

ADVOCACY FORUM-NEPAL

"Lawyers' Forum for Human Rights & Rule of Law"

RECENT TRENDS AND PATTERNS OF TORTURE IN NEPAL

BRIEFING

July to December 2010

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INTRODUCTION

One of the critical aims of Advocacy Forum's (AF) is to reduce the practice of torture, promote a system of accountability and address impunity relating to torture. As part of that work, the organization produces regular briefings on trends and patterns relating to torture and other cruel, inhuman or degrading treatment. These briefings also bring to light the state's responses to the complaints communicated to them. AF regularly communicates cases to national and international bodies requesting these bodies to put pressure on the authorities to conduct impartial investigations and to provide security to victims in detention. AF has published such briefings on a quarterly basis since December 2008 and till date has produced six such quarterly briefings. In addition, it has published thematic briefings on specific issues relating to torture, including a review of recommendations of two United Nations human rights mechanisms: the Special Rapporteur on Torture and the Working Group on Enforced or Involuntary Disappearances. This briefing covers a six month period from July to December 2010. It is the seventh such briefing providing an analysis of patterns.

Since the establishment of AF in 2001, its lawyers have undertaken regular visits to places of detention. They currently visit 57 detention centres in 20 working districts namely Baglung, Banke, Bardiya, Dhanusha, Dolakha, Jhapa, Kathmandu, Kanchanpur, Kapilvastu, Kaski, Lalitpur, Morang, Myagdi, Parbat, Ramechhap, Rupandehi, Siraha, Sunsari, Surkhet and Udaypur and collect data from detainees using a standard questionnaire. The main aims of these visits are to assist the police to implement its constitutional obligations to prevent torture and other ill-treatment and ensure redress in the event of torture occurring. The large majority of places of detention visited are District Police Offices (DPOs) and Area Police Offices (APOs) as they are the places where those under arrest are usually brought for interrogation and the place where the victims are often compelled to confess to certain crimes under torture.

This program of police detention monitoring in areas with high risk of torture forms part of an integrated intervention strategy which also comprises legal aid to detainees who have no access to a lawyer, documentation of cases and patterns of torture by state and non-state actors, the initiation of court cases to obtain redress, national and international advocacy as well as awareness-raising among key stakeholders.

PATTERNS AND TRENDS ANALYSIS

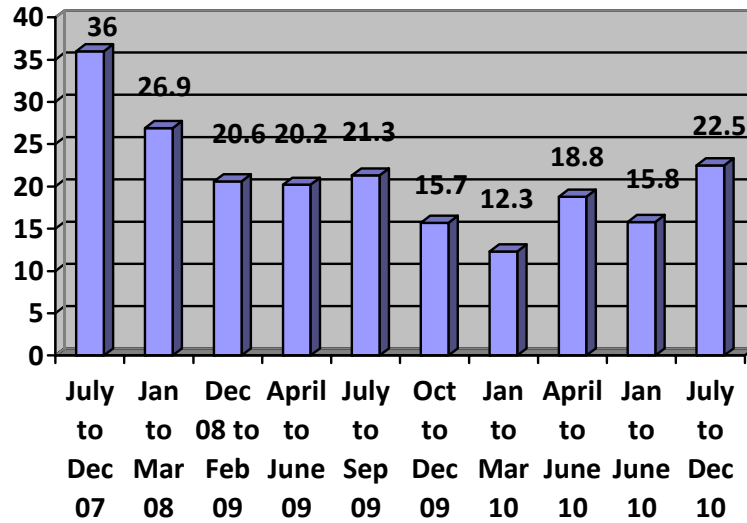
During the reporting period from July to December 2010, AF has recorded a significant overall increase in the percentage of torture from 15.8% in the period January to June 2010 to 22.5%. This increase is thought to be related to the ongoing political instability in the country and activities of armed groups in several districts in the Terai region. It is also noticeable that there was a significant increase in the percentage of torture of female detainees which increased from 7% during January to June 2010 to 13.3%. The 25 women who claimed they had been tortured had been severely beaten by investigating officers and had been treated without consideration for the rights and needs of women as a particularly vulnerable group. Similarly, 26.7% of juvenile detainees claimed that they were subjected to torture or other ill-treatment, an increase of nearly 6% in comparison to the period from January to June 2010 when the percentage was 20.9%.

Large percentages of people arrested under charges such as attempted rape (50.0%), arms and ammunitions (48.1%), kidnapping (41.1%), theft (39.5%), robbery (29.6%), arson (28.6), cheating (25%), drugs (23.7%) and public offence (22.4%) are found tortured and ill-treated during the course of arrest and interrogation.

AF has also recorded a resumption of the use of private residences as secret places of detention by the police in Kathmandu District.

In total, AF lawyers interviewed 2183 detainees in 57 detention centres. Among them were 188 (8.6%) women and 1993 (91.3%) men. Of them, 492 detainees (22.5%) have claimed that they were subjected to torture or other cruel, inhuman or degrading treatment. Among the women detainees, 25 (13.3%) claimed they were subjected to torture or other ill-treatment, as opposed to 466 (23.4%) of men and 1 (50.0%) from third gender. (See Annex 1: Tables 1, 2 and 3 for more details.)

Percentage of Torture

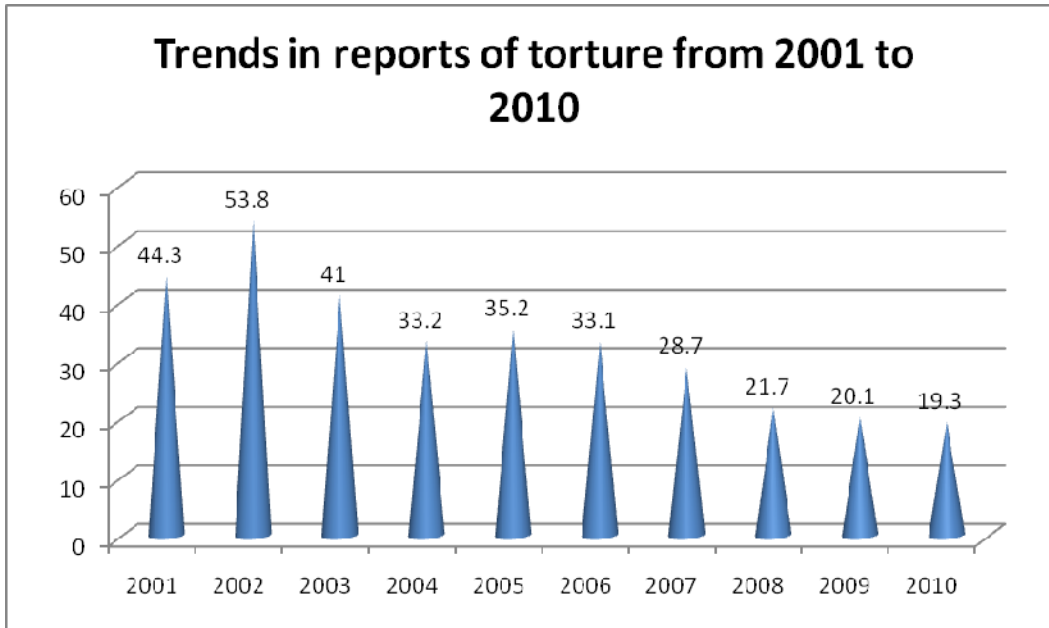


The 22.5% of detainees who claimed they had been tortured during the period from July to December 2010 represent an increase of 3.7% in comparison to the period from April to June 2010 and an increase of 6.7% in comparison to the period from January to June 2010. During the latter period, AF had interviewed a total of 2015 detainees among whom 319 (15.8%) had claimed that they had been tortured. (See Annex 2: Table 1, 2 and 3 for more details regarding the trends and patterns during the period from October to December 2009 as a comparative to the current period.) As demonstrated in the above chart, while there had been a steady decline in torture since the end of the armed conflict in 2006, there is a clear gradual increase which started around April 2010 – exactly the time when the government launched the Special Security Plan in the Terai region.

