



वकालत मञ्च-नेपाल
ADVOCACY FORUM- NEPAL
Lawyers forum for human rights and rule of law

Promising Development - Persistent Problems:
Trends and Patterns in Torture in Nepal During 2013

Press Release

25th June 2014, Kathmandu

25th June 2014: On the occasion of "**17th International Day in Support of Victims of Torture,**" Advocacy Forum (AF) is releasing a new report, "**Promising Development – Persistent Problems: Trends and Patterns in Torture in Nepal During 2013.**"

The report's findings include that there has been a reduction in reported torture in detention, but that many persistent problems remain to be addressed. During 2013, 16.7% of detainees claimed that they had been subjected to torture or other cruel, inhuman or degrading treatment (CIDT) during their detention; a reduction from 22.3% in 2012. The torture and CIDT of juveniles remains a major concern, with 22.9% and 25.7% of juveniles below eighteen and sixteen years of age respectively reporting that they were tortured in detention. 5.7% of women in detention reported torture, a rate lower than other groups but still unacceptably high. Banke, Jhapa and Surkhet stand out as districts from where detainees have reported torture more frequently than others.

This report is the outcome of first hand data collected by AF lawyers who visited 57 detention centers in 20 districts and interviewed 3,662 detainees during 2013. AF has been visiting police detention centers for more than a decade; interviewing detainees, recording accounts of torture and other ill-treatment by state authorities, and helping victims bring cases against perpetrators. The evidence gathered is also used to raise awareness among stakeholders and the public, and is presented annually.

The report has criticized the most recent Truth and Reconciliation Commission (TRC) Act for being ineffective in guaranteeing victims' rights to redress for past crimes. There are major concerns over the excessive willingness of the Nepalese government to grant amnesty to perpetrators of gross human rights violations, including torture.

This report also examines how police routinely ignore procedural safeguards aiming to protect detainees from abuse by police and to guarantee justice and compensation for torture and sexual violence. Significant numbers of detainees are not informed about the reason for their arrest or brought before a judicial authority within 24 hours, as required under the constitution. There are also serious concerns raised as to whether confessions are obtained lawfully, and whether there is adequate scrutiny of the circumstances under which confessions are obtained.

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This report makes key recommendations to the government including implementation of all recommendations recently made by expert bodies, the Committee against Torture and the Human Rights Committee. These include the criminalization of torture, and the removal of a statute of limitations on crimes such as sexual violence; the Nepal Police Human Rights Unit to take steps to end the persistent culture of impunity by conducting more vigorous investigations into reports of torture; establish adequate mechanisms for reparations for victims of torture; immediately amendments to the TRC Act, to ensure that the commissions do not have power to mediate in cases involving gross human rights violations and that there is no possibility of recommending amnesty in such cases and there must also be an adequate system of referral to prosecutorial mechanisms.

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