

PUBLIC

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UA 312/03 Fear for safety/fear of "disappearance"

31 October 2003

NEPAL **Khambalal Gautam (m), age 32, labourer**
One other person (name unknown)

At 4pm on 1 October, Khambalal Gautam and four friends were reportedly arrested from a house in Basundhara, Kathmandu. Three were later released, but Khambalal Gautam and one of his friends have "disappeared" and their current whereabouts are unknown. There are serious concerns for their safety.

Khambalal Gautam and his friends had met at the house in Basundhara, Kathmandu, to discuss arrangements for employment abroad, when four security personnel arrived. They searched the house and then communicated to their superior officers on walkie-talkies that they had found some "suspects". After a few minutes, two armed security personnel arrived at the house and arrested Khambalal Gautam and his four friends.

One person was released the following day and another two, six days later. According to reports, they were blindfolded and held at an unknown location.

The reasons for the continued detention of Khambalal Gautam, and his friend are unknown, but may be because the authorities suspect them to be involved in activities linked with the Communist Party of Nepal (CPN) (Maoist). The National Human Rights Commission has been informed about the arrests and is reported to be making inquiries.

BACKGROUND INFORMATION

Amnesty International has been concerned about a deterioration in the human rights situation in Nepal since the 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 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. 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) announced they were withdrawing from the cease-fire agreement on 27 August 2003 when the government refused to agree to their central demands. 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.

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

- expressing concern for the safety of Khambalal Gautam and an unnamed person who were reportedly arrested by security personnel in Basundhara, Kathmandu, on 1 October;
- urging 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 on the authorities to guarantee that they are being humanely treated while in custody and will not be subjected to torture or ill-treatment;
- calling for their immediate and unconditional release, 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, Kathmandu, Nepal

Fax: + 977 1 4 242 168

Salutation: Dear Commander-in-Chief

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

Salutation: Dear Brigadier General

Prime Minister Surya Bahadur Thapa

Prime Minister's Office

Singha Durbar

Kathmandu, Nepal

Telegram: Prime Minister, 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

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 12 December 2003.