explanation as to why he is in custody. Relatives saw a taxi drop him at the army barracks on the day he was arrested. Although he is a taxi driver, he was reportedly left at the barracks by a taxi from another company. His own two taxis were reportedly later taken away by the security forces.

There is no further news of the other detainees named above, who were reportedly arrested between 3 September and 3 December 2003. Amnesty International is very concerned for their safety, as their whereabouts have now been unknown for between four and six months.

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. Human rights abuses by both the security forces and members of the CPN (Maoist) have been reported during the eight-year armed conflict, and have escalated since a ceasefire that had lasted seven months broke down 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 teachers and schoolchildren, for the purpose of "political education".

On 1 July 2004 the Home Ministry announced that a five-member committee would spend 30 days investigating the fate and whereabouts of people who have "disappeared" after arrest by the security forces, and submit a report to the government.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- welcoming the release of Ganesh Dhakal;

- expressing concern for the safety of Yuba Raj Chaulagain, Rebakala Tiwari, Subash Shrestha, Shaha Dev Ghimire and Bhawanath Dhamala, who were reportedly arrested between 3 September and 3 December 2003;
- 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

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

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 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 416007

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 29 September 2004.