

# Sharing Experiences of Torture Survivors



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Dedicated to all those affected by torture in Nepal



## Preface

This report details the routine and systematic use of torture by the State and Maoists in Nepal during a period of many years. It includes accounts from a number of survivors of the torture they suffered at the hands of the security forces and the Maoists. Now the Government of Nepal must investigate all cases of human rights violations committed whenever in the past including torture and bring the perpetrators to justice and compensate the victims. Changes in the law must be made so that Nepal complies with its international treaty obligations, the perpetrators are punished and victims treated fairly.

I would like to thank my colleagues at Advocacy Forum for their assistance in preparing this report and all the victims of torture in Nepal who were prepared to share their experiences.



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26 June 2006

# Introduction

Torture can never be justified on any ground or reason. It is absolutely prohibited by the international human rights treaties that Nepal has ratified. All these human rights treaties prevail in Nepal as national laws as provided by Nepal's Treaty Act. However, in practice, the State has been practicing, sponsoring and tolerating torture in Nepal. It is systematically and routinely practiced, mostly in detention centres. Impunity of the perpetrators is the major contributing factor in the continuing practice of torture in Nepal.

Many people are under the illusion that torture has only been practiced in Nepal since the start of the armed conflict. However, torture was systematically practiced before the Maoist insurgency started in Nepal and continues to be systematically practiced today, even after the restoration of democracy in 2006. Nevertheless, it is true that torture became aggravated further because of the conflict. During the last 10 years, both the State and the Maoists have routinely and systematically used torture to silence people, make them confess and to punish them. This has completely ruined the lives of the victims and their families. Many have lost their self-esteem and personality, many are still struggling for their lives and many have already died from torture.

The State must investigate each and every allegation of torture and compensate the victims. Without creating an environment where each case of torture is impartially investigated, the victims are adequately compensated and the perpetrators are brought to justice, the deep rooted culture of impunity cannot be contested. Without contesting the deep rooted culture of impunity, it is hard to believe that the protection of rule of law and human rights exists in Nepal. So, it is imperative that all allegations of torture are independently investigated and the perpetrators brought to justice.

Now the political climate has changed but many people have paid a high cost, even their lives, in their fight for justice. All the atrocities committed against people should be accounted for, all the perpetrators brought to justice and the foundation of a culture of rule of law and protection of human rights laid down. The Government now has the obligation to investigate all cases of human rights violations committed whenever in the past including torture and to bring the perpetrators to justice and compensate the victims.

This report sets out some experiences of torture survivors. It is hoped that these will contribute to the struggle against the culture of impunity in Nepal in which the perpetrators remain unpunished. For many years, these victims have been forced to be silent. In the absence of any protection measures for the victims or witnesses, or prosecution of the perpetrators, the vulnerability of victims and witnesses is very high. This report sets out the experiences of those victims who survived severe torture in different detention centres and torture by the Maoists. Security is still a concern for many victims, who wish to remain anonymous. This report includes the accounts of some of those victims who want to share their experiences. All victims hope that their cases will be investigated and those who were involved will be brought to justice.

# Summary of Data

Advocacy Forum is a non-profit making non-governmental organization working to promote the rule of law and human rights in Nepal. Our core activities are documentation of cases of human rights violations, monitoring of detention centres, providing legal aid to the victims of human rights violations and involving advocacy in contesting impunity. As part of our on-going work to address human rights violations and denials of access to justice, through our central, regional and district-based offices, we make daily visits to a number of police detention centres in 9 districts and document and monitor human rights violations. We do not have access to military detention centres, but victims of torture at these centres have contacted us to report their experiences, as have victims of the Maoists. Evidence of human rights' abuse is systematically and thoroughly documented.

Over a period of five years (July 2001 to April 2006) Advocacy Forum documented

5682 cases of human rights violations focusing on

- extra-judicial killings (198),
- forced disappearances (335),
- torture (2271),
- rape of women (41) and
- illegal detention (2837)

committed by the state security forces and the Maoists. During this period we were put under extreme threatening pressure by the State, Maoist and vigilantes in carrying out our activities. Similarly we observed the great security risk experienced by victims and witnesses.

Last year Advocacy Forum issued a press statement on 26 June covering the cases that we had documented up to March 2005. Because of the political situation we could not provide details of the torture and experiences of the victims. Between March 2005 to April 2006, we documented 951 cases of torture and 17 cases of rape committed by the State and Maoists. This report sets out some of the experiences of those torture victims who managed to survive and want to share their experiences. Some of the victims' names have been changed to protect their safety.

When Advocacy Forum intensified the challenge against illegal detention, last year alone (March 05-April 06) through habeas corpus, 418 people who had been detained illegally for a prolonged period of time were released from different detention centres. We were shocked to learn that every single person arrested by army soldiers and held in military detention reported that they had been severely tortured. Their torture experiences varied from deprivation of food to electric shock and rape of women. We do not have the capacity to measure the psychological torture and its effect on the victims and their families. Many of the victims reported that they were threatened not to share their experiences with anyone, in particular human rights groups. Many said that they were ordered to report to the barracks regularly. There was a complete absence of any protection for the victims. So, they were forced into silence, and no survivor could dare to challenge these atrocities.

Despite all these difficulties, even putting their lives at risk, some victims who had been released from detention played a significant role in the release of others who were languishing

in different detention centres undergoing severe torture for a prolonged period of time. By sharing their experiences as to how other fellow detainees were treated in detention and their conditions, they helped us to coordinate our efforts and publicize the whereabouts of some missing people and to release many others.

From July 2001 to April 2006 Advocacy Forum documented 2271 cases of torture. Last year alone, (March 2005 – April 2006) we documented 951 cases of torture and 17 rape cases. Out of these 951 torture cases, 511 were committed by the police, 371 by the military and 11 by the armed police. We also documented 12 cases of torture by the state sponsored vigilantes and 46 cases of torture inflicted by the Maoists. Because of the security risk, 177 survivors released from military detention did not want to share the full details of their torture with us. Excluding those cases, we have thoroughly documented the details of torture in 774 cases. Children as young as 14 years old were also arrested and detained. Out of 951 torture survivors 349 (37%) were juveniles (below the age of 18 years old).

It should be borne in mind that, due to the limitations on our access to victims, our records only cover a small proportion of the victims of torture. It is impossible to estimate how many victims of torture there are in total in Nepal, but we would guess that we have recorded only 10% of the current cases.

Analyzing the 774 cases documented last year, we have found that the commonly used methods of torture in barracks include blindfolding for a prolonged period of time (up to 21 months), electric shocks, suffocating the victims by pouring water into the nose and mouth, hanging upside down, rape and sexual abuse, piercing under nails, burying, keeping in an abnormal position, tying hands and feet around a stick and swinging the body around, random beatings, fake executions and threats of killing.

The commonly practiced methods of torture in police detention centers are beatings on soles by plastic pipes, rolling the muscles of thighs, random beatings and forcing victims to sit in an abnormal position.

We also documented 46 cases of torture inflicted by the Maoists. They have also been practicing torture systematically to punish and to terrorize people. The commonly used methods of the Maoists are breaking the legs and bones of different parts of the body by hitting with heavy objects, wounding and random beatings. They have also put people for a prolonged period of time in 'labor camps'.

Out of 371 reported cases of torture in the barracks,

- Bhairabnath Battalion, Maharajgunj Barracks, Kathmandu
- Youdha Bhairab Battalion, Maharajgunj Barracks, Kathmandu
- Jagadal Battalion, Chauni Barracks, Kathmandu
- Mahabirgan Battalion, Chauni Barracks, Kathmandu
- Bhimkali Battalion, Chisapani Barracks, Banke
- Rajdal Barracks, Lalitpur
- Fulbari Barracks, Pokhara, Kaski
- Bijaypur Barracks, Kaski
- Shivadal Battalion, Gorusinghe Barracks, Kapilvastu

- Dhulikhel Barracks in Kavre
  - Devi Dutta Battalion, Suparitar Barracks in Makawanpur
  - Bhawani Box Battalion, Dailekh Barracks in Dailekh
- are the ones where most of the victims were tortured.

Out of 511 torture cases by the police, Valley Crime Investigation Branch, Hanumandhoka, Gausala Ward Police Station, Boudha Ward Police Stations, Kalimati Ward Police Stations, Balaju Ward Police Stations, District Police Office Morang, District Police Office Banke, District Police Office Kanchanpur, District Police Office Udaypur, District Police Office, Kapilbastu, District Police Office, Kaski are the police stations where most of the victims were tortured. Of those people we interviewed in police detention centres, 35.5% in Nepal, 43.8% in Kathmandu said that they had been tortured. However, Advocacy Forum only has access to those people detained by the police who are then taken to Court for remand. If statistics for people released before being taken to Court were included, we consider the percentage of those who have been tortured by the police may be considerably higher.

Torture is also a result of the failure of the criminal justice system. Though the political context of the country has been changed, the practice of torture has not. Torture is routinely practiced in detention even today. In May 2006 alone we documented 72 cases of torture in 21 different police detention centers. The pattern, ways and techniques of the police remain the same as before. Likewise, the judges and the prosecutors continue with their previous prejudices and practices. Neither the judges nor the public prosecutors are adequately sensitized on the issue.

The existing system forces victims of torture to remain silent. What happens in practice is that if a person is arrested, generally that person will be detained for some days without any custody record, the authority does not even acknowledge the detention of that person, and there is no mechanism that allows inspection or scrutiny of the detention records of the police. During this period the detainee is tortured. When his or her wounds and bruises are healed, the police prepare a paper that shows that the detainee was arrested less than 24 hours previously, 24 hours being the legal limit within which a detainee should be presented to a judge. The detainee is then escorted by the police from the same office to the court. In the presence of the police the judge extends the remand. During this period, detainees are rarely given access to medical services or lawyers. When a detainee goes to prison or comes out of custody only then does he or she share the incidences of torture with others. If a case for compensation is filed, the victim is likely to lose the case as he or she will be fail to prove evidence of torture. In the absence of medical reports, it is hard to convince a judge!

The whole issue of torture is also related to the issues of an independent and professional police system, independent judiciary and the office of the Attorney Generals. So, it is important that we have a wider discussion about making the criminal justice system more functional and efficient in eliminating torture and for the promotion of rule of law and fair trial.

Since 2001, Advocacy Forum has helped 40 torture victims to bring a case challenging their torture and demanding compensation. Out of 40 cases, 11 have been already been quashed as the victims were unable to provide sufficient evidence of torture, in particular any

medical report proving the claim. Victims have also lost their cases because they were unable to establish that they were in custody when they were tortured. For example, Mainya Tamang was arrested on 7 November 2004 by the police of Ward Police Station, Bouddha. Following her arrest, she was then taken to the same ward police station where she was detained for two days illegally and for two days she was severely beaten and tortured. On 9 November 2004 she was transferred to Kalimati Women's Cell where she was again beaten. On 11 November 2004 the police prepared a paper showing that she was arrested that day and produced her to the District Court of Kathmandu for remand. On 27 December 2004, Advocacy Forum filed a case on her behalf demanding compensation for the torture inflicted upon her while she was in detention. Her case was quashed both in the District Court and on appeal in the Appellate Court as both Courts said that at the time when she claims that she was tortured, there was no evidence to prove that she was in detention!

Out of the 40 cases that we have represented, only 4 victims of torture by the police have so far been awarded compensation of 10,000 Nepali Rupees (approximately US\$135), but they still have not received this compensation. Other cases are still sub-judice of the court.

