

PUBLIC

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17 September 2003

UA 267/03 Torture and ill-treatment/incommunicado detention/fear for safety

NEPAL Krishna Khatri Chhetri (known as Krishna K. C.) (m), aged 32

Krishna Khatri Chhetri, known as Krishna K.C., the former vice-president of the All Nepal National Independent Student Union (Revolutionary), is being held incommunicado by security forces at an unknown location in the Kathmandu valley. He has allegedly been tortured and ill-treated in detention, and Amnesty International is concerned for his safety.

Krishna K.C. was reportedly arrested without a warrant in Koteshwar, Kathmandu, at 1.30pm on 13 September by plain clothes security forces personnel. He was reportedly taken to an army camp at an unknown location in the Kathmandu valley, where he is being held incommunicado. Amnesty International has received reports that Krishna K.C. has been subjected to torture and ill-treatment while being interrogated by members of the security forces. He is believed to be at risk of further torture, ill-treatment or "disappearance" while in army custody. The National Human Rights Commission (NHRC) has been informed about the reported arrest of Krishna K.C. and is reported to be making inquiries into the case.

The reason for the arrest of Krishna K.C. may be because the authorities suspect him of being a member or a supporter of the Communist Party of Nepal (CPN) (Maoist), which has been declared a "terrorist organization" by the government since peace talks between the government and CPN (Maoist) broke down on 27 August. The All Nepal National Independent Student Union (Revolutionary) is seen as being ideologically close to the CPN (Maoist) and has also been banned by the government.

BACKGROUND INFORMATION

Amnesty International has been concerned about a deterioration in the human rights situation in Nepal 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 the CPN (Maoist) escalated after the army was mobilized and a state of emergency imposed between November 2001 and August 2002. Many people were 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 detention in army custody without access to their families, lawyers or a doctor. The CPN (Maoist) are also reported to have abducted scores of people.

On 29 January 2003 both sides agreed to a cease-fire. Three round of peace talks were held- in April, May and August- between the government and representatives of the CPN (Maoist). The CPN (Maoist) had listed among their central demands a round table conference, the formation of an interim government and elections to a constituent assembly to draft a new Constitution.

The CPN (Maoist) announced they were withdrawing from the cease-fire agreement on 27 August 2003. Since then fighting between the two sides has resumed throughout the country, and Amnesty International has received reports of human rights abuses committed by both sides in the conflict.

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

- expressing concern for the safety of Krishna K. C. who was reportedly arrested by security forces personnel in Koteshwar, Kathmandu, on 13 September;
- expressing concern about reports that he is being subjected to torture or ill-treatment while in custody;

- urging that he be humanely treated while in custody and not be subjected to further torture or ill-treatment;
- urging the authorities to make public his whereabouts, grant him immediate access to his relatives, lawyers and any medical attention he may require;
- calling for his immediate and unconditional release, unless he is to be charged with a recognizably criminal offence.

APPEALS TO:

Chief of Army Staff (COAS)

Army Headquarters

Kathmandu, Nepal

Telegram: Commander-in-Chief, Kathmandu, Nepal

Fax: + 977 1 4 242 168

Salutation: Dear Commander-in-Chief

Prime Minister Surya Bahadur Thapa

Prime Minister's Office

Singha Durbar

Kathmandu, Nepal

Telegram: Prime Minister, Kathmandu, Nepal

Fax: + 977 1 4 227 286 (fax may be switched off outside office hours, 5 ½ hours ahead of GMT)

Salutation: Dear Prime Minister

Brigadier General B A K Sharma

Head, Army Human Rights Cell

Army Headquarters

Kathmandu, Nepal

Telegram: Brigadier General, Kathmandu, Nepal

Fax: + 977 1 4 226 292 / 229 451

Salutation: Dear Brigadier 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 29 October 2003.