There remain considerable variances in the prevalence of torture between districts. However, during this period as in previous periods, we find that the highest percentage of reports of torture is being reported from several districts in the Terai. The highest percentage is 46.5% reported from Dhanusha District where 33 out of 71 detainees claimed that they have been subjected to torture and ill-treatment. Table 4 in Annex 1 shows the percentages per district during this quarter and the three highest percentages are highlighted. They are:

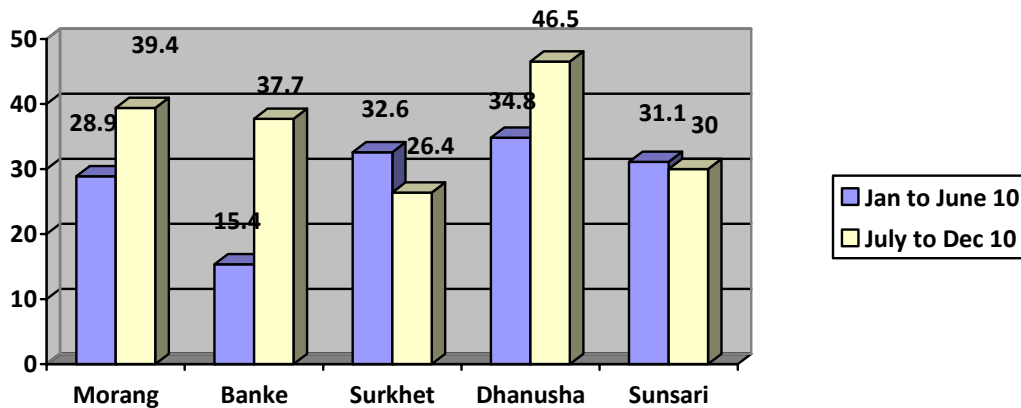
- Dhanusha (46.5%)
- Morang (39.4%)
- Banke (37.7%)

While there is still a gradual decline in torture over the longer term, it is very concerning that this positive trend appears to be reversing itself. (See the graph below showing the longer-term trend of torture.)



Trends in torture in 5 districts

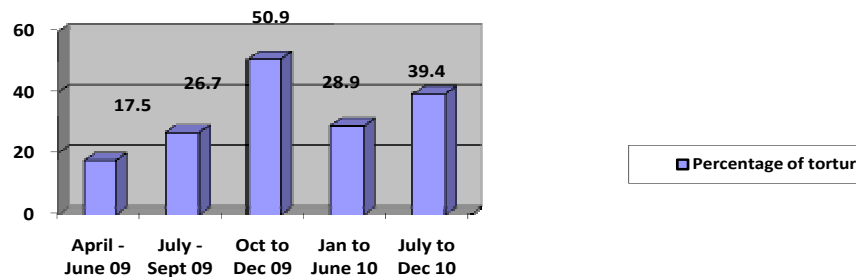
In order to understand the main dynamics behind this significant increase over the last six months, AF also analyzed the data per district.



The above graph shows the districts with the highest percentage of torture during this period. Morang, Banke, Surkhet, Dhanusha and Sunsari are the districts where the highest percentage of torture was reported. When analyzing trends over the last two periods, it is found that in Banke the percentage of

torture increased by more than 50% to 37.7% from 15.4% in the previous period of January to June 2010. Dhanusha is the district where the torture percentage is found the highest during this and previous period. It increased from 34.8 % to 46.5%. During this period, there is a decrease noticed in the district of Sunsari from 31.1% to 30%, though Sunsari remains among the districts from which the highest percentages of torture are reported. In Surkhet district, though the percentage is found to remain among the highest, there is a considerable decrease in comparison to the previous six months.

In addition, Morang has seen a strong increase during the last six months. During the beginning of 2010, the percentage of torture decreased from 50.9% to 28.9% in Morang district but is has increased again during this period to 39.4%.

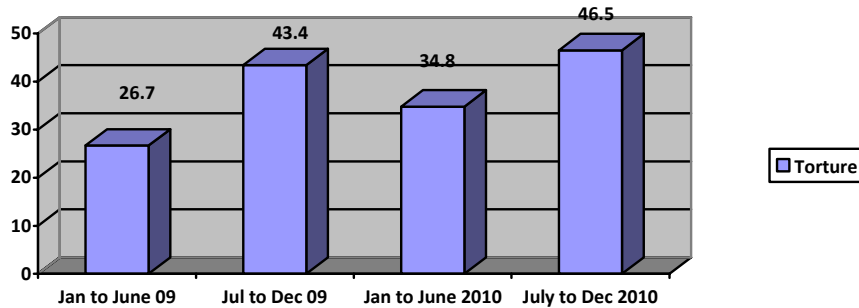


In addition to Dhanusha and Morang, the following districts also recorded a significant increase: Kathmandu, Baglung, Myagdi, Parbat, Bardiya, Dolakha, Kaski, Udayapur and Siraha.

While Surkhet and Sunsari are among the highest percentage districts, their percentage of torture did decrease somewhat: from 32.6% to 26.4 percent for Surkhet; and from 31.3 to 30% for Sunsari. In addition, the following districts saw a decrease in torture: Rupandehi, Ramechap, Jhapa, Kanchanpur, Kapilvastu and Lalitpur.

Torture Report from Dhanusha

Dhanusha has consistently been one of the districts with the highest percentage of torture recorded (see graph below). There has been some fluctuation seen in the trends of giving torture in Dhanusha, but from the beginning of 2009, the percentage has increased overall. The likely reasons behind this are the unstable political situation and ongoing criminal activities in the district.



Possible additional reasons for the increase in the torture in the district are:

- Changes in the SP and Officer-in-charge of Case Section
- Arrests of most wanted criminals
- Arrests of people who are engaged in underworld gangs
- Arrests of people under Arms and Ammunitions Act
- Frequent transfer of police
- Political and other pressure to control crime

Trends according to charges

When analysing the charges under which people who claimed they were tortured were held, the data show that those held on suspicion of rape and under the Arms and Ammunitions Act respectively face a 50.0% and 48.1% chance of being tortured. People later charged with kidnapping (41.1%) are also at high risk of torture. Those charged with theft face a 39.5% chance of torture, those charged with arson face 28.6% chance whereas people charged with fraudulent transactions face 25.0% chance. (See Annex 1: Table 6 for more details and a comparison with the previous period.)

In Banke district, when conducting a further analysis, it transpires that the arrested people are mostly engaged with armed groups, and arrested under charges of abduction and robbery. It is reported that people of Madhesi origin are found tortured more than the hill community people. The caste analysis chart shows that people from the Terai ethnic community are found most frequently tortured during this period.

Torture in Kathmandu: use of private residents

As reported in previous periods (January and June 2009), Advocacy Forum has received complaints regarding the use of private residents as secret places of detention in Kathmandu. In a recent case, Mr B. was arrested by the Metropolitan Police Crime Division (MPCD) at 8.30am on 31 October 2010 in Hetauda Bus Park - Makwanpur district, on charges of theft and drug smuggling. His wife Mrs L., a Malaysian national who has been living in Nepal for the past 17 years, was also arrested and taken into custody in Makwanpur. A third person, Mr. M., was arrested from Butwal, Rupandehi district at 5.30 pm on 1 November 2010. Police took both men were to a nearby jungle where they were repeatedly beaten before taking all three of them to Kathmandu. Police reportedly forced Mr B.'s head in-between the roots of a fallen tree. Then one of the policemen reportedly forced a pistol into his mouth and others beat him randomly on his back, legs, hands and soles of his feet. After that they reportedly drove a sharp wooden stick into the sole of his right foot. He reportedly cried in agony but they did not stop; instead some of them banged his left shoulder against a tree. There was a cracking sound from his shoulder. Later he found that his left shoulder was swollen and he could not raise his left arm. The police officers asked him questions about stolen gold and money and bended the fingers of his hands vigorously. As the pain was severe he confessed. He also heard that someone was giving orders to the police officers through a walkie talkie telling them to shoot him then and there.

At around 8am on 2 November 2010 his hands were handcuffed behind his back and he was taken to an inspector's office where he reportedly witnessed some policemen torturing his wife. She was forced to lie down on the floor and one of the policemen was stepping on her knees, another was grabbing her hair and another policeman was beating on the soles of her feet. She was bleeding from her nails and toes. Verbally abusing her, the police officers also tore her clothes. She was crying in agony. When Mr G. couldn't bear to see the torture of his wife he said that he was ready to confess any kind of allegation and sign any paper. After that the policemen stopped torturing his wife but they forced him to lie on the floor. One of the policemen stepped on his knees and another stepped on his head and another one beat him on the soles of his feet. Then they made him jump up and down. But as his both legs had been broken in a motorcycle accident, he could not jump and fell on the floor.

