

PUBLIC

AI Index: ASA 31/126/2004

3 June 2004

Further Information on UA 350/03 (ASA 31/092/2003, 28 November 2003) and follow up (ASA 31/052/2004, 25 February 2004) Fear for safety/ Possible "disappearance"

NEPAL Keshav Singh Thakuri (m), aged 29, member of the Communist Party of Nepal (CPN) (Maoist)

Amnesty International has received unofficial reports that Keshav Singh Thakuri is being held at Butwal army barracks. He was reportedly held previously at Phulbari army barracks in Pokhara, and is said to look ill and malnourished. Despite these reports, the army continues to deny that he is in their custody.

Keshav Singh Thakuri was arrested by members of the security forces on 4 November 2003. Efforts to gain official confirmation of his whereabouts, through the National Human Rights Commission (NHRC) and International Committee of the Red Cross (ICRC), have so far failed.

BACKGROUND INFORMATION

Amnesty International has been concerned about a deterioration in the human rights situation in Nepal since the 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 Terrorist and Disruptive Activities Act (TADA), which gave the security forces the power to arrest suspects without a warrant and hold them 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. The TADA was renewed by royal ordinance, after it expired on 9 April 2004. In both 2002 and 2003, 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.

Both sides agreed to a ceasefire on 29 January 2003, and held three rounds of peace talks, in April, May and August 2003. 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:

- expressing concern for the safety of Keshav Singh Thakuri, who was reportedly arrested on 4 November 2003 and is reportedly held at Butwal army barracks;
- calling on the authorities to make an official statement publicising his whereabouts, and to grant him immediate access to his relatives, lawyers and any medical treatment he may require;
- urging that he be treated humanely while in custody and not tortured or ill-treated;
- calling for him to be released immediately and unconditionally, unless he is to be formally 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**

Lieutenant Colonel Raju Nepali

Head of Army Human Rights Cell, Army Headquarters

Singha Durbar, Kathmandu, Nepal

Telegram: **Colonel N P Aryal, Army Headquarters, Singha Durbar, Kathmandu, Nepal**

Fax: **+ 977 1 4 226 292 (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:

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 4 416 007**

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 15 July 2004.