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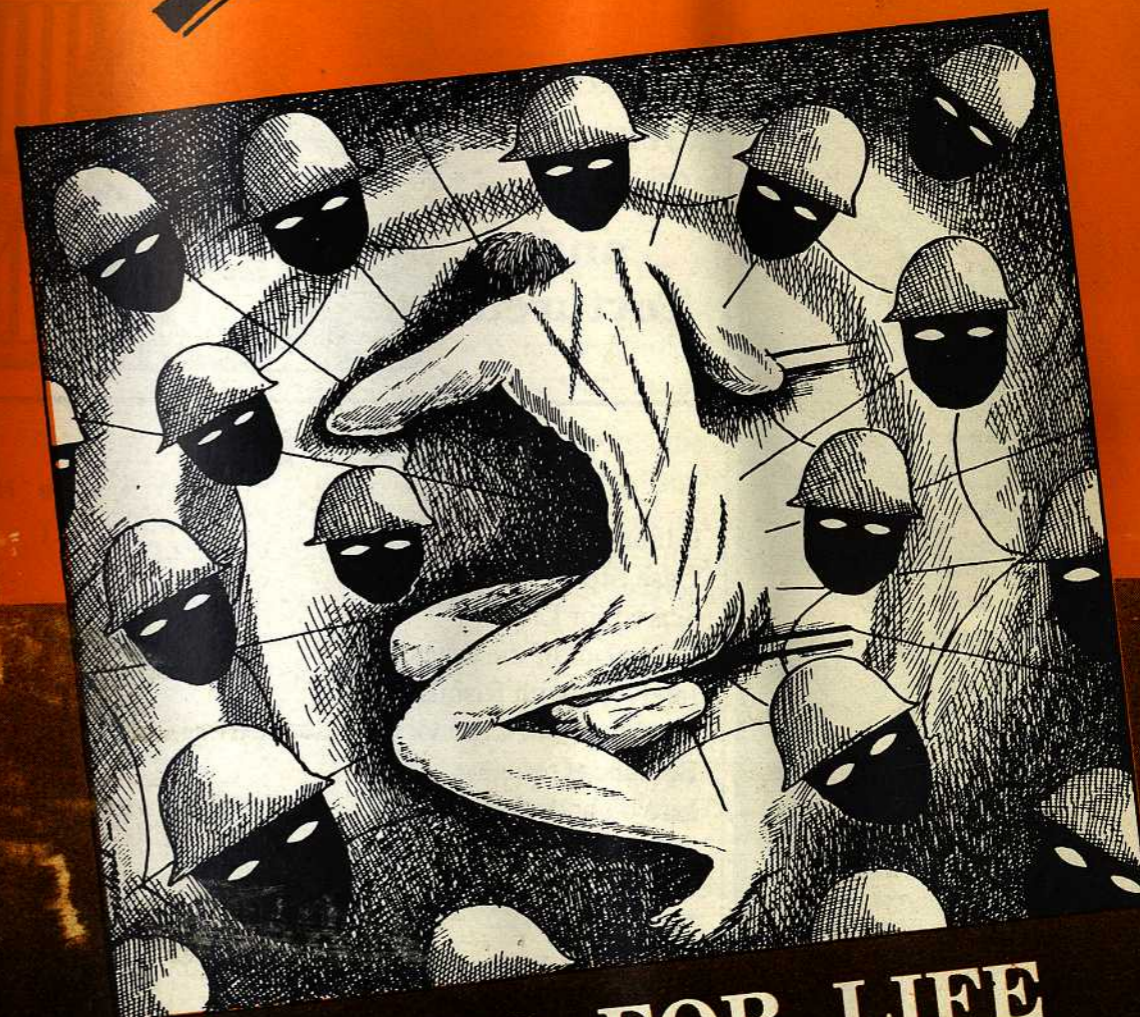
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Voice

Against Organised Violence
CENTRE FOR THE VICTIMS OF TORTURE, NEPAL
Issue No 3, Aug. 1992



SCARED FOR LIFE

Published by
Centre for the Victims of
Torture, Nepal

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SEMINAR**HEALTH ISSUES AND TORTURE****यातनास्वास्थ्य****TRAINING/SEMINAR FOR NEPALESE DOCTORS****AUGUST 21-23, 1992**

**Life on
both sides :
Torturer
and
Tortured**

**C O N T E N T**

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Torture and its consequences

Psychological problems following torture is a major health problem in Nepal, but it has long been an overlooked and neglected field. Few people realise the extent to which torture changes a man's life and sometimes breaks it down completely. The psychological trauma following it leaves a lasting impression that few can forget.

For example, in a district in Nepal, people from different villages belonging to the opposition political party were arrested and tortured so severely that their personalities were totally shattered. Even after their release, they could not revert back to their old selves. All of them were physically ill and showed signs of depression, tension, worry and agitation. They did not like talking about politics anymore and some even resigned from their parties. Their altered behaviour and personality also affected their family and relatives.

Besides their family and relatives, the community as a whole was affected. They were afraid to speak out against the atrocities committed by the ruling party members and the government. In a different sense, their silence was also a way of coping with the experience.

There are several other villages like this one where the whole community is terrorized by the stories of one or two survivors of torture. Hence, we believe that psychological problems is one of the major community health problems in Nepal. The solution to this is political, not professional help. National effort and international pressure must be applied to stop such inhuman acts and thus prevent masses of people from suffering from psychological trauma.

The hope and enthusiasm following the reinstatement of a democratic system in Nepal was enormous. Naturally, it was more than what the government of a bankrupt economy could live upto. However, prevention of torture is something that does not require a lot of money. All it needs is political commitment which is unfortunately sadly lacking in our country. That is the reason why people here, especially in the rural areas, are still living in the same appalling conditions as before. ■

SCARED FOR LIFE

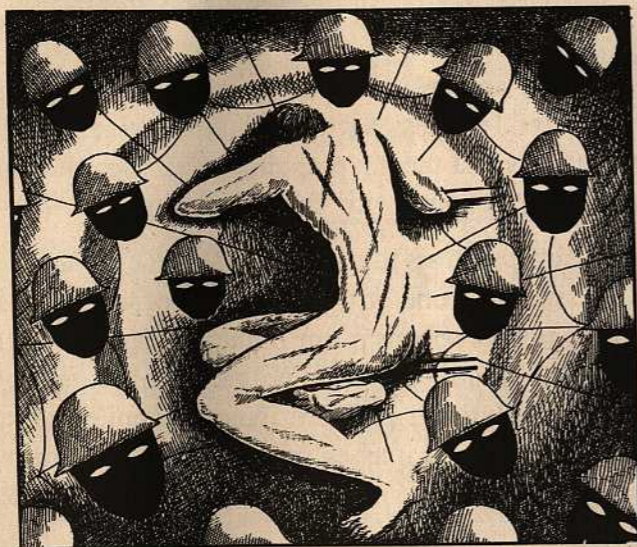
*I am a period at the end of nothingness
Struggling for a place at mystery's end
Even if iron bars were put up
to imprison the sun around me
I would slip through them
because I am merely a period.*