When they reached Kathmandu, the policemen blindfolded them with pieces of clothes. When the blindfold was removed, they found themselves in the compound of a two story building. (Later they came to know that it was Sanepa in Kathmandu). At this private house, the two were kept in one room on the ground floor and Mrs H. in another room on the ground floor. There was Chinese carpet, a bed and a black plastic pipe with a wire inserted in it in a corner of the room. After a while the men heard

Mrs H. crying in agony. An inspector Bhisma then took Mr G. to the room where he found his wife crying sitting on the floor. Another arrestee was crouching on the floor with handcuffs on his hands.

They were finally remanded in custody on 2 November 2010. Mr. M. and Mr. B.'s beatings had been so severe that both needed medical attention. Mr M. suffered serious damage to his teeth and Mr B. to his ear. Both were provided treatment, but at their own costs.

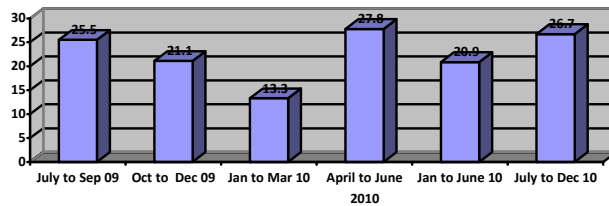
According to Nepal National Weekly in a special report published on 19 December 2010¹, police has continued to rent private houses to interrogate and detain suspects - a practice which started during the conflict. Several of these houses have been located: the first one - in Sanepa, Lalitpur - is believed to be the house where the three individuals were detained. The report further states that in the second house, located in Gairidhara, a team of plainclothes policemen operating under the command of DSP Jagat Man Shrestha have been detaining and interrogating suspects, information that was later denied by police spokesman Bigyan Raj Sharma. The existence of these "safe houses" is being kept under wraps even among police personnel. Sources within the police justify the practice by claiming they are used to avoid leaks and prevent the media from "hampering the investigations". However, the unlawfulness of these detentions is of serious concern. Suspicions of extortion by the police have been confirmed by individuals detained and forced to pay for their release.

¹ <http://www.ekantipur.com/nepal/article/?id=1768> (In Nepali only)

VULNERABLE GROUP

AF has identified juveniles among the most vulnerable categories of detainees, together with refugees, women and people from certain caste or ethnic background.

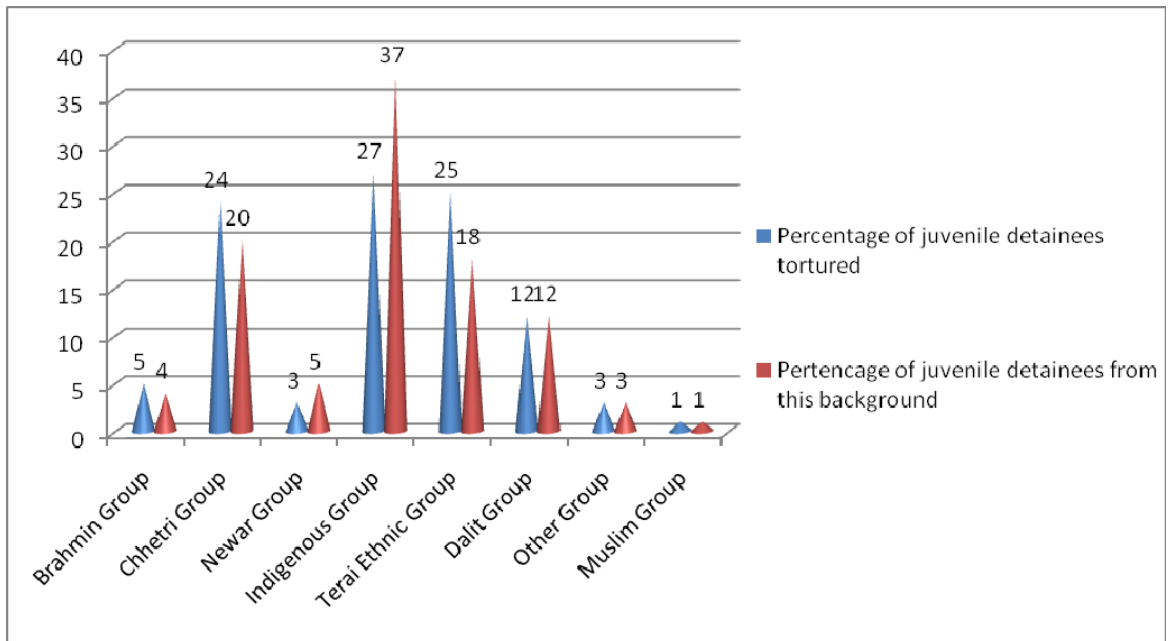
Juveniles



Torture of juveniles

During this period, AF lawyers visited 532 juveniles of which 52 (9.8%) were girls and 480 (90.2%) were boys. Of them, 142 (26.7%) claimed that they were subjected to torture or other ill-treatment. In comparison, in the period from January to June 2010 the percentage was 20.9%. That represents a sharp increase of 5.8%. The percentage of juveniles tortured remains higher than the percentage for the overall population of detainees. In other words, police torture children more frequently than adults, and have consistently done so since AF started to monitor these trends.

Caste-wise torture of juvenile detainees



A background-based analysis shows that juveniles from the “Terai Ethnic Group” category are more likely to be tortured: this category makes out 18% of juvenile detainees overall, but 25% of those claiming they were tortured followed by Chhetri community 20% of juvenile detainees overall, but 24% of those claiming they were tortured. Dalit community, Muslim community and other community representing 12%, 1% and 3% among the juvenile detainees overall, represent 12%, 1% and 3% respectively of those claiming they were tortured.

During the previous period from January to June 2010, when doing district-wise analysis, 4 districts showed a 100% absence of torture of juveniles but during this period only 2 districts reported 100% absence of torture. These districts are Myagdi and Ramechhap. The districts with a very high percentage of juveniles claiming torture are Jhapa (67.7%), Morang (63.2%) and Parbat (50.0%).

There have been several positive decisions by the Supreme Court that could benefit juvenile detainees, if implemented. In practice, implementation has failed partly due to a lack of physical infrastructure and resources such as finance. As reported in the briefing for the period from April to June 2010, the government decided to establish three new rehabilitation homes but to date only one was implemented. With support of Underprivileged Children’s Educational Programs (UCEP) Nepal, an extension of Child Correction Home was completed in Madhyapur Thimi Municipality-10, Bhaktapur District. The building has holding capacity of 30 children. This new annex building’s opening ceremony was done by Honorable Judge Shree Khil Raj Regmi (who is also the President of Juvenile Justice Coordination Committee) on 4 August 2010. However, the building was not brought into use for 4 months because the Home Ministry was not able to provide security guard. Thus, the children were

compelled to stay in detention center and prison. The Home Ministry provided security guard on 28 November 2010 and from that day the new Annex to the Correction Home was brought in use, bringing the total number of juveniles housed there up to 30 children as of late 2010.

Advocacy Forum filed a writ demanding that police hand over a 14-year-old minor to his parents' custody (see box below). AF also petitioned the court for an order to make arrangement of security guard to new annex building constructed for the sake of juveniles. On 8 October 2010, a habeas corpus petition was registered in the Supreme Court. On 12 October 2010, the Supreme Court issued a direction to the Home Ministry to arrange for security guards immediately and for the minor to be released under the care of his parents.

Habeas Corpus

Case Detail: Choilang Lama, 14, a permanent resident of Barabise, Sindhupalchowk district, but living in Boudha Jorpati was arrested on 18 August 2010 from Chhetrapati Chowk, Kathmandu. He was arrested allegation suspicion of involvement in a robbery and theft case. Initially, he was kept in Metropolitan Police Circle Sorahakutte and on 20 August, he was remanded. On 16 September 2010, there was a further remand hearing, where the Kathmandu District Court ordered him to pay bail amount of Rs. 5000/- for each case but he couldn't pay. The police took the minor to the child correction home but he was returned back to detention saying that there is no space to keep him. AF lawyer met the minor during their regular visit to detention center and came to know about the detail of the case and on 10 October 2010, AF submitted a habeas corpus writ petition in the Supreme Court making Child Correction Home Management Committee, Sanothimi, Bhaktapur, MPR Hanuman Doka Kathmandu, Home Ministry defendants. On the same day of filing writ, Honourable Judge Prem Sharma's single bench gave order to present the victim with written answer within 24 hours. On 11 October, Honourable Judge Mohan Prakash Sitaula bench gave order to release the minor into his parents' custody and also gave direction to Home Ministry to arrange Security Guard to new annex building.

