

**NEPALBijay Raj Acharya (m), Publisher**

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Bijay Raj Acharya was arrested from his home in Kathmandu on 9 January by a joint team of army and police officers and has reportedly been tortured while in custody. Amnesty International is concerned that he may be subjected to further torture or ill-treatment.

Bijay Raj Acharya is the publisher of a magazine called *Srijanashil Prakashan* (Creative Publications) which specializes in children's literature and political works. According to witnesses, a team of army personnel searched his house following his arrest and took away all his books. He was reportedly first taken to Singha Durbar police station in Kathmandu and on the second day transferred to the Balaju Army Barracks.

At the army barracks, Bijay Raj Acharya was reportedly blindfolded and had his hands and legs tied. He was also allegedly subjected to electric shock treatment. After two days, he was transferred to Hanuman Dhoka police station, where he was permitted a visit from his relatives.

In response to inquiries on Bijay Raj Acharya's behalf, the Deputy Superintendent of Police at Hanuman Dhoka police station has reportedly said that because the army was involved in his arrest, it will be the army who will decide when he will be released. The Prime Minister has responded to an appeal by stating that Bijay Raj Acharya will be released soon, though an exact date for his release has not been given.

Bijay Raj Acharya is believed to have been arrested because the authorities believe that through his work he may be supporting or furthering the aims of the Communist Party of Nepal (CPN) (Maoist).

**BACKGROUND INFORMATION**

When peace talks, aimed at ending the CPN (Maoist)'s five-year-old "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 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 as suspected 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 without charge or trial 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 doctors.

Under the state of emergency, a number of fundamental rights guaranteed in the Constitution have been suspended, including the rights to freedom of

assembly, freedom of expression and to constitutional remedy. Although the right of *habeas corpus* (order requiring a detainee to be brought before a judge or into court) has not been suspended, no *habeas corpus* petitions have been filed since the state of emergency was declared. Lawyers are afraid that if they lodge such petitions on behalf of people arrested as suspected CPN (Maoist) members or supporters, they may be arrested themselves under the Ordinance for "supporting terrorism".

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

- expressing concern for the safety of Bijay Raj Acharya who was arrested by the security forces on 9 January 2002;
- expressing concern that Bijay Raj Acharya was reportedly tortured during the initial stages of his detention;
- urging that his torturers are brought to justice and that he receive compensation;
- calling for him not to be subjected to further ill-treatment or torture;
- urging that he be released immediately and unconditionally unless he is to be charged with a recognizably criminal offence;
- calling on the authorities to allow him access to his relatives, lawyers and a doctor should he be in need of medical attention.

**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 Shamsheer 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**

Padam Kumar Acharya  
 Secretary

Ministry of Defence  
Singha Durbar  
Kathmandu  
Nepal

**Telegrams:Defence Secretary, Kathmandu, Nepal**

**Fax: + 977 1 228 204**

**Salutation:Dear Secretary**

**(Please note that it may be difficult to get through to these fax numbers,  
but please keep trying)**

**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 18 March 2002.