

PUBLIC

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Fear for Safety/Fear of Torture

22 June 2004

NEPAL

Prakash Pun (m), age 17

Prasanta Tharu (m), age 18

Tilak Ram Chaudhary (m), age 30

Tika Ram Giri (m), age 41

Mani Ram Chaudhary (m), age 21

Sher Bahadur Oli (m), age 28

Deshu Ram Tharu (m), age 25

The seven men named above were released from prison in Nepalgunj, Banke district, on 21 June, on the orders of an appeal court. The security forces are apparently planning to re-arrest them. According to local human rights groups people arrested in districts outside Kathmandu are more likely to be tortured and ill-treated or “disappear” and Amnesty International is very concerned for their safety.

They were arrested between October 2003 and February 2004, by army personnel from the Imangagar Army Barracks. They were held incommunicado for about 10 days and allegedly tortured. They were then moved to Banke district prison in Nepalgunj. Lawyers' group Advocacy Forum helped relatives to file *habeas corpus* petitions on their behalf in the Appellate Court, Nepalgunj.

When the court asked for more information about the detainees, the office of the Chief District Officer claimed that six had already been released. The court therefore quashed the petition filed on their behalf, on 29 February, without examining the office's claim. Advocacy Forum filed another petition on their behalf in the same court on 4 March.

On 20 June, the court found that all seven were detained illegally and issued an order for their release. The following day the seven were released and immediately followed by plainclothes security forces personnel. Members of Advocacy Forum and other human rights activists brought the seven and members of their families to the offices of Advocacy Forum for safety. Security forces personnel have surrounded the office and, although they have not entered the building, it appears the security forces are waiting outside to re-arrest them.

BACKGROUND INFORMATION

The human rights situation in Nepal has deteriorated since the Communist Party of Nepal (CPN) (Maoist) launched a “people's war” in February 1996. Reports of human rights abuses by both the security forces and the CPN (Maoist) escalated after the army was mobilized and a state of emergency imposed between November 2001 and August 2002. Many people were arrested under the 2002 Terrorist and Disruptive Activities (Control and Punishment) Act (TADA), which gave the security forces the power to arrest without warrant and detain suspects in police custody for up to 90 days. Scores of people are reported to have been held for weeks or even months in illegal army custody without access to their families, lawyers or medical treatment. The TADA was renewed by royal ordinance, after it expired on 9 April 2004. In both 2002 and 2003, Nepal recorded the highest number of “disappearances” of any country in the world. The CPN (Maoist) are also reported to have abducted hundreds of people, and are recently reported to have abducted large numbers of schoolchildren for “indoctrination” purposes.

Amnesty International has in the past expressed its concerns about the repeated re-arrests of people under preventive detention orders, issued under the Public Security Act (PSA) or the TADA. The blatant disregard by the security forces for the authority and independence of the judiciary is a particularly disturbing aspect of the deteriorating human rights situation in the country.

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

- urging the authorities to ensure the safety and security of the seven people named above who were released from prison on 21 June and are currently seeking protection in the offices of Advocacy Forum;
- calling on the security forces to respect the ruling of the judiciary in *habeas corpus* cases and obey court orders;
- appealing to the authorities to allow the seven people to return to their respective homes;
- calling on the authorities to investigate the allegations that the seven people were subjected to torture and ill-treatment at the Imangagar army barracks, Banke district, and bring the perpetrators to justice.
- calling on the authorities to ensure that members of Advocacy Forum and other human rights defenders are able to carry out their work without fear of harassment by the security forces.

APPEALS TO:

Sher Bahadur Deuba
Prime Minister
Prime Minister's Office
Singha Durbar
Kathmandu, Nepal

Telegram: Prime Minister, Singha Durbar, Kathmandu, Nepal

Fax: + 977 14 227 286 (faxes may be switched off outside office hours, GMT+5½)

Salutation: Dear Prime Minister

Lt. Colonel Raju Nepali
Head, Royal Nepal Army Human Rights Cell,
Army Headquarters
Singha Durbar
Kathmandu, Nepal

Telegram: Lt. Colonel Raju Nepali, Army Headquarters, Singha Durbar, Kathmandu, Nepal

Fax: + 977 14 245 020 or + 977 14 226 292 (If someone answers the telephone please ask them in English to switch on the fax machine, and resend the fax).

Salutation: Dear Lt. Colonel

Dilli Raj Joshi
Chief District Officer (CDO)
Office of the CDO
Nepalgunj
Banke District
Nepal

Telegram: Mr Dilli Ram Joshi, Chief District Officer, Nepalgunj, Banke district, Nepal

Fax: + 977 81 520676

Salutation: Dear Chief District Officer

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 3 August 2004.