

PUBLIC

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Fear for safety/disappearance

3 January 2002

NEPAL

Gajendra Karna (m), student, aged 30

Amnesty International is concerned for the safety of Gajendra Karna, a student from the Siraha District campus, who was arrested by the army on 21 December 2001 and whose whereabouts are unknown.

Gajendra Karna is a central committee member of the All Nepal National Free Students Union (ANNFSU). He had left his home at Kasaha Siraha, Siraha District, on 20 December to travel to Kathmandu on a night bus to attend an ANNFSU central committee meeting the following day. According to witnesses, three army personnel, reported to be from a platoon stationed at Gajuri, Dhading District, stopped the bus there in order to search it and took Gajendra Karna away. It is believed he may have been arrested on suspicion of being a supporter or sympathizer of the Community Party of Nepal (CPN) (Maoist).

Inquiries by ANNFSU about the whereabouts of Gajendra Karna have been made with the Defence Secretary, Padam Kumar Acharya, who denied any knowledge of the arrest.

#### **BACKGROUND INFORMATION**

Peace talks aimed at ending the CPN (Maoist)'s five-year "people's war" and an accompanying cease-fire broke down on 23 November 2001. The Maoists attacked police and army posts in Dang, Syangja and Solukhumbu districts. The authorities responded on 26 November by declaring a nationwide emergency, and deploying the army. The King of Nepal 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 organisation" under the Ordinance.

According to official sources, more than 3,300 people have been arrested since the state of emergency has been declared. Among them are many lawyers, students and teachers arrested throughout the country on suspicion of being 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 in detention 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 a doctor.

Under the state of emergency, a number of fundamental rights guaranteed in the Constitution including freedom of assembly, freedom of expression and the right to constitutional remedy have been suspended. While the right of *habeas corpus* (order requiring a detainee to be brought before a judge or into court) is not suspended, no such petitions have been filed. Lawyers are afraid of being arrested under the Ordinance for "supporting terrorism" if they were to appear in such cases.

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

- expressing concern for the safety of Gajendra Karna, following his arrest by army personnel on 21 December 2001;
- appealing to the authorities to make public his whereabouts;
- urging the authorities to ensure that he is treated humanely while in custody;
- 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 any medical attention he may need.

**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**

Padam Kumar Acharya  
Secretary  
Ministry of Defence  
Singha Durbar  
Kathmandu  
Nepal

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

**Fax: + 977 1 228 204 (it may be difficult to get through on this number,  
but please keep trying)**

**Salutation: Dear Secretary**

**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 14 February 2002.