

PUBLIC

AI Index: ASA 31/065/2005

29 July 2005

UA 199/05 Fear of torture or ill-treatment/ prisoner of conscience

NEPAL **Gagan Thapa (m), aged 30, former General Secretary of the Nepal Students' Union (NSU)**

Gagan Thapa, a student leader and former General Secretary of the Nepal Students' Union (NSU), was arrested on 27 July by security forces in plain clothes. He is reportedly being detained at the Hanuman Dhoka police station in the capital Kathmandu and is at risk of torture or ill-treatment. Amnesty International considers him a prisoner of conscience, detained solely because he has peacefully exercised his right to freedom of expression.

Gagan Thapa was reportedly detained in Anamnagar, Kathmandu at around 9.30am on 27 July, as he was on his way to meet fellow student leaders who are being detained at Ward Police Office in the Singha Durbar district of the capital. The authorities have accused him of shouting anti-monarchist slogans during a demonstration in the Ratna Park area of Kathmandu on 24 July. According to reports, the authorities have given a special court seven days to bring him to trial on charges of sedition, under the "Offences against the State Act". This is reportedly the first time a sedition order has been instituted since 1 February 2005. The authorities are denying anyone access to him except members of his family.

Gagan Thapa had previously been arrested by security forces in plain clothes on April 26 at the home of another student leader, Sandesh Adhikari (see AI case sheet, ASA 31/043/2005, May 2005). The Supreme Court of Nepal declared his arrest illegal and immediately ordered his release on 5 May. However, after his release he was immediately re-arrested and ordered to be detained for a further ninety days by the Kathmandu District Administration. He was released on 25 May after the Supreme Court once again intervened.

BACKGROUND INFORMATION

In the course of the nine-year-long conflict between government forces and the Communist Party of Nepal (CPN) (Maoist), Amnesty International has documented thousands of cases of arbitrary arrest, unacknowledged detention, torture and "disappearance" at the hands of the security forces. Hundreds of people are believed to be held illegally in army barracks, where they are at particular risk of torture, "disappearance" or extrajudicial execution. The human rights crisis has deteriorated further since King Gyanendra seized executive power on 1 February 2005.

The security forces regularly fail to produce detainees when ordered to do so by *habeas corpus* rulings, and often re-arrest prisoners immediately after they have been freed by the courts. This threatens the authority and independence of the judiciary, and seriously undermines the rule of law in Nepal. Lawyers in the country worry that the increasing use of plainclothes officers to make such arrests will only worsen the problem of impunity for these violations.

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

- expressing concern for the safety of Gagan Thapa, who is reportedly being detained at the Hanuman Dhoka police station in Kathmandu;
- urging that they be humanely treated in custody and not tortured or ill-treated, and calling for him to be granted access to a lawyer and any medical attention he may require;
- pointing out that he appears to be a prisoner of conscience, detained solely for the legitimate expression of his opinions, and urging the authorities to release him immediately and unconditionally;

- calling for all student leaders in detention, including those detained at Ward Police Office in the Singha Durba district of Kathmandu, to be released immediately and unconditionally, unless they are to be charged with a recognizably criminal offence.

APPEALS TO:

Shaha Bir Thapa
Inspector General of the Armed Police Force
Armed Police Headquarters
Swayam, Nepal
Fax: + 977 1 4 275 685
Email: armedpolice@wlink.com.np
Salutation: Dear Inspector General

Lieutenant Colonel Pankaj Karki
Royal Nepal Army
Human Rights Cell
Royal Nepalese Army Headquarters
Bhadrakali, Kathmandu, Nepal
Fax: + 977 1 4245020 (If someone answers, ask them in English to switch on the fax machine)
Email: humanrights@rna.mil.np
Salutation: Dear Lieutenant Colonel

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 9 September 2005.