

**NEPAL** Som Bahadur Ghale Tamang (m), indigenous rights activist

Indigenous rights activist Som Bahadur Ghale Tamang was reportedly arrested by police at his home in Dhumbarahi, Kathmandu, at midnight on 2 June, the day after he was involved in a peaceful demonstration for indigenous rights. His whereabouts are unknown and there are fears for his safety.

One member of the Armed Police Force and eight other officers in plain clothes reportedly searched his house and then took him away.

Som Bahadur Ghale Tamang is General Secretary of the *Nepal Tamang Ghedung* (Tamang indigenous people's organization), which campaigns for indigenous people's rights. *Nepal Tamang Ghedung* and other community organizations organized a peaceful demonstration in Kathmandu on 1 June in protest at a government ban on local authorities' use of indigenous languages in official documents. The ban has been in force since June 1999.

Police arrested 13 other people during and after the demonstration.

The *Nepal Tamang Ghedung* has appealed to the authorities to reveal where Som Bahadur Ghale Tamang is held, and release him. The authorities have not so far responded.

**BACKGROUND INFORMATION**

Peace talks aimed at ending the Communist Party of Nepal (CPN) (Maoist)'s six-year "people's war", and an accompanying cease-fire, broke down on 23 November 2001, after the Maoists withdrew from the talks and attacked police and army posts in 42 districts. The authorities responded on 26 November by declaring a nationwide emergency and deploying the army.

On 10 April 2002, the Terrorist and Disruptive Activities (Control and Punishment) Act became law. It replaced an Ordinance of the same name, which the King announced after the state of emergency was declared. Under the Act, the authorities have wide powers to arrest people suspected of being involved in "terrorist" activities without a warrant, and search their properties. The Act will remain in force for two years.

Since the state of emergency was declared, thousands of people have been arrested throughout the country. Among them are many lawyers, students, journalists and teachers who are suspected of being members or sympathizers of the CPN (Maoist). The whereabouts of many of them remain unknown.

Under the state of emergency, a number of fundamental rights guaranteed in the Constitution have been suspended, including the rights to freedom of assembly, freedom of expression and to constitutional remedy. Although the right to apply for *habeas corpus* (order requiring a detainee to be brought before a judge or into court) has not been suspended, very few *habeas corpus* petitions have been filed since the state of emergency was declared. Lawyers are afraid that if they lodge such petitions on behalf of people arrested as suspected CPN (Maoist) members or supporters, they may be arrested themselves for "supporting terrorism".

Following a recommendation to the cabinet by Prime Minister Sher Bahadur Deuba, parliament was dissolved on 22 May and fresh elections called for 13 November.

Parliament has been dissolved at a time when it seemed poised to reject a six-month extension to emergency rule. On 27 May King Gyanendra extended the emergency for a further three month period.

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

- expressing concern for the safety of Som Bahadur Ghale Tamang, who was arrested in Kathmandu on 2 June, and whose whereabouts are currently unknown;
- urging the authorities to reveal where he is detained;
- asking the authorities to ensure that he is not ill-treated or tortured in custody;
- urging them to release him 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 and 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

**Telegram: Prime Minister, Kathmandu, Nepal**

**Fax: + 977 1 227 286 (It may be difficult to get through but please keep trying)**

**Salutation: Dear Prime Minister**

Hon Khum Bahadur Khadka  
Home Minister  
Ministry of Home Affairs  
Singha Durbar  
Kathmandu  
Nepal

**Telegrams: Home Minister, Kathmandu, Nepal**

**Faxes: + 977 1 241 942**

**Salutation: Dear Minister**

Mr Pradeep Shamsheer J B Rana  
Inspector General of Police  
Police Headquarters  
GPO Box 407  
Naxal  
Kathmandu  
Nepal

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

**Faxes: + 977 1 415 593/ 415 594**

**Salutation: Dear Inspector General**

**COPIES TO:** diplomatic representatives of Nepal accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.**