

PUBLIC

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17 June 2005

UA 168/05 Possible "Disappearance"/Fear for safety/Fear of torture or ill-treatment

NEPAL Keshav Thapa (m), aged 35, farmer and security guard

Farmer Keshav Thapa went missing on 13 June after he went to the Bhaktapur district court to seek compensation for torture he had allegedly suffered at the hands of a guard at the Surya Binayak army barracks in Bhaktapur, a district neighboring Kathmandu. A source has reported that he is in custody at the Surya Binayak army barracks, where he was allegedly tortured in April, but a senior officer there has denied this. His whereabouts are unknown, and he is at grave risk of torture, and may have "disappeared".

Keshav Thapa is a resident of Tathali village development committee in Bhaktapur district. On 6 April he had been summoned to the nearby Surya Binayak army barracks, and he went there with his wife. She was kept in the waiting room while he went to be interrogated by a guard from the barracks, Mitra Raj Giri, who allegedly beat and kicked him in the face and body, and forced him to sign a document whose contents he did not know. (Amnesty International has recorded many instances of members of the police or army using torture techniques to obtain statements or confessions. Although statements made through the use of torture are legally inadmissible as evidence in court, in practice the courts assume all statements or confessions taken by the security forces are valid.)

After five hours of abuse, he passed out and was handed over to his wife, unconscious.

On 8 April, he went to the Centre for Victims of Torture (CVICT), a Nepal-based organization, to receive treatment for his injuries. CVICT prepared a medical report detailing his injuries, which included severe bruising to his face and body. That day he also filed a report about what had happened to him with Nepal's National Human Rights Commission, and filed a writ petition challenging the legality of the document he had been forced to sign.

On 10 May, he filed a torture compensation case against Mitra Raj Giri with the Bhaktapur district court. In a written statement provided to the court, Mitra Raj Giri denied the allegations of torture.

Torture is not a criminal offence in Nepal, but under the 1996 Torture Compensation Act people tortured by the security forces can apply for compensation to the district courts. It is possible that Keshav Thapa has been targeted because he was pursuing such a claim for compensation. After he arrived at the courthouse on 13 June he telephoned CVICT to say that he thought he had been followed, and no one has seen or heard from him since. His family have been told that he is held at the Surya Binayak army barracks. However, when representatives from three Nepali human rights organizations went to the barracks on 16 June, a major told them that Keshav Thapa was not in custody there.

BACKGROUND INFORMATION

In the course of the nine-year-long conflict between government forces and the Communist Party of Nepal (CPN) (Maoist), Amnesty International has documented thousands of cases of arbitrary arrests, unacknowledged detentions, torture and "disappearances" at the hands of the security forces. The number of people reported to have "disappeared" increased dramatically after a ceasefire between the government and the CPN (Maoist) broke down in August 2003, with more than 400 cases reported to Amnesty International between August 2003 and June 2004.

The human rights crisis has deteriorated further following King Gyanendra's seizure of power on 1 February 2005. The king's takeover has strengthened the hand of the military, reduced the prospect of a political

process towards peace, and increased the likelihood of intensified violence, with the attendant risk of increased human rights abuses.

Hundreds of people are believed to be held illegally in army barracks, where they are at particular risk of torture, "disappearance" or extrajudicial execution.

Amnesty International has called on the government to end the practice of incommunicado detention and draw up regulations to safeguard the rights of detainees. Amnesty International has also asked the government to implement the recommendation of the United Nations Special Rapporteur on torture that: "Interrogation should take place only at official centres and the maintenance of secret places of detention should be abolished under law."

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

- expressing concern for the safety of Keshav Thapa, who is believed to have been abducted by security forces personnel on 13 June 2005;
- calling on the authorities to immediately make public his whereabouts and grant him immediate access to his family, lawyers and any medical attention he may require;
- urging the authorities to ensure that he is 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:

General Pyar Jung Thapa
Chief of Army Staff (COAS)
Royal Nepalese Army
Bhadrakali
Kathmandu, Nepal

Fax: + 977 1 4 242 168

Salutation: Dear Commander-in-Chief

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

Fax: + 977 1 4 245 020 (Please ask for the fax)

Email: humanrights@rna.mil.np

Salutation: Dear Lieutenant Colonel

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 29 July 2005.