

PUBLIC

AI Index: ASA 31/179/2004

9 November 2004

Further Information on UA 275/04 (ASA 31/169/2004, 28 September 2004) - Incommunicado detention / fear of "disappearance" / fear of torture

NEPAL **Raju Sharma Dhakal (m) aged 17, student**
 Bal Krishna Dhakal (m), teacher, father of Raju Sharma Dhakal

Raju Sharma Dhakal was reportedly released from prison on 3 November, but was immediately re-arrested by security forces at the prison gates. His whereabouts are currently unknown and he stands at very high risk of torture or "disappearance".

Raju Sharma Dhakal was first arrested on 18 June when he was walking home from his college, in the Chitwan district of central Nepal. His whereabouts were unknown for 22 days, before the army admitted that he was being held at Bharatpur army barracks. When his father, Bal Krishna Dhakal, tried to visit him on 23 August he was also detained by the army.

Both Raju Sharma Dhakal and Bal Krishna Dhakal were later transferred to prison in Bharatpur district, where their family were able to visit them on 23 October. It is not known whether either have been charged or brought before a judicial authority.

BACKGROUND INFORMATION

Over recent months Amnesty International has received dozens of reports of security forces rearresting people immediately after they have been released from detention in prisons. In many of these cases people have been rearrested after courts have ordered that they be released. Detainees face a much higher risk of beatings, torture and "disappearance" in army barracks or police stations, in the custody of security forces, than they do in prisons.

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 ceasefire, that had lasted seven months, 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 reportedly rearrested on 3 November at the gates of a prison in Bharatpur.
- calling on the authorities to immediately make public the whereabouts of Raju Sharma Dhakal and grant him immediate access to his relatives, lawyers and any medical attention he may require;
- calling on the authorities to make public the charges under which his father, 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 21 December 2004.