

PUBLIC

AI Index: ASA 31/057/2004

27 February 2004

**Further Information on UA 332/03 (ASA 31/077/2003, 14 November 2003) - Fear for safety/ fear of "disappearance"**

**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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Amnesty International has received reports that Sanjiv Kumar Karna was seen in custody at Dharapani army barracks in Dhanusha district in early December 2003. There are unconfirmed reports that he was later held at the Maharajgunj army barracks in Kathmandu. There are fears that the security forces may be moving him from one illegal place of detention to another.

Relatives of Sanjiv Kumar Karna lodged a complaint with the Senior Superintendent of Police in Janakpur, Dhanusha district, who forwarded it to Police Headquarters in Kathmandu. The Inspector General of Police sent a letter dated 13 January to the family saying that an investigation into his "disappearance" was underway and that they would be notified when it was complete. Since over four months have passed since his arrest, Sanjiv Kumar Karna's family are increasingly worried about him.

Amnesty International has received no further reports about the other four students named above who were reportedly arrested along with Sanjiv Kumar Karna on 8 October 2003 by a group of 200 security forces personnel in Janakpur Municipality. Their whereabouts remain unknown.

**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 army custody without access to their families, lawyers or medical treatment. 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 ceasefire. Three rounds of peace talks were held - in April, May and August - between the government and representatives of the CPN (Maoist). 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:**

- calling on the Inspector General of Police to fully investigate the "disappearance" 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 2003;
- expressing concern for their safety;
- urging the authorities to make public their whereabouts and 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 tortured or ill-treated;
- calling for them to be released immediately and unconditionally, unless they are to be charged with a recognizably criminal offence.

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

Shyam Bhakta Thapa  
Inspector General of Police  
Police Headquarters  
GPO Box 407  
Naxal

Kathmandu, Nepal

**Telegram:** Inspector General of Police  
**Fax:** + 977 1 4 415 593 / 4 415 594  
**Salutation:** Dear Inspector General

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

**COPIES TO:**

Prime Minister Surya Bahadur Thapa  
Prime Minister's Office  
Singha Durbar  
Kathmandu, Nepal

**Fax:** + 977 1 4 227 286  
**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 10 April 2004.