Dharmendra Barai

On July 3, Assistant Sub-Inspector (ASI) Nar Bahadur Khatri and two police officers dressed in civilian arrested 15 year old Dharmendra Barai in connection with the death of a man in a bicycle accident. Police took Dharmendra to Khajuriya Police Post, Rupandehi district. In the evening, his family and some villagers went to the police station, requesting his release. According to the family, the ASI said that Dharmendra would be released the next day at 8 am. While they were at the police station, the family could hear the boy crying out to them saying that the police had aimed rifles at him and threatened to shoot him. The family left the police station at about 10.30 pm. At 4 am on July 4, the ASI called the family and told them that Dharmendra was ill, and had been taken to Bhim Hospital in Bhairahawa for treatment. When the family members reached the hospital, they found that the boy was already dead.

Eyewitness present at the hospital reported visible signs of ill treatment and torture on Dharmendra's body, including marks of what might have been electric shocks on his shoulders and temple. The hospital record reads "Brought dead." The post-mortem report says the cause of death is not known and lists visible injuries as blue marks on the sole of his right foot, a 2-inch wound on his right arm, and multiple scratches on his left palm.

Another suspect detained in the same cell as Dharmendra told Advocacy Forum that the he himself was tortured by the police with electric shock treatment that night. He could not say for certain that Dharmendra faced the same treatment, but he said that when police eventually released them from their cell, Dharmendra fell to the ground and started emitting forth from his mouth. The other detainee says he has suffered serious mental problems since his detention.

Amid outcry and persistent calls for justice by civil society organizations, both the national and local government set up investigations. On July 18, 2010, the Home Ministry formed a three-member investigation team, including a senior Home Ministry official, a senior police officer, and a member of the National Investigation Department. The team visited the incident site and investigated the case. However, as of late November 2010, they had not published a report.

On August 3, 2010, the investigation team set up by the district administration made its report public. The report concluded that the cause of death was unknown and that there was insufficient evidence to prove that torture was the cause of death. It said police had failed in their duty to take Dharmendra for a medical check-up on his arrest and to notify higher authorities of his arrest. It also noted that detention facilities at the police office were inadequate and badly ventilated. The report recommended that the government provide the family with adequate compensation, and that department action be taken against the police officers of the concerned police station. The government has not provided the family with compensation, apart from Rs. 20, 000 to cover funeral costs provided by the District Administration Office in Rupandehi. The case is pending in court, and no disciplinary action has been taken.

On August 22, 2010, the victim's father, Hariram Barai, tried to file an FIR against the police allegedly involved in Dharmendra's death, but Superintendent of Police Sher Bahadur Basnet refused to register the FIR, stating that the police had already registered an FIR and that the case was being investigated. According to Hariram, the police also offered to recruit his older brother into the police force if he dropped the FIR.

On the same day, Hariram and his relative also tried to submit a FIR to Deputy CDO Pitamber Ghimire, who is also the chairman of an investigation team formed by the Rupandehi District Administration Office (DAO), and asked him to order the Rupandehi District Police Office (DPO) and had to be filed there. Hariram then mailed the FIR to both the DPO and DAO.

When Hariram did not receive any information for 15 days, he filed a mandamus petition at the Butwal Appellate Court, Rupandehi district, on September 9, 2010, seeking a court order to force the DPO to file the FIR. In a quick response, on September 12, 2010, the court issued a “show cause” order to the DPO asking for an explanation as to why the FIR was not registered. The DPO replied that it was under internal discussion. At the time of this writing, the relatives await a court ruling.

Women

During this quarter, AF documented 25 cases of women detainees who were severely tortured. AF submitted some of the cases to national and international agencies seeking for them to be provided security and to ensure they were protected from further torture. OMCT and AHRC published urgent appeals to concerned stakeholders/agencies to provide security to the women victims and urging that an impartial investigation be conducted.

During this period, AF lawyers visited a total of 188 female detainees. Of them, 25 (13.3%) claimed that they were subjected to torture or ill-treatment. In comparison to the period from April to June 2010 when only 8 women out of 74 (10.8%) had claimed they were tortured, this represents an increase by 2.5 %.

Police torture woman arrested on charges of theft

Ms. Kritika Bhandari (name changed), 26, a permanent resident of Bhimeshwor Municipality - 7, Chisapani, Dolakha district was arrested by police at around 8am on 14 July 2010 [2067/03/30] under the suspicion of stealing money from her neighbour's house. The same evening at around 9pm she was taken to a room at DPO, Dolakha and tortured. There were 2 policemen and 2 policewomen; only one of whom was in police uniform.

Alleged perpetrators:

- 1) ASI Mr. Rajiv K.C, DPO, Dolakha,
- 2) Head Constable Mr. Bhim Basnet, DPO, Dolakha,
- 3) Head Constable Ms. Nirmala Pokhrel and
- 4) Constable Ms. Sabita Pokhrel

Background of incident:

According to the victim, Radha Maharjan is her neighbor who used to request her to take care of her house and domestic animals while she was out. On 12 July 2010 [2067/03/28] Ms. Kritika was alone at her house. As there was no one at Radha's house and her goat was caught up in a rope, Kritika went there, freed the goat and gave some grass and returned to her house. At around 1pm a man with black complexion wearing long hair came to her house and asked about the landlord pointing at Radha's house. Then Kritika informed him that all the family members had gone to the field to work. She showed him Radha's mother's house if he wanted to meet Radha's mother and then she busied herself in her house chores. In the evening Radha returned from her field and Kritika informed her that someone had visited to meet her in the day time. At around 7pm the same day Radha informed her that someone had stolen Rs. 60, 000/- from her house. The following day at around 8am Radha's brother Navaraj phoned her and called her at Satdobato Police Office to recognize the person she had seen the previous day. She went there alone and found that the police had arrested two boys from the same village. The police asked her if the boys were the same person who had asked her about Radha's house the previous day. She replied that the boys were not the same person but the police forced her to accuse the same boys as thieves but she refused. After that the police took her to DPO, Dolakha and

inquired about the stolen money and forced her to confess to the crime but she refused. At around 4pm her husband reached at DPO, Dolakha. He too was questioned by police for about 2 hours. At around 6pm 4 policemen and 2 policewomen took Kritika along with her husband to her home in a police van, searched her house but nothing was recovered from her house. Then the police released her on condition that she would report at DPO, Dolakha at 10 am the following day.

Torture Details:

The following day i.e. 14 July 2010 she reported at DPO, Dolakha but police detained her on suspicion of stealing the money. In the evening the police gave her food and at around 9pm 2 policemen took her to the Litigation Section saying that "criminals do not accept the crime unless they are tortured". There were 2 plainclothes police-men and 2 policewomen. They allegedly tied her hands with a piece of jeans cloth, inserted a bamboo stick between her knees and hands and propped her legs up. According to the victim, ASI Rajiv K. C. ordered to beat her and then Head Constable Ms. Nirmala Pokhrel beat her on her soles of feet with a black plastic pipe with a rod inside for about 20 minutes forcing her to accept the crime. Subsequently, they threatened to apply electric shocks if she didn't confess. According to the victim the same policewomen beat her 5, 6 times on her hands, 5, 6 times on her thighs and 5, 6 times on her shin with the same black plastic pipe. Accusing her of stealing the money the same policewoman slapped her 4 times on her cheeks. Every time she denied the accusation they physically and mentally tortured her. The policemen too scolded her saying that they would kick her like a football if she were a man. As she couldn't bear the pain of torture she cried loudly and then only they untied her hands and made her to jump all over the room for about 15 minutes. Due to the pain on her soles she walked slowly but couldn't jump as they had ordered her. Then they said, "It's enough for today. If she doesn't accept the crime we will torture and apply electric shocks tomorrow." Then they detained her in the detention cell. She couldn't sleep for whole night and cried a lot.

On 15 July 2010 [2067/03/31] her husband and some relatives visited to DPO, Dolakha and requested the police to release his wife. Then the police released her in the condition that she would report at DPO, Dolakha at 10am the following day.

AF observation on 15 July 2010:

- Pain in both cheeks and hands, hands are swollen,
- Blue marks of torture on left shin,
- Blue and black marks of torture on soles and blood clot,
- Cheeks swollen.

Victim's complaints, 26 July 2010:

- Pain in both cheeks and hands, hands are swollen,
- Nausea and dizziness,
- Pain in lower abdomen, severe headache, chest pain,
- Sleepless nights and loss of appetite,
- Pain and burning sensation in soles of feet,
- Lost and occasional bouts of sudden fear.

