

PUBLIC

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UA 275/04

Incommunicado detention / fear of "disappearance"/
Fear of torture

28 September 2004

NEPAL

Raju Sharma Dhakal (m) aged 17, student
Bal Krishna Dhakal (m), teacher

Raju Sharma Dhakal has reportedly been held incommunicado at Bharatpur army barracks, Chitwan district, since June. Amnesty International is concerned that he is at risk of torture or "disappearance". His father, Bal Krishna Dhakal, was detained when he tried to visit him.

According to a witness, Raju Sharma Dhakal was arrested by security force personnel at 3pm on 18 June when he was walking home from college in Chitwan district. His family initially did not receive any information about his whereabouts.

However, after 22 days the army admitted that he was being detained in Bharatpur army barracks, but still would not allow his family to visit him. His father, Bal Krishna Dhakal was detained at the same barracks on 23 August. He was held in the barracks for four days before being transferred to prison. It is not known whether he has been charged or brought before a judicial authority.

Bal Krishna Dhakal is the headmaster of a school in Hannumannagar, Chitwan district. In January he was detained for one month following an investigation into an alleged bank robbery by the Communist Party of Nepal (CPN) (Maoist). He was depositing money in the bank at the time of the robbery. During his detention he was reportedly so severely beaten that he had difficulty walking following his release.

BACKGROUND INFORMATION

Since the Communist Party of Nepal (CPN) (Maoist) declared a "people's war" in February 1996, Nepal has been in the grip of nationwide conflict and human rights crisis. Human rights abuses by both the security forces and members of the CPN (Maoist) have escalated since a seven month ceasefire broke down in August 2003.

In both 2002 and 2003, Nepal recorded the highest number of "disappearances" of any country in the world. People detained by the security forces are often held in army barracks with no access to their families, lawyers or medical treatment. They also face a high risk of torture, including beatings, and are sometimes held in solitary confinement or kept blindfolded for the entire time they are in custody. The CPN (Maoist) are also reported to have abducted hundreds of people, including large numbers of teachers and schoolchildren, for the purpose of "political education".

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

- expressing concern for the safety of Raju Sharma Dhakal who was arrested on 18 June 2004 and is believed to be held incommunicado at Bharatpur army barracks, Chitwan district;
- calling on the authorities to grant Raju Sharma Dhakal immediate access to his relatives, lawyers and any medical attention he may require;
- calling on the authorities to make public the charges under which Bal Krishna Dhakal is being held;
- urging that they both be treated humanely while in custody and not tortured or ill-treated;
- calling for both detainees 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, GMT + 5½)

Lieutenant Colonel Raju Nepali
Head Royal Nepal Army Human Rights Cell
Royal Nepalese Army Headquarters
Singha Durbar
Kathmandu, Nepal

Fax: + 977 1 4 226 292 / 245 020 (If someone answers the telephone please ask them in English to switch on the fax machine, and resend the fax).

Salutation: Dear Lieutenant Colonel

Chief District Officer of Chitwan
Office of the Chief District Officer,
Chitwan District, Nepal

Fax: +977 56520747 (If someone answers the telephone please ask them in English to switch on the fax machine, and resend the fax).

Salutation: Dear Chief District Officer

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 416007

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 9 November 2004