

PUBLIC

AI Index: ASA 31/101/2003

05 December 2003

UA 358/03 Fear for safety/possible "disappearance"

NEPAL **Keshav Chaulagain (m), aged 26, security guard**
Umesh Subedi (m), aged 21, student
Pushkar Subedi (m), aged 22, student
Kumar Prasad Pant (m), aged 23, office worker
Tej Prasad Gautam (m), aged 19, office worker
Dev Bahadur Maharjan (m), aged 30, teacher
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

Amnesty International is concerned for the safety of the ten named individuals above who were reportedly arrested by members of the security forces between 31 August and 1 December. Their whereabouts are unknown.

Keshav Chaulagain lives in Naya Baneshwor, Kathmandu, and works as a security guard at the Om hospital and Research Centre in Chabahil, Kathmandu. At 11 am on 31 August seven army personnel in plain clothes came to the hospital and asked him to come to Singha Durbar Army headquarters at 3pm. He went to the army headquarters, accompanied by four associates. After waiting for some time Keshav Chaulagain was taken away by two army personnel, and his associates were told to leave. The reason for his arrest is not known. Keshav Chaulagain's family have tried to visit him at Singha Durbar Army headquarters but have been denied access, and given no official confirmation that he is detained there. His family have also informed the Home Ministry, Defence Ministry, the army, and the National Human Rights Commission (NHRC) in order to locate him, but have so far failed.

Umesh Subedi and **Pushkar Subedi** live in Kathmandu, and are students. Umesh Subedi was arrested at home in Balkhu, Kathmandu at 11.30pm on 4 September by army personnel. Pushkar Subedi was arrested at home in Nayabazaar, Kathmandu at 2am on 5 September by army personnel. The reason for their arrest is not known. Unconfirmed reports suggest that both men may be held at Chhauni Army barracks, but the army have denied this. Other efforts to locate the two men, including informing the NHRC and International Committee of the Red Cross (ICRC), have so far failed.

Kumar Prasad Pant lives in Kalikasthan, Kathmandu, and works for a finance cooperative in Kalanki, Kathmandu. He was arrested at work at 3.30pm on 19 November by four members of the security forces in plain clothes. He was taken away in a white jeep, registration Ba 3 Cha 3573. Efforts to locate him, including informing the Defence Ministry, Home Ministry, NHRC, and visiting army barracks and police stations, have so far failed.

Tej Prasad Gautam lives in Teuda, Kathmandu, and works for a marketing company in Tripureshwor, Kathmandu. He was arrested at home at 7am on 25 November by six members of the security forces in plain clothes. Tej Prasad's brothers asked where they were taking him and why, but they received no answer. He was taken away in a red van, registration 4347 (the preceding letters were obscured). The reason for his arrest is not known. Efforts to locate him, including informing the Defence Ministry, Home Ministry and NHRC, have so far failed.

Dev Bahadur Maharjan lives and works in Kirtipur, Kathmandu district, where he works as a teacher in a private school. He was arrested at home at 10pm on 21 November by seven members of the security forces in plain clothes. Dev Bahadur Maharjan was asked by the security forces personnel to show them where his sisters live, one of whom 11 alleged to be involved with the CPN (Maoist). Efforts to locate him, including informing the Defence Ministry, Home Ministry, NHRC, and visiting the local police station, have so far failed.

Shankar Nepali, Deependra Karki, and Shyam Nepali all live in Kathmandu, where they work as tailors. They were all arrested at 8.30pm on 28 November whilst walking along the road in Sltapalila, Kathmandu by members of the security forces in plain clothes. They were taken away in a car. The reason for their arrest is not known. Efforts to locate the three men, including informing the NHRC, have so far failed.

Hom Prasad Gautam lives in Kirtipur, Kathmandu district, and works as an II security guard. At 8.30am on 1 December he was working at a business at the Old Bus Park, Kathmandu, when he was arrested by approximately 5 members of the security forces. He was taken away in an II Russian-made jeep, with government number plates. The reason for his arrest is not known. Efforts to locate him, including visiting Chhauni barracks, informing the Army Human Rights Cell, NHRC, and ICRC, have so far failed.

BACKGROUND INFORMATION

The human rights situation in Nepal has deteriorated since the CPN (Maoist) launched a "people's war" in February 1996. Reports of human rights abuses by 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. On 29 January 2003, both the CPN (Maoist) and the security forces agreed to a cease-fire. The CPN (Maoist) announced they were withdrawing from the cease-fire agreement on 27 August. Since then, fighting between the two sides has resumed and there have been reports of human rights abuses committed by both sides in the conflict. In particular there has been a rise in the number of 'disappearances' by 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 Keshav Chaulagain, Umesh Subedi, Pushkar Subedi, Kumar Prasad Pant, Dev Bahadur Maharjan, Tej Prasad Gautam, Shankar Nepali, Deependra Karki, Shyam Nepali, Hom Prasad Gautam who were reportedly arrested by members of the security forces in Kathmandu district between 31 August and 1 December;
- urging the authorities to make public the whereabouts of the ten men 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
- urging that they be treated humanely whilst in custody and not be subjected to torture or ill-treatment.

APPEALS TO:

Brigadier General B A K Sharma

Head, Army Human Rights Cell

Army Headquarters

Singha Durbar, Kathmandu, Nepal

Telegram: Brigadier General, Kathmandu, Nepal

Fax: + 977 1 4 226 2921 229 451 (Faxes may be switched off outside office hours, 5 ½ hours ahead of GMT)

Salutation: Dear Brigadier General

General Pyar Jung Thapa

Chief of Army Staff (COASI)

Army Headquarters

Singha Durbar, Kathmandu, Nepal

Telegram: Commander-in-Chief, Kathmandu, Nepal

Fax: + 977 1 4 242 168 (Faxes may be switched off outside office hours, 5 ½ hours ahead of GMT)

Salutation: Dear Commander-In-Chief

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 16 January 2004.