

PUBLIC

AI Index: ASA 31/053/2003

UA 298/03 **Fear for safety/Possible 'disappearance'**

21 October 2003

NEPAL **Udaya Raj Gautam (m), aged 38, teacher**

Amnesty International is concerned for the safety of Udaya Raj Gautam who was reportedly arrested at 10pm on 29 September at his home in Samakhusi, Kathmandu by four members of the security forces in civilian clothes. His whereabouts are unknown.

Udaya Raj Gautam's wife, Devi Kumari Gautam, who was with him at the time of his arrest, asked the security force personnel to identify themselves and to tell her where they were taking him. They replied that they were members of the security forces and they were taking him for inquiries.

Udaya Raj Gautam is an English teacher at two schools, the Hira Lall Multiple campus, Thahiti, and the Mana Maiju Secondary School, Balaju, both situated in Kathmandu. He is on the central committee of the Nepal Teachers Organization (NTO) which is close to the political left in Nepal, particularly the communist parties. The reason for his arrest is thought to be suspicion of involvement with the CPN (Maoist), though his wife denies that he had any connection with the Maoists.

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 (TADA), 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 detention in army custody without access to their families, lawyers or a doctor. 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 cease-fire. Three rounds of peace talks were held - in April, May and August - between the government and representatives of the CPN (Maoist). The CPN (Maoist) had listed among their central demands 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 cease-fire agreement on 27 August. Since then fighting between the two sides has resumed throughout the country, and Amnesty International has received 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 Udaya Raj Gautam who was reportedly arrested by members of the security forces in Kathmandu on 29 September;
- urging the authorities to make public his whereabouts, and grant him immediate access to his relatives, lawyers and any medical attention he may require;
- calling upon the authorities to guarantee that he will not be subjected to torture or ill-treatment while in custody;

- calling for his immediate and unconditional release, unless he is to be charged with a recognizably criminal offence.

APPEALS TO:

Brigadier General B A K Sharma
Head, Army Human Rights Cell
Army Headquarters
Kathmandu, Nepal

Telegram: Brigadier General, Kathmandu, Nepal

Fax: + 977 1 4 229 451/ 226 292

Salutation: Dear Brigadier General

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

Telegram: Commander-in-Chief, Kathmandu, Nepal

Fax: + 977 1 4 242 168

Salutation: Dear Commander-in-Chief

COPIES TO:

Prime Minister Surya Bahadur Thapa
Prime Minister's Office
Singha Durbar
Kathmandu, Nepal

Fax: + 977 1 4 227 286 (fax may be switched off outside office hours, 5 ½ hours ahead of GMT)

Salutation: Dear Prime Minister

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 2 December 2003.