

PUBLIC

AI Index: ASA 31/095/2003

02 December 2003

Further Information on UA 345/03 (ASA 31/085/2003, 25 November 2003) Fear for safety/possible "disappearance"

NEPAL **Shiva Prasad Gautam (m), aged 38, committee member of the Communist Party of Nepal- Unified Marxist Leninist (CPN-UML)**
Tara Bhandari (f), aged 26, former factory worker
Sujindra Maharjan (m), aged 30, council worker
Shomsher Rupakheti (m), aged 31
Kedar Gautam (m), aged 31, driver
Ram Prasad Gautam (m), aged 40, driver
Ram Krishna Shrestha (m), aged 39, construction businessman

Released: **Ram Chandra Bhandari (m), aged 49, former headmaster**
Piman Singh Tamang (m), aged 22, bar worker

On 26 November, Piman Singh Tamang was reportedly driven, blindfold, to Thankot, a suburb of Kathmandu, before being released. He had been arrested on 21 November from his home in Goldhunga Village Development Committee, Kathmandu, by ten members of the security forces. The reason for his arrest and his place of detention are unknown. His family had made inquiries at army and police posts attempting to discover his whereabouts; the National Human Rights Commission (NHRC) was also informed of his case.

Former headmaster Ram Chandra Bhandari was released from army custody in the Shri Jang Gan barracks, Singha Durbar, Kathmandu on 28 November, on condition that he report back to the barracks after fifteen days. He was reportedly arrested from his home in Koteshwar, Kathmandu on 16 November by six members of the security forces in plain clothes. The reasons for his arrest are not known.

There is no further information on the whereabouts of Shiv Prasad Gautam, Tara Bhandari, Sujindra Maharjan, Shomsher Rupakheti, Kedar Gautam, Ram Prasad Gautam, or Ram Krishna Shrestha; who were arrested between 1 September and 20 November. Efforts to locate these people by relatives, including visits to army barracks, police stations, and informing the NHRC and the ICRC, have so far failed.

BACKGROUND INFORMATION

The human rights situation in Nepal has deteriorated since the CPN (Maoist) launched a "people's war" in February 1996. Reports of human rights abuses by 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. On 29 January 2003, both the CPN (Maoist) and the security forces agreed to a cease-fire. The CPN (Maoist) announced they were withdrawing from the cease-fire agreement on 27 August. Since then, fighting between the two sides has resumed and there have been reports of human rights abuses committed by both sides in the conflict. In particular there has been a rise in the number of 'disappearances' by 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:

- welcoming the releases of Ram Chandra Bhandari and Piman Singh Tamang;
- expressing concern for the safety of Shiva Prasad Gautam, Sujindra Maharjan, Tara Bhandari, Shomsher Rupakheti, Kedar Gautam, Ram Prasad Gautam, and Ram Krishna Shrestha who were reportedly arrested by members of the security forces in Kathmandu district between 1 September and 20 November;

- urging the authorities to make public the whereabouts of the seven individuals and to grant them immediate access to their relatives, lawyers and any medical attention they may require;
- calling for their immediate and unconditional release, unless they are to be charged with a recognizably criminal offence;
- urging that they be treated humanely whilst in custody and not be subjected to torture or ill-treatment.

APPEALS TO:

Brigadier General B A K Sharma

Head, Army Human Rights Cell

Army Headquarters

Singha Durbar, Kathmandu, Nepal

Telegram: Brigadier General, Kathmandu, Nepal

Fax: + 977 1 4 226 292/ 229 451 (Faxes may be switched off outside office hours, 5 ½ hours ahead of GMT)

Salutation: Dear Brigadier General

General Pyar Jung Thapa

Chief of Army Staff (COAS)

Army Headquarters

Singha Durbar, Kathmandu, Nepal

Telegram: Commander-in-Chief, Kathmandu, Nepal

Fax: + 977 1 4 242 168 (Faxes may be switched off outside office hours, 5 ½ hours ahead of GMT)

Salutation: Dear Commander-in-Chief

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 13 January 2004.