

PUBLIC

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Torture

14 May 2003

NEPAL

Keshav Timilsina (m), aged 21, painter

Keshav Timilsina, who is originally from Sindhupalchowk district, but had been living in Patan, near Kathmandu for the last 5 years, was arrested on suspicion of involvement in a robbery and murder. He is reportedly being held at District Police Office at Hanumandhoka, Kathmandu. He has reportedly been tortured and denied access to lawyers and family members.

He was arrested at his home at around 8am on 6 May, by three policemen from the District Police Office, Hanumandhoka. He was taken to the District Police Office, Hanumandhoka and was produced before the Kathmandu District Court on 7 May. The judge granted the police a further seven days to continue their investigation. The judge however, did not question Keshav Timilsina about his treatment by the police despite provisions in the Torture Compensation Act requiring him to do so.

Whilst being interrogated during his first two days at the District Police Office, Hanumandhoka, Keshav Timilsina was allegedly forced to lie on the ground and beaten continuously for about half an hour on his thigh and back by between eight and ten policemen. They then tied both his legs together and inserted a stick between them so that he was unable to move his legs. The policemen then beat him indiscriminately with bamboo sticks and plastic pipes on his thighs, legs and the soles of his feet. The policemen also reportedly dragged him by his hair and trampled on him with their boots. He was also denied food during the two days. To Amnesty International's knowledge he has not been medically examined.

When lawyers from a local non-governmental organization, Advocacy Forum, visited him on 8 May, Keshav Timilsina complained that he was suffering from loss of appetite, frequent perspiration and sleep disturbance. The lawyers noted marks on his body apparently caused by the beatings with bamboo sticks.

The lawyers tried to visit him again the next day to prepare an application for him to be medically examined, but were refused access. They were told that following a special order from the Superintendent of Police (SP), no one was allowed to visit Keshav Timilsina.

Following repeated attempts to meet the SP, the lawyers were told on 12 May, that they could not visit Keshav Timilsina as investigations into his case were ongoing. When the lawyers tried to visit him on 14 May, lower ranking police told them that Keshav Timilsina had been taken to court. He has not however, been seen at the court house.

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 Keshav Timilsina, who was arrested on 7 May from his home in Patan and is believed to be in the custody of the District Police Office at Hanumandhoka, Kathmandu;
- expressing concern at reports that he was beaten during interrogation by the police;
- urging that he be treated humanely while in custody and not be subjected to further torture or ill-treatment;
- calling on the authorities to allow him access to his relatives, lawyer and medical treatment.

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 25 June 2003.