On 16 July 2010 AF provided medical treatment to the victim at Primary Health Center, Charikot. The medical report writes:

- 1) 6 x 3 cm wound lf lat leg,
- 2) Sole of lf. Foot (deep) diffuse,
- 3) Rt. sole of foot (deep) diffuse

- 4) 2 x 1.5 cm lf. Arm velar surface near elbow(sth)
- 5) Rt. hand themor and hypothermal contusion,
- 6) Swelling rt. Hand
- 7) A cause of physical assault in police custody etc.

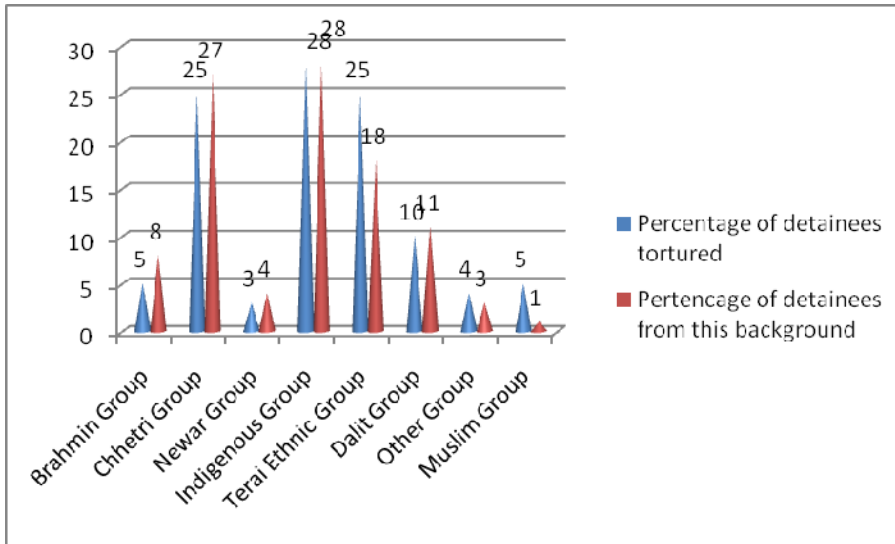
The doctor has written mental disorder and referred her for a psychiatrist consultation. She used prescribed medicines but her mental condition degraded day by day so AF, Dolakha referred her to AF, central office.

On 26 July 2010, she was taken to hospital. Dr. Saroj Ojha made the following diagnosis:

1. Subjectively and objectively depressed,
2. Adjustment disorder,
3. Post Traumatic Stress Disorder

The victim has filed her TCA in District Court, Dolakha and the case is active.

Caste and ethnic background



Caste-wise torture infliction on adult detainees

AF is regularly analysing patterns of torture on the basis of caste and ethnic groupings. The graph above documents the percentage of torture of detainees according to their caste and ethnicity. As shown in Table 5 in Annex 1, people from the Terai ethnicity group though representing only 18% among detainees, make out 25% among the overall number of detainees claiming tortured. Similarly, detainees from the Muslim community are also over-represented among those detainees claiming they were tortured: Muslim community face a 5% chance of being tortured while only representing 1% of detainees, AF has observed a clear longer-term trend of detainees from the Terai ethnic groups being tortured more frequently than other detainees.

METHODS OF TORTURE

Generally, detainees report that they are tortured or ill-treated at the time of arrest, during transfer and during interrogation mainly in the period before their statements are recorded and before they are taken to court to be remanded.

A new form of torture was noticed in Rupandehi district, where several detainees were made to stand continuously for 5 days without being allowed to sit and sleep (including at night).

Other types of torture where no physical force was used were reported: In one case, a victim Ram Majhi (name changed) was tortured physically and mentally. He was told by police in Kathmandu district that they had previously killed 2/3 people after taking them into forest, and that they would do the same to him if he did not confess.

In another case, Raj Shah (name changed), a juvenile of age 17, was forced to urinate in a bucket in his detention cell. The victim was frightened and while urinating he urinated outside the bucket. The police then ordered him to dry the floor by drinking the urine with his mouth. Due to fear, he used his vest to clear the floor.

Besides these, the general patterns of torture are as follows: -

- Beatings with iron rod inserting in black pipes on foot, thigh, back and joints.
- Pouring water from bucket on nose and mouth of the victim.
- Making detainee stand on his head taking support of the wall then beating with stick on soles.
- Kicking randomly with boots and punching with fists on various parts of body.

Juvenile detainees reported the following methods of torture in police custody at the time of interrogation:

- Kicking randomly with boots
- Making detainees do sit ups for 100 times while holding on to each other's ears.
- Randomly beating with pipe sticks on various parts of the body especially soles.
- Verbal abuse

STRUCTURAL AND SYSTEMIC ISSUES

It is the duty of the Government to protect the lives and property of the people and to maintain law and order. However, often law enforcement authorities use their power against the people and deprive them of their rights. They regularly practice torture. Furthermore, police also often fail to act in situations where victims and the general public expect them to. They instead stay inactive under political pressure or out of misplaced loyalty to powerful political and other groupings operating at the local level.

Impunity in relation to torture is also exacerbated by the role played by Chief District Officers (CDOs), who have quasi-judicial powers under several laws in Nepal. While providing legal aid to the detainees, AF also represents the cases before quasi judicial bodies, i.e. District Administrative Office and District Forest Office. AF reviewed the law relating to CDO's powers and functions under different law. The adjudicatory power of CDO were found unreasonable, arbitrary and against principle of natural justice and the Interim Constitution 2063. AF filed a Petition of Public Interest Litigation (PIL) on 6 April 2010 (Writ No W 0043) to challenge the judicial powers of CDOs. The petition argued that provisions in no less than ten laws granting powers to CDOs are in breach of Nepal's commitments under international human rights law to which it is a party, more specifically in breach of Article 14 of the International Covenant on Civil and Political Rights, guaranteeing a right to a fair trial before an independent tribunal. The case is *sub judice* before the Supreme Court.

On 23 December, the PIL CDO petition was considered in continued hearing (after an earlier hearing on 18 November) that whole day by a special bench headed by Hon. Justice Kalyan Shrestha, Gisish Kumar Karna and Sushila Karki. The judges have taken the issue seriously despite two petitions on the same issue previously quashed by the Supreme Court. They have asked for the pleading note from both sides. The final verdict is fixed for 17 February 2011.

SAFEGUARDS

The Interim Constitution, 2007 and the Torture Compensation Act provide some safeguards against torture at the hands of state actors like the Army, APF, and Nepal Police. In general and by AF's observation, the Nepal Police and other state authorities are failing to systematically abide by these provisions. As is demonstrated by the figures in Tables 7 to 9 in Annex 1, the police are not abiding by the constitutional requirement (also set out in the State Cases Act) to provide a letter of charge/detention at the time of arrest. Of 2183 detainees, 420 (19.2%) received charge/detention letter, compared to the previous period January to June 2010 where 510 (25.3%) out of 2015 detainees received charge/detention letter. A further 815 (40.4%) received arrest letter only after they were brought to detention. A further analysis has shown that the police often provide the charge/detention letter only after two or three days of the arrest but falsifying the date of arrest.

The police have also failed to take detainees to the court or to the District Administration Office for remand within 24 hours as provided for in Article 24 (3) of the Interim Constitution. During this period, 885 (46.9%) detainees visited by AF had been taken to the courts for remand within 24 hours. Among the detainees who had been taken to court (whether within 24 hours or later), only 268 (13.9%) detainees stated that they were asked by the judges about torture or other ill-treatment. (See Annex 1: Table 8 and 13.) This represents an increase from 6.6% in the previous quarter, possibly as a result of a number of interactions with judges organized by AF.

Major problems remain with regard to the critical issue of health check-ups which according to the Torture Compensation Act have to be done at the time detainees are taken into custody and before they are released from custody. The percentage of detainees taken for check-up has increased compared to the previous quarter (see Table 9). During this quarter, 1836 detainees (84.1%) stated that they were provided with health check-ups in the early part of their detention whereas in the previous quarter from January to June 2010, 1813 (90.0%) said they were provided with a health check-up. According to the detainees' statement, health check-ups are just a formality as police routinely take detainees in groups to see a doctor; and doctors simply ask the detainees whether they have any injuries or internal wounds, but fail to physically examine them.

When victims claimed before the court that they were tortured and when courts give orders to the police to take the victims for medical examination, it is noted that at that time too in many cases the doctor fails to conduct a proper examination. The doctors also often fail to give adequate description of any wounds in the medical report to be submitted to the court, and to give adequate prescription of medicines for treatment of the wounds.

