

PUBLIC

AI Index: ASA 31/037/2004

17 February 2004

Further Information on UA 358/03 (ASA 31/101/2003, 5 December 2003) and follow-up (ASA 31/001/2004, 9 January 2004) - Fear for safety / possible "disappearance"

NEPAL

**Umesh Subedi (m), aged 21, student
Pushkar Subedi (m), aged 22, student
Dev Bahadur Maharjan (m), aged 30, teacher
Tej Prasad Gautam (m), aged 19, office worker**

Released:

**Keshav Chaulagain (m), aged 26, security guard
Shankar Nepali (m), aged 43, tailor
Deependra Karki (m), aged 20, tailor
Shyam Nepali (m), aged 21, tailor
Hom Prasad Gautam (m), aged 26, security guard**

Keshav Chaulagain was released on 28 January 2004. He had reportedly been held at Singha Durbar army barracks, Kathmandu. Shankar Nepali, Deependra Karki and Shyam Nepali, who had been detained at Chhauni army barracks, were all reportedly released around 22 January, on condition that they report back to the barracks on 10 February.

Hom Prasad Gautam was released on 3 February. He had reportedly been held at Balaju no. 1 Bahini army barracks, Kathmandu and, while he was detained, his eyes were kept covered for 65 days. He was reportedly only allowed to wash shortly before his release.

Amnesty International has received no information about the whereabouts of the first four men named above, and is increasingly concerned for their safety. They were arrested between August and November 2003.

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:

- welcoming the release of Keshav Chaulagain, Shankar Nepali, Deependra Karki, Shyam Nepali and Hom Prasad Gautam;
- calling on the authorities to make public the whereabouts of Umesh Subedi, Pushkar Subedi, Dev Bahadur Maharjan and Tej Prasad Gautam, and to grant them immediate access to their relatives, lawyers and any medical attention they may require;
- urging that they be treated humanely while in custody and not tortured or ill-treated;
- calling for them to be released immediately and unconditionally, unless they are 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 30 March 2004.