

PUBLIC

AI Index: ASA 31/188/2004

10 December 2004

Further Information on UA 305/04 (ASA 31/182/2004, 11 November 2004) Fear of "disappearance" / fear for safety

NEPAL **Prakash Thapa (m), aged 36, member of Amnesty International**

Prakash Thapa was released on 9 December, but rearrested immediately. He had been tortured in custody, but was apparently treated better than other prisoners because of his connection to Amnesty International. His whereabouts are now unknown, and Amnesty International is concerned that he may be tortured, or "disappear".

His family had filed a *habeas corpus* petition at the Supreme Court on 16 November. On 2 December the Supreme Court informed the family that the Kathmandu Chief District Officer (CDO) had responded, stating that Prakash Thapa was held on his orders at Shree Jang army barracks, in Singha Durbar, Kathmandu. They also confirmed that he was being held under the Terrorist and Disruptive Activities (Control and Punishment) Ordinance (TADO). The Shree Jang army barracks also confirmed to the Supreme Court that he was being held there by the order of the CDO.

The court then ordered the Shree Jang army barracks to release Prakash Thapa. When his wife enquired at the barracks on 8 December she was told that he would be sent home shortly and she should wait at her home to be summoned.

On 9 December the barracks called her and asked her to come to the office of the CDO in Kathmandu at 3pm, when Prakash would be released. She went to the CDO's office with human rights activists and signed the release paper, and her husband's mobile phone and computer were returned to her. Prakash and his wife left the CDO office compound together with the human rights activists and got into a taxi. As the taxi was about to leave, a TATA van with registration number Ba 1 Cha 9769 stopped in front of it, forcing it to stop, and security forces personnel in plain clothes got out and took Prakash away, along with his computer. Before he was taken away Prakash had been able to confirm to his wife that the security forces personnel were from the Shree Jang Army Barracks. He also confirmed that he had been tortured in detention, but that a soldier had told him that due to his link to a "UK-based organisation" (believed to be Amnesty International) he was not tortured as badly as some other detainees.

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 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 that Prakash Thapa was released on 9 December but immediately rearrested, in Kathmandu district;
- calling on the authorities to immediately make public his whereabouts and grant him immediate 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

Chief District Officer
Baman Prasad Neupane
Office of the Chief District Officer,
Kathmandu District, Nepal

Fax: + 97714267691

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 January 2005.