

PUBLIC

AI Index: ASA 31/006/2005

13 May 2005

Further Information on UA 271/04 (ASA 31/166/2004, 24 September 2004) - Possible "disappearance"/fear of torture/fear for safety

NEPAL

**Dinesh Limbu (m) aged 34, unemployed
Balaram Rai (m) aged 35, shopkeeper
Siddant Paudel (m) aged 21, businessperson**

Dinesh Limbu, who was arrested by plainclothes security forces personnel on 24 August 2004, was seen on 13 May being taken away from the Central Jail in Kathmandu in a government-registered police van. His whereabouts are unknown, and he is at risk of torture or "disappearance".

The Supreme Court had issued an order for his release on 12 May 2005 at 4.30pm, after hearing a habeas corpus petition filed by the Nepal Bar Association. His wife went to the Central Jail the following day to receive him, after informing various human rights organisations about the release order. However, when she went to the Central Jail the prison authorities suggested that there might be outstanding charges against him, and that he might be taken to Hanumandhoka district police station, Kathmandu. At 3:35pm a number of policemen in plain clothes arrived at the Central Jail in a government-registered police van. Dinesh Limbu was brought out of the jail at 3.40pm and taken away in the van in the presence of a number of delegates from several local human rights organisations who were present to ensure his safe release.

Amnesty International has received no further information about Balaram Rai or Siddant Paudel.

BACKGROUND INFORMATION

The human rights crisis in Nepal has deteriorated sharply following the events of 1 February, when King Gyanendra of Nepal dismissed the government, assumed direct power, and declared a nationwide State of Emergency under which fundamental rights were suspended, including freedom of expression, press and publication rights, and freedom of assembly. Within days of the King seizing power, the security forces had arrested hundreds of people, including political leaders, trade unionists, student activists, journalists, and human rights defenders. While some people have been released, many others remain in detention, and arrests are continuing.

The king lifted the state of emergency on 29 April, but fundamental rights have not been fully restored. The government continues to impose restrictions on civil liberties, including freedom of the press, freedom of assembly and freedom of movement, and hundreds of political prisoners are still arbitrarily detained.

The King's takeover has strengthened the hand of the military, reduced the prospect of a political process toward peace, and increased the likelihood of intensified violence, with the attendant risk of increased human rights abuses.

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

- expressing concern for the safety of Dinesh Limbu who has reportedly been taken away from the Central Jail in a police van despite the Supreme Court issuing an order for his release;
- expressing concern for the safety of Balaram Rai and Siddant Paudel, who were reportedly arrested by security forces personnel between 24 August and 17 September 2004 and have not been seen since;

- urging that they be treated humanely if they are in custody and not tortured or ill-treated;
- calling on the authorities to make their whereabouts public and to grant them immediate access to their relatives, lawyers and any medical attention they may require;
- calling for them to be released immediately and unconditionally, unless they are to be charged with a recognizably criminal offence.

APPEALS TO:

Shyam Bhakta Thapa
Inspector General of Police
Police Headquarters
GPO Box 407
Naxal
Kathmandu, Nepal
Fax: +977 1 4 415 593
Salutation: Dear Inspector General

His Majesty the King Gyanendra Bir Bikram Shah Dev
C/O The Chief of Protocol Division
Protocol Division
Ministry of Foreign Affairs
Shital Niwas, Kathmandu, Nepal
Fax: + 977 1 4 416 016
Salutation: Your Majesty

COPIES TO:

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

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 24 June 2005.