

PUBLIC

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UA 112/08 Torture/Arbitrary detention

NEPAL Umesh Lama (m), age 28

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Umesh Lama was arrested on 1 April, for reasons unclear, and was tortured by police, according to a local human rights organisation. He is now under police guard in Bir Hospital in Kathmandu where he is receiving treatment for injuries caused by the torture. He may be returned to a police station where he would be at risk of further torture and other ill-treatment; he should have been brought before a court within 24 hours of arrest, but he was not.

According to a local human rights organisation, Umesh Lama was arrested by a group of about six plainclothes police officers in the Kamalpokhari area of Kathmandu at around 4pm. They took him to the Metropolitan Police Station in Hanumandhoka, Kathmandu, where he was tortured until he lost consciousness. Umesh Lama said he had been beaten with sticks and kicked with heavy boots for about five hours by five police officers. He said they also cut his fingers and his torso with a razor blade. When his wife tried to visit him on 2 April, the police at the Hanumandhoka police station denied he was in custody.

Umesh Lama was moved to the Metropolitan Police station in Budanilkantha, Kathmandu, later on 1 April. His family were only told of this and were able to visit him on 8 April. They said that he seemed very unwell: he was vomiting and his skin had turned yellow. Police finally admitted him to Bir Hospital, Kathmandu, on 9 April. The doctor at the hospital has referred Umesh Lama for consultations to the National Kidney Centre in Kathmandu, suspecting that one of his kidneys has failed. According to the local human rights organisation, his hospital report says that he has had a fever for over a week, has been vomiting continually for a week and has jaundice.

On 15 April police tried to give his family an arrest receipt for Umesh Lama which said he had been formally charged with attempt to kidnap, but they refused to accept it. That day they filed a petition in the Appellate Court in the Patan area of Kathmandu, stating that Umesh's detention was illegal as he had not been produced in court since his arrest. The same day, police had asked for a remand order from the District Court in Kathmandu, having charged him with attempt to kidnap.

On 21 April a local human rights organisation wrote to the Police Human Rights Cell requesting an immediate investigation into the torture of Umesh Lama. The police have not yet responded.

## BACKGROUND INFORMATION

Nepal is a state party to the International Covenant on Civil and Political Rights and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and is thus obliged to prevent torture. Following a 2005 visit to Nepal, the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, concluded that the practice of torture in Nepal was "systematic". His concern was heightened, he said, by one official telling him that "a little bit of torture helps." There have been a number of reports of torture in police detention in the past six months, raising concerns that the practise of torture remains widespread.

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

- expressing concern at reports that Umesh Lama has been tortured by police;
- calling on the authorities to ensure that he is not subjected to any further torture or other ill-treatment while he is in custody, and that he is allowed immediate and unrestricted access to his family, a lawyer of his choice and any medical treatment he may require;
- calling on the authorities to put an immediate end to all torture and other ill-treatment by its police and security forces, in line with its commitments as a state party to the Convention against Torture and the International Covenant on Civil and Political Rights;
- urging the authorities to launch an independent investigation into reports that Umesh Lama has been tortured by police and ensure that those responsible are brought to justice;
- urging the authorities to release him immediately and unconditionally unless he is charged with a recognisably criminal offence.

**APPEALS TO:**

Krishna Prasad Sitaula  
Minister of Home Affairs  
Ministry of Home Affairs  
Singha Durbar  
Kathmandu  
Nepal

**Fax:** +977 1 4211264  
**Email:** +moha@wlink.com.np  
**Salutation:** Dear Minister

Om Bikram Rana  
Inspector General of Police  
Police Headquarters  
GPO Box 407  
Naxal, Kathmandu, Nepal

**E-mail:** info@nepalpolice.gov.np  
**Salutation:** Dear Inspector General

**COPIES TO:**

Rt Hon. Chief Justice Mr Kedar Prasad Giri  
Chief Justice  
Supreme Court of Nepal  
Ramashah Path  
Kathmandu, Nepal

**Email:** info@supremecourt.gov.np

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 9 June 2008.