

PUBLIC

AI Index: ASA 31/041/2003

UA 282/03

Torture / Ill-treatment / Medical concern

01 October 2003

NEPAL

Deepak Thapa (m), aged 20

Amnesty International is seriously concerned for the safety of Deepak Thapa, who was reportedly tortured by the police, following his arrest after a fight with a taxi-driver over a fare dispute. Deepak Thapa has been denied access to medical treatment, which he is unlikely to receive over the next few weeks, as the courts which could order the authorities to provide him with treatment, will be closed for a religious holiday.

Deepak Thapa was arrested by police at approximately 9pm on 20 September at Koteswor, Kathmandu. Originally from Ramechhap district, he has been residing in Swayambhu, Kathmandu for several years. He was allegedly beaten with the butt of a gun and kicked to the ground by the two arresting officers. He was then taken to the Koteswor police station, where he was held overnight. The following day, he was transferred to the District Police Office in Hanumandhoka, Kathmandu, where it is alleged that he was beaten for 2-3 hours by two police men. The back of his thighs and arms were hit with wooden sticks and plastic pipes, and he was subjected to *belana*, which involved the rolling of a weighted stick along his thighs in order to cause muscle damage. He was also subjected to *falanga*, which involved the soles of his feet being beaten. Whilst he was being tortured, Deepak Thapa was questioned about the alleged theft of the taxi driver's watch and money.

When Deepak Thapa was taken to court on 24 September, the judge did not ask him any questions about his treatment in police custody, and specifically, whether he had been tortured. On 26 September, he was given access to a lawyer, who observed several red scars on his arms and thighs. Deepak Thapa complained that he was suffering from muscle pain and a fever for which he has not received medical treatment.

BACKGROUND INFORMATION

Torture has been a longstanding concern in Nepal and is reported almost daily. Torture methods include rape, electric shock, *belana*, *falanga*, 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 Thapa, who was arrested on 20 September in Koteswor, Kathmandu, and is 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 Deepak Thapa immediate access to medical treatment.

APPEALS TO:

Prime Minister Surya Bahadur Thapa
Prime Minister's Office
Singha Durbar
Kathmandu, Nepal

Telegram: Prime Minister, Kathmandu, Nepal
Fax: + 977 1 4 227 286 (fax may be switched off outside office hours, 5 ½ hours ahead of GMT)
Salutation: Dear Prime Minister

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

Telegram: Inspector General of Police, Kathmandu, Nepal
Fax: + 977 1 4 415 593 / 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 12 November 2003.