

PUBLIC

AI Index: ASA 31/163/2004

13 September 2004

Further Information on UA 95/04 (ASA 31/061/2004, 03 March 2004) Fear for safety/possible "disappearance"

NEPAL Ambir Babu Gurung, (m), aged 38, restaurateur

released: Bhimsen Kumar Gautam, (m), aged 40, teacher and auditor

Amnesty International has received information that Bhimsen Kumar Gautam was released on 17 May. There is no further information about the location or conditions of his detention at this time.

Concern, however, remains for the safety of Ambir Babu Gurung, who reportedly "disappeared" on 16 February, when a group of men in plain clothes arrived at his house. They conducted a search and then took him away, saying he was needed for further enquiries. There are still no details of the reasons for his arrest or where he may have been taken. His family believe he may have been arrested because the security forces had been given false information about him.

Efforts to locate Ambir Babu Gurung, including informing the National Human Rights Commission, have so far been unsuccessful.

BACKGROUND INFORMATION

Since the Communist Party of Nepal (CPN) (Maoist) declared a "people's war" in February 1996 Nepal has been in the grip of nationwide conflict and human rights crisis. Human rights abuses by both the security forces and members of the CPN (Maoist) 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. 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 kept blindfolded for the entire time they are in custody. 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 commission would investigate what had happened to people who had "disappeared" after arrest by the security forces, and submit a report to the government. However, in its initial report, delivered on 11 August, the commission said that it had only investigated 36 alleged "disappearances". This figure is very disappointing, as over 700 cases of "disappearance" have been reported to the National Human Rights Commission since August 2003.

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

- expressing concern for the safety of Ambir Babu Gurung, who was reportedly arrested in Kathmandu municipality on 16 February;
- urging that he be treated humanely while in custody and not tortured or ill-treated;
- calling on the authorities to make public his whereabouts and to grant him immediate access to his relatives, lawyers and any medical attention he may require;

- calling for him to be released immediately and unconditionally, unless he is to be charged with a recognizably criminal offence.

APPEALS TO: (faxes may be switched off outside office hours, GMT + 5½)

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

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

Salutation: Dear Lt. Colonel

General Pyar Jung Thapa
Chief of Army Staff (COAS)
Army Headquarters
Kathmandu, Nepal

Fax: + 977 1 4 242 168

Salutation: Dear General

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 25 October 2004