

PUBLIC

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UA 328/04 Fear for safety/fear of "disappearance"

NEPAL Jhurri Teli (m) aged 16, labourer

Jhurri Teli was released from Banke district prison on 28 November, on the orders of a court, but was rearrested immediately. His whereabouts are now unknown, and Amnesty International is concerned that he is at risk of torture, or may "disappear".

Jhurri Teli had reported that he was originally arrested in the city of Nepalganj on 9 September, while he was on his way to see a doctor. A group of security forces personnel in plain clothes approached him, and one of them asked for his name while another tied both his hands behind his back and blindfolded him. In the street they apparently beat him and questioned him about the activities of the outlawed Communist Party of Nepal (CPN) (Maoist), for about half an hour. They then took him away in an army vehicle to the Rajha Army Barracks in Mid-Western Pritana, Banke district. For the next six days he was mostly kept blindfolded, with his hands tied behind his back.

On around 15 September Jhurri Teli was taken to Banke district police office, where he was asked to sign a statement. He says that he was not allowed to read it first. The following day he was transferred to Banke district prison and issued with a detention order under the Public Security Act.

A national human rights organisation challenged Jhurri Teli's detention at Nepalganj appellate court and on 28 November the court found that he was being detained illegally and ordered his release. However, at around 2pm the following day, in the presence of lawyers and human rights activists, a team of police came to the prison in a van and took him away. National human rights organisations have tried to locate Jhurri Teli in police or army custody, without success.

BACKGROUND INFORMATION

Over recent months Amnesty International has received dozens of reports of the security forces rearresting people immediately after they have been released from prisons, when their detention orders expire or when a court orders that they be set free. Detainees are relatively safe in prison. They are at a much higher risk of beatings, torture and "disappearance" while they are in the custody of the security forces, in army barracks or police stations. They are often held incommunicado, and sometimes in solitary confinement, or kept blindfolded for the entire time they are in custody.

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, more people "disappeared" in Nepal after being detained by the security forces than in any other country in the world. 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 Jhurri Teli, who was rearrested outside Banke district jail on 28 November;
- calling on the authorities to immediately make public his whereabouts and grant him access to his relatives, lawyers and any medical attention he may require;
- urging that he be treated humanely while in custody and not tortured or ill-treated;
- calling for him to be released immediately and unconditionally, unless he is to be charged with a recognizably criminal offence.

APPEALS TO:

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

Dilli Raj Joshi

Chief District Officer (CDO)

Office of the CDO

Nepalgunj

Banke District

Nepal

Fax: + 977 81 520676

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 13 January 2005.