

PUBLIC

AI Index: ASA 31/194/2004

23 December 2004

Further Information on UA 122/04 (ASA 31/077/2004, 23 March 2004) Fear for safety/ possible disappearance

NEPAL

**Govinda Ghimire (m), aged 22, student
Achyut Kumar KC (m), aged 37, farmer**

Amnesty International has received information from the government confirming that Govinda Ghimire is currently being detained under the Terrorist and Disruptive Activities (Control and Punishment) Act, 2002 (TADA), at Bhairabnath Army Barracks, Maharajgunj District, Kathmandu, where he may be at risk of torture. It is unclear whether he has been allowed access to a lawyer or whether he has been formally charged with any recognizably criminal offence.

He was arrested from his place of residence in Chabahil, Kathmandu, by three security force personnel on 29 August 2003. It is believed that he may have been targeted in the two months prior to his arrest, because of his links to the All Nepal National Independent Student Union (ANNISU) (Revolutionary), which is aligned with the Communist Party of Nepal (CPN) (Maoist).

There is no further information on Achyut Kumar KC who was arrested by an armed security forces patrol in Jivanpur VDC, Dhading District, on 17 November 2003. The reasons for his arrest are unknown and Amnesty International is very concerned for his safety, as his whereabouts have remained unknown since he was arrested.

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 the CPN (Maoist) have escalated since a seven-month ceasefire 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".

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

- expressing concern for the safety of Achyut Kumar KC who was reportedly arrested in Kathmandu on 17 November 2003;
- calling on the authorities to make public his whereabouts;
- expressing concern for the safety of Govinda Ghimire who is reportedly being held under the Terrorist and Disruptive Activities (Control and Punishment) Act, 2002 (TADA), at Bhairabnath Army Barracks, Maharajgunj District;
- urging that both men be treated humanely while in custody and not tortured or ill-treated;
- calling on the authorities to grant them immediate access to their relatives, lawyers and any medical attention they may require;

- calling for both men to be released immediately and unconditionally, unless they are to be charged with a recognizably criminal offence;
- if they are to be charged with a recognizably criminal offence calling for both men to be tried promptly in an open court, and in line with international fair trial standards.

APPEALS TO:

Lieutenant Colonel Raju Nepali
Royal Nepal Army Human Rights Cell
Royal Nepalese 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

Baman Prasad Neupane
Chief District Officer, Kathmandu district
Office of the Chief District Officer,
Kathmandu District, Nepal

Fax: + 977 1 4 267691

Salutation: Dear Chief District Officer

COPIES TO:

Prime Minister Sher Bahadur Deuba
Prime Minister's Office
Singha Durbar
Kathmandu, Nepal

Fax: + 977 1 4 227 286 (Faxes may be switched off outside office hours, 5 ½ hours ahead of GMT)

Salutation: Dear Prime Minister

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 4 February 2004