*I was brought up to the swinging of time
My mind shaped by the inquiring wind
Before,
I was a period at the end of nothingness
Now,
I am a question mark in the life of mystery.*

Mr. R has reflex sympathetic dystrophy of the left foot and the arches of both his feet have been disturbed. He will always suffer from pain in his legs and will have trouble walking. This will in turn aggravate his psychological problems. He is already suffering from anxiety disorder.

All this is a result of the torture he endured at the hands of the police almost three years ago!

Mr. R's only crime was to believe in an ideology that preached equality for all men and women during a time when the government brooked no



opposition from anyone. The Panchayat administration arrested him on the charge of being a communist during the movement for democracy and detained him for a whole month.

He was interrogated twice a day during which he was kept completely naked. Random beating was most common, but they sometimes beat him systematically on his buttocks and thighs with wooden and metallic rods. Falanga

was applied on the soles of his feet after which he was forced to walk immediately. He was also made to lie down on the floor while the police walked on his legs. He still has scars over his shin and rough discolored skin on his instep to show as evidence. The 2nd toe on his left foot is now totally insensitive to any sensation.

Though employed as a teacher before his arrest, he has been unable to work again. He is the sole means of support for his elderly mother, wife and little son.

Mr. R complains of nightmares and fears that his memory has been severely affected. He is afraid everytime he sees a policeman and cannot bear crowds.

He is still hopeful though that once his leg is healed, he will be able to start his life again. However, the sad fact remains that his physical condition is a permanent one!

Mr. R complains of nightmares and fears that his memory has been severely affected. He is afraid everytime he sees a policeman and cannot bear crowds.

RIISING OUT OF THE ASHES

Mr. C, a 36 year old male from Gulmi district of Nepal is a victim of torture of the partyless Panchayat system. His family includes a little daughter and his wife. He is a teacher by profession.

He was arrested 15 years ago in Kathmandu on the charge of distributing pamphlets demanding a multi party system. Initially, he was kept under custody and later transferred to jail where he was detained for five and a half months. Torture began from the time of arrest and continued till his release.

During custody in the police station and in jail, he was not allowed to move. He was beaten randomly all over his body and also on the soles of his feet (Falanga). Insertion of needles into his nail beds was

routinely carried out and the police often twisted his arms till he screamed out in sheer agony. He was forced to pull out hair from his scalp and stay in very awkward positions. The police threatened him with pistols, regularly humiliated him in front of other people and gave him dirty food to eat.

His family were also threatened. He was forced to sign a paper stating that he was not tortured and that whatever was written on that paper was true.

He was not allowed to read the rest of the contents.

As a result of the severe torture, even after a long interval, he still suffers from constant

headaches, loss of appetite, sleep disturbances and nightmares. He sometimes feels that he is worthless and has even contemplated suicide. However, so far he has not yet attempted to take his own life.



He was forced to sign a paper stating that he was not tortured and that whatever was written on that paper was true.

He is currently receiving medical support and counselling from CVICT. He is already showing some progress and wants to return to his job and support his family.

'Prison is the instrument of oppression by the tyrant who wishes to shackle the thousand blooming flowers along the garden of history.'

fr. pepito bernardo

Human rights cannot be protected through repressive means :

- Rishikesh Shah

President of the Human Rights Organization of Nepal- Rishikesh Shah is also the founder chairman of Amnesty International (Nepal chapter). A former Foreign Minister and speaker of the Royal Assembly and one of the drafters of the constitution of Nepal 2019 B.S., 68 year old Shah is a well known advocate of democracy and human rights.



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☞ The government recently published a report on their performance entitled 'One year of the elected government' in which no mention has been made of the events of April 6th 1992 or the current status of democracy and human rights in the country. Do you feel this is disrespectful of the 1990 movement for democracy and human rights?

That is a very relevant question. Government officials are always mentioning democracy and human rights in their speeches, yet they have failed to do so in their progress report. That is because they have killed more than a dozen citizens in the last year through the use of police force. Manoj Joshi was killed in Khotang; in Baglung 10 detainees were severely tortured and several people were killed on 6th April. Many other similar instances have occurred, but the government did not have the courage to set up a single commission to find the culprits. Amnesty International report states (after a full enquiry) that human right violations in Nepal remain the same as before. Is that not a matter of shame for the government?

☞ Home Minister Deupa called the report 'exaggerated', 'incited by opponents' and 'leftist-oriented'. What is your reaction to this?

If that is what he said, what does the Minister have to say about Amnesty's efforts when B.P.Koirala, Krishna Prasad Bhattarai and Ganeshman Singh were jailed? When he himself was in jail, Amnesty put pressure on the Nepal Government. What does he say about that? Is it right to help him, but wrong to point out his misdeeds?

Government officials are always mentioning democracy and human rights in their speeches, yet they have failed to do so in their progress report.

The report also mentions that there have been some changes in Nepal. I support the report completely. Amnesty has also mentioned the Mallik Commission. The government should follow up on its recommendations. If it does not take any action against the culprits, then people will lose all hope and encouragement. The government has also put off the recommendations of the commission on 'missing' persons of the Panchayat period. Instead of accusing others, it should do something substantial itself.

☞ J. L Mallik, head of the commission investigating into the 'loss of life and property' during the democracy movement of 1990 received a commendation on presenting his report to the government. However, the government has appointed as an ambassador-Mr. Lok Bahadur Shrestha, one of the several who was found guilty by the Mallik Commission. Is that appropriate?

The responsibility for this lies with the Nepali Congress Party and its opponent the

United Marxist Leninist (UML) Party. It is rumoured that during the time of the interim government, the police were given reassurance that no action would be taken against them if they helped them (the parties) win the elections. If that is true, what else can you expect from them?

The government is sheltering those people who opened fire on the masses and others who gave such an order.

☞ Can change be brought about in the human rights situation in Nepal?

