

PUBLIC

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Torture/possible "disappearance"

13 January 2004

NEPAL

Maila Tamang (m), age 31 - trekking guide

Maila Tamang has reportedly been tortured and ill-treated while detained at the Hanuman Dhoka District Police Office (DPO) in Kathmandu. There are fears for his safety.

Maila Tamang, who is from Dharan Municipality, Sunsari District, had been living in Pokhara, Kaski district, where he had been working as a trekking guide. He was reportedly arrested in Kathmandu on 4 January 2004 at 1pm, when he went to the Traffic Police Office in Ram Shah Path to lodge a complaint about an accident in which he had been hit by a car. The traffic police sent him to the Singha Durbar Ward Police Station where he was detained for two days for investigation. He was then transferred to Hanuman Dhoka DPO in Kathmandu where he was held incommunicado for several days. There he was allegedly tortured while being interrogated by a police inspector on suspicion of stealing a car. He was taken to a room where he was beaten on his back, thighs and buttocks with a wooden stick and kicked with boots.

Lawyers who succeeded in gaining access to Maila Tamang on 12 January reported that a police Inspector who was present asked why the detainee had been given access to them when he had not yet been presented in court. They also stated that a police officer interrupted their interview and took Maila Tamang away to the Interrogation Section in the Valley Crime Investigation Section, in another building in the Hanuman Dhoka DPO compound. There are fears that that he might be subjected to further torture during interrogation there.

Lawyers filed a *habeas corpus* petition (requiring the authorities to produce the detainee in court for the purpose of revealing the charges against him) on behalf of Maila Tamang in the Supreme Court on 12 January.

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), *falanga* (beatings on the soles of the feet), random beatings and mock executions.

Although Nepal ratified the United Nations (UN) Convention against Torture in 1991, torture is not a criminal offence in the country. However, the 1996 Torture Compensation Act (TCA) allows victims of torture, or relatives of people who have 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 of the TCA, and that some officials are hindering victims trying to file cases or requesting medical examinations in order to gain redress under the Act.

The UN 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" in a November 2003 press release.

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

- expressing concern for the safety of Maila Tamang, who was reportedly arrested in Kathmandu on 4 January 2004;
- expressing concern about reports that he has been tortured and ill-treated during interrogation at the Hanuman Dhoka District Police Office in Kathmandu;

- asking for an impartial and independent investigation into these allegations to be undertaken immediately and the perpetrators brought to justice;
- urging that Maila Tamang be treated humanely in detention and not subjected to any further torture or ill-treatment;
- calling for him 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 24 February 2004.