Advocacy Forum has faced a number of difficulties in bringing cases of torture. In the beginning, the Court would not even let us register a complaint where military were the accused. The Court asks a victim to prove that he or she was tortured rather than the accused having to prove that the victim was not tortured while in their custody. Those people who remained in custody for many weeks and months without any records of their detention, without access to medical services, lawyers or families have very little chance of proving that they were tortured. In addition, the Torture Compensation Act provides that if the complaint is filed with 'malafide' intention, the victim will be fined up to 5,000 Nepali Rupees. As it is very difficult to prove the case of torture, many victims are discouraged from doing so as the chances of being found guilty of bringing the case with malafide intention and being fined are very high. Thus, the victims have no protection. In many incidents they reported to us that they were put under pressure to retract their complaint. No witness could dare to testify in their favor as they also have no protection. Thus, the whole system is hostile against the victims and favors the perpetrators.

One of the major problems in the case of torture is the failure of the State to criminalize the act of torture. Since 1996 the UN Committee against Torture has been asking the Government of Nepal to criminalize the act of torture, but the State has failed to do so. Furthermore, the existing Torture Compensation Act does not comply with Nepal's international obligations. To make it compatible with Nepal's international obligations, the Torture Compensation Act of Nepal has to be amended in such a way that

- criminalizes the act of torture,
- puts the burden of proof on the custody taking officers,
- includes provisions for the protection of victims and witnesses,
- ensures lawyers and families have access to detainees right from the beginning of arrest,
- makes it mandatory for the list of detainees to be made public and put under public scrutiny,
- if anyone is found to be detained without record, the officer in-charge is accountable,

- makes provision that ensures perpetrators of torture from other countries are extradited or prosecuted, and
- ensures that no-one will be extradited to any country if there is a risk of torture in that country.

In addition, the following changes to the law are necessary:

- Mechanisms of transitional justice to deal with past cases of human rights violations including torture;
- An increase in the current maximum amount of compensation, which is currently 100,000 Nepali Rupees (approximately US\$ 1,350) plus a change to allow the recovery of medical expenses
- Changes to the laws of evidence to ensure that evidence produced under torture or duress is inadmissible by making prosecutors provide proof that evidence was voluntary.

In conclusion, the State has the obligation to investigate all past cases of human rights violations including torture and to prevent violations in the future. A functional mechanism has to be set up to address past violations of human rights including torture and to take measures to prevent such occurring in the future. One way to prevent the future occurrence of such violations is to prosecute those responsible for violations committed in the past. It is also urgent to amend the existing Torture Compensation Act to make it compatible with the provisions of the UN conventions against torture.

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Annexes:

- 1: Case reports
2. Concluding observations of the UN Committee against Torture
3. Major recommendations of the UN Special Rapporteur on Torture

## Annex 1 – Case Reports

The major of the Shivadal Battalion, Gorusing Army Barracks of Kapilvastu hammered my head into the ground and I lost consciousness. When I regained consciousness, my head was bleeding: a survivor of torture, Shivapur, Kapilbastu

Singha Bahadur was arrested by the joint security forces (Armed Police Base Camp, Chandruta and Shivadal Battalion, Gorusing Army Barracks of Kapilvastu) on 15 April 2005 and subsequently taken to the Armed Police Base Camp, Chandruta where he was tortured. The next day he was transferred to the Shivadal Battalion, Gorusing Army Barracks of Kapilvastu where he was again tortured physically and mentally. He was released from those barracks only on 1 May 2005 on the condition that he would report to the barracks and would not share his experiences of torture with anyone. Presently, he is living with his family, and undergoing treatment because of torture he suffered under the hands of the security personnel in the Armed Police Base Camp and the Shivadal Battalion, Gorusing Army Barracks of Kapilvastu.

He recalls: "They beat me on my legs, my chest and my hands with sticks at the Chandruta Camp. The next day, on 16 April, they handed me an arrest letter, alleging that I was a Maoist Area Committee Member. That same day I was transferred to the Shivadal Battalion in Gorusinghe Barracks. The tortures at Shivadal Battalion were unbearable. There, I was blindfolded, my hands tied up and I was put on the ground. Some 3-4 soldiers started kicking me all over my body with their boots. The major of Shivadal Battalion, Gorusing Army Barracks of Kapilvastu hammered my head into the ground and I lost consciousness. When I regained consciousness, my head was bleeding.

They only used to lift my blindfold when they gave me food or I went to the toilet. I was forced to sleep in a small congested tent with other detainees and it was difficult even to move my hands and legs. I could only sleep for an hour or two during nights.

They tortured me every day with different allegations. The main allegation against me was that I was involved in attacking the Security Base Camp of Bhaluwang. Due to excessive torture, my legs swelled and I could not walk properly. I also sustained injuries to my head, to my forehead and to my hands due to tortures. I was also tortured mentally. They threatened me by saying: 'you will be hanged and shot dead'. I lived in a complete state of terror in the barracks. When I was released, I was threatened that no one should know what happened to me, they asked me to sign a paper stating that I was treated well in the barracks. I am still receiving medical treatment."

The butt of a gun was put inside my mouth by the captain who told me that he would shoot me. He pointed the gun at my temple and tortured me mentally, saying that I was going to die soon.

Bishnu Kumar Aryal, a 40-year-old male, resident of Rajhana VDC-3, Banke district was arrested on 15 March 2002 from his home at around 9 pm while he was trying to sleep. Around 100 armed and uniformed Nepal Army personnel deployed from Bhimkali Battalion (Chisapani Barracks), Banke district interrogated him about the Maoists and then arrested him saying that he would be released soon. After the arrest they took him near to his home and beat him for around 15 minutes with boots and sticks. They loaded him in a van and took him to Bhimkali Battalion (Chisapani Barracks).

In the barracks, the security forces tortured him mentally and physically. They interrogated him about Maoists and alleged that he had provided shelter and foods to the Maoists. During his detention he was kept for one month in a bunker and for one month in a toilet. During the rest of the time he was detained in different congested, dark, and dirty rooms. The authorities in the barracks wouldn't allow anyone to meet him during his detention. They didn't even provide any detention letters.

On 9 October 2002, he was released on the condition that he reported back to the barracks three times in a week. He reported to the barracks for three months however the barracks cancelled the reporting after three months.

Bishnu Kumar Aryal recalls: "On 15 March 2002, around 8-9 armed and uniformed Nepal Army personnel came to my home at around 9 pm and asked about the Maoist leaders. On that day, there were around 100 armed and uniformed Nepal Army personnel patrolling in my village under the command of army major Ajit Thapa and Captain Ramesh Swar, who were in a patrolling mission from Bhimkali Battalion (Chisapani Barrack), Banke district.

Those army personnel then insisted that Maoist leaders had been in contact with me until 7 pm that evening. When I replied that there were no Maoists leaders at my home, they pushed me out of my house. Eventually, they arrested me saying that they would free me after making some inquiries. My family members were together with me at the time of my arrest.

After the arrest, they took me around 150 metres away from home to Premnala Chowk where Captain Ramesh Swar and another two security men laid me down on the road and trod on my body and stood for around 15 minutes. They gave me death threats and ordered me to give them the names and addresses of Maoist leaders.

While I was being beaten, some security forces brought two Maoist cadres Lalit Adhikari of Dailekh district and Mahendra Oli. Those Maoists said that I had given shelter to them and their leaders Sankalp, Jwala, Bipin and some others. The security forces told me to tell them the addresses of the Maoist leaders. Then, the butt of a gun was put inside my mouth by the captain who told me that he would shoot me. He pointed the gun at my temple and tortured me mentally, saying that I was going to die soon. When I didn't reveal anything, the

security forces started beating Mahendra Oli and Lalit Adhikari. They beat them massively for a long time.

Even after the security men had beaten the Maoists for a long time, they still insisted that I had given them shelter. Mahendra and Lalit alleged that I was a Maoist and I used to provide them with food and shelter. Then, captain Ramesh beat me for around ten minutes with the butt of a gun and a stick. He beat me until the stick was broken. After some time, some security personnel went to arrest Surya Parajuli, 50, of Rajhena VDC-3, Banke district along with Lalit Adhikari and Mahendra Oli but they couldn't find him. However, they arrested Nabaraj Puri from his home.

The security personnel then took me away together with Mahendra Oli and Nava Raj Puri in one vehicle but Lalit Adhikari was kept in another vehicle. They laid us inside the vehicle and trod on our bodies. They took the vehicle to different places and unloaded us at Chisapani Barrack (Bhimakali Battalion), Banke district at around 2 am. They beat me for about five minutes after they unloaded at the barracks. Then, they blindfolded me and tied my hands behind my back and put me in a bunker.

On the second day of my arrest, security men took me to the room of army major Ajit Shah and interrogated me for a long time. They asked me to tell them about Maoists but I didn't say anything and said that I did not know anything about the Maoists. Then, they started beating me. Three security men beat me in turn on the soles of my feet with a stick for around five minutes. They beat me on different parts of my body for at least 15 minutes. The security men boldly kicked me in my mouth. Because of the force my teeth were broken. I felt extreme pain but later on I knew that I had lost consciousness. Later on, I found myself in the bunker.

After keeping me for one month in the bunker, they detained me in a toilet for one month. Then, they transferred me to another room in the barracks with about 22-25 detainees. The detainees in the room were considered as 'special detainees' (the detainees whose names were on the list to be killed and blamed as Maoists by the security forces). The room was very small and dark with only a small window. We could hardly sit in the room. We were allowed to go to the toilet only once a day.

In the month of July/August, 2001, some security men took six detainees out of the barracks and after a while said that they had been released. After about 10 minutes of their release, I heard bullet sounds. I guess now they might have been killed because their family members said that they were not released.

The security forces used to torture detainees massively. Mina Chaudari, a female around 21-years-old, a Maoist cadre, resident of Naubasta Naulapur Banke district and a Maoist Area In Charge Renu, resident of Bankatawa of Bardiya district were beaten to death. The security forces were compelling them to surrender. They beat them heavily with sticks and finally they died because of the torture. I heard them crying with pain. After some days some security men said that they died being tortured.

Security personnel including captain Ramesh Swar of the barracks even raped two girls (name and details not known). Once in the month of July/August, 2001, captain Ramesh Swar and other two security men went to their room and took them from the room and raped them. I had heard the sounds of girls crying and the sound of Ramesh Swar who had threatened them to stop crying. I think they were raped repeatedly by the security men in the barracks.

While I was detained in the barrack, the security forces of the barracks went to my home, pelted stones at my home and unfastened cattle from the cowshed. They even tortured my wife mentally saying that her husband had already died. They even asked her why she was wearing red rings and dresses.

After my release on 9 October 2002, army Major Ajit Thapa once beat me with his boots for at least ten minutes when I had gone to report to the barracks. Then, I was freed on the condition that I would not reveal this or report the incident to Human Rights organizations. Major Thapa said that he would not waste a bullet on me. He further threatened that he would chop my body into pieces with an axe and threatened me not to disclose the incident.