Human rights even in America is not satisfactory. A burning example of that is the Los Angeles police atrocity. We in Nepal are much further behind and have to attempt it gradually. The government has to abandon its repressive behaviour as displayed in Baglung and Khotang. Human rights cannot be protected nor democracy developed through repressive means. The government is sheltering those people who opened fire on the masses and others who gave such an order. If these circumstances continue, there will be no end to the atrocities on the general public.

☞ The report produced by the Human Rights Organisation of Nepal (HURON) on the events of April 6th, 1992 has been said to be contradictory. Comment.

In our report, we mentioned the names of those people who died on that day and the government has not been able to present any proof contrary to that. Also, while we were conducting our investigation, the government did not give us any information. Our report is factual and unbiased and we have mentioned the misdeeds of both the government and the demonstrators.

☞ What is your opinion on the need for human rights education in Nepal?

I have been an ardent advocate of it for the past 25 years. Human rights education should be given at the school level, in programmes for public awareness and to the police and other administrative officers. We are ready to help the government if it takes up the initiative to do so.

If it (govt.) does not take any action against the culprits, then people will lose all hope and encouragements.

☞ The outlook of the government towards human rights organizations is generally negative. Will the present government work towards human rights protection in a more positive manner? Can we hope for an improved situation?

The situation has already improved. The Constitution guarantees the protection of human rights. It is, of course a different story that these have not been implemented. For example, untouchability was banned a long time ago, but it still exists in society today. Needless to say, the government has to settle into a democratic system of administration.

The Constitution guarantees the protection of human rights. It is, of course a different story that these have not been implemented.

☞ Recently, Nepal Womens Association (associated to the Nepali Congress) put forth a petition demanding the death penalty for child rapists. What is your view on this?

Demands can be made by anyone, but I personally am totally against this punishment. I opposed the death penalty awarded to Bhim Narayan Shrestha and Yagya Bahadur Thapa much before the leaders of the Congress party did.

Working with rape victims amongst Bhutanese refugees

Bhutan, a small Himalayan kingdom sandwiched between two big neighbours India and China, has been in the news lately due to the large exodus of refugees from the country. This present day 'Shangrila' is home to the ethnic Drukpa minority and until recently a large majority of Nepalese origin. This heterogeneous population of less than a million lived in harmony for

many years with incentives given by the government to promote inter-racial relations. A fourth generation monarch ruled over the country assisted by an assembly of representatives chosen by him.

Education was free for all and health services were given priority in the country.

However, in 1990, the government of Bhutan introduced the Driglam Namzha or the code of conduct for all Bhutanese citizens. This enforced among other things a rigid dress code which made it compulsory for all to wear the national dress, i.e the kira for women and the gho for men. The government also declared that 1957 would be considered the cut off year

the census and anybody who had settled down in Bhutan after that would have to leave the country. The majority Nepali population, some of whom had lived in Bhutan for three generations and others who had settled there only recently, and who had their own distinctive culture, revolted against this law and began to demand for multi-party democracy. The



governments response to this was to come down hard on all individuals connected with this movement. Random arrests were conducted and many individuals were imprisoned and tortured. Some of the villagers were forced to

donate money and men to the Movement Activists on the one hand and on the other were hounded by the Bhutanese army for supporting the 'insurgents'. A trickle slowly began leaving the country in late 1990, but soon became a mass exodus as more and more people sought a safe haven for themselves.

Jhapa district in east Nepal, near the Indian border of Siliguri in West Bengal became home to the hundreds of refugees fleeing from

EVALUATION

Bhutan. They could cross over into Assam from their villages and then get into trucks heading for Nepal. Slowly as more and more arrived, camps were set up for them with aid from various international organizations. Stories began appearing in the papers about their plight, highlighting in many cases the victims of torture and sexual violence. These came to CVICT's attention and an initial health camp held there revealed the great number of the latter.

A team sent to Jhapa to evaluate the need for psychological support for rape victims found that the actual number of victims far exceeded the recorded number of cases. Many of them had not spoken out due to feelings of fear, guilt and shame. All of them had been raped within the last two years. The ages of the victims varied greatly, ranging from 12 to 69 years. The majority of them were victims of multiple rape, some being raped by as many as ten soldiers on a single occasion. Others were raped repeatedly over a long period of time as they stayed on in Bhutan in the hope that things would become better in their country. In many cases, the rape was accompanied by severe beating.

One family of women - mother (55), daughter (16) and daughter-in-law (30) were stripped naked by soldiers in front of the male members of the family. They were forced to dance, beaten and then chilli powder was poured over them. The soldiers finally raped them and made the rest of the family, including a five year old watch them. After that, the men were taken away and have not been seen since.

Another young girl was 11 years old when her ordeal took place. She was raped by two soldiers while her mother was out and her baby brother asleep beside her. She still displays a fear of men and panics every time she sees anything green.

Though most families have been supportive of the victims, in a few cases the

husband has not accepted the wife back. In others, the women have refused to return, primarily due to a general fear of men and secondarily, due to resentment against their husbands for not protecting them in their time of need.

The ages of the victims varied greatly, ranging from 12 to 69 years. The majority of them were victims of multiple rape, some being raped by as many as ten soldiers on a single occasion.

The majority of the women had talked to no-one else about the rape. Some women who were raped individually had not admitted it to their families due to fear ostracism or shame or guilt.

Most of the women interviewed complained of gynaecological problems, mainly vaginal discharge and epigastric pain dating from the rape incident. A medical examination showed simple infection for which they were given medication. Many of these women had not been seen by any doctor previous to this.

Two women had delivered babies as a result of rape. Of these two, one child had died. The mother did not express any sorrow and was in fact relieved that it had happened. Another young girl who had conceived as a result of rape wanted to abort the foetus since she was unmarried and also had only negative feelings towards the unborn child.

All the women were found to be suffering from the psychological sequel as of rape like fear, shame, guilt, anxiety, depression and other common fears. For example, some displayed a fear of men, of being alone, etc. 50% of these women suffered from nightmares. Many felt physically dirty and wanted to clean themselves regularly. Their reaction to the rape was a feeling of guilt or self-blame as though they

themselves were responsible for the crime. For some women, the trauma of leaving home and country and in some cases having to watch their near ones die, compounded further by the negative feelings associated with rape had led to a complete breakdown of the personality. One woman had stopped eating and sleeping and had auditory hallucinations. The derisive attitude of the family and society only made matters worse. Illiteracy and ignorance led these people to consult only the local witch doctors and three women had already died due to lack of proper medication and treatment.

