

PUBLIC

AI Index: ASA 31/009/2004

14 January 2004

Further Information on UA 353/03 (ASA 31/093/2003, 2 December 2003) Fear of torture/possible "disappearance"

NEPAL **Manoj Rai (m) aged 15, student (not aged 17 as stated earlier) - Released**

On 1 January 2004, Manoj Rai was released by police on condition that he report to the Hanuman Dhoka District Police Office (DPO) on a daily basis. He was arrested on 27 September 2003 and initially held at the DPO, where he was reportedly severely beaten.

In late November 2003, not only did the police deny that they had arrested Manoj Rai, they also denied any knowledge of his whereabouts. During a surprise visit to the Ward Police Office in Baudha, Kathmandu on 24 December however, the Nepalese National Human Rights Commission discovered that Manoj Rai was in fact being detained there. The Commission later stated that he had been held illegally by the police.

On 1 January Manoj Rai's mother was reportedly taken into a van by police officers and told to sign a document, which she was not allowed to read, in return for her son's release. This release procedure was apparently designed to pre-empt a Supreme Court hearing on Manoj Rai's case. When the hearing occurred on 2 January, the Supreme Court ordered Manoj Rai's release even though it had already taken place.

BACKGROUND INFORMATION

Torture has been a longstanding concern in Nepal and is reported almost daily. Torture methods include rape, electric shock treatment, *belana*, (rolling a heavy weighted stick along the thigh muscles) and *falanga*, (beatings on the soles of the feet), random beatings and mock executions.

Despite Nepal's ratification of the United Nations (UN) Convention against Torture in 1991, to date torture is not a criminal offence in the country. In 1996, the Torture Compensation Act (TCA) was passed. It allows 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 Act.

On 12 November 2003, the United Nations issued a press release in which the Special Rapporteur on torture, the Special Rapporteur on the right to freedom of opinion and expression and the Chairperson of the Working Group on Arbitrary Detention expressed "profound concern over reports that dozens of individuals are being detained secretly in Nepal and are therefore at risk of suffering torture and other forms of ill-treatment".

Many thanks to all those who sent appeals. If possible, please send a final round of appeals to arrive as quickly as possible, in English or your own language:

- welcoming the release of Manoj Rai on 1 January 2004;
- expressing concern at reports that he was subjected to torture and ill-treatment while under interrogation at the Hanuman Dhoka District Police Office (DPO);
- requesting an immediate, impartial and independent investigation into the allegations that Manoj Rai was subjected to torture and ill-treatment be undertaken and that the perpetrators brought to justice;
- expressing concern about reports that Manoj Rai continues to be required to report to the police and that his mother was forced to sign a document which she was not allowed to read in return for his release;
- calling for Manoj Rai's release to be made unconditional.

APPEALS TO:

Shyam Bhakta Thapa
Inspector General of Police
Police Headquarters
GPO Box 407

Naxal

Kathmandu, Nepal

Telegram: Inspector General of Police

Fax: + 977 1 4 415 593 / 4 415 594

Salutation: Dear Inspector General

Prime Minister Surya Bahadur Thapa

Prime Minister's Office

Singha Durbar

Kathmandu, Nepal

Fax: + 977 1 4 227 286 (Faxes may be switched off outside office hours, 5 ½ hours ahead of GMT)

Salutation: Dear Prime Minister

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 February 2004.