

PUBLIC

AI Index: ASA 31/164/2004

13 September 2004

Further Information on UA 85/04 (ASA 31/056/2004, 27 February 2004) and follow-up (ASA 31/091/2004, 31 March 2004) - Fear for safety/ possible "disappearance"

NEPAL

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

Tek Nath Sigdel and Guru Prasad Subedi were reportedly rearrested by security forces personnel outside the Nawalparasi prison, Nawalparasi district, on 4 September immediately after being released by the prison administration. Amnesty International is increasingly concerned for their safety as their current whereabouts are unknown. There are also concerns for the safety of Durga Datta Gautam who is feared "disappeared" following his reported arrest on 18 February.

On the afternoon of 4 September, members of Tek Nath Sigdel and Guru Prasad Subedi's family accompanied by journalists and representatives of local human rights organisations went to Nawalparasi prison demanding their release. Both men had been imprisoned for 90 days in accordance with a detention order which was issued on 6 June by the Chief District Officer (CDO) of Nawalparasi under the 'Terrorist and Disruptive Activities (Control and Punishment) Act' (TADA). The men were released, but according to reports were immediately rearrested by security forces personnel who took them away in a jeep.

Earlier on 15 April, a national human rights organisation had filed a *habeas corpus* petition on behalf of the men's families in the Supreme Court of Nepal. Following this an order was issued asking the authorities to present the detainees in court. However, local authorities including a local army brigade and the CDO responded to the court by denying both the arrest and detention of the men.

Amnesty International is concerned that this incident is part of a pattern of the security forces re-arresting people who have been released once their detention orders have expired. This has contributed to an environment of impunity in which there are minimal checks on security forces' conduct.

BACKGROUND INFORMATION

Since the Communist Party of Nepal (CPN) (Maoist) declared a "people's war" in February 1996 Nepal has been in the grip of nationwide conflict and human rights crisis. Human rights abuses by both the security forces and members of the CPN (Maoist) have escalated since a ceasefire, that had lasted seven months, broke down in August 2003.

In both 2002 and 2003, Nepal recorded the highest number of "disappearances" of any country in the world. People detained by the security forces are often held in army barracks with no access to their families, lawyers or medical treatment. They also face a high risk of torture, including beatings, and are sometimes held in solitary confinement or kept blindfolded for the entire time they are in custody. The CPN (Maoist) are also reported to have abducted hundreds of people, including large numbers of teachers and schoolchildren, for the purpose of "political education".

On 1 July 2004, the Home Ministry announced that a five-member commission would investigate what had happened to people who had "disappeared" after arrest by the security forces, and submit a report to the government. However, in its initial report, delivered on 11 August, the commission said that it had only investigated 36 alleged "disappearances". This figure is very disappointing, as over 700 cases of "disappearance" have been reported to the National Human Rights Commission since August 2003.

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

- expressing concern for the safety of Tek Nath Sigdel and Guru Prasad who were rearrested on 4 September 2004 and whose whereabouts remain unknown;
- expressing concern for the safety of Durga Datta Gautam who was reportedly arrested in Deurali Village Development Committee (VDC), Nawalparasi District, on 18 February 2004 and whose whereabouts also remain unknown;
- urging that they be treated humanely while in custody and are 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, GMT + 5½)

Lieutenant Colonel Raju Nepali
Head Royal Nepal Army Human Rights Cell
Royal Nepalese Army Headquarters
Singha Durbar
Kathmandu
Nepal

Fax: + 977 1 4 226 292 / 245 020 (If someone answers the telephone please ask them in English to switch on the fax machine, and resend the fax).

Salutation: Dear Lieutenant Colonel

General Pyar Jung Thapa
Chief of Army Staff (COAS)
Army Headquarters
Kathmandu, Nepal

Fax: + 977 1 4 242 168

Salutation: Dear Commander-in-Chief

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

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 25 October 2004