

PUBLIC

AI Index: ASA 31/11/99

This is a limited action. Please restrict appeals to 15 per section.

EXTRA 112/99

Torture / Fear for safety

18 August 1999

NEPAL

Hari Bahadur Lama (truck driver)

Dinesh Thapa (truck owner)

Suk Bahadur Lama (truck helper), dead

Amnesty International is concerned for the safety of Hari Bahadur Lama and Dinesh Thapa who were arrested on 4 August 1999. Suk Bahadar Lama, who was arrested with them has reportedly died in custody, possibly as a result of torture. Hari Bahadur Lama and Dinesh Thapa were also reportedly tortured for several days by being beaten on their legs and soles of their feet with bamboo sticks.

The three men were arrested at Jyamire, Dumkibaas VDC, Nawalparasi district by police officers, including an inspector, from the Ilaaka Police Office, Nawalpur, Nawalparasi district, Western Region in connection with the theft of some money. They were taken to Ilaaka Police Office, where Hari Bahadur Lama and Dinesh Thapa remain in detention.

Suk Bahadur Lama was apparently beaten so badly on the soles of his feet with a heated bamboo stick that he needed urgent medical treatment. On 11 August he was admitted to a local hospital but later transferred to Bir Hospital in Kathmandu in a serious condition, including abdominal pain and bruised legs and feet. Despite being given medical treatment, he died on 14 August.

The authorities have suspended seven police officers, including an inspector, sub-inspector and three assistant sub-inspectors at the Ilaaka Police Office, and have set up a three-member committee to investigate the death in custody of Suk Bahadur Lama.

BACKGROUND INFORMATION

Amnesty International is concerned that police continue to use torture to obtain information or "confessions" from criminal and political detainees and, in some cases, to punish or intimidate political prisoners.

As a party to the United Nations Convention against Torture, Nepal is required to institute independent and impartial investigations into all reports of torture and take action to bring those responsible to justice. However, so far no police officer has been brought to justice for torture although some had been initially suspended. A climate of impunity prevails for those responsible for torture.

Under the Torture Compensation Act 1996, torture victims or their relatives can claim compensation. During 1998 12 victims filed complaints under the Act, but several later withdrew their petitions out of fear for their own safety or because they or their representatives had been threatened by the police. To date, no one has been granted compensation under the Act.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English or your own language:

- expressing grave concern at reports that Suk Bahadur Lama died in police custody at Ilaaka Police Office after being tortured;
- asking the government to institute an impartial and independent inquiry into his death and to make the findings public;
- expressing serious concern at reports that Hari Bahadur Lama and Dinesh Thapa were also tortured in police custody at Ilaaka Police Office;
- calling upon the authorities to immediately investigate these reports and, if substantiated, bring those responsible to justice;

- urging the authorities to grant Hari Bahadur Lama and Dinesh Thapa immediate access to their relatives, legal counsel and to any medical treatment they require;
- calling upon the authorities to grant adequate compensation to the victims and their families, if the reports of torture are found to be substantiated.

APPEALS TO:

Rt Hon Prime Minister K P Bhattarai
Prime Minister
Office of the Prime Minister
Singha Durbar
Kathmandu
Nepal

Telegrams: Prime Minister, Kathmandu, Nepal

Faxes: + 977 1 227 286 or 428 570

Salutation: Dear Prime Minister

Hon Purna Bahadur Khadka
Minister of Home Affairs
Ministry of Home Affairs
Singha Durbar
Kathmandu
Nepal

Telegrams: Minister of Home Affairs, Kathmandu, Nepal

Faxes: +977 1 241 942

Salutation: Dear Minister

Mr Achyut Krishna Kharel
Inspector General of Police
Police Headquarters
GPO Box 407
Naxal
Kathmandu
Nepal

Telegrams: Inspector General of Police, Kathmandu, Nepal

Faxes: +977 1 415 593

Salutation: Dear Inspector General

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 1 October 1999.

Note from Team:

Dear UA coordinators,

Please see the following note from the research team:

We have just had an e-mail for our contact on this case, with medical autopsy findings for the death in custody of Suk Bahadur Lama. Contrary to what we say in the UA, this man did not receive medical treatment at the Bir Hospital (despite being in the emergency area for 11 hours). The date of his death is 15 August 1999.