

UA 247/02

Torture /**NEPAL**Hari Prasad Phuyal (m)

---

There are concerns for the health and safety of Hari Prasad Phuyal, a detained lawyer from Biratnagar, Morang district, who was last seen on 29 July, at Morang prison at which time he appeared to be in poor health.

Hari Prasad Phuyal was arrested around 7am on 22 May by police from his home at Himalipath, Biratnagar. After his arrest he was taken to the District Police Office in Biratnagar where he was held for two days. He was then transferred to Morang prison under a preventive detention order. There he was visited by lawyers and family members until the third week of July.

However, from around 23 July, his family members were denied access to him. His wife was reportedly told on that day that orders "from the top" were that no one can visit him. When she tried to visit her husband on 25 July, she was again denied access and was told to come back after two days. On 29 July, she was allowed to see him. He was reportedly supported by two men, as he was not able to walk. His body was covered by bandages, and his face was swollen. He told his wife he was not able to eat.

A lawyer who was also given access to him on 29 July in the presence of several police officers confirmed that Hari Prasad Phuyal's face and legs were swollen. The prisoner reportedly told him that he had not eaten anything for ten days, apparently because he had difficulties swallowing.

It is believed that Hari Prasad Phuyal was arrested in connection with his work as a lawyer representing members or sympathizers of the armed political group Communist Party of Nepal (CPN) (Maoist).

**BACKGROUND INFORMATION**

Amnesty International has been concerned about a deterioration in the human rights situation in Nepal since the CPN (Maoist) declared a "people's war" in early 1996. This concern has heightened after the army was mobilized and the state of emergency imposed in late November 2001. Since then, the number of reports of alleged unlawful killings, "disappearances", torture and arbitrary arrests and detention by the security forces have increased dramatically. The authorities have so far failed to provide strict instructions to the security forces to uphold human rights or to take appropriate actions against those responsible for reported abuses. Amnesty International has also documented many grave human rights abuses by members of the CPN (Maoist).

Lawyers appearing on behalf of Maoist suspects have repeatedly been targeted by the authorities. There are concerns that lawyers involved in lodging *habeas corpus* petitions (order requiring a detainee to be brought before a judge or into court) on behalf of people arrested as suspected CPN (Maoist) members or supporters, are particularly at risk as they may be arrested themselves for "supporting terrorism".

Under the state of emergency, a number of fundamental rights guaranteed in the constitution have been suspended, including the rights to freedom of assembly, freedom of expression and to constitutional remedy. Although the right of *habeas corpus* has not been suspended, very few *habeas corpus* petitions have been filed since the state of emergency was declared.

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

- expressing concern about the safety and health of Hari Prasad Phuyal, a lawyer arrested by police at Himalipath, Biratnagar, on 22 May;
- expressing concern about reliable reports that he was tortured while in custody at Morang prison and is in need of medical attention as a result;
- expressing concern that no one has been given access to him since 29 July;
- urging the authorities to make public his whereabouts;
- urging the authorities to ensure that Hari Prasad Phuyal is not tortured or ill-treated in custody;
- calling upon the authorities to allow him immediate, regular access to his relatives, lawyer and any medical attention he may need;
- urging that he be released immediately and unconditionally unless he is to be charged with a recognizable criminal offence.

**APPEALS TO:**

Rt Hon Sher Bahadur Deuba  
Prime Minister  
Office of the Prime Minister  
Singha Durbar  
Kathmandu  
Nepal

**Telegram: Prime Minister, Kathmandu, Nepal**

**Fax: + 977 1 227 286 (It may be difficult to get through but please keep trying)**

**Salutation: Dear Prime Minister**

Hon Khum Bahadur Khadka  
Home Minister  
Ministry of Home Affairs  
Singha Durbar  
Kathmandu  
Nepal

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

**Faxes: + 977 1 241 942**

**Salutation: Dear Minister**

Mr Pradeep Shamsheer J B Rana  
Inspector General of Police  
Police Headquarters  
GPO Box 407  
Naxal  
Kathmandu  
Nepal

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

**Faxes: + 977 1 415 593/ 415 594**

**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 18 September 2002.