

PUBLIC

AI Index: ASA 31/03/99

EXTRA 11/99

Disappearance/Fear of Torture

29 January 1999

NEPAL Rajendra Dhakal, (m) 30, lawyer, human rights defender

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Amnesty International is concerned for the safety of Rajendra Dhakal, a lawyer and human rights defender, whose whereabouts are unknown following his arrest by police on 8 January 1999. There are fears that he may be tortured in custody.

Rajendra Dhakal, from Harmi Village Development Committee (VDC)8, Gorkha District, was arrested in Jamdi of Kharenitar VDC, Tanahun District and was last seen at the Bel Chautara Area Police Post on around 11 January. Two teachers, Prem Bahadur Thapa and Naina Dutta Adhikari, who were arrested with him, were released two days later.

Rajendra Dhakal is the Chairman of Gorkha District Bar Association and a member of the Forum for Protection of Human Rights (FOPHUR), a local human rights organization. The police had reportedly obtained a warrant from the district court for his arrest on suspicion of involvement in acts of violence by members of the Communist Party of Nepal (CPN) (Maoist) in Gorkha District. He has been arrested repeatedly since February 1996, with the district court ordering his release each time. To escape this harassment, he had gone into hiding.

On 21 January, a *habeas corpus* petition was filed in the Supreme Court urging that Rajendra Dhakal be produced in court.

#### **BACKGROUND INFORMATION**

Rajendra Dhakal "disappeared" during police operations in several districts of Nepal, mainly in Mid-Western Region, aimed at flushing out armed members of the CPN (Maoist).

The CPN (Maoist) declared a "people's war" in February 1996. Since then the police have reportedly committed widespread human rights violations, including extrajudicial executions, "disappearances", torture and arbitrary arrests and detentions. Serious human rights abuses by the CPN (Maoist) have also been reported.

A large-scale police operation against armed members of the CPN (Maoist), launched in May 1998, led to an alarming deterioration in Nepal's human rights situation, and a reported increase in abuses by the CPN (Maoist).

Human rights defenders have been threatened by both the police and the CPN (Maoist). Lawyers, in particular, have come under pressure from the police not to represent CPN (Maoist) members or sympathizers. The CPN (Maoist), on the other hand, have warned human rights defenders not to report abuses by their members.

#### **RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in English or your own language:**

- expressing concern for the safety of Rajendra Dhakal, whose whereabouts are not known following his arrest by police on 8 January 1999;
- urging that the government immediately provide information about his whereabouts and the reason for his arrest;
- urging that, if he is in detention, he be promptly charged with a recognizable offence, or immediately released, and that steps be taken in the meantime to

safeguard his physical integrity and to allow him immediate access to his family, legal counsel and medical care;

- expressing grave concern at the deteriorating human rights situation in Nepal and appealing for an immediate halt to human rights violations.

**APPEALS TO:**

Rt. Hon Prime Minister Girija Prasad Koirala  
Prime Minister  
Office of the Prime Minister  
Singha Durbar  
Kathmandu  
Nepal

**Telegrams: Prime Minister, Kathmandu, Nepal**

**Faxes: + 977 1 227 765**

**Salutation: Dear Prime Minister**

Hon. Govinda Raj Joshi  
Minister of Home Affairs  
Ministry of Home Affairs  
Singha Durbar  
Kathmandu  
Nepal

**Telegrams: Minister of Home Affairs, Kathmandu, Nepal**

**Faxes: + 977 1 241 942**

**Salutation: Dear Minister**

Mr. Achyut Krishna Kharel  
Inspector General of Police  
Police Headquarters  
GPO Box 407  
Naxal  
Kathmandu  
Nepal

**Telegrams: Inspector General of Police, Kathmandu, Nepal**

**Faxes: + 977 1 41 55 93**

**Salutation: Dear Inspector General**

**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 March 1999.