I felt pain in my body for almost one year after my release. I couldn't move my legs, hands, fingers or almost all my body properly for at least one year after release. There is still pain in my legs. Sometimes, I have got heart pain as well. I can't work properly now. "

I survived seventeen months of torture in the Bhairabnath barracks, Maharajgunj

Shiva Ram Shrestha, a 21 year old man from Lalitpur district, was arrested by about 30-40 RNA soldiers on 23 September 2003 at around 4:15am, on the allegation of being a Maoist. After his arrest, he was detained and tortured in the Bhairabnath Battalion, Maharajgunj, Kathmandu for a period of 17 months and then transferred to Dhulikhel barracks on 9 February 2005. A case of habeas corpus was filed on his behalf by Advocacy Forum. As a result, with the order of the Supreme Court, he was released on 25 March 2005. When he was released he was ordered to report to the CDO once every 15 days.

He recalls: "I was loaded onto one of the vans, blindfolded and taken to the Bhairabnath Battalion, Maharajgunj, Kathmandu where I was taken to the room of a Major and questioned about my relationship with the Maoists. When I did not say anything, two soldiers beat my body, particularly on my head and back, with their boots and a plastic pipe continuously for about an hour. After that, I was put on the ground and deprived of food and the use of the toilet. They beat me continuously for three days in the same manner and then kept in a room with other 50-55 detainees.

Two months after my arrest, a senior police officer (DSP) was killed by the Maoists for which I was badly tortured. Soldiers came to the room at around 2pm, picked up some 4-5 detainees including me and took us to another room. They tied our hands behind our backs, blindfolded us and forced us to lie down on the floor and started kicking us. I was forced to lie face down and was again kicked on the back of my head. After that, they lifted me up and kicked my face with their boots. I had pain in my face for several days due to this. That day, I was beaten senseless.

I survived seventeen months tortures in the Bhairabnath Battalion, Maharajgunj, Kathmandu. They did not give proper food until 6-7 months. Moreover, the food was not regular and not sufficient. The toilet could be used only at the prescribed time. I even urinated in my pants, not being able to resist urgency, and we were forced to remain in the same clothes for many days. There were not adequate blankets or mattresses, and we had to spend most of the nights on the cold cement floor. This deprived us of our health and we fell sick. We were then taken to the Army Hospital at Chhauni. After that, they started treating us a little better.

On 9 February 2005 at around 3pm, I was taken to the Dhulikhel Barracks. The next day I was taken to the office of the CDO, Dhulikhel where I was made to sign some papers, and taken to the Branch Jail of Dhulikhel.

On 22 March 2005, the Supreme Court ordered my release. On 25 March 2005 I was taken to the office of CDO, Dhulikhel where they again made me sign some papers and finally released me."

A soldier in the Rajdal Barracks of Lalitpur hammered a nail into my chest. I still have the mark of it.

Twenty seven years old Om Bahadur B.K. a.k.a. Kumar of Usleni VDC-7 of Nuwakot district and residing in Lalitpur, Sundhara was arrested on 19 February 2004 by a group of 7-8 plain-clothed RNA soldiers from his rented room and subsequently taken to the Rajdal Barracks of Lalitpur where he was detained for a week and tortured. He was released on 26 February 2004 from the barracks, after he was made to sign a surrender paper on condition he reported back to the barracks daily. He was a cadre of NCP (UML).

About the torture he says : "On 19 February 2004 at around 3pm, some 7-8 plain-clothed RNA soldiers came to my rented room and arrested me along with my brother Indra Bahadur B.K. We were loaded on to a vehicle, blindfolded and taken away. My brother was released following a brief inquiry but I was taken to the Rajdal Barracks of Lalitpur.

As soon as we reached the barracks, the soldiers slapped my cheeks and beat my head with a bamboo stick as a result of which I fainted. When I returned to my senses, they beat my stomach and chest with rifle butts for at least 15 minutes. A soldier in the Rajdal Barracks of Lalitpur hammered a nail into my chest. I still have the mark of it.

After sometime, some 2-3 of them put me on the ground. They ripped off my clothes and forced me to bend over my body. My hands and legs were tied and I was again beaten with sticks. After that, one soldier poured water in my nose and asked: "What is your rank in the Party? What type of arms do you use?" I did not know what they were asking so I said I didn't know anything. I was again beaten. They again poured water in my nose and I again became unconscious. When I regained consciousness, they hanged me up. Later, I was kept in a dark room alone. They gave me some food but I could not eat due to pain.

On 26 February 2004, I was taken out of the room at around 4pm. The soldiers tied my hands and legs, and kept me outside. At around 8pm, they freed my hands and legs and dropped me at my home."

They beat me on the soles of my feet with a pipe filled with cement. They ordered me to jump up and down for at least an hour. Meanwhile, they applied electric shocks to my eyes, nose, fingers, hands and knees ..

Bal Krishna K.C., a 54 years old male resident of Rugha VDC-7, Rukum district was arrested by some 150 armed RNA personnel of Bhairabi Dal Battalion (Bohara Guan Nepal Army Camp) on 27 August 2004 from his own home. Meanwhile, his friends Shasi Ram Khadka, Gagan Khadka, Om Prakash B.C. and Khadka Bahadur Gharti were also arrested while they were staying together with him. The security forces didn't give any reasons for his arrest.

After the arrest, he was beaten up badly by RNA personnel with boots and the butts of guns and taken to Bhairabi Dal Battalion in Rukum District. He was blindfolded and had his hands tied behind his back. He was tortured mentally and physically and detained illegally in the barracks until 29 October 2004. On 29 October, he was transferred to the District Police Office however he was sent to DPO, Banke district on 10 November 2004 by aeroplane. He continued to have pain in his body and some health problems. He was not released until 13 June 2006.

Bal Krishna K.C. says: "On August 27, 2004, around 150 Nepal Army personnel of Bhairabi Dal barrack, Rukum District cordoned off my house while I was sitting inside a room together with Shasi Ram Khadka, Gagan Khadka, Om Prakash B.C. and Khadka Bahadur Gharti. Then, they took us outside the room, tied our hands behind our backs, blindfolded us and started beating us. They dragged us here and there for 15 minutes and beat us indiscriminately with boots, sticks and butts of guns. They laid us in a prone position and kicked us with their boots on the back around 40-50 times. They even hit my groin, plucked my penis and other parts of the body. After a while, they tied five of us with a single rope and took us to Rugha Tauli Village, Rukum district. They kept us there for half an hour, scolded and tortured us mentally. They made us walk to the barracks but on the way they beat us with boots, butts of the gun and even punched us on different parts of our body. At around 4 pm, we reached at Bhairabi Dal Battalion, Rukum barracks.

As soon as we reached Bhairabi Dal Gan Rukum Barracks, they blindfolded us with a thick black cloth and started beating us in a bunker. They beat us for at least 25 minutes with rifle butts and boots. Then, at about 8 am, they took me in a cold room but they provided food only around 11:30 night.

On the second day of my arrest, they took me to another room, laid me down in a supine position, and beat me on the soles of my feet with a pipe filled with cement. They ordered me to jump up and down for at least an hour. Meanwhile, they applied electric shocks to my eyes, nose, fingers, hands and knees. The Army soldiers tortured me until 11 September 2004 using similar practices. They used to beat me for at least one hour daily during this time. They would kick me with boots almost every day every 2-3 hours. Due to torture, my body was swelling and I couldn't walk or stand properly. In such condition, once I even thought why don't they shoot me.

From September 12, 2004, army lieutenants and captains (I don't know their names) beat me with boots and fists. They beat us with boots indiscriminately every day until October 29, 2004. On October 13, 2004, they interrogated us in the barracks with a government advocate, inspector and DSP of Rukum DPO and the CDO of Rukum district. They had taken off our handcuffs during the interrogation however they handcuffed us again afterwards.

On October 29, 2004, they took us to the District Police Office, Rukum. Our blindfolds were only taken off only after we were transferred there. We were detained there until November 10, 2004. In the DPO, the security forces used to take off our handcuffs while taking us outside. On November 10, 2004, they transferred us to the District Police Office, Banke by plane. On November 17, 2004, the authority took me to the Appellate Court, Nepalganj to remand me under TADO.

Gagan Khadka and Shashi Ram Khadka were released in October/ November 2004 after they had surrendered to the security forces. The security forces forced them to surrender. While they were in detention, the security forces used them as spies."

I thought I was going to be buried alive in the Yuddha Bhairab barracks at Maharajgunj

Dhruba Lama was arrested from Dillibazaar, Kathmandu on 9 January 2004 by plain-clothed security forces on suspicion of being a Maoist. He was held in detention at the Jagdal barracks of Chhauni for 35 days, and tortured mentally and physically. He was released on 12 February 2004 on the condition that he must report back to the barracks every week. When he was reporting to the barracks, he was rearrested by the security forces of the Yuddha Bhairab barracks of Maharajgunj. While in detention at the Yuddha Bhairab barracks, he experienced extreme torture. On 11 December 2004 he was transferred to the Sundarijal Investigation and Detention Center where he was detained for nine months and then released on 8 September 2005 on the condition that he report back at Balaju.

Dhruba reports: "I was taken to the Jagadal Barracks, Chauni, Kathmandu. As soon as we reached there, they started kicking me from all sides for at least a half an hour, accusing me of being a Maoist. They forced me to sleep on the floor, tied up my limbs and beat me on the soles of my feet for at least 10-15 times. They kept on asking questions to which I had no answers. They put me on a chair and jabbed electric shocks on my ears for 3-4 times. They jabbed me with shocks every 3-4 minutes.

After that, they began to torture me mentally. One of them said that I would be buried alive. He measured my body saying he was going to dig my grave. They then pushed me and I fell off where I found other 4-5 people around me. It was a huge container which I learnt later. I remained in the container for three days, without being able to eat, as my tongue and face had swelled badly due to electric shocks.

On the fourth day, I was again interrogated and tortured 4-5 times with electric shocks and beaten on the soles of my feet with a stick, forcing me to sleep on the floor. They tortured me for at least an hour that day. They interrogated me three times in 16 days.

Mental tortures were also not less. Sometimes they would put a gun to my head and say they were going to shoot me while sometimes they would ask me to express my last wishes as if they were going to kill me immediately. I was released from the Jagadal Gan, Chauni, Kathmandu 35 days after my arrest but again arrested on 27 February 2004 whilst I was returning from the Jagadal Barracks, Chauni, Kathmandu after having reported there. I was blindfolded, my hands tied behind back, and taken to the Yuddha Bhairab Battalion at Maharajgunj.

A major at the barracks said that he would release me if I helped them in arresting other Maoists, otherwise I would be killed. When I did not say anything, he tied both of my hands and legs, and beat me with a pipe all over my body about 15-20 times. After that, he punched my chest several times until I had difficulty in breathing. He then suffocated me by covering my mouth and nose with a piece of cloth.

After an hour of tortures I was kept in a tent with other detainees, without allowing us to talk to each other or go to the toilet. They used to come to us and mentally torture by saying that we were all going to be buried alive.

On 11 December 2004 I was transferred to the Sundarijal Investigation and Detention Center where I was detained for about nine months and then released on 8 September 2005. "

*I heard Laxmi Dutta saying "he is not dead yet, there is no law nowadays, we have to give him further torture, even if he dies we don't have to face legal action."*

Karbir Singh was arrested by 7-8 staff and officers (including the chief of Shahi Phata Conservation Office of Majhgau, Kanchanpur, Tika Ram Adhikari) of the Office of Shahi Shukla Phata Conservation on 5 November 2005 at approximately 7am and tortured on the allegation of being engaged in timber smuggling. He was a victim of the personal enmity of the clerk of the Conservation Office. He was released on 24 November 2005.

