

UA 211/02

Fear of T

**INDIA/NEPAL Partha Chettri (m)]
Maheshwar Dahal (m)] journalists
Aditi Shah (f)]
Moti Prasad (m), student**

The four Nepalese nationals named above are currently in detention in India, and are facing imminent deportation to Nepal. Amnesty International fears that if they are forced to return, they could be at risk of torture.

The four were arrested by the Special Branch of the New Delhi Police at 5.30pm on 11 July. It is reported that they have been issued with "Quit India Notices", meaning that they will be deported to Nepal. They have reportedly been taken close to the border with Nepal in readiness for imminent deportation.

The four had reportedly been attending a meeting of the *Akhil Bharatiya Nepali Ekta Samaj* (India-Nepal People's Solidarity Organization), along with other human rights activists from India. This is a public forum which has been publicising human rights violations committed by Nepalese security forces personnel, in the context of the ongoing Maoist "People's War". The Indian and Nepalese authorities consider the organization to be sympathetic to the Communist Party of Nepal (CPN) (Maoist).

A *habeas corpus* petition, requiring the detainees to be brought before a judge or into court, has been filed on their behalf in the High Court in New Delhi. The High Court has ordered the Home Ministry and Police Commissioner, Delhi, to stay the deportation until Monday.

BACKGROUND INFORMATION

The CPN (Maoist) declared a "People's War" six years ago. Peace talks between the government and the Maoists initiated in July 2001, and an accompanying cease-fire, broke down on 23 November 2001 after the Maoists withdrew from the talks and attacked police and army posts in 42 districts. Three days later the authorities responded by declaring a nationwide state of emergency and deploying the army.

Since the state of emergency was declared, thousands of people suspected of being members of or sympathizers with the CPN (Maoist) have been arrested throughout the country. Over 100 journalists are reported to have been arrested, of whom at least 30 are reported to remain in detention. The whereabouts of several of them remain unknown.

On 26 June it was reported that Krishna Sen, editor of Janadesh Weekly, had died in custody. This has not been confirmed by the authorities. Janadesh Weekly was banned by the authorities because it is believed to be the mouthpiece of the CPN (Maoist). On 10 July the Government of Nepal announced that the Home Ministry is setting up a committee to investigate his alleged death in custody.

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

- noting the arrest and pending deportation of Partha Chettri, Maheshwar Dahal, Aditi Shah and Moti Prasad, Nepalese nationals, arrested in New Delhi on 11 July;
- expressing concern that if returned to Nepal, they may be subjected to torture or cruel, inhuman or degrading treatment while in custody;

- reminding the Indian authorities of their obligations under the UN Convention against Torture not to return anyone to a country where they would face the risk of torture or other grave human rights violations;
- calling on the authorities not to return the four people concerned to Nepal.

APPEALS TO:

Atal Bihar Vajpayee
Prime Minister
Union Office of the Prime Minister
South Block - 11
New Delhi 110 001, India
Telegrams: Prime Minister, New Delhi, India
Faxes: + 91 11 3016857/3019545
Telex: 3161876 /78 /79 /80 /81
Salutation: Dear Prime Minister

Kamal Pandey
Home Secretary
Ministry of Home Affairs
Room No 104, North Block
New Delhi 110 001, India
Fax: + 91 11 3015750
Telex: 3166724
Salutation: Dear Home Secretary

COPIES TO:

diplomatic representatives of India accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 23 August 2002.