

PUBLIC

AI Index: ASA 31/091/2004

31 March 2004

Further Information on UA 85/04 (ASA 31/56/2004, 27 February 2004) Fear for safety / possible "disappearance"

NEPAL **Durga Datta Gautam (m), aged 33, farmer**
 Tek Nath Sigdel (m), aged 39, teacher
 Guru Prasad Subedi (m), aged 34, farmer

Released: **Laxmi Pande (f), aged 33, teacher**
 Lanka Bahadur Bishwakarma (m), aged 37, farmer
 Bal Bahadur Bishwakarma (m), aged 38, farmer

Lanka Bahadur Bishwakarma, Bal Bahadur Bishwakarma and Laxmi Pande were released from detention on 29 February. They were reportedly arrested on 23 February in Deureli Village Development Committee (VDC), Nawalparasi district and believe that they were held at Kawasoti Army Barracks. They have thanked Amnesty International for campaigning for their release.

Amnesty International is increasingly concerned about the safety of Durga Datta Gautam, Tek Nath Sigdel and Guru Prasad Subedi who were all reportedly arrested in the same VDC on 18 February and 23 February. It is believed that they are also being held in Kawasoti army barracks but the army continues to deny all knowledge of their whereabouts.

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:

- welcoming the release of Lanka Bahadur Bishwakarma, Bal Bahadur Bishwakarma and Laxmi Pande.

- expressing concern for the safety of Durga Datta Gautam, Tek Nath Sigdel, and Guru Prasad Subedi who were all reportedly arrested in Deurali VDC on 18 and 23 February 2004;
- 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 grant them immediate access to their relatives, lawyers and any medical attention they may require;
- calling for all three 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 4 245 020 /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 12 May 2004.