

PUBLIC

AI index: ASA 31/069/2005

23 August 2005

Further Information on UA 103/04 (ASA 31/065/2004, 10 March 2004) and follow-up (ASA 31/112/2004, 30 April 2004) - Fear for safety/"disappearance"

NEPAL **Hari Prasad Acharya (m) aged 46, poultry farmer**

According to his family Hari Prasad Acharya is still missing following his reported arrest by a group of about 20 uniformed soldiers on 6 November 2003. They are extremely concerned for his safety and some fear he may be dead.

A government commission charged with investigating "disappearances" had included a reference to Hari Prasad Acharya's release in its eighth report to the Home Ministry which was submitted on 15 August. His family however still believe that he is "disappeared" as their efforts to find him including informing the National Human Rights Commission (NHRC), as well as visiting army barracks and police offices in Dhading and Kathmandu, have been unsuccessful.

The Supreme Court earlier dismissed a habeas corpus petition filed on Hari Prasad Acharya's behalf after authorities denied arresting him.

BACKGROUND INFORMATION

Amnesty International has repeatedly raised concerns over the escalating number of "disappearances" occurring in Nepal. These are taking place in the context of counter-insurgency operations by the security forces, in response to the "people's war" being fought by the Communist Party of Nepal (CPN) (Maoist) since 1996. The problem intensified following the breakdown of the ceasefire between the government and the CPN (Maoist) in August 2003. Amnesty International has received information on more than 400 people who have "disappeared" since then.

In addition to these widespread "disappearances", the organisation has received reports of hundreds of extrajudicial executions, thousands of arbitrary arrests and widespread torture by security forces. Meanwhile, the CPN (Maoist) has been responsible for thousands of abductions and hostage-takings, as well as killings and torture. At the heart of the problem is the environment of impunity within which the security forces and the CPN (Maoist) operate. Despite high profile pledges of commitment to human rights, both the Nepali government and military and the CPN (Maoist) leadership have failed to investigate human rights abuses or punish those responsible.

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 "disappeared" following his reported arrest on 6 November 2003 by a group of about 20 uniformed soldiers;
- calling on the authorities to immediately make public his whereabouts and grant him immediate access to relatives, lawyers and any medical attention he may require;
- urging that he be 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)

Army Headquarters

Bhadrakali

Kathmandu, Nepal

Fax: + 977 1 424 2168

Salutation: Dear Commander-in-Chief

Dan Bahadur Shahi

Ministry of Home Affairs

Singha Durbar

Kathmandu, Nepal

Salutation: Dear Minister

Lieutenant Colonel Pankaj Karki

Royal Nepal Army

Human Rights Cell

Royal Nepalese Army Headquarters,

Bhadrakali, Kathmandu.

Email: humanrights@rna.mil.np

Fax: +977 1 424 5020 (If someone answers the telephone please ask them in English to switch on the fax machine, and resend the fax)

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 4th October 2005.