Karbir Singh's account of torture: "On November 8 and 9, I was taken out of the detention room on the request of the ranger of Shahi Shukla Phata Conservation, Ashok Kumar Shah, at around 8:30pm. Both the ranger and the clerk, Laxmi Dutta Pant, interrogated and beat me with the handle of an axe and a bamboo stick over my whole body. They beat every joint of my body. I don't know how long they beat me. I then lost consciousness. I regained consciousness when they poured water on me. Then, I heard Laxmi Dutta saying "he is not dead yet, there is no law nowadays, we have to give him further torture, even if he dies we don't have to face legal action." Then, they again beat me with a stick. When Laxmi saw my knees bleeding, he said to the ranger, "Sir, he is bleeding, he will die now". Then, they stopped beating me.

From November 10 to November 18 I was kept in a separate room and not allowed to see anyone during that period. I could neither eat nor sleep due to pain.

On 18 November the chief, Tika Ram Adhikari, came back from Kathmandu. He had been gone since November 8. They were supposed to release me that day, but as I could not move my limbs they retained me further. They were afraid that the Human Rights Workers would

come to know the incident and they would be disgraced. They released me on 24 November 2005. My condition was so serious that it was very difficult for me to give my thumb print.

While I was coming out of the Conservation, ranger Ashok Kumar Shah asked me not to reveal the incident to anyone. He tried to bribe me, saying that he would manage a job for me. "

I was jabbed with electric shocks and persistently asked to give the name of the Maoist commander while detained at the Bhairabnath barracks

Suman Manandhar was a supporter of the UML and was also a member of the *Newa Khala*. He was arrested from his house on 20 August 2003 on the charge of being a Maoist. He was then detained in the Bhairabnath battalion of Maharajgunj barracks for about 15 months and suffered both physical and mental torture and transferred to the Sundarijal Investigation and Detention Center on 4 October 2004. He was released on 29 April 2005 from the Sundarijal Center with a date to report back.

Suman recalls his torture: "At about 12 midnight, on 20 August 2003, some soldiers came to my house, slapped and punched me, and tied my hands accusing me of being a Maoist. I told them I was not a Maoist. They then kicked me on my back 3-4 times and took me to the Bungamati Square, loaded on to a vehicle and I was taken to the Bhairabnath battalion of Maharajgunj barracks. Another six villagers were also arrested on the same night. We saw each other only in the barracks.

In the barracks, I was interrogated, stripped naked apart from my underpants, and beaten with plastic pipes, at the same time water was poured on my body. They asked me questions relating to the Maoists. They then blindfolded me and tortured me again and again, causing me to become unconscious several times.

On the third day at around 8pm, I was again interrogated and tortured with electric shocks, persistently being asked to say the name of the Maoist commander. They tortured me for two days in the same manner. They tortured me for 13 consecutive days within which period I was interrogated for 23 times. I was also tortured when I asked for the toilet and water. During these 13 days, I was beaten and kept in muddy water on two different occasions nearly for the whole day. Birendra Basnet was also kept with me. He was beaten until the sticks turned into pieces.

They said that they would kill me. Sometimes they would push me into a ditch. They would also punch and kick my back while taking me to the toilet. They stopped torturing me after six months and thirteen days.

On 4 October 2004, I was transferred to Sundarijal Investigation and Detention Center. I was interrogated three times there with my hands tied behind my back and blindfolded. They then said that they would release me soon if I surrendered. On 29 April 2005, they released me from the Center, saying my detention period had expired. They asked me to report back however.

After my release, I reported to different places (Kathmandu CDO, Teaching Hospital Gate, and Nepal Electricity Office) as I was asked. I reported 4-5 times with 15-20 day intervals.

On 17 June 2005, I went to Kathmandu CDO to report. Three soldiers arrested me again and took me to Maharajgunj barracks. On 23 June 2005, they dropped me at my house, after using me for a week to visit different places to try to identify the maoists."

I had very little hope that they would leave us alive. I saw many of my fellow detainees taken out and never come back...., a survivor of the Bhairabnath barracks of Maharajgunj

Bikram Shrestha was arrested along with his brother and some other villagers on the midnight of 17 September 2003. After his arrest, he was taken to the Bhairabnath battalion in Maharajgunj barracks and severely tortured. He was detained there until 9 February 2005 and then transferred to the Dhulikhel barracks. On 11 February 2005, he was sent to Dhulikhel prison after being forced to sign some papers at the Kavre District Administration Office. He was released on 30 September 2005 by order of the Supreme Court.

He recalls: "Following my arrest, I was taken to the Bhairabnath barracks of Maharajgunj that night. I was given a small mat for sleeping.

The next morning at around 10, I was questioned. The soldiers laid me on the floor with my hands and legs tied and blindfolded. They then asked me about my rank in the Maoists saying I would be killed if I did not tell. I told them that 'I am not a maoist and I don't know anything.' As I finished saying this, about 3-4 soldiers started randomly beating me with plastic pipes. They beat me for about an hour until I fainted.

When I became conscious I found myself naked apart from my underpants and lying in a ditch-like area full of muddy water. When they noticed me, they pulled me out of the ditch and started kicking me.

At 5-6pm, I was again inquired and tortured in the same manner. They used very vulgar words while torturing me. They also applied electric shocks on my body. I only felt some 3-4 shocks before I lost consciousness.

They tortured me for 20-22 consecutive days. Sometimes they would jab me with electric shocks, sometimes beat my body pouring water at the same time, and sometimes I was forced to sleep naked on the ground. After that they tortured me once in 2-3 days. I had very little hope that they would leave us alive. I saw many of my fellow detainees taken out and never come back.... We slept on the cement floor for six months. I swelled from the cold and became ill. After I returned from the hospital they treated me a little better. Finally, I was released on 30 September 2005 by order of the Supreme Court.

While I was in the Bhairabnath battalion, many allegations were made against me. They used to say that 'we have also arrested your commander'. About one and a half months after my arrest, they brought Puspa Basnet of Jhapa district in front of me and asked: "isn't he your commander?" They had badly tortured Puspa then. He was bleeding on different parts of his body.

Another detainee called Padam Narayan Nakarmi was taken to the Chhauni hospital on 25 February 2004 due to his critical condition. About 3-4 days after he was taken to the hospital, the soldiers on duty were talking that he had died in the hospital. One soldier named Manoj K.C. of the same barracks also told us that Padam had died in the hospital during treatment."

I find it difficult to narrate the torture that I suffered in the Devi Dutta battalion in Suparitar Barracks of Makawanpur, I saw a person killed in the barracks and the body buried under salt-packed sacks....

Sukram Pakhrin, a 19 years old student at Jootbel Secondary School in Rautahat district, from Raigaun-8, Chiruwa, Makawanpur District, was arrested by a group of 20-25 uniformed RNA soldiers deployed from Faparbari, Makwanpur on 13 August 2003 at around 1pm whilst he was walking the road of Faparbari Bazar of the Makawanpur District. A couple of days after his arrest, he was taken to the Devi Dutta batallion Suparitar barracks of Makawanpur where he was detained for two months being badly tortured.

After that, the barracks sent him to Birjung Jail where he was kept for eighteen months. On 30 August 2004 he was transferred to Sarlahai Jail. On 5 October 2004, he was again transferred to the Sundarijal Investigation and Detention Center. On 6 June 2005, he was released from the Sundarijal Investigation Center by order of the Supreme Court but he was re-arrested from a checkpoint at the Sundarijal way and taken to the Singhnath barrack of Bhaktapur . On 16 June 2005, he was sent to Nakkhu Jail from Singhnath battalion. He was finally released on 27 November 2005 from jail again by order of the Supreme Court.

He recalls: "It was 13 August 2003, around 2pm. I was arrested by 20-25 armed and uniformed RNA soldiers whilst I was going to my sister's house at Phaparbari VDC. After the arrest, they took me to a school of the locality where they kept me with my hands tied and blindfolded me. At about the break of dusk, I was tied to a wooden pole located in front of the house near to the school. When it was around 7pm, they brought another wooden pole and fixed it adjacent to the one I was tied to. My hands were then tied to those poles and I was hanged and then beaten almost all over my body with bamboo sticks, at the same time splashing water over my body. At least 4-5 soldiers were rigorously engaged in beating me. They were asking me to give the names and addresses of the maoist leaders while beating me. I said I did not know anything. They then again beat me and I lost my consciousness. When I regained consciousness, it was already the next day.

The soldiers tortured me this way for three consecutive days. As I didn't know anything, I could not tell them anything, so I was tortured badly. They thought that I was not willing to reveal anything but I would reveal more if I was tortured more.

My health was deteriorating, so they called a helicopter and took me to the Suparitar barracks of Makawanpur. I find it difficult to narrate the torture that I suffered in the Devi Dutta battalion in Suparitar barracks of Makawanpur, I saw a person killed in the barracks and the body buried under salt-packed sacks.... I was detained there for two months during which I was interrogated and tortured every day. They would kick my body with their boots, beat me with bamboo sticks and pipes and jab me with electric shocks. I would lose consciousness several times but they

would torture me again in the same manner when I returned to consciousness. During my detention in the barracks, I was given food only once a day. I never got sufficient water to drink.

On one occasion, I also saw a person being buried alive but I don't know the name and address of that person. They would possibly have given me the same fate if the ICRC (International Committee of the Red Cross) team had not come to the barracks. The officer on duty by mistakenly produced me before the ICRC team. This gave me a new life indeed. The soldier who committed this mistake was even taken departmental action.

The next day of the ICRC's barracks visit, I was sent to Birjung Jail. I was given a detention letter. I languished in jail for about 18 months. During this period, I was taken to different barracks for 4-5 times. They would put me in the barracks for 10-12 days with torture and then send back to jail. I don't know the names of those barracks. They used to blindfold and handcuff me before taking out of jail.

On 30 August 2004 I was transferred to Sarlahai Jail from Birjung Jail. From there, I was again transferred to the Sundarijal Investigation and Detention Center on 5 October 2004. One duty officer at the Sundarijal Center always used to threaten me saying: "I will surely kill you."

On 6 June 2005, I was released from the Center by order of the Supreme Court but re-arrested from a checkpoint at the Sundarijal way. I was handcuffed, blindfolded and taken to the Sirjan Barracks of Singh Durbar where I was tortured and threatened that I would be killed if I didn't surrender. The next day, I was transported to the Singhnath barrack of Bhaktapur where I was detained for four days with mental tortures. Once, they even took me to the jungle saying "you are going to be killed now."

On 16 June 2005, I was sent to Nakkhu Jail. I was finally released from jail on 27 November 2005 again by order of the Supreme Court."

### Two years of torture journey: Maharajgunj barracks to Morang prison

Pradesh Bahadur Bista, a 42 year old farmer, originally from Jeetpur-3, Bara District, temporarily residing in Syuchhatar VDC-3 of Kathmandu was arrested from his own house by two plain-clothed security force personnel on 10 September 2003 at around 11am and taken to the Maharajgunj barracks where he was detained for 100 days being inhumanely tortured. After that, he was taken to the Eastern Divisional Headquarters in Itahari on 14 December 2004 where he was detained for a week and then taken to the Area Police Station of Itahari. On the same day, he was handed over to the Sunsari District Police Office and detained there for a week and subsequently sent to Morang Branch Jail on 23 December 2004 by order of the Sunsari District Administration Office. He was released from jail on 28 November 2005 by order of the Supreme Court. But, Morang District Police Office again arrested him from jail premises. They released him the next day on 29 November 2005 after holding some inquiries. He was arrested for being a Maoist suspect.

