

PUBLIC

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Fear for safety/Incommunicado detention

15 April 2004

NEPAL

Jhabaru Chaudhary (m), aged 37, farmer

Jhabaru Chaudhary (also known as Jaya Kumar Chaudhary) was reportedly arrested by soldiers of the Royal Nepalese Army on 9 February 2004. Since that time he has been held incommunicado at Itahari army camp, and his family have not been allowed to see him.

Jhabaru Chaudhary lives in Makhanjhora village, ward no.6 of Madhesha Village Development Committee, in the Sunsari district of south-eastern Nepal. At 8am on 9 February a group of uniformed soldiers went to his house, and asked where he was. When they were told that he was not in, they arrested his 15-year-old son instead. The soldiers were leaving the village with the boy when they met Jhabaru Chaudhary, on his way home. The soldiers arrested him on the spot, in front of other villagers, and released his son. Witnesses report that the group then drove to Itahari camp, the Eastern Region Army Headquarters.

Three days later, witnesses saw Jhabaru Chaudhary sitting in an army truck as it patrolled the village. It is thought that the army were performing a search of the area to find workers of the Communist Party of Nepal (CPN) (Maoist). Relatives visited Itahari army camp on numerous occasions to try and meet with Jhabaru Chaudhary, but the soldiers told them that although he was being held there, they would not be allowed to visit him.

BACKGROUND INFORMATION

Amnesty International has been concerned about a deterioration in the human rights situation in Nepal since the 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. The TADA was renewed by royal ordinance, after it expired on 9 April 2004. In both 2002 and 2003, 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.

Both sides agreed to a ceasefire on 29 January 2003, and held three rounds of peace talks, in April, May and August 2003. Among the CPN (Maoist)'s central demands were 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 ceasefire agreement as of 27 August 2003. Since then, fighting has resumed throughout the country, and Amnesty International has received reports of both sides committing human rights abuses. In particular there has been a rise in the number of "disappearances" at the hands of the security forces and abductions by the CPN (Maoist).

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

- expressing concern for the safety of Jhabaru Chaudhary, reportedly arrested by soldiers on 9 February 2004;
- urging that he be treated humanely while in custody and not tortured or ill-treated;

- calling on the authorities to grant him immediate access to his relatives, lawyers and any medical attention he may require;
- calling for Jhabaru Chaudhary to be released immediately and unconditionally, unless he is to be charged with a recognizably criminal offence.

APPEALS TO:

Mr Padma Raj Regmi
Officer, Sunsari district
Office, Inaruwa

Chief District
District Administration

Sunsari, Nepal

Telegram: CDO Padma Raj Regmi, District Administration Office, Inaruwa, Sunsari, Nepal

Fax: +977 25 560151

Salutation: Dear Chief District Officer

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 4 245 020 /226 292 (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:

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

Fax: + 977 1 4 416 007

Salutation: Your Majesty

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 27 May 2004.