

PUBLIC

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Fear for safety/possible "disappearance"

28 November 2003

NEPAL

**Bhumi Chamling (m), aged 32, central committee member of *Janamukti Party Nepal*
Keshav Singh Thakuri (m), aged 29, member of Communist Party of Nepal (CPN)
(Maoist)**

Amnesty International is concerned for the safety of Bhumi Chamling and Keshav Singh Thakuri who were reportedly arrested on 11 October and 4 November respectively. Their whereabouts are unknown.

Bhumi Chamling lives in Dharan Municipality Ward no. 15, Bajgara, Sunsari district, and works as a lawyer. He was arrested at his home at 4pm on 11 October by approximately ten members of the security forces in plain clothes. He is a central committee member of the Janamukti Party Nepal, a small left-wing political party. The reason for his arrest is not known. Efforts to locate him by his relatives, including filing a habeas corpus petition in court, and informing the National Human Rights Commission (NHRC), have so far failed.

Keshav Singh Thakuri lives in Barbhanjyang Village Development Committee (VDC), Tanahun district. He was arrested in Bharatpokhari, Dadagaun, Kaski district on 4 November by members of the security forces. He is a worker for the CPN (Maoist) and was previously arrested and detained for 6 months during the State of Emergency (SoE) that ran from November 2001 to August 2002. His work for the CPN (Maoist) may be the reason for his arrest. Efforts to locate him by his relatives, including informing the International Committee of the Red Cross (ICRC) and the NHRC, have so far failed.

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 Bhumi Chamling and Keshav Singh Thakuri, who were reportedly arrested by members of the security forces on the 11 October and 4 November respectively;
- urging the authorities to make public the whereabouts of the two 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

Kathmandu, Nepal

Telegram: Brigadier General, Kathmandu, Nepal

Fax: + 977 1 4 226 292/ 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 (COAS)

Army Headquarters

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

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

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 10 January 2004.