He recalls his torture: "It was 10 September 2003 around 11am, some 3-4 plain-clothed security force personnel came to my house and arrested me saying they wanted to question

me. They kept me in a van, tied my hands behind my back and took me to the Bhairabnath batallion in Maharajgunj.

In the barracks, I was taken to a room, interrogated and told that I would be killed if I did not reveal everything about the Maoists. When I said I knew nothing, they laid me flat on the floor and beat the soles of my feet with a plastic pipe. About 3-4 soldiers tortured me continuously for about 2-3 hours until I fainted. They would resume torturing me as soon as I returned to consciousness. My feet were bloodied that day.

The next morning, I was given some rice but the pain had relatively increased so I could not eat. At around 11am, I was again taken for inquiry and tortured as I could not tell them anything about the Maoists. They tore off my clothes; leaving me naked apart from my underpants, and started kicking and beating my body. I did not know how long they beat me, as I fell unconscious after some time.

When I returned to consciousness, I found myself lying supine in a small muddy pond. When they saw me moving, they again came, pulled me out of the pond and started to pour water in my nose and mouth. They call this torture method '*Water Therapy*'. They used *water therapy* until two buckets of water was finished. I could not remember when they took me to the tent that day.

On the third day, I was initially tortured as on the first day. Later, they tortured me with electric shocks. I was tortured for 3-4 hours that day and dumped into the tent. I was physically tortured in this manner for about 20-25 days. After that, they launched mental tortures. They said that they would arrest my family members and torture them and ..... I was detained in this barracks for 100 days. On the last day, I was stripped completely naked and beaten with wet nettles for about an hour. They called it 'final treatment'.

I was released from Morang district jail on 29 November 2005 by order of the Supreme Court. However, I was rearrested from the Jail premises and taken to Morang District Police Office. On the next day, I was released from the Morang DPO."

They were really about to kill me so later on I accepted whatever they said as I was much more concerned about my life

Shyam Chaudhary, a 36 year old male from Patahari-2, Bara District was arrested on 2 January 2005 from Nanda Kishor's house at Kakadi VDC of Bara district while he was sleeping. The RNA soldiers, who came in a group of more than 100, took him towards the jungle following his arrest. He then disappeared for four months and kept in an unknown detention center. From 22 May 2005, he was found in Sundarijal Investigation and Detention Center. He was released from the Sundarijal Center on 7 December 2005 by order of the Supreme Court. Before releasing him from the Center, he was made to sign some papers. He was not allowed to read the papers.

He recalls: "After my arrest, they took me towards the jungle and asked whether I am a maoist. I said no. Then they asked about my maoist brother and started kicking and punching

and beating me with rifle butts for at least 20 minutes. After that, they forced me to walk to the Highway road on bare feet, blindfolded me and then took me to the Adabar barracks.

In the barracks, I was handcuffed and hooded, and interrogated. I told them the truth that my brother came to my house along with 5-6 maoists during the negotiation period, and I was compelled to give them some food.

Three soldiers then forcibly immersed my head into a water-full drum, at the same time beating my body with pipes. After sometime, they took out my head from the water but repeated it again. They continued to torture me in this way for at least an hour.

After that they again threatened me saying they would kill me if I did not accept that I am a maoist. I reiterated that I am not. They again immersed my head into water. They were really about to kill me so later on I accepted whatever they said as I was much more concerned about my life. They alleged me of being District Member of the Madhesi Liberation Front. They took off my clothes and stripped me. After that, I was thrown into a dark room, blindfolded and with my hands tied. I could not sleep that night due to excruciating pain.

The next day, I was taken out of the room at around 3pm, again for interrogation. They asked: "where have you hidden weapons?" I said that I am not a maoist and only agreed I was yesterday fearing that you would kill me. The soldiers then took me deep inside the jungle (the barracks itself is in the jungle), pushed me into a ditch and started to throw soil with spades saying "we are going to bury you alive." After they had buried the lower half of my body, I started crying in my helplessness. I asked them to shoot me and kill me. After that, they pulled me out of the ditch and took me back to the barracks and they kept me in the same room. I was kept in that room for other 4-5 days. During that time, the soldiers used to come to my room, and kick and punch me without any reason.

A week after that, I was again taken out to a check post to identify the maoists. They would keep me at the check point during days and bring me back to the barracks at nights. Everyday they would kick me on the way back for not being able to catch maoists.

My hands were cuffed for three months until the Major of the barracks came and asked me to call my family to the barracks. After some 8-10 days, my brother and son came to the barracks. The soldiers then told them that they would release me if they co-operated with them in arresting at least five maoists.

I remember that once I was kept in a nice room. They kept me in that room for 10-12 days and after that I was returned to the previous room. I learnt later that they had done so to trick the HR Officials who were visiting the barracks then. Later on, some NHRC officials also visited the barracks. They asked me whether I was tortured but I said that I was tortured very little because the major had already threatened me that I would find myself in a very difficult situation if I revealed about the torture accounts of the barracks.

On 8 December 2005, I was released from the Sundarijal Center by order of the Supreme Court. I had to endure all these sufferings because of my maoist brother. Because of him, the security forces thought that I am also a maoist."

They used to suffocate me by closing my mouth with their hands and put salt and water in my nose, survivor of Tebari Barracks, Kailali

Laxman Chaudhary, 28, from Pahalmanpur-9 Kailali District, was arrested on 22 December 2004 and released on 15 November 2005 by the order of the Supreme Court. He was arrested on accusation of being a maoist. After his arrest he was first detained in the Tebari barracks with torture and later sent to the Sundarijal Investigation and Detention Center on 12 March 2005. He spent one month in a cement-made tank in the Tebari barracks due to which he still has pain in his body. He is still reporting to the First Brigade of Balaju.

As he sensed threats while reporting, he sent an appeal to various human rights organizations to ensure his life safety mentioning his probable re-arrest by the security forces. He is very much concerned about his probable re-arrest.

Laxman's account of torture: "I was arrested by a group of 8-9 armed and plain-clothed soldiers on 22 December 2004 at the Dhangadhi campus road at around 3pm. After the arrest, they beat me up so hard that my teeth were damaged. The soldiers then kept me on a tractor and took me to Dhangadhi Rastriya Bank where I was kept in a room being blindfolded. There, they tortured me blaming that I am a maoist. I was then taken to the Tebari barracks by a jeep. It was around 8 pm when we reached the barracks.

In the barracks I was interrogated and tortured. They asked me whether I am a maoist. They beat me every time I denied being a maoist. They forced me to stay in a cement-made tank for a month. They used to take me out of the tank for torture and for using the toilet. Before beating me with sticks and plastic pipes they used to take off my clothes. They used to particularly beat me on my legs and flanks asking whether I am a maoist. They would put me back into the tank after they had tortured me.

A month after my arrest, I was kept in a room. On 11 March 2005, they brought me to Kathmandu by plane blindfolded. The next day on 12 March 2005, I was sent to the Sundarijal Investigation and Detention Center.

On 17 July 2005 I was handed down a release letter issued by the Kailali District Administration. On 20 July 2005, the Kathmandu District Administration issued another detention letter on my name. I was released on 15 November 2005 by the order of the Supreme Court.

While I was in the Tebari Barracks, I was tortured in a strange way. They used to suffocate me by closing my mouth with their hands and put salt and water in my nose. I fainted several times due to it. This really cut off my appetite and made my mind dull.

Now, I fear re-arrest. I have not returned home because of this. I have rented out a room in Banasthali, Kathmandu with a view to work here in Kathmandu. I have appealed to various human rights organizations for my life safety."

Once they took me to a pit and asked: "Okay, tell us your last wishes, we are going to bury you alive." I was so helpless and said that "do whatever you want" : survivor of Yuddha Bhairab Gan of Maharajgunj

Ram Chandra B.K., 31, resident of Bhotechour-4, Sindhupalchowk, was arrested on 12 Dec 2003 from in front of the bank near to his workshop at Gabahal, Lalitpur by a group of plainclothes soldiers and taken to the Yuddha Bhairab battalion where he was tortured both physically and mentally for his suspected connection with the maoists. After a year, he was transferred to the Sundarijal Investigation Center. On 3 January 2005 he was released from the Center but he was immediately rearrested from the gate of the Center by plainclothes soldiers and taken back to the Yuddha Bhairab battalion barracks. Again after some days he was brought to the Sundarijal Center and was released on 14 March 2005 by order of the Supreme Court.

Ram Chandra recalls his torture: "On 12 Dec 2003 at around 11 am, six plain-clothed RNA soldiers arrested me from nearby a bank at Gabahal, Lalitpur. They said they had some work with me and I would be released from Pulchowk very soon.

After having reached Pulchowk, I was loaded into an army vehicle, blindfolded and driven away. While traveling, they forced me to lie supine on the floor of the vehicle, kicked my body and then bounced my head against the floor of the vehicle.

After about one hour's drive, I was taken to the Yuddha Bhairab battalion of Maharajgunj which I learnt later. I was taken to a tent where they forced me to take off my clothes and lay supine to the floor. Two soldiers started pressing my knees with their boots while other two laid a stick on my stomach and sat on two different ends. Another soldier started throwing water over my face. After that, other two soldiers started beating over my body with a plastic pipe and a wooden stick. Seven of them were engaged to torture me. They tortured me this way continuously for about two hours. I fell unconscious several times and they would beat me as soon as I return to consciousness. While torturing me, they were asking: "where are your Maoists friends? How many Maoists leaders do you know?" They intensified torturing me when I said I did not know anything. At around 4:30pm I was moved to another tent.

They tortured me in the same manner for a week during which I was deprived of food and I lost my consciousness several times due to extreme pains. After that they gave me food but I could not eat because of pain in the throat due to excessive vomiting. I vomited mostly water as they had used water whilst torturing me.

On the 21st day, I was again beaten for at least two hours with bamboo sticks and a plastic pipe by three soldiers during interrogation.

In the month of May, all the detainees caught cholera and all were taken to the hospital except me. I was given some medicines and I recovered in the barracks.

They stopped physical torture but they would sometimes come to me and say: "we will release you if you reveal all otherwise you will be buried alive". Once they took me to a pit

and asked: "Okay, tell us your last wishes, we are going to bury you alive." I was so helpless and said "do whatever you want". They then took me back to the tent. On 22 November 2004, I was transferred to the Sundarijal Investigating Center at around 7pm.

I stayed in the barracks for about a year being permanently blindfolded. My eyes were freed once when I was taken to the Sundarijal Center. My hands were tied at the Sundarijal Center as well. They freed my hands only for eating.

On 3 January 2005, I was released but rearrested from some distance down from the Center gate by the plainclothes soldiers. I was immediately blindfolded and taken to the same Yuddha Bhairab batallion in Maharajgunj. For four days, I was kept in the tent as before. They did not torture then.

On the fifth day, I was again taken to the Sundarijal Center. I was released from the Center on 14 March 2005 by the order of the Supreme Court. Some security forces had come for re-arresting but I managed to flee. I was released on the condition that I report to the Rajdal battalion of Lagankhel".

Presently, my condition is okay. I have some problems with my eyes and back because of torture."

