

PUBLIC

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03 October 2003

UA 286/03 **Fear of torture or ill-treatment/possible 'disappearance'**

NEPAL **Madhab Ghemere (m), aged 28, school teacher**

Amnesty International is concerned for the safety of school teacher Madhab Ghemere, who was reportedly arrested at 9.30am on 29 September outside the Adarsha Yoghari Higher Secondary School, Lainchour, Kathmandu. His whereabouts are unknown and he may be at risk of torture or ill-treatment.

Madhab Ghemere was reportedly arrested by five plain-clothed security personnel. According to eyewitnesses, he managed to write down his family's telephone number and pass it to a colleague, so he could inform them of his arrest. Madhab Ghemere was then driven away in an army vehicle.

Madhab Ghemere is a representative on the Central Committee of the Nepal Teachers Organisation (NTO), which is close to the political left in Nepal, particularly the communist parties. The NTO issued a press release publicizing the arrest of Madhab Ghemere and calling for his immediate release. News of his arrest was broadcast on the radio, as well as being carried by two daily newspapers (*Samacharpatra* on 30 September and *The Annapurna Post* on 2 October).

He was previously arrested by the army in April 2002. Whilst in detention he was allegedly tortured, including being given electric shocks. He was questioned on his links with the Communist Party of Nepal (CPN) (Maoist). He denied any links with the CPN (Maoist). He was released after four days from Balaju army barracks without charge. He complained of severe pain for several days after his release, particularly in his left hand.

The family of Madhab Ghemere have made a complaint about his arrest to the National Human Rights Commission. To date, they have not received any confirmation of the arrest, the charges against him, or where he is being held.

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 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. 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 2003. 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.

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

- expressing concern for the safety of Madhab Ghemere, who was arrested in Lainchour, Kathmandu by security forces personnel on 29 September;
- urging the authorities to make public his whereabouts and to grant him immediate access to his relatives, lawyers and any medical attention he may require;
- calling on the authorities to guarantee that he be humanely treated while in custody and not be subjected to torture or ill-treatment;
- calling for his immediate and unconditional release, unless he is to be charged with a recognizably criminal offence.

APPEALS TO:

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

Telegram: Prime Minister, Kathmandu, Nepal

Fax: + 977 1 4 227 286 (fax may be switched off outside office hours, 5 ½ hours ahead of GMT)

Salutation: Dear Prime Minister

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

Salutation: Dear Commander-in-Chief

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

Salutation: Dear Brigadier General

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 November 2003.