

PUBLIC

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26 November 2003

UA 346/03 Fear for safety/fear of torture or ill-treatment

NEPAL Raj Man Ghole (m), Police Assistant Sub-Inspector (ASI)

Raj Man Ghole, a police Assistant Sub-Inspector (ASI) in Kathmandu, is reportedly detained at Police Headquarters, Naxal, Kathmandu. He has reportedly been tortured and is at risk of further torture or ill-treatment.

On 3 October, Raj Man Ghole was charged with causing a drunken disturbance by senior officers at the Police Headquarters, Central Special Task Force Base Camp, Samakhusi in Kathmandu, where he is stationed. Raj Man Ghole alleges that two police Inspectors took him to a room for questioning and beat him with a bamboo stick all over his body, leaving him with a head injury. They also reportedly kicked him on his neck, chest and back with their boots. As a result of the beating Raj Man Ghole lost consciousness and was transferred to the Birendra Police Hospital in Maharajgunj, Kathmandu, for treatment. He reportedly had difficulty breathing and was suffering from severe pains on different parts of his body. He was discharged from hospital on 4 October.

When Raj Man Ghole attempted to lodge a complaint about his torture and ill-treatment with the Deputy Superintendent of Police (DSP) at the Central Special Task Force Base Camp, the Inspectors named as responsible allegedly threatened to kill him if he proceeded with the complaint. On 8 October, Raj Man Ghole reportedly telephoned his family to tell them that he had been restricted from leaving the living quarters within the Central Special Task Force Base Camp. Family members tried to visit him, but were denied access.

On 4 November Raj Man Ghole filed a case under the Torture Compensation Act (TCA), with the help of a local non-governmental organization, detailing the alleged torture and death threats against him. Raj Man Ghole allegedly received death threats on 24 November, when the police officers involved in his alleged torture received official notice of the case lodged under the TCA. Raj Man Ghole was subsequently transferred to Police Headquarters in Naxal, Kathmandu, where he is currently reported to be detained.

BACKGROUND INFORMATION

Torture has been a longstanding concern in Nepal and is reported almost daily. Torture methods include rape, electric shock treatment, *belana*, (rolling a heavy weighted stick along the thigh muscles) and *falanga*, (beatings on the soles of the feet), random beatings and mock executions.

Despite Nepal's ratification of the United Nations (UN) Convention against Torture in 1991, to date torture is not a criminal offence in the country. In 1996, the Torture Compensation Act (TCA) was passed. It allows victims of torture or relatives of people who died in custody as a result of torture, to apply for compensation to the district courts. Amnesty International is concerned that police and the judiciary are not fully adhering to the requirements set out in the TCA and that some officials are putting obstacles in the way of victims trying to file cases or requesting medical examinations in order to gain redress under the Act.

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

- expressing concern for the safety of Assistant Sub-Inspector Raj Man Ghole, who is reported to be detained at Police Headquarters, Naxal, Kathmandu;
- expressing concern at reports that he was subjected to torture and ill-treatment by two Inspectors at the Central Special Task Force Base Camp, Samakhusi, Kathmandu on 3 October, and that he has reportedly also received death threats;
- requesting that an impartial and independent investigation into the allegations of torture by the two Inspectors be undertaken immediately and the perpetrators brought to justice;
- urging that Raj Man Ghole be treated humanely while detained at the premises of Police Headquarters and not subjected to any further torture or ill-treatment;
- calling for Raj Man Ghole to be allowed immediate access to his lawyers, family members and any medical treatment he may require;
- urging that he be immediately released, and that due legal process be adhered to with regard to the charges against him.

APPEALS TO:

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

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

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 7 January 2004.