After torture I had nightmares about the army torturing me, I used to scream but the soldiers used to beat me if I did so: a juvenile victim of torture

Govinda Pariyar, resident of Thaprake-9, Tanahun District, aged 16 at the time, was arrested on 11 June 2004 from Godavari at around 4pm by a group of 2-3 uniformed RNA soldiers whilst he was working (a laborer by profession). He was arrested on a suspicion of being a Maoist. After the arrest, he was detained for 11 days at two different barracks at Godavari with tortures. He was then sent to the Bhadra Bandi Prison where he was kept for the three months and then sent to the Central Jail, Kathmandu. He was released by order of the Supreme Court on 25 August 2005. Govinda was so much tortured in the barracks that now his mind does not function properly.

Govinda recalls: "On 11 June 2004, I was crushing stones at Godavari. A group of some 2-3 armed and uniformed soldiers came and arrested me at around 4pm. They asked me: "are you a maoist?" When I said 'no' they blamed me that I was lying to them, and started kicking me.

After some time, they put me into their vehicle and drove me to the barracks at the top of the hill of Godavari. When the barracks was reached, I was blindfolded and my hands were tied behind my back. I was then kept in a room at the barracks.

In the room, I think there were 3-4 of them, started kicking and beating with sticks all over my body. They beat me until I lost my senses. I can still remember they particularly beat me on my head and my knees.

When I was back to my sense, it was already night. Again some soldiers came to the room and kicked me with their boots. As my hands were tied behind my back, I could not remove the blindfold. The pain was so severe that I could not sleep the whole night.

The next day, at around 8-9am, the soldiers again came to the room with a boy. His name is Som Bahadur Tamang, around 15 years in age and he is from Ramechhap district. They then beat both of us. Som Bahadur could not tolerate torture and he confessed that he is a Maoist. However, the soldiers did not stop torturing him.

After Som had confessed, the soldiers tried to get the same from me so they tortured me harder and harder. They beat me on my head and on my back. We were tortured for about three hours continuously until 11:30am. After that, we were dressed up in combat clothes, blindfolded and handcuffed, and taken down to the Fulchowki barracks. I had not eaten anything since my arrest, besides they had tortured me so badly, so I could not walk. They again punched me in my mouth and forced me to walk.

In the Fulchowki barracks, we were taken to a room and beaten again for 20-25 minutes. They beat us in turn. Som was badly assaulted on his head. They beat me on my legs and head. We were beaten continuously for 11 days in this barracks. They gave us food in mornings and evenings.

Three days after coming to the Fulchowki barracks, my mind ceased to work properly. I started screaming at nights and could not sleep. Som also used to scream. The soldiers used to come and beat us whenever we screamed. After 11 days, we were taken to the Bhadracol Jail at around 2pm.

I was also tortured in Bhadracol jail under different pretexts. While I was in that jail, I was taken to the Patan Hospital for treatment. I was provided with some medicines which I have been taking until now and I feel I am improving now.

After two months, I was sent to the Central Jail. I was also beaten in Central Jail by some senior prisoners (Arjun Balami and Arjun Lama). They would beat me on my head saying: "you are a maoist." I was released on 25 August 2005 by the order of the Supreme Court."

They drove me stating that they are going to kill me and leave the body, I lost the hope of life, I did not run when they ask me to run but told them to kill me in the vehicle instead..... I was also informed that the girls were raped by the major.

Laxmun Phuyal, 20, residing in Pulchowk, Lalitpur district, a journalism student in Madan Bhandari Memorial College at Ratopool in Kathmandu was arrested from the gate of the house where he was living, on 31 December 2004 by plainclothes soldiers. After the arrest, he was taken to the Jagadal barrack of Chauni where he was tortured with electric shocks and mentally threatened by saying that he would be killed. Later on he was transferred to the Srijan barracks of Singhadurbar where he was tortured mentally. He was released from the central jail only on 12 April 2005 by the order of the Supreme Court.

He recalls: "I was arrested on 31 Dec 2004 at around 11:45am from the gate of the house (where I was living with my uncle and aunty for last three years) by plainclothes security personnel. I was loaded into a jeep, immediately hooded and my hands were tied behind my back and driven away. I was forced to sleep on the floor of the vehicle with my face down.

Approximately after 20 minutes I was taken to the Jagadal barracks which I learnt later and questioned about the maoists. They asked: "who are your leaders?" When I said I don't know anything, they tortured me with electric shocks. The inquiry lasted for about one and half hours and they jabbed me with electric shocks many times in this period. After that, I was taken out of the room and my head submerged into water for about 25 minutes. They were kicking me at the same time. Later, I was taken to a room. Because of electric shocks, my nose and mouth were badly bleeding. My whole face was so painful that I could not eat anything.

Food was bad and not regular. The soldiers did not let me drink water and use the toilet on time. I could not eat anything for three days due to pain. They tortured me with electric shocks for the first three days, asking same questions. On the seventh day, I was again taken for interrogation and tortured. They kicked and punched me then.

The same evening, while I was taking food, one soldier came to me and said: "Eat as much as you can, we are going to kill you today. If you want to save your life, give us all the information." At around 8pm they put me into a vehicle saying: "now you are going to die." There were 3-4 soldiers in the vehicle. They drove the vehicle for about one hour and took me to the Srijan barracks of Singhadurbar. I was kept in a room there with my hands tied and blindfolded for 14 days.

On the 15th day, they took me out of the room for interrogation. They asked me to write a letter conceding that I am active member of the student wing of the Maoist. When I refused they said: "if you write and sign on the paper, you will be released." Hoping for release, I wrote and signed the paper. However, after I had signed the paper they talked the other way. They said: "now you have confessed that you are a maoist. So, we are going to kill you very soon. You can tell us your last wishes now." I was so much frustrated of life that I said you can do whatever you want but do it quickly.

After that, I was loaded into a vehicle and they drove me stating that they are going to kill me and leave the body, I lost the hope of life, I did not run when they ask me to run but told them to kill me in the vehicle instead. They then drove me to the Central Jail. It was already 9pm. They dropped me inside the jail and left. I was released from the jail on 12 April 2005 by the order the Supreme Court.

While I was in the Jagadal barrack, I was also informed that some girls were raped by a major, including a 16-year old girl who lives in Kathmandu.

"He asked for some water with the soldiers as he was thirsty, but a soldier shockingly shot him dead. He was just asking for water! That soldier also threatened us saying that we would be also killed in the same manner..... I asked for some water but they forced me to drink my own urine..." two juveniles recall their torture

A group of vigilantes of Salleri VDC of Dailekh district caught Chandra Bahadur Rokaya (15 yrs) and Bishnu Chandra Rokaya (16 yrs) on 14 November 2004 and tortured. They were handed over to the soldiers of the Bhawani Box barrack of Dailekh district the next day. In the barracks they were tortured both physically and mentally. On 12 March 2005, they were transferred to a barracks in Nepalgunj. The next day they were brought to the Sundarijal Investigation and Detention Centre in Kathmandu. They were released only on 3 March 2006 by order of the Supreme Court.

The boys recall: "A group of vigilantes caught us on 14 November 2004 at Salleri VDC, accusing us of being Maoists. They tied our legs and beat us with whatever they had in their hands for about two hours. On the second day at around 4pm we were handed over to the soldiers of Bhawani Box barrack of Dailekh district. The soldiers tied our hands behind our back and kicked us with boots for about 10-15 minutes. After that, they made us carry their heavy bags. We reached a place called Toli of Dailekh district at around 11pm. We spent that night in a school there.

Vigilantes had also handed over a person named Ganesh Thapa (age 30 and resident of Chupra VDC of Dailekh district) to the soldiers. After reaching the school, he asked for some water with the soldiers as he was thirsty but a soldier shockingly shot him dead. He was just asking for water! That soldier also threatened us saying that we would be also killed in the same manner.

We reached the Bhawani Box barrack at around 7pm on 16 November 2004. We were kept in a room in the barracks with other detainees. We were not provided food for five days. On the 3rd day, I was so thirsty so I asked for some water but they forced me to drink my own urine. On the 7<sup>th</sup> day, we were given a little rice with a piece of salt and two chilies. We survived for a month with the same kind of food. They gave us this food only once a day. For 17 days, we were forced to use a pot, which was in our room, as a toilet. After that, we were allowed to go out for the toilet.

We were tortured every day for about four months. They used to take us out from the room for interrogations almost every day, and beat us with plastic pipes for at least 50-60 times. They even used to keep us naked and beat. We fainted several times. Sometimes they would force us to sleep on the cemented floor and tread on our bodies wearing boots. Because of torture, our eardrums were damaged. Our ears used to bleed. Nevertheless we were not given medicines. The soldiers at the barracks were free to torture anyone at anytime. Sometimes they would hang us upside down when we asked to go to the toilet. They would do that for half an hour or more, depending on their whim.

On 12 March 2005, we were transferred to a barracks in Nepalgunj. The next day we were taken to the Sundarijal Investigation and Detention Centre in Kathmandu. We

were not provided with any mattresses and blankets so we had no choice than to spend nights on a cemented floor. After 35-40 days, some representatives of ICRC came to the barracks and gave us a blanket and some medicine. We were not allowed to talk with the representatives. The soldiers had freed our hands and eyes before the ICRC representatives could visit us. After that visit, we were given good food. However, the soldiers did not stop terrorizing us. We were released on 3 March 2006 by the order of the Supreme Court.

According to Chandra Bahadur Rokaya, one detainee (name unknown) died in the Bhawani Box barracks because of torture. He further said that another detainee named Prem Bhandari of Dailekh district too died of torture and he was buried in the barracks."

"They used to put a knife like object on my nose, and used to ask me the addresses of the Maoists leaders. They would threaten me saying they would cut my nose and march me around the market."

Sumitra Negi, a 31 year-old woman of Jogbuda-4, Dadeldhura District was arrested by a group of 12 plainclothes army personnel on 17 August 2004 at around 3pm from Nigali Gwan, Krishnapur VDC of Kanchanpur district. She was arrested whilst she had gone to participate in a mass meeting of the Maoists. After her arrest, she was taken to the Bhagatpur barracks in Kanchanpur along with other 40-45 people. She was detained in that barracks until 9 November 2004 with torture and then sent to the Kanchanpur Prison under TADO. Following Royal takeover on 1 February 2005, she was transferred to the District Police Office, Jajarkot where she was detained for a few days and then sent to Jajarkot prison. Later on, she was transferred to Nepalgunj prison. The bones of her legs and hands are broken and dislocated. She has difficulties even to go to the toilet. She is still in Nepalgunj jail.

She recalls her torture: "I was arrested on 17 August 2004 at Nigali Gwan by a group of 12 army soldiers from Bhagatpur barracks Kanchanpur and taken to the Bharatpur barracks, Kanchanpur at 6pm. Before taking us inside the barracks, I was blindfolded and my hands tied.

I was kept at the ground of the barracks for about one and half hours and then taken to a room where one soldier threatened me by saying that I would be taken to the National Park soon and shot dead. At around 1:30am, they took me out of the room and kept me on the ground. They started beating me with a stick, at the same time asking questions. I was asked about other maoists and my maoist husband. When I said I don't know anything they beat me more and more.

The next day at around 1pm, they again took me to the ground, I was blindfolded then. They started beating all over my body with a heavy object (I think it was a hammer). I was beaten mostly on my knees and back. Sometimes, they used to put a knife like object on my nose, and used to ask me the addresses of the Maoists leaders. They would threaten me saying they would cut my nose and march me around the market. I told them the truth that I don't know anything, but they did not stop torturing me. After sometime, they dragged me to the room, as I could not walk because of torture. I thought my legs were broken. On the tenth day I was again taken out of the room and beaten with the same kind of object.