It was clear to CVICT that these women needed immediate help to cope with the medical, psychological and social problems of the situation. Since it was not practical for several counsellors from CVICT to be sent to Jhapa to handle the large population on a long term basis and since studies have already proved that people from the same background were more eminently suitable, 12 women from among the refugees and 4 from the local Women Development Association (WDA) were selected to be trained as helpers for the victims. The training was held from 4th to 8th April 1992 at

the Centre for The Victims of Torture (CVICT) in Kathmandu.

All the women were found to be suffering from the psychological sequel of rape like fear, shame, guilt, anxiety, depression and other common fears.



The main objective of the training was to teach the women basic counselling skills, specially related to rape victims. It aimed at enhancing their observation powers and report writing skills and gave them information about rape and its consequences. The legal aspect of rape,

a victims feelings towards society and herself and the attitude of society towards a rape victims was also discussed. Role plays were enacted to make the training more effective and the feedback received at the end was very positive.

Since the training, two supervisory visits have already been made. The helpers are doing effective work which has been reflected in their reports and in the improved condition of many victims who were interviewed initially. The response of the victims to the helpers has also more than justified the felt need for them. Currently, 39 victims are being counselled by the helpers. They will hopefully recover from their tragic experience and rebuild their lives again.

Pity not my state that wounds your feeling heart.

Dry your tears

Let those sad eyes look through me with courage and dignity.

LIFE ON BOTH SIDES: TORTURER AND TORTURED !

D - a former high ranking police officer joined the police as assistant sub-inspector (A.S.I) and served in the force for 37 years.

An interview with him in July, 1992 revealed the following:

I cannot give you the exact figures for the prevalence of torture, but it is very common in police stations.

The most common method of torture is beating on the soles of feet. Other methods are illegal detention, abstinence from food and water, immersion in cold water and confinement in dark rooms. There is also the application of electrical torture. Naked wires are attached to different parts of the body directly and no system of voltage regulation or control exists. There is no protocol of torture as such. It is the police officer and the policeman who decides on the method of torture. They are careful that great injury does not occur. However, cases of injuries are sometimes encountered after torture. Similarly, deaths in police custody though not very common, do occur occasionally.

The police in Nepal are not equipped with modern investigating devices. Even the special task force (Bishesh Prahari) are unaware of such things.

The main reasons behind the use of torture is the limited manpower in the police force, lack of modern means for detection of crime, limited time period (i.e. the accused must be presented before the court within 24 hours of arrest with sufficient evidence) and no evidence (proof of crime) against the accused. The court asks for proof or evidence which must be collected and submitted by the police. Therefore, since they need all the information they can get

within a short period, they do not have the time for psychological interrogation, and physical torture remains the only other alternative. Another problem is that it is usually only the accused who knows about the crime and can give proof of it. Torture is also encouraged indirectly by the victims in that the accused persons usually confess only after being beaten. In principle, torture is applied only to find out facts. However, in reality, its practice has become widely misused. Through the use of torture, the police can force anyone to accept any charges, sign papers written in the interest of the police and then produce them in court as documentary evidence. This practice has sent many innocent persons to jail.

Similarly, deaths in police custody though not very common, do occur occasionally.

There are many other rules and regulations which, because they are not practical, fosters illegal practice. I know of people who have been illegally detained for 4 - 6 months, but police records will show their arrest to have been only 24 hours before presentation in court.

Clever and experienced criminals will readily accept all charges before the police to escape beating, but will deny it again in court and say that the confession was made under threat of torture. With this practice, he buys time for himself.

The investigation officer and his subordinates are responsible for torture; at the district level, the deputy superintendent of police (DSP) and inspector, and at the village level the sub inspector (SI) and assistant sub-inspector (ASI).

It is very rarely that a torture victim is taken to a doctor or a hospital. That happens

only when the victims life is in serious danger. I acknowledge the fact that death can occur due to torture and that it has happened in the past.

In principle, torture is applied only to find out facts. However, in reality, its practice has become widely misused.

Every police officer is habituated to giving commands due to his training. From ASI to

IGP, all of them have the same mentality. Therefore, he cannot wait very long, as happens in psychological interrogation, to find out facts. I myself have, on many occasions given orders to torture the accused. I realise now that beating and other methods of torture distracts the police from the main purpose of finding facts.

A special course on investigation has been designed for police officers, but that is only theoretical. In my opinion, there should be a separate team in the police only for crime detection. Uniformed police can prevent future crime, but are unable to carry out investigations of crimes that have already occurred. We have a system in which the police have to do all kinds of jobs at once, eg. riot control, interrogation, investigation, settlement of minor misunderstandings between family members, and neighbours, etc.

This practice has sent many innocent persons to jail.

I cannot give you the details of what

passed on during the 37 years of my experience in the force - that will have to wait till after my release. Right now, I can only say that there are a great number of things known to me which are unknown to you.

I acknowledge the fact that death may occur due to torture and that it has happened in the past.

Mr. D is not only a former IGP, but also

a victim of police torture. He has been charged with seven different crimes and is currently lodged in the Central Jail.

His comments on the torture meted out to him :

I was continually tortured during custody. I cannot tell you all the details. No Nepali person can ever

imagine the kinds of torture given to me. I myself have some experience of being the torturer, but I never practiced or ordered such horrible acts.

Right now, I can only say that there are a great number of things known to me which are unknown to you.

Snakes (cobras) were used to torture me. **Two of them were released from their boxes into my room and left for 3 days and 2 nights.** I am extremely scared of snakes, so you can imagine how I managed to get through those three days.

Due to torture, I was mentally disturbed for a while, but am now slowly getting better. I have a bibliography written in code which I will publish if I am released. This time, I cannot give you details because they might harm me.



PUBLICATION

Extract from ' The Bhutan tragedy : When will it end ? ' first report of the SAARC jurists mission on Bhutan

Right upto the eighties, Bhutan could match its human rights record with any of the other SAARC countries. A benign monarch and a modernized administration was undertaking a human development program to promote the greater realisation of economic, social and cultural rights. It was doing so in a plural, but harmonious ethnic polity.

However, the events that have occurred since the introduction of the Driglam Namzha decree, have only served to underscore the fact that human rights when bestowed from above, even by a sincere well - meaning monarch remain bestowed at the behest and will of the bestower.

The Driglam Namzha Decree of 1988 which purports to provide for all people of Bhutan a code of ethics in fact imposes such code of the Drukpas of the North upon all peoples of Bhutan. It deals with matters such as how to eat, how to sit, how to speak, how to bow down before the authorities and how to dress. The dress code which bans the wearing by men and women alike of all other dresses than that of the Drukpas, is being strictly enforced with penalties imposed on offenders, half of which would be kept by the implementing officer as a reward. Imprisonment with hard labour for one week is also a penalty for violation of the dress code.

