

PUBLIC

AI Index: ASA 31/04/98

UA 235/98

Torture/Fear for Safety

3 September 1998

This is a limited UA. Please send up to 20 appeals per section.

NEPAL
Bal Bahadur Poudel
Bharat Bhattarai
Dor Mani Poudel
Ram Bahadur Shrestha
Thir Bahadur Khatri

Amnesty International is concerned by reports that the above five men have been subjected to torture following their arrest and detention at the Okhaldhunga District Police Headquarters in eastern Nepal.

Although the organization does not have full details about the five men or the reasons for their arrest and detention, it is believed that they may be held on suspicion of being members or supporters of the Communist Party of Nepal CPN (Maoist).

Two other men, Yadav Bahadur Bista, a farmer aged 23, and Mitra Chandra Poudel, a primary school teacher aged 32, were taken into police custody at the Okhaldhunga District Police Headquarters during July on suspicion of their active support for the CPN (Maoist). Both men allege they were tortured by police officers by being beaten on the soles of the feet (*falanga*), being boxed on the ears (*telephono*) and by being subjected to a form of torture known as *belana*, which involves having the thighs squashed under a heavy weight such as an iron pipe. The detainees were reportedly kept in inhuman conditions without adequate food or clothing and were not permitted access to their families, or a lawyer. Yadav Bahadur Bista was held for 14 days before he was presented before the Chief District Officer and charged, and Mitra Chandra Poudel was held for 20 days before being presented before the district court and released. Under the Nepal Constitution detainees must be presented to a court or judicial authority within 24 hours of their arrest.

Amnesty International fears for the safety of the above named five men and that they may be subjected to further torture of the kind that Yadav Bahadur Bista and Mitra Chandra Poudel have allegedly been subjected to.

BACKGROUND INFORMATION

Following the declaration of a "people's war" by the CPN (Maoist) in February 1996, there have been widespread reports of human rights violations by police, mainly in the mid-Western region. These include extrajudicial executions, "disappearances", torture and widespread arbitrary arrests and detentions. A recent upsurge of these violations has followed the start of a large-scale police operation aimed at armed members of the Communist Party of Nepal (Maoist). This was reportedly initiated in May 1998 and has resulted in an alarming deterioration in the country's human rights situation.

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

- expressing serious concern at reports that the five men named above were subjected to torture at the Okhaldhunga District Police Headquarters following their arrest;
- urging the authorities to fully investigate all reports of torture and to bring those responsible to justice;

-urging the authorities to grant the five men immediate access to a lawyer, their families and to any medical attention they require;
-urging that unless the five men are to be promptly charged with a recognizable criminal offence, they be immediately and unconditionally released;
-reminding the Nepal Government of its commitment to the Universal Declaration of Human Rights, in particular Article 5: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment".

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 22 77 65

Salutation: Dear Prime Minister

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

Telegrams: Minister Home Affairs, Kathmandu, Nepal

Faxes: + 977 1 24 09 42 / 22 51 56 (fax tones for Minister of Home Affairs can be difficult to obtain)

Salutation: Dear Minister

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

Telegrams: Inspector, Police Headquarters, Kathmandu, Nepal

Faxes: + 977 1 22 85 51

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 15 October 1998.

"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

Article 5, Universal Declaration of Human Rights

Visit the Amnesty International UDHR campaign website on
<http://www.amnesty.excite.com>