

PUBLIC

AI Index: ASA 31/064/2005

03 August 2005

**Further Information on UA 267/03, (ASA 31/033/2003, 17 September 2003) Torture and ill-treatment/incommunicado detention/fear for safety**

**NEPAL Krishna Khatri Chhetri (known as Krishna K.C.) (m), aged 34**

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Krishna Khatri Chhetri, known as Krishna K.C., is reportedly being held in incommunicado detention and has been tortured. He is reportedly in poor health, and is at risk of further torture or even death.

Krishna K.C has been detained incommunicado by the security forces for almost two years. He is reportedly now being held at the Ranger Mahavir Gan Battalion army barracks in the Chhauni district of Kathmandu.

Krishna K.C. was arrested by plain clothes security forces without an arrest warrant in Kathmandu on 13 September 2003. He was reportedly taken to Bhairabnath Gan army barracks where he was severely tortured. Two *habeas corpus* petitions (requiring Krishna K. C. to be brought before a court) were filed on his behalf in September 2003 and February 2004, but the authorities continued to deny Krishna K.C.'s arrest even after a fellow detainee reported that he was being held and tortured in Bhairabnath Gan army barracks. In May 2004, the Supreme Court ordered the independent National Human Rights Commission (NHRC) to investigate his case, but the Royal Nepal Army (RNA) again denied they were holding him and refused to allow NHRC representatives to visit Bhairabnath Gan barracks. On 14 June 2004 the Supreme Court again reiterated its request that the NHRC investigate the case but when NHRC representatives visited the army barracks, the security forces produced three other detainees who claimed that Krishna K.C. was not in custody. Reliable information subsequently confirmed that Krishna K.C. was being held in the barracks at the time and he was in poor health.

On 15 February 2005, following another request by the Supreme Court to clarify the circumstances of Krishna K.C.'s arrest and whereabouts, the military reportedly confirmed that he had been arrested under the Terrorist and Disruptive Ordinance (TADO). This law was brought back into effect by royal decree in October 2004 and allows people to be held in preventative detention for up to one year.

Prior to his arrest, Krishna K.C. was the vice-president of the All Nepal National Independent Student Union (Revolutionary), which was banned by the government because it is considered to be ideologically close to the Communist Party of Nepal (CPN) (Maoist). This may have been the reason for Krishna K.C.'s arrest.

Since Krishna K.C.'s arrest, his wife, Durga K.C., has been left to look after their two children and Krishna's 71-year-old mother, as well as running the family business. Despite these difficulties she has found time to organize a group of relatives of the "disappeared."

**BACKGROUND INFORMATION**

In the course of the nine-year-long conflict between government forces and the CPN (Maoist), Amnesty International has documented thousands of cases of arbitrary arrest, unacknowledged detention, torture and "disappearance" at the hands of the security forces. Hundreds of people are believed to be held illegally in army barracks, where they are at particular risk of torture, "disappearance" or extrajudicial execution. More than 400 cases of "disappearance" have been reported to Amnesty International since August 2003.

The human rights crisis has deteriorated further since King Gyanendra seized executive power on 1 February 2005. The security forces regularly fail to produce detainees when ordered to do so by *habeas corpus* rulings, and often re-arrest prisoners immediately after they have been freed by the courts. This threatens the authority and independence of the judiciary, and seriously undermines the rule of law in Nepal.

Lawyers in the country worry that the increasing use of plainclothes officers to make such arrests will only worsen the problem of impunity for these violations.

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

- expressing concern for the safety of Krishna K.C., who has been held incommunicado by the security forces for almost two years;
- expressing concern at reports that he has been tortured and ill-treated while in custody;
- calling for his immediate and unconditional release unless he is to be charged with a recognizably criminal offence;
- expressing concern that he is reportedly in poor health, and calling on the authorities to be granted immediate access to any medical treatment he may require;
- urging the authorities to make public his whereabouts and grant him immediate access to his relatives and lawyers;
- calling for an impartial investigation into the alleged torture and ill-treatment of Krishna K. C., and into the Royal Nepal Army's repeated denials that they are detaining him, with the results of the investigation to be made public and those found to be responsible to be brought to justice.

**APPEALS TO:**

General Pyar Jung Thapa  
Chief of Army Staff (COAS)  
Army Headquarters  
Bhadrakali  
Kathmandu, Nepal

**Fax: + 977 1 4 242 168 (please keep trying)**

**Salutation: Dear Commander-in-Chief**

Lieutenant Colonel Pankaj Karki  
Royal Nepal Army  
Human Rights Cell  
Royal Nepalese Army Headquarters,  
Bhadrakali, Kathmandu, Nepal

**Fax: + 977 1 4245020 (If someone answers, ask them in English to switch on the fax machine)**

**Email: [humanrights@rna.mil.np](mailto:humanrights@rna.mil.np)**

**Salutation: Dear Lieutenant Colonel**

**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 14 September 2005