STATE RESPONSES TO REPORTS OF TORTURE

Communications to concerned agencies (Human Rights Units of the Nepal Police and Armed Police Force, the NHRC and the Attorney General's Office)

During this period, AF communicated 48 cases to the Human Rights Unit of the Nepal Police, the NHRC and Attorney General's Office. Among them, 46 cases were related to torture, 2 cases were of killing after torture (from Rupandehi and Chitwan) and 1 case of Extra-judicial killing from Nawalparasi.

During 2010, AF has communicated 78 cases to the above mentioned national bodies. During this period, we focused to conduct meetings with HR Unit, NHRC and AG regarding responses of communicated cases to them during 2009 and 2010.

On 16 August 2010 AF was invited to a meeting with In-charge of HR Unit SP Yadav Raj Khanal and Inspector Bishwa Adhikari and requested them for responses of communicated cases. SP Yadav Raj Khanal informed AF that the Human Rights Unit is conducting investigations into the cases sent by AF and is preparing responses. However, as of the end of 2010, no responses had been received. One of the problems AF is facing is frequent change of personnel in the Human Rights Unit of the Nepal Police.

On 16 December 2010, AF organized a meeting with OHCHR-Nepal to find avenues for joint efforts to combat torture and share information about cases. The main objective of this meeting was to discuss how OHCHR-Nepal can add to the efforts of AF to protect the victims of human rights violations from reprisals and take prompt action on the cases submitted by AF. The other purpose of the meeting was to discuss on how we could make our work more effective. It was planned that the NHRC would join the meeting but NHRC could not make it. AF has not received any responses to its communications to the NHRC.

No responses were received to communication sent to the APF Human Rights Unit and to the Attorney General's Office.

LITIGATION

During the armed conflict, many people were found tortured and ill-treated by state and non-state actors. But people due to fearful environment and fear for their life did not file cases under the Torture Compensation Act (TCA) against perpetrators who tortured them. Many of these victims still suffer from the physical and mental impact. AF from its establishment has supported victims to file cases seeking compensation under the TCA. However, as the Act requires victims to file complaints within 35 days of the torture or of their release, many of the victims of torture during the conflict have not been able to file cases. They are also unable to file First Information Reports as torture is not listed as a crime in the annex to the State Cases Act and in the absence of any other enabling legislation.

During this period, AF assisted nine victims to file cases under the Torture Compensation: three from Surkhet, three from Dolakha, one from Surkhet and three from Kapilvastu districts (See Annex 4). Several cases filed earlier (including two filed as far back as 2006 which remain pending before the appellate courts) remain pending before the courts awaiting final decision on compensation. Many cases are found dismissed due to weak medical report and evidence. Out of 30 TCA filed since 2009, two cases were withdrawn because the case was settled between plaintiff and defendant outside the court. Five cases were dismissed because the victim failed to be present in the court and exceeded the statutory limitation in the due date given to him. Remaining cases are pending in courts.

Earlier, on 1 June 2010, the Appellate Court gave decision in one of the cases which was re-registered in Appellate by defendant on 13 November 2008. The decision of Patan Appellate Court was to confirm the decision given by District Court on 1 June 2010 [2067/03/17]. The District court had given order to give compensation of Rs. 60,000/- to the victim; the victim had appealed seeking an increase in the amount of compensation awarded.

AF also followed up with police in 13 districts on 45 First Information Reports (FIRs) relating to 45 cases of torture which it had tried to file on 25 June 2010 (the "UN International Day against Torture - 2010"). Among them were four cases against Maoists and 41 against state actors. The police had refused to register each of the 45 FIRs, arguing that they needed to seek advice from their superiors and the Attorney General's Department as torture is not listed as a crime for which FIRs they can accept under the State Cases Act. When AF visited the DPOs again, the police provided an endorsement (rejection notice) on these FIRs and returned them back to AF. AF Central Office is currently preparing a mandamus petition to be filed in the Supreme Court.

Table 1: Numbers of detainees by sex

Gender

		Frequency	Percent
Valid	Female.	188	8.6
	Male.	1993	91.3
	Total	2183	100.0

Table 2: Torture Infliction

		Frequency	Percent
Valid	Yes	492	22.5
	No	1691	77.5
	Total	2183	100.0

Table 3: Torture infliction by gender

		Torture and CIDT information.		Total	
		Yes.	No.		
Gender.	Female.	Count	25	163	188
		% within Gender.	13.3%	86.7%	100.0%
	Male.	Count	466	1527	1993
		% within Gender	23.4%	76.6%	100.0%
	Other	Count	1	1	2
		% within Gender.	50.0%	50.0%	100.0%
Total		Count	492	1691	2183
		% within Gender.	22.5%	77.5%	100.0%

Table 4: Torture prevalence per district

District			January to June 2010	July to December 2010
1.	Kathmandu	Number	68	168
		% within Detention Place	12.6%	25.6%
2.	Rupandehi	Number	34	24
		% within Detention Place	17.3%	15.3%
3.	Dhanusha	Number	23	33
		% within Detention Place	34.8%	46.5%
4.	Baglung	Number	2	5
		% within Detention Place	3.6%	6.6%
5.	Myagdi	Number	0	2
		% within Detention Place	.0%	9.5%
6.	Parbat	Number	1	3
		% within Detention Place	5.3%	7.1%
7.	Bardiya	Number	9	17
		% within Detention Place	18.0%	21.8%
8.	Morang	Number	39	37
		% within Detention Place	28.9%	39.4%
9.	Ramechhap	Number	4	3
		% within Detention Place	16.0%	14.3%
10.	Dolakha	Number	3	6

		% within Detention Place	2.9%	14.3%
11.	Jhapa	Number	6	6
		% within Detention Place	30.0%	23.1%
12.	Banke	Number	21	55
		% within Detention Place	15.4%	37.7%
13.	Kaski	Number	33	46
		% within Detention Place	15.7%	21.5%
14.	Kanchanpur	Number	3	4
		% within Detention Place	4.9%	4.4%
15.	Udayapur	Number	7	11
		% within Detention Place	12.1%	16.7%
16.	Surkhet	Number	30	28
		% within Detention Place	32.6%	26.4%
17.	Kapilbastu	Number	14	7
		% within Detention Place	15.9%	9.5%
18.	Lalitpur	Number	4	7
		% within Detention Place	7.8%	8.6%
19	Sunsari	Number	15	18
		% within Detention Place	31.3%	30.0%
20	Siraha	Number	3	12
		% within Detention Place	9.4%	20.0%
Total		Number	319	492

	% within Detention Place	15.8%	22.5%
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Table 5: Torture in relation to caste group

	Total No. of detainees inflicted torture	Percentage of detainees inflicted torture	Total No. Of detainees	Percentage of detainees from this background
Brahmin Group	25	5	162	8
Chhetri Group	118	25	588	27
Newar group	16	3	95	4
Indigenous group	135	28	600	28
Terai Ethnic group	121	25	396	18
Dalit Group	47	10	244	11
Other Group	18	4	67	3
Muslim Group	12	5	31	1
Total	492	100	2183	100

Table 6: Torture inflicted in relation to charges (Ten most common charges)

		Torture and CIDT information.		
		Jan to June 2010	July to Dec 2010	
Charge.	Public Offence.	Number	77	146
		% within Charge.	15.0%	22.4%
	Attempted Murder	Number	13	21
		% within Charge.	17.6%	20.6%
	No Charge	Number	36	55
		% within Charge.	10.6%	18.7%
	Drugs	Number	30	47
		% within Charge.	12.1%	23.7%
	Rape	Number	6	13
		% within Charge.	8.6%	23.6%

	Arms and Ammunition	Number	29	38
		% within Charge.	38.2%	48.1%
	Theft	Number	48	87
		% within Charge.	27.0%	39.5%
	Robbery	Number	8	8
		% within Charge.	30.8%	29.6%
	Murder	Number	30	27
		% within Charge.	16.0%	14.8%
	Attempted Rape	Number	4	1
		% within Charge.	66.7%	50.0%
	Forest Offence	Number	5	6
		% within Charge.	15.2%	8.3%
	Gambling	Number	1	0
		% within Charge.	50.0%	.0%
	Human Trafficking	Count	7	3
		% within Charge.	13.2%	8.8%
	Forgery	Count	1	8
		% within Charge.	6.3%	19.0%
	Traffic Murder	Number	2	0
		% within Charge.	2.9%	.0%
	Fraudulent transaction	Number	6	5
		% within Charge.	20.0%	25.0%
	Kidnapping	Number	8	23
		% within Charge.	17.8%	41.1%
	Polygamy	Count	0	2
		% within Charge.	.0%	5.9%
	Assault	Count	1	0
		% within Charge.	50.0%	.0%
	Arson	Number	7	2
		% within Charge.	33.3%	28.6%

