

**PUBLIC**

**AI Index: ASA 31/082/2005**

**31 October 2005**

**UA 282/05**

**Fear of torture/fear of "disappearance"**

**NEPAL**

**Krishna Gopal Ghimire (m), age 50, farmer**

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Krishna Gopal Ghimire was arrested at his home in Municipality Ward No 4, Sunsari District, by a group of six armed men in plain clothes believed to be security forces personnel, at about 11pm on 28 October. He is believed to be detained at the Regional Headquarters of the Royal Nepal Army (RNA) in Itahari. The army have denied all knowledge of his arrest, and there are fears that he may be tortured or "disappear".

Krishna Gopal Ghimire and his family were apparently at home asleep when the men, armed with pistols, came into the house and began to search it. They reportedly then arrested Krishna Gopal Ghimire and told his wife and family that he would be released the following morning.

He did not return home next day, and his family went to make inquiries at the Area Police Office and the RNA's Regional Headquarters in Itahari, Sunsari District. Both the police and army officers they spoke to denied any knowledge about the arrest of Krishna Gopal Ghimire.

On 29 October at 2pm two men in plain clothes, whom the family recognized as members of the group who had arrested Krishna Gopal Ghimire, came to the house and asked for his diary. They searched the house again and found his certificate of citizenship and other personal documents, which they took away with them. The family asked again about when Krishna Gopal Ghimire would be released, and they were told that he would return home that evening.

At 8pm the same group of security forces personnel returned to the house and told the family that the diary they had taken was not the proper one, and they were looking for a different diary with names and addresses of Maoist contacts. They searched the house again and found another diary with telephone numbers. They told the family that Krishna Gopal Ghimire had admitted to being coerced into involvement with the CPN (Maoist) and that if the family cooperated it would be to their advantage.

On 23 October the same group of security forces personnel had come to the house at 10pm and had asked Krishna Gopal Ghimire where his son Hari had gone, and whether he had joined the CPN (Maoist). Hari has been missing since 1999, and his whereabouts are unknown.

Amnesty International fears that the security forces may have subjected Krishna Gopal Ghimire to torture or ill-treatment in order to extract a confession in their efforts to implicate him in being involved with the CPN (Maoist).

## **BACKGROUND INFORMATION**

Over the past decade, there has been mounting evidence of human rights abuses committed by both sides in the internal armed conflict between the security forces and the Communist Party of Nepal (CPN) (Maoist), which declared a "People's War" in February 1996. Amnesty International has received reports of hundreds of "disappearances", thousands of arbitrary arrests, the widespread use of torture and incidents of rape by Nepal's security forces. The CPN (Maoist) have been responsible for abductions, torture, the use of children in military activities and indiscriminate attacks on civilians, among other abuses. Thousands of people are feared to have been unlawfully killed by each side.

The human rights crisis deteriorated further when King Gyanendra seized executive power on 1 February 2005. Since then, more than 400 people have reportedly "disappeared" at the hands of the security forces.

Hundreds of people are believed to be held illegally in army barracks, where they are at particular risk of torture, "disappearance" or extrajudicial execution.

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

- expressing concern for the safety of Krishna Gopal Ghimire, who was reportedly detained by men believed to be members of the security forces on 28 October and whose whereabouts are now unknown;
- urging the authorities to ensure that he is treated humanely while in custody, and not tortured or ill-treated;
- calling on the authorities to make public his whereabouts and grant him immediate access to his relatives and lawyers;
- calling for him to be released immediately and unconditionally unless he is to be charged with a recognizably criminal offence.

**APPEALS TO:**

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

**Fax: + 977 1 4 242 168 (please keep trying)**

**Salutation: Dear Commander in Chief**

Lieutenant Colonel Pankaj Karki  
Royal Nepalese Army Human Rights Cell  
Royal Nepalese Army Headquarters,  
Bhadrakali, Kathmandu.

**Fax: + 977 1 424 5020**

**Salutation: Dear Lieutenant Colonel**

**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 12 December 2005.