

PUBLIC

AI Index: ASA 31/112/2004

30 April 2004

Further Information on UA 103/04 (ASA 31/065/2004, 10 March 2004) Fear for safety/ possible "disappearance"

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

Amnesty International remains very concerned for the safety of Hari Prasad Acharya. There are unconfirmed reports that he is being held at Jagdal Ghan, Chhauni Army Barracks in Kathmandu. He was arrested on 6 November 2003, at his home in Dhading district and his family were afraid that he was dead as they had not heard any news about his whereabouts.

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.

BACKGROUND INFORMATION

Amnesty International has been concerned about a deterioration in the human rights situation in Nepal since the 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.

Both sides agreed to a ceasefire on 29 January 2003, and held three rounds of peace talks, in April, May and August 2003. 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 grant him immediate access to his relatives, lawyers and any medical attention he may require;
- calling for his immediate and unconditional release, unless he is to be charged with a recognizably criminal offence.

APPEALS TO: (Faxes may be switched off outside office hours, 5 ½ hours ahead of GMT)

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**

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

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

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

Fax: **+ 977 1 4 245 020 /226 292 (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:

His Majesty the King Gyanendra Bir Bikram Shah Dev
C/O The Chief of Protocol Division
Protocol Division
Ministry of Foreign Affairs
Chital News, Kathmandu
Nepal

Fax: **+ 977 1 4 416 007**

Salutation: **Your Majesty**

and 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 11 June 2004.