Table 7 Detainee - Reasons for arrest given

			Reasons for arrest given.			Total
			Yes.	No.	Given but only after brought to detention.	
Detainee Place.	Kathmandu	Count	74	118	465	657
		% within Detainee Place.	11.3%	18.0%	70.8%	100.0%
	Morang	Count	30	11	53	94
		% within Detainee Place.	31.9%	11.7%	56.4%	100.0%
	Banke	Count	5	51	90	146
		% within Detainee Place.	3.4%	34.9%	61.6%	100.0%
	Kaski	Count	14	192	8	214
		% within Detainee Place.	6.5%	89.7%	3.7%	100.0%
	Kanchapur	Count	17	34	40	91
		% within Detainee Place.	18.7%	37.4%	44.0%	100.0%
	Udhayapur	Count	29	14	23	66
		% within Detainee Place.	43.9%	21.2%	34.8%	100.0%
	Surkhet	Count	18	44	44	106
		% within Detainee Place.	17.0%	41.5%	41.5%	100.0%
	Kapilbastu	Count	6	15	53	74
		% within Detainee Place.	8.1%	20.3%	71.6%	100.0%
	Lalitpur	Count	66	14	1	81
		% within Detainee Place.	81.5%	17.3%	1.2%	100.0%
	Rupandehi	Count	5	65	87	157
		% within Detainee Place.	3.2%	41.4%	55.4%	100.0%
	Danusha	Count	7	10	54	71
		% within Detainee Place.	9.9%	14.1%	76.1%	100.0%
	Baglung	Count	22	20	34	76
		% within Detainee Place.	28.9%	26.3%	44.7%	100.0%
	Myagdi	Count	5	8	8	21
		% within Detainee Place.	23.8%	38.1%	38.1%	100.0%
	Parbat	Count	16	7	19	42

		% within Detainee Place.	38.1%	16.7%	45.2%	100.0%
	Bardiya	Count	3	49	26	78
		% within Detainee Place.	3.8%	62.8%	33.3%	100.0%
	Ramechhap	Count	17	1	3	21
		% within Detainee Place.	81.0%	4.8%	14.3%	100.0%
	Dolakha	Count	22	17	3	42
		% within Detainee Place.	52.4%	40.5%	7.1%	100.0%
	Jhapa	Count	14	2	10	26
		% within Detainee Place.	53.8%	7.7%	38.5%	100.0%
	Sunsari	Count	7	8	45	60
		% within Detainee Place.	11.7%	13.3%	75.0%	100.0%
	Siraha	Count	43	1	16	60
		% within Detainee Place.	71.7%	1.7%	26.7%	100.0%
Total		Count	420	681	1082	2183
		% within Detainee Place.	19.2%	31.2%	49.6%	100.0%

Table 8: Taken before a judge within 24 hour?

			Were you brought before a judge/competent authority within 24 hours of detention?		Total
			Yes	No	
Detainee Place.	Kathmandu.	Count	359	218	577
		% within Detainee Place.	62.2%	37.8%	100.0%
	Morang.	Count	55	34	89
		% within Detainee Place.	61.8%	38.2%	100.0%
	Banke.	Count	93	52	145
		% within Detainee Place.	64.1%	35.9%	100.0%
	Kaski.	Count	63	75	138
		% within Detainee Place.	45.7%	54.3%	100.0%
	Kanchanpur.	Count	55	27	82
		% within Detainee Place.	67.1%	32.9%	100.0%
	Udhayapur.	Count	27	25	52
		% within Detainee Place.	51.9%	48.1%	100.0%
	Surkhet.	Count	32	62	94
		% within Detainee Place.	34.0%	66.0%	100.0%
	Kapilbastu.	Count	38	30	68
		% within Detainee Place.	55.9%	44.1%	100.0%
	Lalitpur.	Count	33	35	68
		% within Detainee Place.	48.5%	51.5%	100.0%
	Rupandehi.	Count	45	110	155
		% within Detainee Place.	29.0%	71.0%	100.0%
	Danusha.	Count	17	46	63
		% within Detainee Place.	27.0%	73.0%	100.0%
	Baglung.	Count	42	34	76
		% within Detainee Place.	55.3%	44.7%	100.0%
	Myagdi.	Count	8	13	21
		% within Detainee Place.	38.1%	61.9%	100.0%

	Parbat.	Count	17	19	36
		% within Detainee Place.	47.2%	52.8%	100.0%
	Bardiya.	Count	12	27	39
		% within Detainee Place.	30.8%	69.2%	100.0%
	Ramechhap.	Count	2	16	18
		% within Detainee Place.	11.1%	88.9%	100.0%
	Dolakha.	Count	6	18	24
		% within Detainee Place.	25.0%	75.0%	100.0%
	Jhapa.	Count	14	10	24
		% within Detainee Place.	58.3%	41.7%	100.0%
	Sunsari	Count	38	22	60
		% within Detainee Place.	63.3%	36.7%	100.0%
	Siraha	Count	48	12	60
		% within Detainee Place.	80.0%	20.0%	100.0%
Total		Count	1004	885	1889
		% within Detainee Place.	53.1%	46.9%	100.0%

Table 9: Physical and Mental Check-up

			Did you have health check-up before keeping in detention?		Total
			Yes.	No.	
Detainee Place.	Kathmandu.	Count	548	109	657
		% within Detainee Place.	83.4%	16.6%	100.0%
	Morang.	Count	85	9	94
		% within Detainee Place.	90.4%	9.6%	100.0%
	Banke.	Count	146	0	146
		% within Detainee Place.	100.0%	.0%	100.0%
	Kaski.	Count	184	30	214
		% within Detainee Place.	86.0%	14.0%	100.0%
	Kanchapur.	Count	68	23	91
		% within Detainee Place.	74.7%	25.3%	100.0%
	Udhayapur.	Count	52	14	66
		% within Detainee Place.	78.8%	21.2%	100.0%
	Surkhet.	Count	79	27	106
		% within Detainee Place.	74.5%	25.5%	100.0%
	Kapilbastu.	Count	65	9	74
		% within Detainee Place.	87.8%	12.2%	100.0%
	Lalitpur.	Count	61	20	81
		% within Detainee Place.	75.3%	24.7%	100.0%
	Rupandehi.	Count	125	32	157
		% within Detainee Place.	79.6%	20.4%	100.0%
	Danusha.	Count	59	12	71
		% within Detainee Place.	83.1%	16.9%	100.0%
	Baglung.	Count	71	5	76
		% within Detainee Place.	93.4%	6.6%	100.0%
	Myagdi.	Count	15	6	21
		% within Detainee Place.	71.4%	28.6%	100.0%
	Parbat.	Count	35	7	42

		% within Detainee Place.	83.3%	16.7%	100.0%
	Bardiya.	Count	72	6	78
		% within Detainee Place.	92.3%	7.7%	100.0%
	Ramechhap.	Count	19	2	21
		% within Detainee Place.	90.5%	9.5%	100.0%
	Dolakha.	Count	24	18	42
		% within Detainee Place.	57.1%	42.9%	100.0%
	Jhapa.	Count	24	2	26
		% within Detainee Place.	92.3%	7.7%	100.0%
	Sunsari	Count	53	7	60
		% within Detainee Place.	88.3%	11.7%	100.0%
	Siraha	Count	51	9	60
		% within Detainee Place.	85.0%	15.0%	100.0%
Total		Count	1836	347	2183
		% within Detainee Place.	84.1%	15.9%	100.0%

Table 10: Total number of juveniles interviewed in detention

Sex

		Frequency	Percent
Valid	Female	52	9.8
	Male	480	90.2
	Total	532	100.0

Torture of juveniles by gender

			Torture and Other Ill-Treatment		Total
			Yes.	No.	
Gender.	Female.	Count	7	45	52
		% within Gender.	13.5%	86.5%	100.0%
	Male.	Count	135	345	480
		% within Gender.	28.1%	71.9%	100.0%
Total		Count	142	390	532
		% within Gender.	26.7%	73.3%	100.0%

