

AI Index: PRE01/002/2013
04 January 2013

UK arrest highlights Nepal's failure to address torture

The arrest in the UK of a Nepali man on allegations of torture is a welcome indication of the UK's readiness to comply with its international obligations in combating torture. It could also be an important step for victims failed by the Nepali justice system Amnesty International said.

UK police on 3 January 2012 arrested a 46-year man, reportedly a high-ranking army official, on suspicion of torture of detainees in 2005, during Nepal's civil war.

"This arrest may prove to be a welcome step towards accountability, but it also really highlights the Nepal government's failure to provide justice for the thousands of victims of torture, enforced disappearance, unlawful killings and other human rights abuses in the country," said Polly Truscott, Deputy Asia-Pacific Director.

Despite repeated promises by the government of Nepal, there has yet to be any meaningful investigations into the multitude of abuses committed by both government forces and Maoist combatants during Nepal's civil war.

"The Nepali government has withdrawn criminal cases against individuals with political affiliations, promoted alleged perpetrators of human rights violations to senior leadership positions and proposed amnesties which could cover serious crimes," said Truscott

"In short, the government of Nepal has sent a clear message to all potential abusers that there will be no consequences for their crimes,"

The man was arrested under a UK law implementing the country's obligations under the Convention against Torture, which includes a duty to exercise universal jurisdiction, that is, to investigate and prosecute (or extradite for prosecution) those suspected of torture, even if the alleged torture was committed overseas.

"Universal jurisdiction is a crucial tool to ensure that those suspected of the most serious offences known to humanity cannot simply run and hide abroad, but unfortunately it is rarely used. We hope that this arrest will encourage other governments to comply with this essential duty," said Truscott.

Nepal must also implement its obligations under the Convention against Torture by cooperating fully with the UK investigation.

The Nepali government reportedly today summoned the UK ambassador in Kathmandu to protest the arrest, and called for the arrested man's immediate release.

"The government's reaction has not been helpful. Instead of protesting an arrest that has been done fully in line with international law, the authorities should focus on its obligations to address torture and other human rights violations committed in the past," said Truscott.

“We urge the UK authorities to take a decision on whether or not to prosecute Lama on the evidence alone, and not let pressure from Kathmandu have any influence.”

Amnesty International continues to receive complaints of torture by Nepal’s security forces and has repeatedly called on the authorities to stop shielding perpetrators and ensure that victims receive justice.