

PUBLIC

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Torture/Fear for Safety

21 January 2002

NEPAL

**Bidur Khadka (m), age 21**  
**Santosh Karki (m), age 13**

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Bidur Khadka was arrested by police on 30 December 2001, and has reportedly been severely tortured. His 13-year-old nephew Santosh Karki was arrested on 19 January and police have reportedly threatened him to make him implicate his uncle in a bombing that has been blamed on the Communist Party of Nepal (CPN) (Maoist).

The bomb exploded in a field near the Disabled Children's Hospital in Kavre District, Central Region on 28 December. Bidur Khadka was arrested two days later, reportedly on suspicion that he had been involved, and he is held at the Banepa area police station, in Kavre District.

He has allegedly been so severely tortured during interrogation that he is unable to walk, and some of the bones in his hands are broken. He was reportedly taken to the Sheer Memorial Hospital in Kavre district for medical treatment three or four days after his arrest. The hospital asked the police to bring him back for follow-up treatment after seven days, but reportedly they have not done so.

A relative of Bidur Khadka's was permitted to see him on around 14 January, but was not allowed to speak to him. The police reportedly gave him some of Bidur Khadka's clothes, which were covered in blood and pus.

#### **BACKGROUND INFORMATION**

Peace talks aimed at ending the CPN (Maoist)'s five-year "people's war" and an accompanying cease-fire broke down on 23 November 2001. The Maoists attacked police and army posts in 42 districts. The authorities responded on 26 November by declaring a nationwide emergency, and deploying the army. The King of Nepal also officially announced the Terrorist and Disruptive Activities (Prevention and Control) Ordinance (TADO), 2001, which grants wide powers to arrest people involved in "terrorist" activities. The CPN (Maoist) was declared a "terrorist organization" under the Ordinance.

According to official sources, more than 3,300 people have been arrested since the state of emergency was declared. Among them are many lawyers, students, journalists and teachers arrested throughout the country on suspicion of being members or sympathizers of the CPN (Maoist).

To Amnesty International's knowledge, very few of those arrested have so far been brought to court. Under the TADO, they can be held in detention for up to 90 days, extendable for another 90 days with the permission of the Home Ministry. It is suspected that many people are held in army camps without access to their relatives, lawyers or a doctor.

Under the state of emergency, a number of fundamental rights guaranteed in the Constitution including freedom of assembly, freedom of expression and the right to constitutional remedy have been suspended. While the right of *habeas corpus* (order requiring a detainee to be brought before a judge or into court) is not suspended, no such petitions have been filed. Lawyers are afraid of being arrested under the Ordinance for "supporting terrorism" if they were to appear in such cases.

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

- expressing concern that Bidur Khadka has reportedly been severely tortured while in custody at Banepa area police station;
- expressing concern that police arrested his 13-year-old nephew Santosh Khadka on 19 January and have reportedly threatened him to make him incriminate his uncle;

- expressing concern for their safety, and urging the authorities to ensure that they are released immediately and unconditionally unless they are to be charged with a recognizably criminal offence;
- calling on the authorities to allow them access to their relatives, lawyers and any medical attention they may need.

**APPEALS TO:**

Rt Hon Sher Bahadur Deuba  
Prime Minister  
Office of the Prime Minister  
Singha Durbar  
Kathmandu  
Nepal

**Telegrams: Prime Minister, Kathmandu, Nepal**

**Fax: + 977 1 227 286**

**Salutation: Dear Prime Minister**

Rt Hon Khum Bahadur Khadka  
Minister of Home Affairs  
Ministry of Home Affairs  
Singha Durbar  
Kathmandu  
Nepal

**Telegrams: Home Minister, Kathmandu, Nepal**

**Fax: + 977 1 240 942**

**Salutation: Dear Minister**

Mr Pradeep Shamsher J B Rana  
Inspector General of Police  
Police Headquarters  
GPO Box 407  
Naxal  
Kathmandu  
Nepal

**Telegrams: Inspector General of Police, Kathmandu, Nepal**

**Faxes: + 977 1 415 593/ 415 594**

**Salutation: Dear Inspector General**

**COPIES 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 4 March 2002.