On 12 September 2004, at around 5am, some guards came and woke me up. They freed my hands and eyes. They did so because that day the representatives of the ICRC were supposed to visit the barracks. The representatives of the ICRC came and visited me. After they had left, I was again blindfolded and handcuffed. Two days after the visit of ICRC, our whereabouts were made public. On 9 November 2004, I was taken to the Kanchanpur Jail. The blindfold was removed only in Kanchanpur jail.

On 3 February 2005, I was transferred to the District Police Office, Jajarkot. I was detained in a dark room for nine days at the DPO. They used to take me out of the room only for using the toilet. After that I was shifted to the Jajarkot jail where I fell sick and became serious and I was transferred to Nepalgunj jail so that I could receive better treatment.

On 25 June 2005, I was transferred to the Nepalgunj Jail. The next day, I was taken to the Bheri Hospital for treatment."

The Maoists lifted my right leg, put a stone underneath and hit my leg with an iron rod. They broke my leg. After that, they pointed a gun at my temple and threatened me that they would kill me if I said anything against them.

Dukhi Prasad Yadav, 37, of Fattepur-8, Saptari District, was abducted from his house by a group of about 15 Maoists namely Newalal Yadav, Balaram Yadav, Nirmal Yadav, Umesh Yadav and some unidentified, on 9 April 2005 at around midnight. Following his abduction, his hands were tied and he was blindfolded, and taken towards the eastern side of the village where the Maoists broke his leg by hitting it with an iron rod. He was assaulted by the maoists on an issue pertaining to a land dispute.

Dukhi Prasad was assaulted by the Maoists for the reason that the price of the land he had bought from Newalal Yadav's father in 1991 had increased a lot and Newalal, a Maoist guerilla, wanted the land back from him. However, as Dukhi had already built house on that land and was living there with his family, it was impossible to meet the Maoist's demand. The dispute is still under consideration of Rajbiraj Revenue Office.

He recalls the incident: "They came to my house at midnight and there were around 15 of them. They first caught my father who was sleeping outside and beat him. My wife heard his screams so she opened the door to see what had happened. I also came out after a while. The maoists immediately grabbed me. They then tied my hands and blindfolded me. I was taken to the eastern side of the village to a field where they stuck me with rifle butts. I fell down. They lifted my right leg, put a stone underneath and hit my leg with an iron rod. They broke my leg. After that, they pointed a gun at my temple and threatened that they would kill me if I said anything against them. They then left. After they had left, I tried to return to my home, dragging my leg, as they had broken it. Later on, my family members and some villagers came and immediately ferried me to the B.P. Koirala Hospital at Dharan. Four days after the treatment, I was taken to Patna, India for further treatment. I am still under medication."

They then beat my entire body with a stick, stripped me naked and then hit me with wet nettles. I lost my consciousness: a 49-year old woman of Parbat District

Tham Kumari Gurung, a 49 year old woman of Balakot-8 Parbat District, was tortured by a group of three Maoists on 1 October 2005, after she was taken to her neighbor's house. She was tortured for about four hours until she fell unconscious. She was accused of spying against the Maoists.

Tham Kumari recalls: "On 1 October 2005, three Maoists came to my house at around midday whilst I was sitting. There were two females and one male. They took me saying they had some work for me. They took me to a neighbor's home and blamed me that I had phoned the RNA soldiers, talking against the Maoist. They then beat my entire body with a stick, stripped me naked and then hit me with wet nettles. I lost my consciousness. When I came back to my senses it was already 4pm.

My husband then came and carried me to the home and called a doctor for my treatment, as the Maoists restricted him from taking me out of the village.

Presently, I am facing different physical problems as I was denied of timely treatment by the Maoists. I feel pain in my body and can not move fingers of my left hand. I can't walk for a long time and carry heavy loads.

My mother-in-law Mansuwa Gurung and my elder daughter Bhumi Kumari Gurung directly witnessed me being tortured by the Maoists."

I was beaten by the Maoists three times, my right arm and right knee were broken, my wife was beaten and we were forced to move from our home, all because I refused to join the Maoists

Kamal Sharma, 28, and his wife Sarita Sharma, 26, of PanchKanaya-5, Sunsari District have been repeatedly threatened by the Maoists for some years. Their money was extorted, they were compelled to provide food and also labor. Mr. Sharma was being forced to join the Maoist as a full time cadre. His refusal resulted in the Maoists' repetitive assaults on him. So far he has been assaulted three times. The couple were last tortured by the Maoists on 31 July 2005. They were compelled to be displaced from their home out of frustration at the atrocities of the Maoists.

Kamal recalls: "On 31 July 2005 at around 9pm, a group of 6-7 Maoists came to my house and asked me to cook food for them. I did not have enough rice and vegetables, so I said I couldn't. I also told them that we were tired from working the whole day in the field so we couldn't cook food for them even if we did have rice. I advised them to go somewhere else in the village. But they became furious and started to kick and punch me on my stomach, hips, and shoulders and on the head.

After some time, they dragged me outside the house and hit me on my head with chopped wood. My wife who came to protect me was also beaten savagely on her head, hips, legs

and back. I could not bear the pain of my wife so I tried to reach her but they again charged me on my head with the same chopped wood. I did not know what happened after that, as I fell unconscious.

When I regained consciousness, my wife was not there. Later, I saw her laying unconscious in a paddy field. I carried her back home, sprinkled some water on her head and then she came back to consciousness after about 15-20 minutes. After this attack, we moved away from our village to save our lives from the Maoists.

They had assaulted me twice before this incident. On 19 October 2004, I met a group of four Maoists on the way while I was going to my farm. One of the Maoists named Bhim Rai searched my entire body and asked me to go with them. He was from the same village so I knew him. They carried me on their shoulder and took me to the crossroads. They then started beating me. They kicked me on my hips, legs thighs and stomach in that public place. They hit me with fists on my face, head and shoulder as well. They consistently asked me whether I would join the Maoists or not. Every time I said no they became more and more brutal. They picked up a chopped wood from the nearby house and hit me on my head. I fell unconscious after that. In the evening, one of my neighbors saw me there and he helped me to return to home. The Maoists did not allow me to receive treatment. They had threatened me that I would be never allowed to enter the village if I defied their order. Another villager named Shanker Karki, 24 yrs was also beaten the same way and he was freed when he accepted to work as a full time cadre in their party.

On 17 December 2004, at about 4-5pm, I was returning home from my farm. I encountered with a group of 5-6 Maoists. They took me to an unknown place and started beating on my head, shoulders, thighs, hips, face and stomach. After being beaten for about 15-20 minutes, I fell unconscious.

The next day, at around 3-4am, when I woke up, I was lying under the bamboo tree. I was unable to move head, legs and arms. I saw blood everywhere and my head was bleeding. Later, my family brought me back home. Three days after the incident, my uncle took me to the Ghopa Camp Hospital in Dharan. The doctor diagnosed that my right arm and right knee were broken.

The key reason why they attacked me is my refusal to join the party as a full timer. On one occasion they compelled me to make party flags and write graffiti on the wall of the houses of the villagers. They even forced me to hang fake bombs on the tree in the village. I used to give them money, rice and the kind regularly.

The security forces barely come to the village, so there is a climate for the Maoists to conduct atrocities at their whim. Disobedience of their order means receiving the same fate as me."

Mr. Sharma has undergone depression and is deeply traumatized by the whole reminiscences.

The Maoists hit our knees at least 8-10 times with a heavy hammer (about 5 kgs. in weight). They broke our legs and seized citizenships, certificates, calculators and watches and then left.

Man Singh Susling Magar, 21, and Bhim Bahadur Saru Magar, 18, both of Bulingtar-8 Nowalparasi District, were tortured by a group of Maoists on 11 November 2004, at around 7:00am on the information that they were returning from Hetauda after participating in the preliminary selection process of then RNA recruitment. Because of torture, their legs were broken and they were treated at the Bharatpur Medical College.

They recall: "we were returning home from Hetauda after participating in the preliminary selection process of RNA recruitment on 11 November 2004. On our way back home, a group of four Maoists stopped us and started interrogating us. When we told them that we were coming back from the Army Selection Process, we were immediately taken a short distance away where they blindfolded us and tied our hands behind our backs. We were then taken to an undisclosed location on two motorcycles.

They wouldn't untie our hands except to let us eat. We were forced to sleep with our hands tied behind our backs and blindfolded. That day we were only asked as to who persuaded us to join the army and who else was in the process of joining RNA.

The next morning, at around 7, we were taken to a place where we were forced to put our right legs on the eggs (pointing portion of the eggs). The Maoists then hit on our knees for at least 8-10 times with a heavy hammer (about 5 kgs. in weight). They broke our legs and seized citizenships, certificates, calculators and watches and then left. We were rescued by RNA patrolling troops after a few hours and taken to Bharatpur Medical College."

The Maoists threatened to burn me alive if I did not tell them the truth. They tortured me continuously until 3am and later left me to die after I had become unconscious.

Daya Ram Poudel, aged 55, lives in Gadhi-4 Surkhet District. On 22 April 2002 at around 11 pm, a band of Maoists cordoned his house and caught him. He was then taken some 200 meters away from his house towards the northern side and beaten continuously for about four hours until he fell unconscious. He was tortured by the Maoists for his alleged involvement in passing information about the Maoists to the security forces.

He recalls: "They surrounded my house at around 11pm and called me. As soon as I opened the door, they grabbed my arms and took me towards the northern side, around 200 meters away from my house, saying that they had some work for me. They held me responsible for the killings of their comrades, saying it was me who had delivered information to the security forces to make the incident happen. They started punching and kicking me. I tried to explain that I was innocent but they did not give me a chance to do so. They beat me with sticks all over my body. They even threatened to burn me alive if I did not tell them the truth. They tortured me continuously until 3am and later left me to die after I had become unconscious.

It was around 4am when I regained my lost consciousness. I cried and cried in pain. Later on, my wife heard my yelps and she came to take me away. I was then taken to the Surkhet District Hospital where I was treated for eight days and discharged. I cannot move my legs properly. I feel pain in my nerves. I fear that the Maoists will come and torture me again."

## Annex 2 - Concluding observations of the UN Committee against Torture<sup>1</sup>

1. The State party should adopt domestic legislation which ensures that acts of torture, including the acts of attempt, complicity and participation, are criminal offences punishable in a manner proportionate to the gravity of the crimes committed, and consider steps to amend the Compensation Relating to Torture Act of 1996 to bring it into compliance with all the elements of the definition of torture provided in the Convention. The State party should provide information to the Committee on domestic jurisprudence referring to the definition of torture as per article 1 of the Convention.
2. The State party should publicly condemn the practice of torture and take effective measures to prevent acts of torture in any territory under its jurisdiction. The State party should also take all measures, as appropriate, to protect all members of society from acts of torture.
3. The State party should bring the practice of pretrial detention into line with international human rights norms and ensure that the fundamental rights of persons deprived of liberty are guaranteed, including the right to habeas corpus, the right to inform a relative, and the right of access to a lawyer and a doctor of one's choice. The State party should ensure that any measure taken to combat terrorism is in accordance with Security Council resolutions 1373 (2001) and 1566 (2004), which require that anti-terrorist measures be carried out with full respect for, inter alia, international human rights law, including the Convention. The State party should provide to the Committee information on the number of people still in pretrial detention.
4. The State party should take the necessary measures to support the work of the National Human Rights Commission, ensuring its recommendations are fully implemented.
5. The State party should make every effort to guarantee the independence of the judiciary, including ensuring that security forces comply with court orders. The State party should provide to the Committee information on the composition, mandate, methods of work and investigations of the Royal Commission for Corruption Control, including whether it exercises jurisdiction over constitutional matters in full conformity with the requirements of the Convention and whether its rulings are subject to judicial review. The State party is requested to provide the same information concerning the Justice Sector Coordination Committees.

