

PUBLIC

AI Index: ASA 31/093/2003

UA 353/03 Fear of torture/possible "disappearance"

02 December 2003

NEPAL Manoj Rai (m), aged 17, student

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Manoj Rai was arrested at 10pm on 27 September by ten policemen who took him to the Hanuman Dhoka District Police Office (DPO), where he was allegedly subjected to torture and ill-treatment. Lawyers last visited Manoj Rai on 26 November, but since then he is believed to have been moved to a different place of detention and his current whereabouts are unknown. There are fears that he may be further tortured or ill-treated.

Manoj Rai is a permanent resident of Ward No 2, Jubing Village Development Committee (VDC), Solukhumbu district, but has been residing temporarily at Gairidhara, Kathmandu, while studying at the Nandi Night School in Naxal, Kathmandu.

The ten policemen, some in uniform and some in plain clothes, arrested Manoj Rai at his home without a warrant. They told him they wanted to ask him some questions about a theft which had occurred at his landlords' house. He was taken to the interrogation section at Hanuman Dhoka DPO where he was allegedly beaten for about 20 minutes with a bamboo stick on his thighs and on the soles of his feet (*falanga*). He was also punched in the head four or five times and denied food for two days. On 1 October, he was taken to the same interrogation room and beaten for half an hour with a plastic pipe. His ears were slapped and he was forced to confess to the crime. He was also forced to tell the names of other people involved in the theft. After about three weeks, he was again subjected to *falanga* and beaten with a stick on his head, back and thighs.

In late November, a *habeas corpus* petition (a request by the judge to the authorities to present the detainee in court for the purpose of revealing the charges against them) was filed on Manoj Rai's behalf. His relatives have tried to visit him in custody, but have been denied access to him. The police have denied knowledge of his current whereabouts and despite over two months in police custody, he has not been presented before a judicial authority.

#### **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, 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.

On 12 November 2003, the United Nations issued a press release in which the Special Rapporteur on torture, the Special Rapporteur on the right to freedom of opinion and expression and the Chairperson of the Working Group on Arbitrary Detention expressed "profound concern over reports that dozens of individuals are being detained secretly in Nepal and are therefore at risk of suffering torture and other forms of ill-treatment".

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

- expressing concern for the safety of Manoj Rai, who was reportedly arrested in Kathmandu on 27 September 2003;
- expressing concern at reports that he was subjected to torture and ill-treatment while under interrogation at the Hanuman Dhoka district police office;
- requesting that an impartial and independent investigation into the allegations that Manoj Rai was subjected to torture and ill-treatment be undertaken immediately and the perpetrators brought to justice;
- urging that Manoj Rai be treated humanely while in detention and not subjected to any further torture or ill-treatment;
- calling for Manoj Rai to be allowed immediate access to his lawyers, family members and any medical treatment he may require;
- urging the authorities to make public his current whereabouts;

**APPEALS TO:**

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

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

**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

**Telegram:** Prime Minister Surya Bahadur Thapa, 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 13 January 2004.