

PUBLIC

AI Index: ASA 31/034/2004

16 February 2004

Further Information on UA 291/03 (ASA 31/048/2003, 14 October 2003) 'Disappearance'/ fear for safety / torture

NEPAL **Three people (names unknown), labourers**

Released: **Deepak Kumar Chaudhary (m), aged 23, sales officer**
Four others (names unknown), labourers

Amnesty International has received information that Deepak Kumar Chaudhary was released after spending 15 days in detention at Balaju no. 1 Bahini army barracks, Kathmandu. He was reportedly released on condition that he report to the barracks every 15 days.

Deepak Kumar Chaudhary was arrested along with seven others (not six as previously stated) on 1 October 2003. When he first arrived in detention he was reportedly beaten. Four of the seven have also reportedly been released. Amnesty International is however concerned for the safety of the remaining three prisoners who have been in detention for four and a half months, especially in light of reports that Deepak Kumar Chaudhary was beaten.

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 army custody without access to their families, lawyers or medical treatment. In 2002, Nepal recorded the highest number of "disappearances" of any country in the world. The CPN (Maoist) are also reported to have abducted scores of people.

Torture has been a longstanding concern in Nepal and is reported almost daily. Torture methods include rape, electric shock treatment, belana (rolling a heavy weighted stick along the thigh muscles), falanga (beatings on the soles of the feet), random beatings and mock executions.

Despite Nepal's ratification of the United Nations (UN) Convention against Torture in 1991, torture is not a criminal offence in the country. The 1996 Torture Compensation Act (TCA) allows victims of torture, or relatives of people who have died in custody as a result of torture, to apply to the district courts for compensation. Amnesty International is concerned that police and the judiciary are not fully adhering to the requirements of the TCA and that some officials are putting obstacles in the way of victims trying to file cases or requesting medical examinations in order to gain redress under the Act.

The UN Special Rapporteur on torture, the Special Rapporteur on the right to freedom of opinion and expression and the Chairperson of the Working Group on Arbitrary Detention expressed "profound concern over reports that dozens of individuals are being detained secretly in Nepal and are therefore at risk of suffering torture and other forms of ill-treatment" in a November 2003 press release.

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

- welcoming the release of Deepak Kumar Chaudhary;
- expressing concern about reports that Deepak Kumar Chaudhary was beaten while he was in detention, and calling for a full and impartial investigation into these allegations, with the results made public and anyone found responsible brought to justice;
- calling for assurances that the three people who remain in detention be treated humanely and not tortured or ill treated;
- calling for them to be released immediately and unconditionally, unless they are to be charged with a recognizably criminal offence.

APPEALS TO: (Faxes may be switched off outside office hours, 5 ½ hours ahead of GMT)

General Pyar Jung Thapa
Chief of Army Staff (COAS)
Army Headquarters
Kathmandu, Nepal

Telegram: Commander-in-Chief, Army Headquarters, Kathmandu, Nepal

Fax: + 977 1 4 242 168

Salutation: Dear Commander-in-Chief

Colonel Nilendra Prasad Aryal
Head of Army Human Rights Cell
Army Headquarters
Singha Durbar, Kathmandu, Nepal

Telegram: Colonel NP Aryal, Army Headquarters, Singha Durbar, Kathmandu, Nepal

Fax: + 977 1 4 226 292/ 229 451 (If someone answers the telephone please ask them in English to switch on the fax machine, and resend the fax).

Salutation: Dear Colonel

COPIES TO:

Prime Minister Surya Bahadur Thapa
Prime Minister's Office
Singha Durbar
Kathmandu, Nepal

Fax: + 977 1 4 227 286

Salutation: Dear Prime Minister

and 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 March 2004.