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<sup>1</sup>Extracted from the conclusions and recommendations of the UN Committee against Torture regarding Nepal dated 15 December 2005 (CAT/C/NPL/CO/2)

6. The Committee recommends that the State party consider acceding to the Convention relating to the Status of Refugees and other related international legal instruments. In addition, the Committee recommends that the State party enact legislation aimed at prohibiting refoulement of persons without an appropriate legal procedure. The State party should provide to the Committee information on the number of cases of extradition, removal, deportation, forced return and expulsion that have occurred since 1994, as well as information on cases in which deportation was not effected for fear of torture.
7. The State party should take the necessary measures to ensure that acts of torture are made subject to universal jurisdiction under the draft Criminal Code, in accordance with article 5 of the Convention. The State party should also make every effort to ensure compliance with articles 6 to 9 of the Convention.
8. The State party should intensify its education and training efforts relating to the prohibition against torture, and introduce evaluation and monitoring mechanisms to assess their impact.
9. The State party must ensure that no recourse is made, under any circumstances, by law enforcement personnel to interrogation methods prohibited by the Convention. In addition, the State party should provide to the Committee information, including examples, on measures adopted to review interrogation rules, instructions, methods and practices applicable to law enforcement officials.
10. The state party should:
  - (a) Adopt the necessary measures to reduce pretrial detention wherever possible;
  - (b) Immediately transfer all detainees to legally designated places of detention that conform to international minimum standards;
  - (c) Take immediate steps to ensure that all arrests and detentions are systematically documented, in particular of juveniles. The State party should consider creating a central register for persons deprived of liberty, to be made accessible to national and international monitors;
  - (d) The State party should consider amending the relevant section of the Compensation Relating to Torture Act of 1996, to ensure that all detainees have access to a proper medical examination at the time of arrest and upon release;
  - (e) Prohibit the use of incommunicado detention. The Committee recommends that persons held incommunicado should be released, or charged and tried under due process. The State party should provide to the Committee information on the exact number and location of detention places and other detention facilities used by the Royal Nepalese Army, the Armed Police Force and the Police, and the number of persons deprived of liberty;
  - (f) The State party should take measures to ensure compliance by security forces of all orders of the courts, including habeas corpus;

- (g) The State party should take the necessary steps to protect juveniles from breaches of the Convention, and ensure proper functioning of a juvenile justice system in compliance with international standards, differentiating treatment according to age.
11. The State party should consider setting up a national system to review all places of detention, and react to findings of the systematic review.
12. The Committee recommends that the State party consider amending the Code of Conduct for Non-Governmental Organizations so that it is in line with international human rights standards on the protection of human rights defenders. The State party should ensure that national and international monitors are granted permission to carry out regular, independent, unannounced and unrestricted visits to all places of detention. The State party should facilitate visits by, for example, the International Committee of the Red Cross, OHCHR, the National Human Rights Commission, and national and international NGOs.
13. The State party should send a clear and unambiguous message condemning torture and ill treatment to all persons and groups under its jurisdiction. The State party should take effective legislative, administrative and judicial measures to ensure that all allegations of arrest without warrants, extrajudicial killings, deaths in custody and disappearances are promptly investigated, prosecuted and the perpetrators punished. In connection with prima facie cases of torture, the accused should be subject to suspension or reassignment during the investigation.
14. The State party should establish an independent body to investigate acts of torture and ill-treatment committed by law enforcement personnel. The State party should provide to the Committee information on the mandate, role, composition and jurisprudence of the special police courts.
15. The Committee reaffirms that it is the duty of the State party to protect all members of society, in particular citizens belonging to marginalized and disadvantaged groups or castes, such as the Dalits. The State party should take specific steps to safeguard their physical integrity, ensure that accountability mechanisms are in place guaranteeing that caste is not used as a basis for abuses, unlawful detention and torture, and take steps to ensure more diverse caste and ethnic representation in its police and security forces. The State party should include information on caste discrimination in its next periodic report.
16. The State party should ensure that procedures are in place to monitor the behaviour of law enforcement officials, and should promptly and impartially investigate all allegations of torture and ill-treatment, including sexual violence, with a view to prosecuting those responsible. The State party should provide to the Committee a list of cases of gender-based violence and abuse against women and children in custody that have been investigated and prosecuted, and the perpetrators punished.
17. The State party should:
- (a) Make available to victims of torture the conclusions of any independent inquiry in

order to assist them in pursuing compensation claims. The State party should amend its current and planned legislation so that there is no statute of limitation for registering complaints against acts of torture and that actions for compensation can be brought within two years from the date that the conclusions of inquiries become available;

- (b) Consider adopting legislative and administrative measures for witness protection, ensuring that all persons who report acts of torture or ill-treatment are adequately protected.
18. The State party should ensure that compensation awarded by the courts or decided upon by the National Human Rights Commission is paid in a timely manner. The State party should provide to the Committee information on the total amount paid in compensations to victims of torture.
  19. The State party should provide to the Committee information on both legislation and jurisprudence that exclude statements obtained as a result of torture being admitted as evidence.
  20. The Committee recommends that the State party take all necessary measures to improve conditions of detention.
  21. The State party should reinforce international cooperation mechanisms to fight trafficking in persons, prosecute perpetrators, and provide protection and redress to all victims.
  22. The State party should take effective measures to prevent security forces using children as spies and messengers. The State party should also take the necessary steps, as a matter of urgency and in a comprehensive manner, to prevent the abduction of children by CPN-Maoist and to facilitate the reintegration of former child soldiers into society. The State party should also consider ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

## Annex 3 - Major recommendations of the UN Special Rapporteur on Torture<sup>1</sup>

31. The Special Rapporteur concludes that torture is systematically practised by the police, armed police and Royal Nepalese Army. Legal safeguards are routinely ignored and effectively meaningless. Impunity for acts of torture is the rule, and consequently victims of torture and their families are left without recourse to adequate justice, compensation and rehabilitation.
32. By letter dated 27 December 2005, the Government of Nepal objected to these conclusions. It stated that the Government does not tolerate, condone or permit torture; that opinions expressed by some security officials cannot be considered State policy; that it does not allow impunity; that allegations are investigated with all the seriousness that they deserve; and stern action is taken against offenders. In this regard, the Special Rapporteur expresses the sincere hope that security officials who practise, order or condone torture (e.g. the chief and deputy superintendents of Hanuman Dhoka District Police Office, and the commanding officer of the RNA Kohalpur barracks) are held accountable. The Special Rapporteur welcomes the stated commitment of the Government that measures to address torture and impunity will be pursued in a continuous and sustained manner. To this end, he notes that the Government is in the process of drafting legislation regarding the criminalization of torture. He welcomes, as a follow-up to his visit, that the Ministry of Home Affairs has issued a seven-point directive to the Nepal Police and APF concerning the prevention of torture. The Special Rapporteur further welcomes the commitment of the Government to engage with the United Nations to further advance the cause of human rights in the country and, in particular, to consider the recommendations of the Special Rapporteur to consolidate its efforts to prohibit torture.
33. Accordingly, the Special Rapporteur recommends to the Government of Nepal that:
  - (a) The highest authorities, particularly those responsible for law enforcement activities, declare unambiguously that the culture of impunity must end and that torture and ill-treatment by public officials will not be tolerated and will be prosecuted;
  - (b) The crime of torture is defined as a matter of priority in accordance with article 1 of the Convention against Torture, with penalties commensurate with the gravity of torture;
  - (c) Incommunicado detention be made illegal, and persons held incommunicado released without delay;

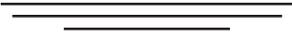
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<sup>1</sup>Report dated 9 January 2006 of the Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Manfred Nowak, on his mission to Nepal (10-16 September 2005). (ECN.4/2006/6/Add.5)

- (d) Those legally arrested should not be held in facilities under the control of their interrogators or investigators for more than the time required by law to obtain a judicial warrant of pretrial detention, which should not exceed 48 hours. After this period they should be transferred to a pretrial facility under a different authority, where no further unsupervised contact with the interrogators or investigators should be permitted;
- (e) The maintenance of custody registers be scrupulously ensured, including recording of the time and place of arrest, the identity of the personnel, the actual place of detention, the state of health upon arrival of the person at the detention centre, the time family and a lawyer were contacted and visited the detainee, and information on compulsory medical examinations upon being brought to a detention centre and upon transfer;
- (f) All detained persons be effectively guaranteed the ability to challenge the lawfulness of their detention, e.g. through habeas corpus. Such procedures should function effectively and expeditiously;
- (g) Confessions made by persons in custody without the presence of a lawyer and that are not confirmed before a judge not be admissible as evidence against the persons who made the confession. Serious consideration should be given to video and audio taping of all persons present during proceedings in interrogation rooms;
- (h) Judges and prosecutors routinely ask persons brought from police custody how they have been treated and, even in the absence of a formal complaint from the defendant, order an independent medical examination;
- (i) All allegations of torture and ill-treatment be promptly and thoroughly investigated by an independent authority with no connection to that investigating or prosecuting the case against the alleged victim. In the opinion of the Special Rapporteur, the NHRC might be entrusted with this task;
- (i) Any public official indicted for abuse or torture, including prosecutors and judges implicated in colluding in torture or ignoring evidence, be immediately suspended from duty pending trial, and prosecuted;
- (k) Victims of torture and ill-treatment receive substantial compensation proportionate to the gravity of the physical and mental harm suffered, and adequate medical treatment and rehabilitation;
- (l) The declaration be made with respect to article 22 of the Convention against Torture recognizing the competence of the Committee against Torture to receive and consider communications from individuals who claim to be victims of a violation of the provisions of the Convention;

- (m) The Optional Protocol to the Convention against Torture be ratified and a truly independent monitoring mechanism established to visit all places where persons are deprived of their liberty throughout the country;
  - (n) The appointments to the National Human Rights Commission, in the absence of Parliament, be undertaken through a transparent and broadly consultative process;
  - (o) The Rome Statute of the International Criminal Court be ratified;
  - (p) Police, the armed police and RNA recruits undergo extensive and thorough training using a curriculum that incorporates human rights education throughout and that includes training in effective interrogation techniques and the proper use of policing equipment, and that existing personnel receive continuing education;
  - (q) Systematic training programmes and awareness-raising campaigns be carried out on the principles of the Convention against Torture for the public at large, security forces personnel, legal professionals and the judiciary; and
  - (r) Security forces personnel recommended for United Nations peacekeeping operations be scrupulously vetted for their suitability to serve, and that any concerns raised by OHCHR in respect of individuals or units be taken into consideration.
34. The Special Rapporteur calls on the Maoists to end torture and other cruel, inhuman or degrading treatment or punishment and to stop the practice of involuntary recruitment, in particular of women and children.
35. The Special Rapporteur recommends that the Government continue to cooperate with relevant international organizations, including OHCHR, including by requesting assistance with the follow-up to the above recommendations.
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