Under the Driglam Namzha, the government has made Dzongkha (the language of the Drukpas) the sole national language and

in February 1989 banned the teaching of Nepali in South Bhutan, closing down all the schools there.

The 1985 Citizenship law arbitrarily imposes an impossible to discharge burden of proof upon one ethnic group while the other ethnic groups do not have to prove anything at all to retain their nationality and citizenship. It obliterates the legislative reality of the 1958 and 1977 Citizenship Acts by making the 1985 legislation have retrospective operation back to 1958. This is especially unfair and obnoxious since some of the documentary proof required by the 1985 Act just did not exist in the year 1958 (eg. enumeration in the census records which ironically only properly date back to 1972; proof of payment of taxes for land for which proper documentation was only instituted in 1977.) Moreover, in implementing the 1985 Act, the authorities totally dismiss any documentary evidence that either pre-dates or post-dates the year 1958 and indeed the law itself declares such documents invalid as proof of citizenship.

The authorities have set up several categories for proof of citizenship ranging from F-1 to F-7 categories. Category F-1 comprising people with land receipts of 1958 is the only category with a reasonable chance of obtaining recognition of citizenship rights. Category 7 comprises people who cannot produce documentary evidence of 1958; Category F2 (comprising cases to be treated at par with F7) and F-5 (husband and children of Bhutanese women married to a non-national) are to be evicted from Bhutan and this is being done by giving notice to leave within a period which ranges from 2 days to a week. Category F-3 applies only to Drukpas. Category F-4 comprises

of children born to non-national mothers after 1958. These the law discriminates against not only on the grounds of ethnicity but also on the basis of nationality of spouse and it discriminates against women and children.

The 1977 Marriage Act is another discriminatory law. It imposes a number of denials of benefits (eg. of promotion in service,

THE BHUTAN TRAGEDY WHEN WILL IT END ?



FIRST REPORT OF
THE SAARC JURISTS MISSION
ON BHUTAN

training and fellowship abroad) to those who marry non-citizens. This poses a special problem for South Bhutanese males and females since, under their customary Hindu marriage laws, they are prohibited from marrying within several degrees of kinship closeness and thus can find no unrelated spouse in Bhutan. Therefore, they have to seek a spouse in neighbouring India or Nepal.

The Bhutan government has been reluctant thus far to guarantee human rights to their people as a matter of right, but instead have earlier followed the approach of granting human rights as a matter of royal prerogative.

Extract from Amnesty International's Report on Nepal, June 1992

The collapse of the government of Prime Minister Marich Man Singh in March 1990 and the subsequent lifting of the ban on political parties marked the end of three decades during which political activity was banned and hundreds of government opponents were detained and tortured. Since the coming to power of an interim government in April 1990, succeeded in May 1991 by an elected government, hundreds of political prisoners have been released and, as far as Amnesty International is aware, there are currently no prisoners of conscience in Nepal. Reports of torture have also decreased dramatically. However, Amnesty International is concerned that a large number of serious human rights violations, including "disappearance" and extrajudicial executions, committed under previous governments remain unclarified and that those responsible have not yet been brought to justice. It is also concerned about periodic reports of human rights violations under the current government, including torture, politically motivated arrests and extrajudicial killings.

Amnesty International recognises the improved human rights situation in Nepal and the positive steps already taken to provide long term human rights protection, but remains concerned that there are some areas in which the Constitution may not provide sufficient human rights protection, notably the right to life, the right to freedom of religion and the protection of human rights during a state of emergency. Moreover Amnesty believes that constitutional safeguards, while certainly important, do not in themselves guarantee human rights.

NEWS IN BRIEF

AWARENESS

In an effort at disseminating information about the human rights situation in Nepal, CVICT has initiated a training and awareness programme on human rights for health professionals. This will be held once every month and men and women from various parts of the country will be invited to participate.



The training will provide information on human rights, the laws pertaining to it, different methods of torture, its physical and psychological consequences and intervention measures for the treatment of victims. CVICT staff, doctors, lawyers and other human right activists will conduct the training.

The first programme of such a kind was held from 8th to 12th June, 1992. Eighteen health professionals took part in the training. A second training took place on 13th - 17th, July, 1992.

VISITS

Dr. Mehdi visits CVICT

Dr. Mehboob Mehdi, Director of the Rehabilitation Centre and Health Aid for Torture Victims (RAHAT), Pakistan was in Kathmandu in March to discuss the human rights situation in the country and the activities of RAHAT and CVICT.

Dr. Mehdi is President of the Regional Asian Secretariat for the rehabilitation of survivors of organised violence of which CVICT, (Nepal) is also an executive member.

Prof. Holst visit to Nepal

A team of 3 members led by Prof. Erik Holst, President of the Rehabilitation Centre for Torture Victims (RCT) Denmark, visited Nepal between 15th-22nd April. They observed CVICT activities and discussed areas of mutual cooperation on the occasion.



IRCT an international council founded by RCT is involved in world wide campaign against torture and support the national and local organisation in terms of

financial support, protection of professionals working in these field, documentation and other related fields. Many international organizations oriented towards the protection of human rights are members of IRCT.

FIELD STUDY

A study group, jointly organised by CVICT and Forum for the Protection of Human Rights (FOPHUR) was despatched to Baglung, to investigate into the torture of detainees arrested in connection with the murder of police inspector Gyaneshwor Vaidya on January 15th, 1992.

The 3 members of the group Dr. Bhattarai, journalist Raghu Pant and advocate Shivraj Adhikari met with local officials, politicians, police and the public from March 14th to 18th, 1992 in their attempt to get at the truth. The facts collected, together with photographic evidence, has been made available to local newspapers by CVICT for publication. ■

INTERNSHIP ABROAD

CVICT coordinator Dr. B. Sharma was in London in July at the Medical Foundation, Britain and other organisations on a professional attachment to enhance CVICT's capacity to work more effectively. The visit was sponsored by the International Human Right Internship Program, USA. ■

COUNSELLING

A training for helpers of rape victims was organised by CVICT from 4th to 8th April, 1992. Sixteen women from Jhapa (12 Bhutanese refugees and 4 Women Development Association members) participated in the programme. The week long training aimed at imparting basic counselling skills to the women to help them work with the refugee victims.



