

EXTERNAL

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MEDICAL CONCERN

Seven cases of torture in Salyan and Rolpa districts
NEPAL

Serious human rights violations have been occurring in recent months, including widespread arbitrary arrests, torture and killings by police, in several districts of Nepal. They have taken place in the context of police operations against a "people's war" declared by the Communist Party of Nepal (Maoist) (CPN-Maoist) in February 1996.

The accepted political wing of the CPN-Maoist, the United People's Front (UPF), has its stronghold in Rolpa district in the western region of Nepal and is strongly opposed to the monarchy and the current parliamentary system. In parliamentary elections in 1991, the UPF won two seats in Rolpa and, in 1992, the majority of seats in local district elections. It boycotted parliamentary elections in November 1994 and two members of the Nepali Congress Party were elected from the area. A build-up of tension between members of the UPF, the Nepali Congress Party and other political parties resulted in violent clashes in Rolpa and Rukum districts from October 1995 onwards. A police operation in the area led to reports of unlawful killings by police and the arrest of over 200 people, most of whom were alleged to be members of the UPF.

When the Government of Nepal failed to respond to a memorandum presented by the UPF in February 1996 listing 40 demands, including the abolition of royal privileges and the promulgation of a republican constitution, the conflict began to escalate. The CPN-Maoist launched the "people's war" resulting in attacks on police stations, banks, offices of Village Development Committees, and other public and private property. The Maoists also attacked local officials and others perceived to be supporters of the government or to be police informers, which resulted in severe injuries and, in some cases, death. The government responded by initiating further police operations in Rolpa, Rukum, Salyan, Jajarkot, Pyuthan, Gorkha, Sindhupalchowk, Sindhuli and a number of other districts (see map).

The arrests which have been taking place in recent months have often been arbitrary and there have been several reports of torture. Below are seven cases of individuals arrested in February or March 1996 and charged for suspected involvement in the "people's war". All allege that they were tortured while in police custody - Jhakku Prasad Subedi in Rolpa District and the remaining six in Salyan District. All are reported to have been subjected to *falanga* - beating on the soles of the feet - a commonly-reported form of torture which is not only painful during infliction, but can cause the detainee considerable pain and difficulty in walking at a later stage.

Some of the detainees were also subjected to beatings on other parts of the body. One particularly damaging form of torture reported to be used in Nepal involves the detainee being held prone by police standing on either side who apply pressure to the legs by rolling a weighted bamboo cane down the thighs. A similar form of torture is also reported to be used in Bhutan, Punjab and Kashmir. In addition to causing muscle damage, it is reported that this form of torture can also lead to renal failure¹.

• **Jhakku Prasad Subedi**, Chairman of the Rolpa District Development Committee (a local administrative body).

Arrested on 15 February 1996 on suspicion of his involvement in violent acts related to activities by the Maoist groups. He was presented to the district court in Rolpa on 18 February and interrogated about whether he accepted the constitutional monarchy or not. According to his testimony, Jhakku Prasad Subedi was held in police custody in Rolpa and was initially treated well. However, on 7 March he was visited by two police personnel who, while interrogating him for three hours, beat him severely on the lower limbs. As a result of this he was unable to walk for some time. On 25 March 1996 Jhakku Prasad Subedi was transferred to Tulsipur Jail in Dang District and in early August to the Central Jail in Kathmandu. He is facing trial on four different charges. He is still reported not to have regained complete use of his legs and there is concern that he may not have received adequate medical treatment. He is also reported to have so far been denied access to a lawyer and to his family. Considerable concern for both his health and safety have been expressed.

• **Dambar Bahadur Rokaya** (age 21)

Arrested on 25 February 1996 on charges of arson.

Dambar Bahadur Rokaya was first taken to the police post in Darma where he was subjected to *falanga*. He was then transferred to the Salyan District police office where he underwent the same treatment. He is also reported to have been beaten with a stick on other parts of his body and kicked by those interrogating him. He was brought before a court after 41 days in police custody, although under Nepali law a detainee should be presented in court within 24 hours of arrest. He lodged a complaint about his torture in court and the following day was reportedly beaten by police officers for making this statement. He is currently experiencing pain and a tingling sensation in the legs and cannot sit comfortably.

• **Jhim Bahadur Chand** (age 21)

Arrested on 11 March 1996, also on charges of arson.

Jhim Bahadur Chand was held for 27 days at the Salyan District police office where he was subjected to *falanga*; after two days of this he lost consciousness. He complains of intermittent pain in the legs and feet, which increases when walking, and of lumbar pain.

• **Umakanta Sharma** (age 35)

Arrested on 5 March 1996 together with the detainee named below.

Umakanta Sharma was charged with five offences, including attempted murder. At Salyan District police office he is reported to have been made to stand on his hands and to have been subjected to *falanga* throughout the course of a day until he lost consciousness. He alleges that he was forced to sign a confession under threat of death.

• **Karna Bahadur Budhathoki** (age 29)

¹Malik G.H. et. al: "Acute renal failure following physical torture" in *Nephron*, Vol 63, pp 434-437, 1993.

Arrested on 5 March 1996 with the above-named detainee and charged with five offences including attempted murder.

Karna Bahadur Budhathoki alleges that he was ill-treated at the time of arrest and tortured during a period of five days at Salyan District police office. His torture also included *falanga* - in this instance with a length of rubber tyre. When he appeared before the court, he brought a complaint of torture. He has chest pain, is coughing, has blood in his sputum and is suspected to have tuberculosis. He is in urgent need of medical attention.

• **Tilbir Budhathoki** (age 22)

Arrested on 5 March 1996 and charged with public disorder and arson.

Tilbir Budhathoki alleges that he was ill-treated upon arrest and tortured over a five-day period at the Salyan District police office. In addition to *falanga*, he alleges a form of torture known in Nepal as *belana* - the forcible rolling of *lathis* (bamboo canes) along the thighs. He reportedly has injuries to the balls of the feet and scarring, walks very slowly and complains of lumbar pain when walking. He is unable to squat and has impaired sensation below the knees.

• **Padam Oli** (43)

Arrested on 8 March 1996.

Padam Oli was held in police custody for 32 days before being brought before the district court and charged with three offences, including attempted murder. He alleges that over a period of four days he was beaten on the upper and lower limbs, the soles of his feet, his wrists and the palms of his hands with a length of rubber tubing.

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Jhakku Prasad Subedi is currently held in Kathmandu's Central Jail. The remaining six are held in Tulsipur prison in Dang District following their transfer from police custody.

While Amnesty International condemns the activities of armed or otherwise violent opposition groups, it believes that there can never be any justification for torture during detention. Information extracted under torture should never be admitted as evidence in court as is clearly stated in Article 15 of the United Nations Convention against Torture to which Nepal acceded in May 1991:

“Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings [...]

The Convention against Torture also states in Article 2.2:

“No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.”

Amnesty International is urging the government of Nepal to issue instructions to police that such torture and ill-treatment may not be used in the interrogation of detainees and is seeking information on whether any measures were taken after complaints of torture were made in court.