

PUBLIC

AI Index: ASA 31/087/2004

26 March 2004

Further Information on UA 363/03 (ASA 31/104/2003, 11 December 2003) and follow-up (ASA 31/108/2003, 16 December 2003,) - Fear for safety / possible "disappearance"

NEPAL **Yuba Raj Chaulagain (m), aged 31, taxi driver**
 Rebakala Tiwari (f), aged 21, student
 Subash Shrestha (m), aged 18, student
 Shaha Dev Ghimire (m), aged 29, government surveyor
 Ganesh Dhakal (m), aged 24, teacher
 Bhawanath Dhamala (m), aged 27, student

Released: **Lila Dahal (f), aged 34, women's activist**

Amnesty International has received information that Lila Dahal was released from detention on 28 December 2003. There are reports that she was held at Singha Durbar army barracks, though there is no further information about the conditions of her detention at this time.

Amnesty International has received no further information about Yuba Raj Chaulagain, Rebakala Tiwari, Subash Shrestha, Shaha Dev Ghimire and Bhawanath Dhamala, who were reportedly arrested between 3 September and 3 December 2003. There are increasing concerns for their safety in light of the fact their whereabouts have now been unknown for between four and six months.

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, 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:

- expressing concern for the safety of Yuba Raj Chaulagain, Rebakala Tiwari, Subash Shrestha, Shaha Dev Ghimire and Bhawanath Dhamala who were reportedly arrested between 3 September and 3 December 2003;

- urging that they be treated humanely while in custody and not tortured or ill-treated;
- calling on the authorities to make public their whereabouts 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.

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:

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 416007
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 7 May 2004.