These women are now regularly meeting the victims and supervisors from CVICT make monthly visits to help them with their work. ■

SEMINAR

A three-day seminar on " Health Issues and Torture ", jointly organised by the Centre for Victims of Torture, Nepal and Physicians for Human Rights, Denmark / U.K was held from 21st to 23rd August, 1992 at the Agricultural Project Services Centre (APROSC) in Kathmandu. The seminar aimed at spreading awareness among health professionals about the significance of torture in relation to the

(CWIN) with his paper on the ' Human Rights Situation in Nepal: Status in Need.'

The trainers from Denmark and U. K then took over for the remainder of the seminar. The various papers presented were as follows :

- Torture, commonly used methods and the purpose of torture.
- Physical health effects of torture.



physical and psychological health of the individual. 69 doctors from 51 districts in Nepal participated in the seminar. In selecting the participants, doctors from rural areas were given preference since they witness more incidences of human rights violations than their urban counterparts.

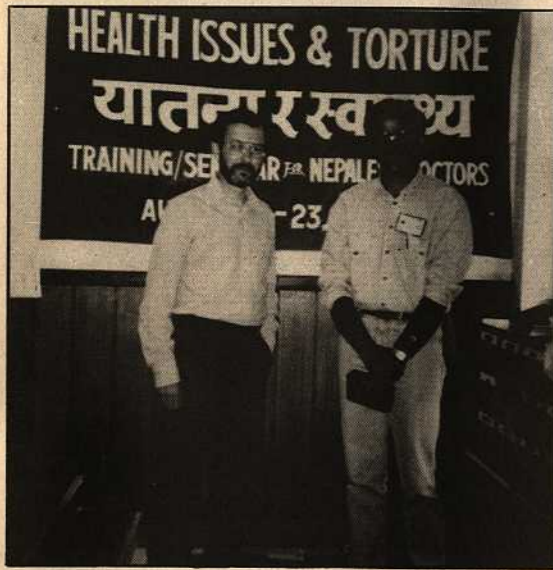
In the inaugural session, Dr. Bhogendra Sharma, CVICT coordinator, gave a brief introduction about the organisation and its strategy for prevention of torture and rehabilitation of survivors. He was followed by Gauri Pradhan, prominent human rights and child rights activist and executive director of Child Workers in Nepal, Concerned Center

- Psychological health effects of torture, including post traumatic stress disorder and coping.
- Assessment of the state of health of torture victims.
- Documentation of torture: point of view of the general practitioner.
- Doctors at risk: cooperation of doctors with the authorities.
- Medical ethics, international declarations relevant to torture.
- Types of injuries.
- Forensic autopsies, the UN-manual.
- The role of medical officers in the documentation of human rights abuses.

SEMINAR

- Medical certificates concerning human rights abuses.
- Death in detention
- Teaching human rights issues; discussion of relevant goals and strategy.

Much discussion was held on all the above papers and it was heartening to note the interest and participation of all the doctors. Finally, after the application of a post test questionnaire, certificates were distributed to the successful participants in conclusion.



BIO- DATA OF THE TRAINERS

DERRICK POUNDER

Professor Pounder is head of the department of forensic sciences, Dundee University, Scotland and also Chairman of the Physicians for Human Rights (PHR), U. K. He has worked in U. K, Australia, Canada and many other parts of the world.

HANS DRAMINSKY PETERSEN

Dr. Petersen, a specialist in medicine and gastroenterology has been a consultant for Amnesty International (A.I) and the European Council in many fact finding missions. He is the author of several articles in medical journals

about health of torture victims, documentation about torture and epidemiological problems in research about torture related health problems. He is a member of A.I.'s Danish Medical Group and on the board of PHR/ Denmark.

OLE VEDEL RASMUSSEN

Dr. Rasmussen, surgeon- urologist co-founded the first Medical Group of A.I/Denmark in 1974. During 1980- 81, he served as First Medical Adviser in A.I's International Secretariat, London. He has been on several fact finding missions for A.I and the European Committee for Prevention of Torture and has written a doctoral thesis on Medical Aspects of Torture.

Dr. Rasmussen has been a consultant to Rehabilitation and Research Centre for Torture Victims (RCT) since its inception and is a board member of International Rehabilitation Council for Torture Victims (IRCT), Copenhagen. He is editor of the journal 'Torture' published by IRCT and is also a member of PHR/Denmark.

MORTEN EKSTROM

Dr. Ekstrom graduated from the University of Copenhagen in 1988 and is currently training to be a psychiatrist. He has been an active member of PHR/Denmark and A. I.'s Danish Medical Group for the last two years doing medical letter- writing actions and examinations of asylum seekers who have been tortured.

ALLAN DORFELT

Dr. Dorfelt graduated from the University of Copenhagen in 1988 and is now training to be a surgeon. He has completed a year of military service as a doctor.

He has been active in A. I.'s Danish Medical Group and PHR/ Denmark for two years doing medical letter writing actions and examining asylum seekers.

OBITURARY

PRAKASH KAPHLEY

Prominent human rights activist and Director of Informal Sector Service Centre (INSEC) Prakash Kaphley passed away on July 31, 1992 in the tragic air crash of Thai International Airbus TG311 at Suryakund - 14 nautical miles northwest of Kathmandu. He was returning from Bangkok after participating in the meeting of the South Asian Task Force on Judiciary for Human Rights.



Born on December 26, 1952 in Nangedanda in Sindhuli district, Prakash Kaphley completed his Bachelors degree in Arts from Kathmandu. He began professional life as a journalist and worked for several publications like Prachi, Samaj, Chhalphal, Jwala, etc. His work slowly edged him towards politics and in 1978, he formed the Revolutionary Communist Organisation which later merged with the then Communist Party of Nepal (ML) in 1980.

In his bid to bring about democracy in Nepal, Kaphley dedicated himself to human rights activities. He was elected as general secretary of Forum for Protection of Human Rights (FOPHUR) for three consecutive terms and was instrumental in getting December 10 to be celebrated as Human Rights Day every year.

Kaphley played a key role in the people's movement for democracy by going abroad and publicising the movement in it's right perspective and thereby, gaining international support for it.

After the restoration of the multi party system, Kaphley served on the various committees formed to investigate lost persons, collect information about human rights violations and another for the

oppressed during the people's movement. He was also appointed as secretary of the National Election Observation Committee to ensure a fair and peaceful election. Most recently, as director of INSEC, he was an ardent supporter of Bhutan's democratic movement and helped publish "The Bhutan Tragedy" When will it end"? a first report by the SAARC Jurists.

