

PUBLIC

AI Index: ASA 31/065/2004

10 March 2004

UA 103/04      Fear for safety/ possible "disappearance"

NEPAL      Hari Prasad Acharya (m), aged 45, Poultry farmer

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Amnesty International has recently received reports that Hari Prasad Acharya was arrested on 6 November 2003, at his home in Dhading district. He has not been seen or heard from since, and Amnesty International is concerned that he has "disappeared".

Hari Prasad Acharya lives in Dharke, ward no.1 of Naubise Village Development Committee (VDC). He was asleep when a patrol of about 20 uniformed soldiers came to his house at 1am and began to search the property. Eye witnesses reported that there were two men in plain clothes with the patrol, who also identified themselves as security forces personnel. The soldiers arrested Hari Prasad Acharya and took him away.

Hari Prasad Acharya was previously arrested and detained for eight months during the state of emergency which was declared on 26 November 2001. He was released on condition that he report to the Khanikhola area police office every month. He had been fulfilling this obligation, and the reasons for his arrest on both occasions are not known.

His family are becoming increasingly worried for his safety, and some fear he may be dead, even though he was previously detained without charge for twice as long before eventually being released. They have appealed to human rights organisations including Amnesty International to campaign on their behalf and discover where he is. Their own efforts to find him, including informing the National Human Rights Commission (NHRC), and visiting army and police offices in Dhading and Kathmandu, have so far been unsuccessful.

#### **BACKGROUND INFORMATION**

Amnesty International has been concerned about a deterioration in the human rights situation in Nepal 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, 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. In 2002, Nepal recorded the highest number of "disappearances" of any country in the world. The CPN (Maoist) are also reported to have abducted scores of people.

On 29 January 2003, both sides agreed to a ceasefire. Three rounds of peace talks were held - in April, May and August - between the government and representatives of the CPN (Maoist). Among the CPN (Maoist)'s central demands were a round table conference, the formation of an interim government and elections to a constituent assembly to draft a new Constitution. The CPN (Maoist) announced they were withdrawing from the ceasefire agreement as of 27 August 2003. Since then, fighting has resumed throughout the country, and Amnesty International has received reports of both sides committing human rights abuses. In particular there has been a rise in the number of "disappearances" at the hands of the security forces and abductions by the CPN (Maoist).

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

- expressing concern for the safety of Hari Prasad Acharya, who was reportedly arrested in Dhading district on 6 November 2003;
- urging that he be treated humanely while in custody and not tortured or ill-treated;
- calling on the authorities to make public his whereabouts and to grant him immediate access to his relatives, lawyers and any medical attention he may require;
- calling for Hari Prasad Acharya 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)  
Army Headquarters  
Kathmandu, Nepal

**Telegram:** Commander-in-Chief, Army Headquarters, Kathmandu, Nepal

**Fax:** + 977 1 4 242 168 (Faxes may be switched off outside office hours, 5 ½ hours ahead of GMT)

**Salutation:** Dear Commander-in-Chief

Colonel Nilendra Prasad Aryal  
Head of Army Human Rights Cell  
Army Headquarters  
Singha Durbar, Kathmandu, Nepal

**Telegram:** Colonel NP Aryal, Army Headquarters, Singha Durbar, Kathmandu, Nepal

**Fax:** + 977 1 4 226 292/ 229 451 (If someone answers the telephone please ask them in English to switch on the fax machine, and resend the fax).

**Salutation:** Dear Colonel

**COPIES TO:**

Prime Minister Surya Bahadur Thapa  
Prime Minister's Office  
Singha Durbar  
Kathmandu, Nepal

**Fax:** + 977 1 4 227 286 (Faxes may be switched off outside office hours, 5 ½ hours ahead of GMT)

**Salutation:** Dear Prime Minister

**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 21 April 2004.