

PUBLIC

AI Index: ASA 31/060/2004

UA 92/04

Fear for safety / possible "disappearance" / torture

02 March 2004

NEPAL

Lal Prasad Ghemere (m), aged 45, farmer

Lal Prasad Ghemere was reportedly arrested on 10 February following an exchange of gunfire between security forces and members of the Communist Party of Nepal (CPN) (Maoist). He was reportedly injured, but it is not known whether he was actively involved in the fighting. His current whereabouts are unknown.

The fighting took place in Ramnagar, Haraiya, Bara district, and reportedly resulted in the death of a CPN (Maoist) member. Lal Prasad Ghemere was reportedly taken into custody and then beaten by security force personnel as he was forced to dig a grave for the dead person, which took him three hours. He was then reportedly taken away by around 15 security force personnel in plain clothes.

Lal Prasad Ghemere is a resident of Ward no. 1, Haraiya Village Development Committee, Bara district. He was previously arrested on 10 December 2003 and detained for 8 months on a charge of being involved in "Maoist activities". A local human rights organisation has appealed to the National Human Rights Commission, the Defence Ministry and the Home Ministry for his safety to be guaranteed and for his whereabouts to be made public.

BACKGROUND INFORMATION

Amnesty International has been concerned about a deterioration in the human rights situation in Nepal 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 the CPN (Maoist) escalated after the army was mobilized and a state of emergency imposed between November 2001 and August 2002. Many people were arrested under the 2002 Terrorist and Disruptive Activities (Control and Punishment) Act (TADA), which gave the security forces the power to arrest without warrant and detain suspects in police custody for up to 90 days. Scores of people are reported to have been held for weeks or even months in illegal army custody without access to their families, lawyers or medical treatment. In 2002, Nepal recorded the highest number of "disappearances" of any country in the world. The CPN (Maoist) are also reported to have abducted scores of people.

On 29 January 2003, both sides agreed to a ceasefire. Three rounds of peace talks were held - in April, May and August - between the government and representatives of the CPN (Maoist). Among the CPN (Maoist)'s central demands were a round table conference, the formation of an interim government and elections to a constituent assembly to draft a new Constitution.

The CPN (Maoist) announced they were withdrawing from the ceasefire agreement as of 27 August 2003. Since then, fighting has resumed throughout the country, and Amnesty International has received reports of both sides committing human rights abuses. In particular there has been a rise in the number of "disappearances" at the hands of the security forces and abductions by the CPN (Maoist).

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

- calling on the authorities to make public the whereabouts of Lal Prasad Ghemere and to grant him immediate access to his relatives and lawyers;
- urging the authorities to offer appropriate medical attention to him in light of reports that he has been injured by gunfire;
- expressing concern about reports that Lal Prasad Ghemere was beaten by security force personnel, and calling for a full and impartial investigation into these allegations, with the results made public and anyone found responsible brought to justice;
- urging that he be treated humanely while in custody and not subjected to further torture or ill-treatment;
- 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, 5 ½ hours ahead of GMT)

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

Telegram: Commander-in-Chief, Army Headquarters, Kathmandu, Nepal

Fax: + 977 1 4 242 168

Salutation: Dear Commander-in-Chief

Colonel Nilendra Prasad Aryal
Head of Army Human Rights Cell
Army Headquarters
Singha Durbar, Kathmandu, Nepal

Telegram: Colonel NP Aryal, 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 Colonel

COPIES TO:

Prime Minister Surya Bahadur Thapa
Prime Minister's Office
Singha Durbar
Kathmandu, Nepal

Fax: + 977 1 4 227 286

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 13 April 2004.