

PUBLIC

AI Index: ASA 31/071/2005

25 August 2005

Further Information on UA 122/04 (ASA 31/077/2004, 23 March 2004) and follow-ups (ASA 31/194/2004, 23 December 2004; and ASA 31/056/2005, 24 June 2005) - Fear for safety/possible "disappearance"

NEPAL

Govinda Ghimire (m), aged 23, student

Govinda Ghimire was freed on 24 August 2005 following a second Supreme Court ruling that his detention was illegal and that he should be released immediately. However, lawyers and human rights defenders recognized members of the security forces dressed in plain clothes waiting outside the Supreme Court building and feared that he could be re-arrested once again. Govinda Ghimire remained inside the court until representatives of Nepal's National Human Rights Commission arrived on the scene and escorted him to safety.

Govinda Ghimire was first arrested on 29 August 2003 at his home in Kathmandu by a group of armed security forces personnel in plain clothes. He was held in unacknowledged, incommunicado detention until October 2004, when a government committee investigating "disappearances" clarified his status, reporting that he was held at the Bhairabnath army barracks, in Maharajgunj, Kathmandu.

On 17 June 2005, the Supreme Court found that Govinda Ghimire was being detained illegally and ordered that he be released at the Kathmandu district court. On 22 June, he was brought to the district court but re-arrested by plainclothed members of the security forces as soon as he left the building, in the presence of lawyers, journalists and relatives.

In response to a *habeas corpus* petition (requiring that he be brought before a court or judge), the Supreme Court ordered the government to explain on what grounds Govinda Ghimire had been detained. The Royal Nepalese Army (RNA), in a written response, claimed that Govinda Ghimire had been taken into custody on 24 June during a patrol by security forces from Singha Nath barracks in Bhaktapur district. The RNA alleged that the security forces found "terrorist-related" documents in Govinda Ghimire's bag, and that he then confessed to involvement with the Communist Party of Nepal (Maoist). He was then reportedly presented before the Chief District Officer of Bhaktapur, who authorized his detention from 24 June under the provisions of the Terrorist and Disruptive Activities (Control and Punishment) Ordinance (TADO), which allows for preventative detention for up to one year. He was held at the Kathmandu Central Jail.

No further action is requested from the Urgent Action network. Thanks to all who sent appeals.