

**PUBLIC**

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**Fear of safety / Torture / Intimidation**

**16 May 2003**

**NEPAL**

**Deepak Laya Magar (m)  
Ram Kumar Karki (m)  
Jairam Bhandari (m)  
Ram Chandra Giri, (m) lawyer**

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Prisoners, Deepak Laya Magar, Ram Kumar Karki and Jairam Bhandari are currently being held at Hanumandhoka district police station, Kathmandu. It is feared that they may be subjected to further torture over the current holiday weekend, when lawyers are generally not allowed to visit prisoners at the police station.

Deepak Laya Magar, who had been arrested for attempted murder, Ram Kumar Karki and Jairam Bhandari, who had been arrested for theft, were severely tortured at Hanumandhoka district police station. Lawyers from Advocacy Forum recently visited the prisoners and noted that they were in need of medical treatment. The lawyers lodged a complaint in Kathmandu district court seeking an order for the prisoners to be taken to hospital. It has recently become more common for the police to refuse to take detainees to hospital without such an order.

On 15 May, when Ram Chandra Giri, who is a lawyer from Advocacy Forum went to Hanumandhoka police station with the court order, a sub-inspector named Resham Parajuli called the three prisoners into his office. Resham Parajuli reportedly accused the prisoners of lying to the lawyer before reportedly punching Deepak Laya Magar twice on the shoulder with a heavy blow. The sub-inspector also blamed lawyers for providing protection for criminals, whom he said deserved to be tortured. He added that criminals were not severely tortured as they were lucky that Nepal respected human rights.

Resham Parajuli reportedly blamed Advocacy Forum for providing legal aid and medical services to criminals. He also intimidated Ram Chandra Giri and told him that he could report the assault on Deepak Laya Magar to "wherever you want".

The prisoners were finally taken to hospital whilst accompanied by a lawyer from Advocacy Forum late on 15 May. Before they went, another Assistant Sub-Inspector who was in charge of the documentation to take the prisoners to hospital, threatened them that once they returned, they would get what he referred to as "the treatment".

## **BACKGROUND INFORMATION**

Torture has been a longstanding concern in Nepal and is reported almost daily. Torture methods include rape, electric shock, *belana* (rolling a weighted stick along the prisoner's thighs causing muscle damage), *falanga* (beatings on the soles of the feet), random beatings and mock executions.

Despite having ratified the United Nations Convention against Torture in 1991, to date Nepal has not made torture a crime. In 1996, the Torture Compensation Act (TCA) was passed. It allowed victims of torture or relatives of people who 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 set out in the TCA and that some officials are putting obstacles in the way of victims trying to file cases or requesting medical examinations in order to gain redress under the TCA.

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

- expressing concern for the safety of Deepak Laya Magar, Ram Kumar Karki and Jairam Bhandari, who are currently in the custody of the District Police Office at Hanumandhoka, Kathmandu and for their lawyer, Ram Chandra Giri, who has been intimidated by the police;
- expressing concern at reports that the prisoners were severely beaten during interrogation by the police and threatened with further torture after they complained to their lawyer;
- urging that they be treated humanely while in custody and not be subjected to further torture or ill-treatment;
- calling on the authorities to investigate the reports of torture perpetrated by police officers at Hanumandhoka district police office and to bring those responsible, including the higher ranking officers who tolerate torture, to justice.

**APPEALS TO:**

Prime Minister Lokendra Bahadur Chand  
Prime Minister's Office  
Singha Durbar  
Kathmandu  
Nepal

**Fax:** + 977 1 4428220 (it may be difficult to get through, please keep trying)

**Salutation:** Dear Prime Minister

Badri Prasad Mandal  
Deputy Prime Minister, Minister of Agriculture and Cooperatives  
And Local Development and Minister of Home Affairs  
Ministry of Home Affairs  
Singha Durbar  
Kathmandu  
Nepal

**Fax:** + 977 1 4241 942 /+ 977 1 4244 484

**Salutation:** Dear Home Minister

Shyam Bhakta Thapa  
Inspector General of Police  
Police Headquarters  
GPO Box 407  
Naxal  
Kathmandu  
Nepal

**Fax:** + 977 1 4415 593 / 415 594

**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 27 June 2003.