

PUBLIC

AI Index: ASA 31/002/2007

06 June 2007

UA 138/07      Fear of torture/ medical concern

NEPAL      Bablu Rai (m), aged 34

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Bablu Rai has reportedly been tortured in police detention and is at risk of further torture or ill-treatment. The authorities are reportedly denying him access to medical treatment for the injuries he has sustained.

Bablu Rai was arrested in the town of Nepalgunj in Banke district, close to the Indian border, on 6 May, and charged with smuggling drugs from India, which he denies. He was taken to Jamunaha police station where, according to a statement he gave to local human rights organization Advocacy Forum, some six police officers forced him to lie on the floor and for about two hours beat him all over his body including on the soles of his feet with a plastic pipe and a stick. At around midnight on 6 May, he was transferred to the Banke District police station, where he is still in custody. According to Advocacy Forum he is fearful about being tortured again. When Advocacy Forum met with him he had bruises and cuts all over his body as a result of the alleged torture.

The police have stated that Bablu Rai was taken to hospital on 6 May. However, according to Advocacy Forum, when they last had contact with him on 28 May, this medical attention was insufficient to treat his injuries. Advocacy Forum filed a complaint to Banke District Court on 22 May in an attempt to compel the authorities to give Bablu Rai access to appropriate medical care. However, the District Court stated that it would only consider this complaint at Bablu Rai's next remand hearing, which is likely to be in early June. Advocacy Forum has been denied access to visit Bablu Rai since 29 May, increasing fears for his safety and wellbeing.

#### **BACKGROUND INFORMATION**

Amnesty International has received a number of reports of torture in police custody in Nepal in recent weeks.

On 4 May, eight young men were reportedly arrested by armed police officers as they waited at a bus stop in the area of Ganapur in Banke District. The police accused them of stealing, and according to a statement given by one of the men to Advocacy Forum, for about an hour the police officers beat all eight men all over their bodies with a torch, a bamboo stick and gun butts, as well as kicking them.

Three or four of the men were also reportedly kicked and beaten when they were taken to be interrogated at Banke District police station later in the night. The men were taken to Bheri Zonal Hospital before being transferred to the police station. However, according to Advocacy Forum, they were not thoroughly checked by medical personnel or provided with any medicine. On 4 May, the men reportedly complained of pain as a result of their torture, but were only taken to hospital for a medical check up on 14 May, following an Advocacy Forum application in court on 11 May. They were reportedly not thoroughly examined in the hospital or provided with medication. All the men were released on bail on 23 May.

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

- expressing concern about the alleged torture of Bablu Rai at Jamunaha Police station, Nepalgunj, Banke District, on 6 May;
- urging the authorities to ensure that he is treated humanely while in custody and not tortured or ill-treated;
- calling on the authorities to immediately grant him access to lawyers, including from Advocacy Forum who have been denied access since 29 May, appropriate medical treatment and access to his relatives;
- urging the government to ensure that Bablu Rai's complaint, as well as all allegations of police brutality,

torture and ill-treatment are promptly and thoroughly investigated by an independent authority, that perpetrators are brought to justice and that victims are granted reparations;  
- calling on the government to implement its obligations under international law and standards, especially the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights.

**APPEALS TO:**

Om Bikram Rana  
Inspector General of Police  
Police Headquarters  
GPO Box 407  
Naxal, Kathmandu, Nepal  
**Fax:+977 1 4 415 593 / 594**  
**Salutation; Dear Inspector General**

Brigadier General Nilendra Aryal  
Head, Human Rights Cell  
Police Headquarters  
GPO Box 407  
Naxal  
Kathmandu, Nepal  
**Fax +977 1 4415593**  
**Salutation; Dear Brigadier**

Ministry of Law, Justice and Parliamentary Affairs  
Minister: Mr. Narendra Bikram Nembang  
Singha Durbar, Kathmandu, Nepal  
**Fax: + 977 1 4220684**  
**Salutation: Dear Minister**

**COPIES TO:**

Ministry of Home Affairs  
Minister: Mr. Krishna Prasad Sitaula  
Singha Durbar, Kathmandu, Nepal  
**Fax: + 977 1 4211264**

and 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 19 July 2007.