Prakash Kaphley's loss is greatly felt by all those concerned with human rights in Nepal. We at CVICT especially remember him for the support and encouragement that he showed us in our formative period. It was with a generous donation from his own pocket that the establishment of CVICT was initiated. We pray for the departed soul and extend our support to the ones left behind.

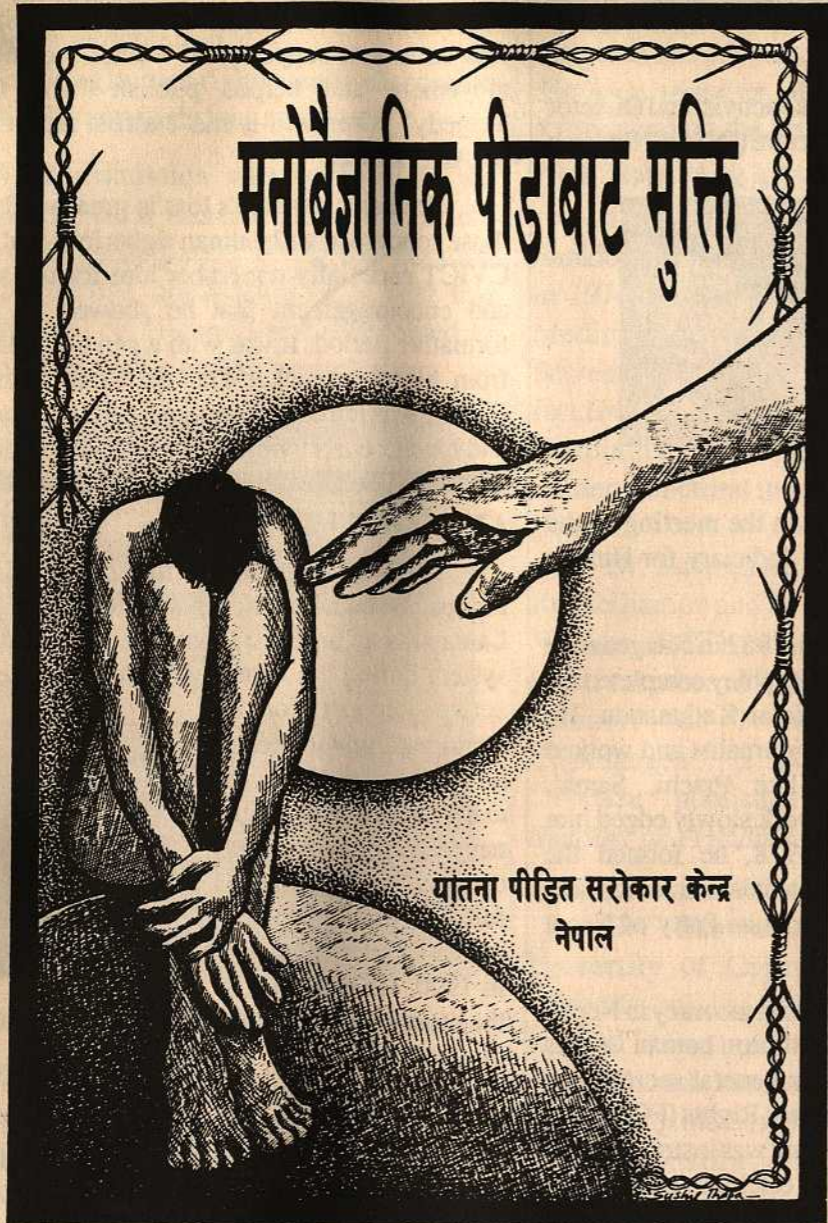
ANG DORJI LAMA

Born 53 years ago in the remote village of Pampa, Dolakha district in mid Nepal, Ang Dorji Lama was an ardent advocate of the multi- party system during the Panchayat rule. Because of his active support for a democratic government, he was jailed and tortured many times. Yet, his faith never wavered and his dreams were finally fulfilled with the dawn of democracy in Nepal in 1990. He was one of the most active human rights activist. He was one of the most active member of Human Rights Organisation of Nepal (HURON).

An active member of the Congress, he served as vice- president of its district branch in Dolakha and contributed towards the establishment of the Gauri Shanker Campus and another high school in Dolakha. He was also the editor of a weekly 'Rajdhani' published in Kathmandu. Also interested in business and tourism, he set up the Hotel Gauri Shanker and was the founder president of Sherpa Construction Company.

Mr. Ang Dorji Lama and his wife were on board the ill- fated flight of Thai International in which Prakash Kaphley also met his end. They leave behind three grieving sons and a daughter.





A manual on counselling translated in Nepali language is available at CVICT.

This manual covers the methods of counselling, regarding factors of ordinary and complex tensions, reaction analysis and treatment. It also comprises of the

violence, rape, AIDS patients, drug addicts, etc.

Sketches have been made to elaborate the situations and simple language used for easy comprehension. It is priced at a nominal rate of Rs. 10/-.

physical and mental consequences of a person under stress, alterations in thinking, emotion and behaviour patterns and effects on the victim's family.

This manual is suitable for health professionals and concerned people to work for the care of survivors of torture. However, this can also be helpful to counsel the victims of domestic

गृह मन्त्रालयको
(हतकडी खरीद सम्बन्धी)
सूचना

गृह मन्त्रालयको लागि त्रपसील अनुसारका सिक्री, हतकडी, गलाफन्दी खरीद गर्न आवश्यक भएकोले यो बोलापत्र सूचना प्रकाशित गरिएको छ। गोरखापत्रमा प्रथम पटक सूचना प्रकाशित भएको मितिले ३० तीस दिनभित्र इच्छुक फर्म वा व्यक्तिबाट गृह मन्त्रालय विधुषण तथा आन्तरिक प्रशासन शाखा, सिंहदरवारमा आइपुग्ने गरी सीलफुनसँगै बोलापत्र आह्वान गरिन्छ। बोलापत्र फाराममा उल्लेखित सामानको आफुले दिनगर्ने मूल्यको अंक र अक्षरमा स्पष्ट उल्लेख गरी बोलापत्र दिनु पर्नेछ। बोलापत्र फाराम दसुर रू. १००। - ने. घ. बैकमा रहेको १-१-५६ नं. को राजस्व खातामा जम्मा गरेको सकल भौचर प्राप्त भएपछि प्राप्त गर्नु हुनेछ। बोलापत्र कबूल गरेको कुल अंकको रू. २.५ अर्थाई प्रतिशत रकम ने. घ. बैकमा स. अ. १३११ मा धरोटी राखेको बैक भौचर वा बैक ग्यारेण्टीसाथ रू. १। - एकको टिकट टाँसी बोलापत्र पेश गर्नु पर्नेछ। बोलापत्र स्वीकृत भएपछि पुनः २.५ अर्थाई प्रतिशत रकम सोही खातामा धरोटी राखेको भौचर वा नियम पूर्वकको परफरमेन्स वण्ड पेश गर्नु पर्नेछ। बोलापत्र आंशिक, घटी वा बढी मूल्यको स्वीकृत गर्ने सम्पूर्ण अधिकार यस मन्त्रालयमा रहनेछ।

