

PUBLIC

AI Index: ASA 31/146/2004

27 July 2004

Further Information on UA 24/04 (ASA 31/010/2004, 19 January 2004) and follow-up (ASA 31/080/2004, 24 March 2004) - "Disappearance" / Fear for Safety/Arbitrary detention

New concern: Fear of torture or ill-treatment

NEPAL

Pushpa Lal Dhakal (m) aged 31, farmer

New Names:

**Pushpa Neupane (m) aged 25
four other unnamed people**

Amnesty International is seriously concerned for the safety of Pushpa Lal Dhakal, Pushpa Neupane and four other people who were reportedly rearrested by security forces personnel on 25 July. They were detained immediately after being released from Jhapa District Court, Chandragadi, Bhadrapur municipality and are at risk of torture or ill-treatment.

At around 4pm on 25 July, Jhapa District Court reportedly ordered the release of Pushpa Lal Dhakal, Pushpa Neupane and four other people. As soon as they left the court premises they were reportedly arrested by around 50 armed security forces personnel in civilian clothes. Witnesses then saw them being taken away in a van towards Charali Army barracks.

According to information received, Pushpa Lal Dhakal was first arrested on 13 January and held at Charali Army barracks for 10 days, where he was reportedly beaten so badly that several of his ribs were broken. He was then transferred to Chandragadi prison, where he was held under the Terrorist and Disruptive Activities (Control and Punishment) Act (TADA). His family were allowed four visits to the Chandragadi prison.

On 26 July, Pushpa Lal Dhakal's family were reportedly told by an officer at Charali Army barracks that he was being held there following his rearrest. The same officer told them that they would be allowed to see him if they returned to the army barracks on 1 August.

BACKGROUND INFORMATION

The human rights situation in Nepal has deteriorated 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 members of the CPN (Maoist) have been reported in the context of the eight-year-old armed conflict and have escalated following the breakdown of a seven month old ceasefire in August 2003.

Many people have been 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 army custody without access to their families, lawyers or medical treatment. The TADA was renewed by royal ordinance, after it expired on 9 April 2004. In both 2002 and 2003, Nepal recorded the highest number of "disappearances" of any country in the world. The CPN (Maoist) are also reported to have abducted hundreds of people including large numbers of schoolchildren for "indoctrination" purposes.

Amnesty International has in the past expressed its concerns about the repeated re-arrests of people under preventive detention orders, issued under TADA and the Public Security Act (PSA). People detained by the security forces are often held in army barracks with no access to their families, lawyers or medical treatment. They also face a high risk of torture including beatings, and are sometimes held in solitary confinement or blindfolded for the entire period of their detention.

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

- expressing concern about the reported rearrest by security forces personnel of Pushpa Lal Dhakal, Pushpa Neupane and four other unnamed people on 25 July 2004;
- urging the authorities to make a public statement confirming their whereabouts;
- requesting the authorities to ensure their safety and security, to allow them immediate access to their relatives, lawyers and any medical attention they may require;
- calling for them to be immediately and unconditionally released unless they are to be charged with a recognisably criminal offence;
- calling on the security forces not to arbitrarily re-arrest anyone who is released from detention.

APPEALS TO: (faxes may be switched off outside office hours, 5 and a half hours ahead of GMT)

Lt. Colonel Raju Nepali
Head, Royal Nepal Army Human Rights Cell,
Army Headquarters
Singha Durbar
Kathmandu, Nepal

Fax: + 977 14 245 020 or + 977 14 226 292 (If someone answers the telephone please ask them in English to switch on the fax machine, and resend the fax).

Salutation: Dear Lt. Colonel

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

Fax: + 977 1 4 242 168

Salutation: Dear Commander in Chief

COPIES TO:

Prime Minister Sher Bahadur Deuba
Prime Minister's Office
Singha Durbar
Kathmandu, Nepal

Fax: + 977 14 227 286

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 7 September 2004.