

PUBLIC

AI Index: ASA 31/184/2004

19 November 2004

UA 314/04      Fear of "disappearance" / fear for safety / fear of torture

NEPAL      Jeewan Shrestha (m), aged 38, shopkeeper

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Jeewan Shrestha, a shopkeeper, is believed to be at serious risk of torture or "disappearance" after reportedly being taken away by the army from the police station in which he was being detained.

According to witnesses, Jeewan Shrestha was arrested at his shop in Kathmandu district on 15 September, by a group of armed and uniformed soldiers. When he asked them why he was being arrested, and where he was being taken, he was told to "shut your mouth". The soldiers searched his shop and house and took away his mobile phone and 8000 Rupees (US\$115) in cash.

Jeewan Shrestha was taken to Singhnath army barracks, Kathmandu district where, he later reported, he was tortured and told to confess to supporting the Communist Party of Nepal (Maoist). After six days he was transferred to the central jail in Kathmandu. After the intervention of a national human rights organisation, the Supreme Court ordered Jeewan Shrestha's release on 16 November.

On 16 November Jeewan Shrestha's wife went to Kathmandu central jail and was asked to sign a document authorising his release. Immediately after his release, however, Jeewan Shrestha was rearrested by police and taken away in a van to Bhaktapur police station, Kathmandu. Two days later a police inspector informed Jeewan Shrestha's wife that he had been taken away by the army. The army denies that he is now in their custody.

Jeewan Shrestha's family have reportedly been visited by several people asking them to pay a bribe for his release. A national human rights organisation has now filed a *habeas corpus* petition with the Supreme Court in an attempt to establish Jeewan Shrestha's whereabouts.

**BACKGROUND:**

Since the Communist Party of Nepal (CPN) (Maoist) declared a "people's war" in February 1996, Nepal has been in the grip of nationwide conflict and human rights crisis. Human rights abuses by both the security forces and members of the CPN (Maoist) have escalated since a seven month ceasefire broke down in August 2003.

In both 2002 and 2003, Nepal recorded the highest number of "disappearances" of any country in the world. 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 kept blindfolded for the entire time they are in custody. The CPN (Maoist) are also reported to have abducted hundreds of people, including large numbers of teachers and schoolchildren, for the purpose of "political education".

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

- expressing concern for the safety of Jeewan Shrestha, who is believed to be in army custody following his re-arrest in Kathmandu on 16 November;
- calling on the authorities to make public his whereabouts and to grant him immediate access to his family, a lawyer of his choice, and any medical attention he may require;
- urging that he be treated humanely while in custody and not tortured or ill-treated;
- calling for him to be released immediately and unconditionally, unless he is to be charged with a recognizably criminal offence.

**APPEALS TO: (faxes may be switched off outside office hours, GMT+5½)**

Head of Royal Nepal Army Human Rights Cell  
Lieutenant Colonel Raju Nepali  
Royal Nepalese Army Headquarters  
Singha Durbar  
Kathmandu, Nepal

**Fax: + 977 1 4 226 292 / 245 020 (If someone answers the telephone please ask them in English to switch on the fax machine, and resend the fax).**

**Salutation: Dear Lieutenant Colonel**

Chief District Officer, Kathmandu district  
Baman Prasad Neupane  
Office of the Chief District Officer,  
Kathmandu District, Nepal

**Fax: + 977 1 4 267691**

**Salutation: Dear Chief District Officer**

**COPIES TO**

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

**Fax: + 977 1 4 227 286**

**Salutation: Dear Prime Minister**

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 31 December 2004.