

PUBLIC

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UA 95/04 **Fear for safety/possible "disappearance"**

NEPAL **Ambir Babu Gurung (m), aged 38, Restaurateur**
Bhimsen Kumar Gautam (m), aged 40, Teacher and auditor

The two men named above were reportedly arrested in Kathmandu municipality on 16 February and 3 March respectively. Their whereabouts are unknown, and Amnesty International is concerned that they may have "disappeared".

Ambir Babu Gurung is originally from Rumjatar, in Okhaldhunga district. He now lives in ward no.34, Panchkumari, in Kathmandu municipality, and he runs a restaurant in the Teku area of the city. He had been a local area coordinator for the Communist Party of Nepal - United Marxist Leninist (CPN-UML) until five years ago, but was no longer involved in politics. At midnight on 16 February, a group of men in plain clothes arrived outside his house and demanded to search the premises. They identified themselves as security forces personnel, and about 10 of them went in. Once inside the house the men questioned Ambir Babu Gurung briefly and then took him away, saying that he was needed for further inquiries. There are no details of the reasons for his arrest, or where he may have been taken. Ambir Babu Gurung's family believe that he may have been arrested because the security forces had been given false information about him.

Bhimsen Kumar Gautam was originally from Dhuseni Shivalaya Village Development Committee (VDC) in Kavrepalanchowk district, but his family now live in Shreenagar Tole, Minbhawan, in Kathmandu municipality. Just before 12.30am on 3 March, a group of men entered the building where he rents a room, and identified themselves as security forces personnel. They carried out brief checks on residents living on the ground floor of the building before moving upstairs to the room where Bhimsen Kumar Gautam was asleep. Two men went into his room; one of them was carrying a gun. They questioned him, and checked all of his papers and citizenship documents, before telling him to get some clothes on and prepare to leave. The security forces made a brief attempt to search the room before taking him away. It is not known why he was arrested, and no one else from the building was arrested that night. Bhimsen Kumar Gautam is a member of the Nepal National Teachers' Association, which is close to the CPN-UML; he is also a member of Amnesty International Nepal.

Efforts by relatives to locate both men, including informing the National Human Rights Commission, have so far been unsuccessful.

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 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 Ambir Babu Gurung and Bhimsen Kumar Gautam, who were reportedly arrested in Kathmandu municipality on 16 February and 3 March respectively;
- 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 both men to be released immediately and unconditionally, unless they are to be charged with a recognizably criminal offence.

APPEALS TO:

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 (Faxes may be switched off outside office hours, 5 ½ hours ahead of GMT)

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 (Faxes may be switched off outside office hours, 5½ hours ahead of GMT)

Salutation: Dear Colonel

COPIES TO:

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

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

Salutation: Dear Prime Minister

COPIES 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 13 April 2004.