

**PUBLIC**

**AI Index: ASA 31/080/2005**

**18 October 2005**

**Further Information on UA 275/04 (ASA 31/169/2004, 29 September 2004) and follow-up (ASA 31/179/2004, 9 November 2004) - Incommunicado detention/fear of "disappearance"/Fear of torture**

**NEPAL**

**Raju Sharma Dhakal (m), age 17, student  
Bal Krishna Dhakal (m), teacher, age 48, his father**

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Bal Krishna Dhakal was released on 13 September, and has returned home. He had been held at Bharatpur prison, in Chitwan district, central Nepal. He now has to report every two weeks to Chitwan district police headquarters. Relatives saw him two weeks after his release and reported that he was in need of medical treatment.

His son, Raju Sharma Dhakal, was transferred from Bharatpur prison to Nakkhu prison in Kathmandu on 3 September. His family have been allowed to visit him there. He is held on suspicion of "terrorist" activities.

Raju Sharma Dhakal was first arrested on 18 June 2004 when he was walking home from his college, in Chitwan district. His whereabouts were unknown for 22 days, before the army admitted that he was being held at Bharatpur army barracks. When his father, Bal Krishna Dhakal, tried to visit him on 23 August he too was arrested.

Both Raju Sharma Dhakal and Bal Krishna Dhakal were later transferred from the army barracks to Bharatpur prison in Chitwan district, where their family were able to visit them on 23 October 2004. Neither had been charged or brought before a judicial authority.

Raju Sharma Dhakal was reportedly released from Bharatpur prison on 3 November 2004 but was immediately re-arrested by security forces at the prison gates, and returned to the same prison.

#### **BACKGROUND INFORMATION**

Over the past decade, there has been mounting evidence of human rights abuses committed by both sides in the internal armed conflict between the security forces and the Communist Party of Nepal (CPN) (Maoist), which declared a "People's War" in February 1996. Amnesty International has received reports of hundreds of "disappearances", thousands of arbitrary arrests, the widespread use of torture and incidents of rape by Nepal's security forces. The CPN (Maoist) have been responsible for abductions, torture, the use of children in military activities and indiscriminate attacks on civilians, among other abuses. Thousands of people are feared to have been unlawfully killed by each side. At the heart of the problem is the environment of impunity within which the security forces and the CPN (Maoist) operate. The army and other official sources very rarely admit that civilians have been killed by the security forces.

Amnesty International has received dozens of reports of security forces re-arresting people immediately after they have been released from prisons. In many of these cases people have been re-arrested after courts have ordered that they be released. Detainees face a much a higher risk of beatings, torture and "disappearance" in army barracks or police stations, in the custody of security forces, than they do in prisons.

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

- welcoming the release of Bal Krishna Dhakal;

- expressing concern that Raju Sharma Dhakal is still in custody, and asking that he be given any medical attention he may require;
- urging that he be granted immediate access to his relatives and a lawyer;
- urging the authorities to make public the charges under which he is held;
- urging them to ensure that he is treated humanely while he is in custody;
- calling for him to be released immediately and unconditionally, unless he is to be charged with a recognizably criminal offence.

**APPEALS TO:**

Minister of Home Affairs

Dan Bahadur Shahi

Ministry of Home Affairs

Singha Durbar

Kathmandu

Nepal

**Fax: + 9771 4211232**

**Salutation: Dear Minister**

Shyam Bhakta Thapa

Inspector General of Police

Police Headquarters

GPO Box 407

Naxal, Kathmandu, Nepal

**Fax: + 977 1 4 415 593**

**email: info@nepalpolice.gov.np**

**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 29 November 2005.