

PUBLIC

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22 March 2005

UA 71/05 Fear of torture or ill-treatment/ incommunicado detention

NEPAL **Madan Gautam (m), aged 36**  
**A 12-year-old boy (name unknown)**

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Madan Gautam and an unidentified boy, believed to be aged 12, are reportedly detained incommunicado at the Charali Army Barracks in the eastern district of Jhapa. Madan Gautam has allegedly been tortured in detention, and Amnesty International fears that both he and the 12-year-old boy continue to be at risk of torture or ill-treatment.

Madan Gautam was reportedly arrested at the Land Revenue Office in town of Chandragadi, the administrative capital of Jhapa, on 25 January. Local sources claim that he has been tortured at the Charali Army Barracks. He was reportedly accused of giving donations to the Communist Party of Nepal (CPN) (Maoist). The 12-year-old boy is said to have been detained at the Charali Army Barracks for more than five months on suspicion that he has links with the CPN (Maoist).

Other detainees previously held at Charali have claimed that they were tortured, including by having cold water poured over them, being beaten with bamboo sticks, kicked on their backs and in their faces. Some have reported being victims of mock executions.

#### **BACKGROUND INFORMATION**

The routine violation of human rights has been a widespread feature of the nine-year conflict in Nepal between government forces and the Communist Party of Nepal-Maoist (CPN) (Maoist). Amnesty International has documented a dramatic increase in the scale of human rights abuses since the breakdown of a ceasefire between the government and the CPN (Maoist) in August 2003, including torture, detention, "disappearances", displacement, abductions, and unlawful killings. More than 400 cases of "disappearance" have been reported to Amnesty International since August 2003.

The human rights crisis has deteriorated further following the events of 1 February, when King Gyanendra of Nepal dismissed the Government, assumed direct power, and declared a nationwide State of Emergency. Under the State of Emergency, fundamental rights were suspended, including freedom of expression, press and publication rights, and freedom of assembly. Within days, the security forces had arrested hundreds of people - including political leaders, trade unionists, student activists, journalists, and human rights defenders. While some people have been released, many others remain in detention, and arrests are ongoing.

The King's takeover has strengthened the hand of the military, reduced the prospect of a political process toward peace, and increased the likelihood of intensified violence - with the attendant risk of increased human rights abuses.

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

- expressing concern for the safety of Madan Gautam and a 12-year-old boy whose name is not known, who are said to be held at the Charali Army Barracks in Jhapa;
- urging that they be treated humanely while in custody and not tortured or ill-treated;
- calling on the authorities to immediately make public their whereabouts and grant them immediate access to relatives, lawyers and any medical attention they may require;

- calling for them to be released immediately and unconditionally, unless they are to be charged with a recognizably criminal offence;
- calling on the authorities to fulfil their obligations under Article 37 (covering the arrest, detention, or imprisonment of a child) of the United Nations Convention on the Rights of the Child, which Nepal ratified in 1990.

**APPEALS TO:**

**(Please note that it may be difficult to get through to fax numbers in Nepal. Please keep trying)**

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

**Fax:** + 977 1 4 226 292

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

**Salutation:** Dear Lieutenant Colonel

His Majesty the King Gyanendra Bir Bikram Shah Dev  
C/O The Chief of Protocol Division  
Protocol Division  
Ministry of Foreign Affairs  
Shital Niwas, Kathmandu, Nepal

**Fax:** + 977 1 4 423 951 / 416 016

**Salutation:** Your Majesty

**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 3 May 2005.