Table 11: Torture of juveniles according to caste/ethnicity

Caste and Ethnicity	No. of juvenile detainees who were tortured	Percentage of juvenile detainees tortured	No. of juveniles detained from this background	Percentage of juvenile detainees from this background
Brahmin Group	7	5	22	4
Chhetri Group	35	24	98	20
Newar group	4	3	24	5
Indigenous group	38	27	183	37
Terai Ethnic group	36	25	92	18

Dalit Group	17	12	61	12
Other Group	4	3	14	3
Muslim Group	1	1	3	1
Total	142	100%	532	100%

Table 12: Prevalence of torture of juveniles per district

			Torture and CIDT information.		Total
			Yes.	No.	
Detainee Place.	Kathmandu.	Count	61	164	225
		% within Detainee Place.	27.1%	72.9%	100.0%
	Morang.	Count	12	7	19
		% within Detainee Place.	63.2%	36.8%	100.0%
	Banke.	Count	7	14	21
		% within Detainee Place.	33.3%	66.7%	100.0%
	Kaski.	Count	18	56	74
		% within Detainee Place.	24.3%	75.7%	100.0%
	Kanchapur.	Count	1	14	15
		% within Detainee Place.	6.7%	93.3%	100.0%
	Udhayapur.	Count	1	8	9
		% within Detainee Place.	11.1%	88.9%	100.0%
	Surkhet.	Count	9	17	26
		% within Detainee Place.	34.6%	65.4%	100.0%
	Kapilbastu.	Count	1	7	8
		% within Detainee Place.	12.5%	87.5%	100.0%
	Lalitpur.	Count	2	23	25
		% within Detainee Place.	8.0%	92.0%	100.0%
	Rupandehi.	Count	3	12	15
		% within Detainee Place.	20.0%	80.0%	100.0%
	Danusha.	Count	6	15	21
		% within	28.6%	71.4%	100.0%

		Detainee Place.			
	Baglung.	Count	1	11	12
		% within Detainee Place.	8.3%	91.7%	100.0%
	Myagdi.	Count	0	5	5
		% within Detainee Place.	.0%	100.0%	100.0%
	Parbat.	Count	1	1	2
		% within Detainee Place.	50.0%	50.0%	100.0%
	Bardiya.	Count	7	13	20
		% within Detainee Place.	35.0%	65.0%	100.0%
	Ramechhap.	Count	0	1	1
		% within Detainee Place.	.0%	100.0%	100.0%
	Dolakha.	Count	3	7	10
		% within Detainee Place.	30.0%	70.0%	100.0%
	Jhapa.	Count	2	1	3
		% within Detainee Place.	66.7%	33.3%	100.0%
	Sunsari	Count	5	6	11
		% within Detainee Place.	45.5%	54.5%	100.0%
	Siraha	Count	2	8	10
		% within Detainee Place.	20.0%	80.0%	100.0%
Total		Count	142	390	532
		% within Detainee Place.	26.7%	73.3%	100.0%

Table 13: Did judge ask about torture?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes.	268	12.3	13.9	13.9
	No.	1663	76.2	86.1	100.0
	Total	1931	88.5	100.0	
Not taken to court		252	11.5		
Total		2183	100.0		

Annex 2: Data Analysis for January to June 2010

Table 1: Numbers of detainees by sex

		Frequency	Percent
Valid	Female	157	7.8
	Male	1858	92.2
	Total	2015	100.0

Table 2: Torture Infliction

		Frequency	Percent
Valid	Yes	319	15.8
	No	1696	84.2
	Total	2015	100.0

Table 3: Torture infliction by gender

		Torture and CIDT information.		Total	
		Yes.	No.		
Gender.	Female.	Count	11	146	157
		% within Gender.	7.0%	93.0%	100.0%
	Male.	Count	308	1550	1858
		% within	16.6%	83.4%	100.0%

		Gender.			
Total		Count	319	1696	2015
		% within Gender.	15.8%	84.2%	100.0%

Annex 3: List of torture complaints filed with Nepal Police Human Rights Unit, Attorney General's Department and NHRC

S.No	Name of the Victim	Age	Sex	Type	Reporting Date
1	Ghan Shyam Mahato	14	M	Torture	10-Jul-10
2	Dharmendra Barai	16	M	Killing after torture	12-Jul-10
3	Dukhi Loniya	24	M	Torture	21-Jul-10
4	Sohan Lal Loniya	35	M	Torture	21-Jul-10
5	Jangannath Loniya	60	M	Torture	21-Jul-10
6	Nanbabu Loniya	17	M	Torture	21-Jul-10
7	Pappu Loniya	17	M	Torture	21-Jul-10
8	Jivan Nath	26	M	Torture	1-Jul-10
9	Dinesh Da	35	M	Torture	1-Jul-10
10	Raj Kishor Sah	40	M	Torture	1-Jul-10
11	Kritika Bhandari [name changed]	26	F	Torture	28-Jul-10
12	Pramod Raut	26	M	Torture	24-Jul-10
13	Ganesh Raut	25	M	Torture	24-Jul-10
14	Prabin Kumar Mahato	28	M	Torture	29-Aug-10
15	Radhe Mahato	37	M	Torture	29-Aug-10
16	Shambhu Yadav	61	M	Torture	29-Aug-10
17	Shree Ram Yadav	55	M	Torture	29-Aug-10
18	Ravi Ulla Ansari		M	Torture	29-Aug-10
19	Fekan Mandal	43	M	Torture	29-Aug-10
20	Ram Bilash Mandal	58	M	Torture	29-Aug-10
21	Lorik Yadav	42	M	Torture	7-Sep-10
22	Rudal Yadav	40	M	EJK	7-Sep-10
23	Tara Prasad Sigdle	37	M	Torture	21-Sep-10
24	Suresh Paswan	32	M	Torture	21-Sep-10
25	Sanjeev Paswan	31	M	Torture	21-Sep-10
26	Ghan Shyam Poudel	41	M	Torture	21-Sep-10
27	Samjhana Chhetri	22	M	Torture	21-Sep-10
28	Madhav Ghimire	22	M	Torture	30-Sep-10
29	Sonu Halwai	22	M	Torture	30-Sep-10
30	Abdul Salam Ansari	20	M	Torture	30-Sep-10
31	Himal Shahi	23	M	Torture	30-Sep-10
32	Nirajan KC	29	M	Torture	26-Sep-10

33	Babu Lal Chamar	23	M	Torture	30-Sep-10
34	Dil Bahadur Thapa	26	M	Torture	25-Oct-10
35	Narayan Oli	27	M	Torture	25-Oct-10
36	Jit Bahadur Karki	46	M	Torture	26-Oct-10
37	Sanjaya Kumar Sah	18	M	Torture	31-Oct-10
38	Mohammad Raja Khan	12	M	Torture	31-Oct-10
39	Ram Udgar Ray	22	M	Torture	31-Oct-10
40	Raj Kumar Mahara	22	M	Torture	31-Oct-10
41	Amrit Kumar Chaudhary	24	M	Torture	31-Oct-10
42	Som Bahadur Darai	49	M	Killing after torture	9-Nov-10
43	Baliram Chaudhary	37	M	Torture	6-Dec-10
44	Bujhawan Dagoura Tharu	54	M	Torture	6-Dec-10
45	Lal Bahadur Chaudhary	42	M	Torture	6-Dec-10
46	Gyan Bahadur Balami	36	M	Torture	22-Nov-10
47	Hermin Ratu Tamang	33		Torture	22-Nov-10
48	Makar Bahadur Gharti Magar alias Iman	41		Torture	22-Nov-10

Annex 4 Total TCA cases registered by ADVOCACY FORUM during July 20010 to December 2010

S.N.	Name	Age	Sex	Date filed	Where filed
1	Padam Bahadur Ucchai Magar	20	M	23-Jul-10	Surkhet DC
2	Tek Bahadur Sar Magar	16	M/J	23-Jul-10	Surkhet DC
3	Bir Bahadur Khasu	16	M/J	23-Jul-10	Surkhet DC
4	Mahima Kusule	26	F	20-Jul-10	Dolakha DC
5	Amar Nepali	15	M	6-Aug-10	Banke DC
6	Pema Dorje Tamang	17	M/J	13-Aug-10	Dolakha DC
7	Anarjit Loniya			21-Sep-10	Kapilvastu DC
8	Pradeep Loniya			21-Sep-10	Kapilvastu DC
9	Ram Adalat Loniya			21-Sep-10	Kapilvastu DC