



AFAD demands immediate arrest of the accused involved in the killing of Krishna Prasad Adhikary and take responsibility of forcing Nanda Prasad to death and protect the life of Gangamaya.

Asian Federation Against Enforced Disappearances (AFAD), gathered in Manila for the fifth congress is deeply shocked to hear that the government of Nepal forced Nanda Prasad Adhikary to die for continuously denying justice for the abduction and brutal killing of his beloved son Krishna Prasad Adhikary. AFAD is also seriously concerned about the critical state of Gangamaya Adhikary's health and requests the Government of Nepal to take all the measures including the arrest and prosecution of those involved in the killing of her son. The couple was on hunger strike for more than 333 days for demanding credible investigation and prosecution of those involved in the killing of their son. Even after making repeated promises, the Government did not conduct credible investigation that could lead to the prosecution of those involved. The Government protected the perpetrators and condoned the attack on human rights activists who raised their voices for justice for the Adhikary couple.

AFAD reminds the Government of Nepal its obligations under the various treaties that Nepal has ratified including International Covenant on Civil and Political Rights (ICCPR) to take all the measures including investigation and prosecution of those involved in serious human rights violations. Despite the repeated call from the national and international human rights organisations, including the Supreme Court of Nepal and UNOHCHR, government is continuously failing to bring any perpetrator to justice. Releasing the report 'Nepal Conflict Report' in 2012, the UNOHCHR concluded that there were thousands of serious human rights violations and demanded Nepal to investigate and prosecute those involved in these cases.

It is appalling that the Government has not been able to bring any perpetrators to justice. Furthermore, the government is protecting the perpetrators and is promoting impunity by condoning the attack against the victims, witnesses and human rights activists who are demanding justice. By doing so, the Government is defying the court orders. The Government has even made a number of attempts to provide amnesty to those involved in serious human rights violations including enforced disappearances. The Commission of Inquiry on Disappearances and Truth and Reconciliation Commission Act is an example in hand, passed in April 2014 while ignoring the decision of the Supreme Court of January 14, 2014. The continuous defying of court orders is not only destroying the rule of law, but effectively silences the victims and witnesses. It also undermines all the efforts to consolidate peace and democracy in the country.

AFAD reminds the Nepal Government that because of its failure to prosecute anyone accused despite arrest warrants issued by the court, such as in the case of Maina Sunuwar, it is effectively sabotaging the processes of justice. This is very visible in the case of Krishna Prasad Adhikary as many witnesses are still very fearful giving their statement as there is no protection mechanism for these witnesses.

Krishna's father, Nanda Prasad Adhikari filed a complaint at the District Police Office, Chitwan on June 7, 2004 asking them to investigate the killing. When the family identified some of the perpetrators, an additional FIR was also filed by Noor Prasad Adhikary, brother of Krishna Prasad. However, the police did not start investigations. The family subsequently approached the District Administration Offices of both Chitwan and Gorkha districts, the District Police Office-Gorkha, the National Human Rights Commission, the Ministry of Peace and Reconstruction, the Prime Minister's Office and the President's Office. Their frustration grew with the unwillingness of the police and administration to proceed with the case.

Meanwhile, all the attempts by the family to find justice at the local level were met with threats and harassment from the perpetrators. No proper investigation was conducted in response to the complaint, with the alleged perpetrators roaming freely. The pressure mounted to such an extent that Krishna Prasad's father Nanda Prasad, mother Gangamaya and elder brother Noor Prasad were forced to flee the village. Such was the pressure on the neighbors that the livestock of the Adhikaris was allowed to die while tied to the posts.

Tired and hopeless, the couple decided to go for hunger strikes. The couple have been on hunger strike since February 4, 2013. After the health of the couple deteriorated and pressures from the human rights activists mounted, Krishna Hari Banskota, Secretary at the Office of the Prime Minister signed a three-point agreement on September 7, 2013 in the presence of human rights activists and civil society leaders convincing the couple to suspend their strike. Following the agreement, the police arrested two of the accused, Ram Prasad Adhikari and Parashuram Paudel on the charge of being involved in the killing of Krishna Adhikari. Both were released on December 29, 2013, after the District Government Attorney's Office said that there was not sufficient evidence against them to file the charge-sheet. It was clear that there was no credible investigation to collect evidences, taking measures to protect witnesses.

It is a shameful situation to any country where the victims of human rights violations are forced to die in their quest for justice. We ask the Government of Nepal:

1. To immediately arrest and prosecute the perpetrators involved in the killings of Krishna Prasad Adhikary,
2. To hold accountable those whose conduct lead to the death of Nanda Prasad Adhikary,
3. To take all the measures to protect the life of Gangamaya
4. To amend the current TRC Act in line with the SC decision preventing amnesty to those involved in serious human rights violations among other flaws identified by the OHCHR,
5. To stop attacks and intimidations on HRDs,
6. To implement court orders regarding prosecution and not use TRC as another means for impunity.

Signed by:

