

**PUBLIC**

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**Fear for safety/fear of "disappearance"**

**14 November 2003**

**NEPAL**

**Sanjiv Kumar Karna (m), age 24, student  
Durgesh Kumar Labh (m), age 23 (occupation unknown)  
Pramod Narayan Mandal (m), age 18, student  
Sailendra Yadav (m), age 22, student  
Jitendra Jha (m), age 19, student**

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The five people named above were reportedly arrested by armed security forces personnel in Janakpur Municipality, Dhanusha district, on 8 October. Their whereabouts are unknown and there are fears for their safety. The five young men were arrested at around 2pm in the Kataiya Chowri residential area of Janakpur, reportedly on suspicion of being involved in Maoist activities.

Sanjiv Kumar Karna (also known as Dipu) was formerly a member of the All Nepal Free Students Union (ANFSU) (Revolutionary), which is viewed by the authorities as having links with the Communist Party of Nepal (Maoist). He and the other four are said not to have any particular political affiliation at present.

The day after the reported arrest, relatives made inquiries with the Chief District Officer in Dhanusha district, and at the Viman army barracks, 32 kilometres north of Janakpur town, but the authorities denied the arrest. The relatives also informed the National Human Rights Commission and the International Committee of the Red Cross.

#### **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 (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 detention in army custody without access to their families, lawyers or a doctor. 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 cease-fire. Three rounds of peace talks were held - in April, May and August - between the government and representatives of the CPN (Maoist). The CPN (Maoist) had listed among their central demands 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 cease-fire agreement on 27 August. Since then, fighting between the two sides has resumed throughout the country, and Amnesty International has received reports of human rights abuses committed by both sides in the conflict. In particular there has been a rise in the number of 'disappearances' by 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 Sanjiv Kumar Karna, Durgesh Kumar Labh, Pramod Narayan Mandal, Sailendra Yadav and Jitendra Jha who were reportedly arrested by security forces personnel in Janakpur Municipality, Dhanusha district, on 8 October;

- urging the authorities to make public their whereabouts and to grant them immediate access to their relatives, lawyers and any medical attention they may require;
- urging that they be treated humanely while in custody and not be subjected to torture or ill-treatment
- calling for their immediate and unconditional release, unless they are to be charged with a recognizably criminal offence.

**APPEALS TO:**

Brigadier General B A K Sharma  
Head, Army Human Rights Cell  
Army Headquarters  
Kathmandu, Nepal

**Telegram:** Brigadier General, Kathmandu, Nepal

**Fax:** + 977 1 4 226 292/ 229 451 (Faxes may be switched off outside office hours, 5 ½ hours ahead of GMT)

**Salutation:** Dear Brigadier General

General Pyar Jung Thapa  
Chief of Army Staff (COAS)  
Army Headquarters  
Kathmandu, Nepal

**Telegram:** Commander-in-Chief, 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

Shyam Bhakta Thapa  
Inspector General of Police  
Police Headquarters  
Naxal  
Kathmandu, Nepal

**Telegram:** Inspector General of Police, Kathmandu, Nepal

**Fax:** + 977 1 4 415 593 / 4 415 594

**Salutation:** Dear Inspector General

**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

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 26 December 2003.