

UA 255/02

Fear of t**NEPAL Ramesh Gautam (m), aged 22, student**

Ramesh Gautam was reportedly arrested at about 10pm on 3 August, from his rented room in Maitidevi in the capital Kathmandu. He was arrested by army personnel, who told him they were taking him for questioning. He has not been seen since then, and there are fears for his safety.

Dinesh Chaulagain, who was living in the same rented rooms in Maitidevi, was also reportedly arrested along with Ramesh Gautam, but was released on 12 August.

Ramesh Gautam is a student of humanities and social sciences at the Mahendra Ratna Campus, Tahachal, Kathmandu, and also works in a shop selling Chinese goods. It is believed that he may have been arrested because the security forces suspect that he and/or his relatives are members or sympathizers of the Communist Party of Nepal (CPN) (Maoist).

BACKGROUND INFORMATION

Amnesty International has been concerned about a deterioration in the human rights situation in Nepal since the CPN (Maoist) declared a "people's war" in early 1996. This concern has heightened after the army was mobilized and the state of emergency imposed in late November 2001. Since then, the number of reports of alleged unlawful killings, "disappearances", torture, arrests and detention without trial by the security forces has increased dramatically. The authorities have so far failed to provide strict instructions to the security forces to uphold human rights or to take appropriate action against those responsible for reported abuses. Amnesty International has also documented many grave human rights abuses by members of the CPN (Maoist).

Under the state of emergency, a number of fundamental rights guaranteed in the constitution have been suspended, including the rights to freedom of assembly, freedom of expression and to constitutional remedy. Although the right of *habeas corpus* has not been suspended, very few *habeas corpus* petitions have been filed since the state of emergency was declared.

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

- expressing concern about the safety of Ramesh Gautam, a student reportedly arrested by the army in Kathmandu on 3 August;
- calling on the authorities to make public his place of detention;
- appealing to the authorities to ensure that he is treated humanely and is not subjected to torture or ill-treatment while in custody;
- calling upon the authorities to allow him immediate, regular access to his relatives, lawyer and any medical attention he may need;
- urging that he be released immediately and unconditionally unless he is to be charged with a recognizable criminal offence.

APPEALS TO:

Rt Hon Sher Bahadur Deuba
Prime Minister
Office of the Prime Minister
Singha Durbar
Kathmandu, Nepal

Telegram: Prime Minister, Kathmandu, Nepal

Fax: + 977 1 227 286 (It may be difficult to get through but please keep trying)
Salutation: Dear Prime Minister

Hon Khum Bahadur Khadka
Home Affairs Minister
Ministry of Home Affairs
Singha Durbar
Kathmandu, Nepal

Telegram: Home Affairs Minister, Kathmandu, Nepal

Fax: + 977 1 241 942

Salutation: Dear Minister

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

Telegram: Commander-in-Chief, Kathmandu, Nepal

Fax: + 977 1 242 168

Salutation: Dear Commander-in-Chief

Madan Prasad Aryal
Defence Secretary
Ministry of Defence
Singha Durbar
Kathmandu, Nepal

Telegram: Defence Secretary, Kathmandu, Nepal

Fax: + 977 1 228 204

Salutation: Dear Defence Secretary

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 27 September 2002.