१. श्री ५ को सरकारबाट इजाजत प्राप्त फर्म (नवीकरण गराइसकेको) बाट प्रेषित बोलापत्र मात्र ग्राह्य हुनेछन्।
२. उपर्युक्त सामानको पूर्ण विवरण बोलापत्र फाराममा उल्लेख गरिने भएको हुँदा विधुषण तथा आन्तरिक प्रशासन शाखामा सम्पर्क राख्नु हुनेछ।
३. बोलापत्र दिने म्याद भुक्तान भएको भोलिपल्ट (सो दिन बिदा परे सोको भोलिपल्ट) दिनको १४.०० बजे मन्त्रालयको विधुषण तथा आन्तरिक प्रशासन शाखा सिंहदरवारमा बोलापत्रवाला वा निजको प्रतिनिधिको रोहवरमा खोलिनेछ।
४. बोलापत्रवाला वा निजको प्रतिनिधि सो मिति समयमा उपस्थित हुन अनिवार्य छ। रीत नपुगेको र म्याद नानी आएको बोलापत्र उपर कारवाही हुने छैन।
५. अन्य केही कुन बुझ्नु परेमा यस मन्त्रालयमा १४.०० (दई बजे) गछि सम्पर्क राख्नु हुनेछ। हतकडी एवं सिक्रीका नमूना गृह मन्त्रालय वि. तथा आ. प्र. शाखामा आई हेर्न सक्नु हुनेछ।

तपसील

१. नमूना बमोजिमको हतकडी जोर २'५०
२. ५ फिट लामो गलाफन्दी (सिक्री) सो हतकडीमै जडान भएको सिक्री सहितको हतकडी ५० जोर।
३. ५ फिट लामो गलाफन्दी सिक्री उक्त हतकडीमै जडान भए जस्तै सिक्री यान १०० एक सय।



In a notice issued by the Home Ministry in the national daily, Gorkhapatra on 31st August, 1992 tenders have been invited from suppliers of chains, shackles and metal chokers attached to hand-cuffs. The later, an instrument of torture which is outdated and had been used in certain cases during the Rana and the Panchayat regime.

With the advent of democracy in the country and the statement against torture and human degradation in the constitution, how far is the use of this instrument justified?

The Centre for Victims of Torture appeals all concerned to help prevent the use of this instrument which subjects the victim to a hideous and humiliating experience.



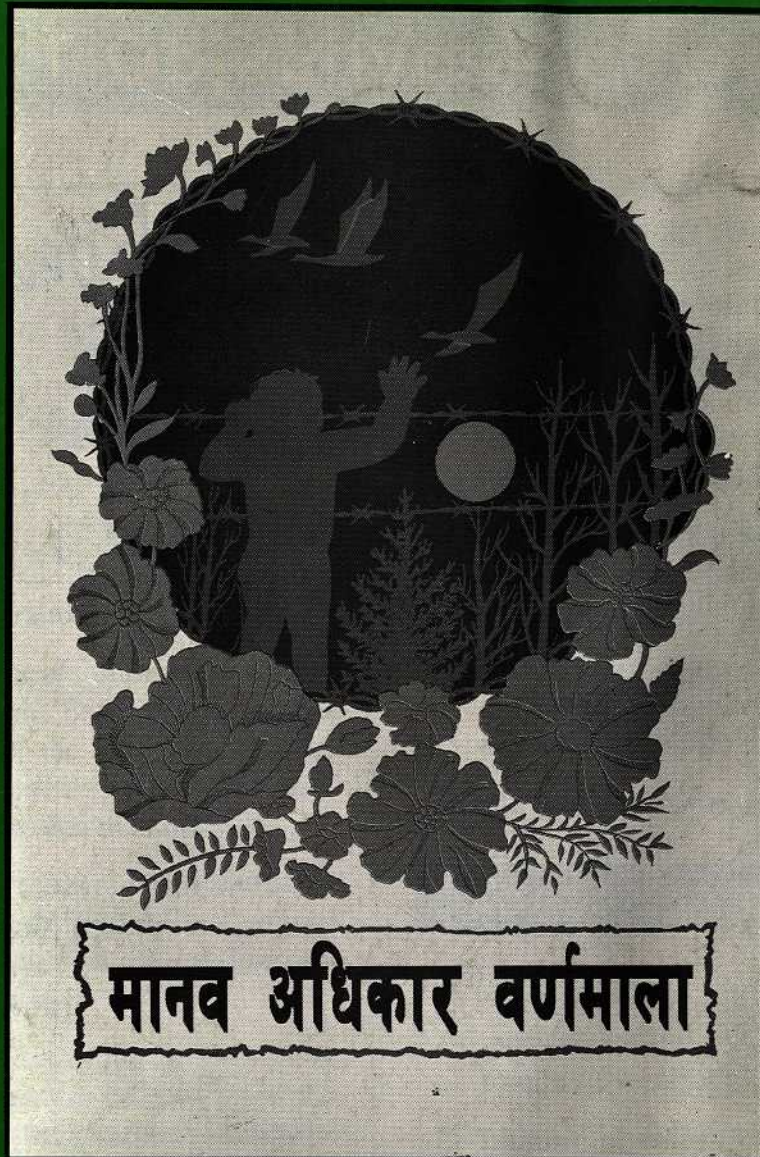
Mamta, an 11 year old girl, had to leave school when her mother could no longer afford to pay her fees. Her father, an alcoholic physically abused his wife and children until he finally abandoned them altogether. It was an uphill task for the mother to keep her 3 children in school though she worked long and hard hours.

Now, with help from a sponsor, Mamta is back in school and looking towards a future that does not seem as bleak.

There are many other children like Mamta, who have known little happiness in their young lives, either as children of torture victims and abused women or as victims of abuse themselves. By contributing a small amount of Rs. 500 or U.S. \$ 10 only every month, you can help make a difference in their lives.

Care a little ! Share a little ! Give a little!

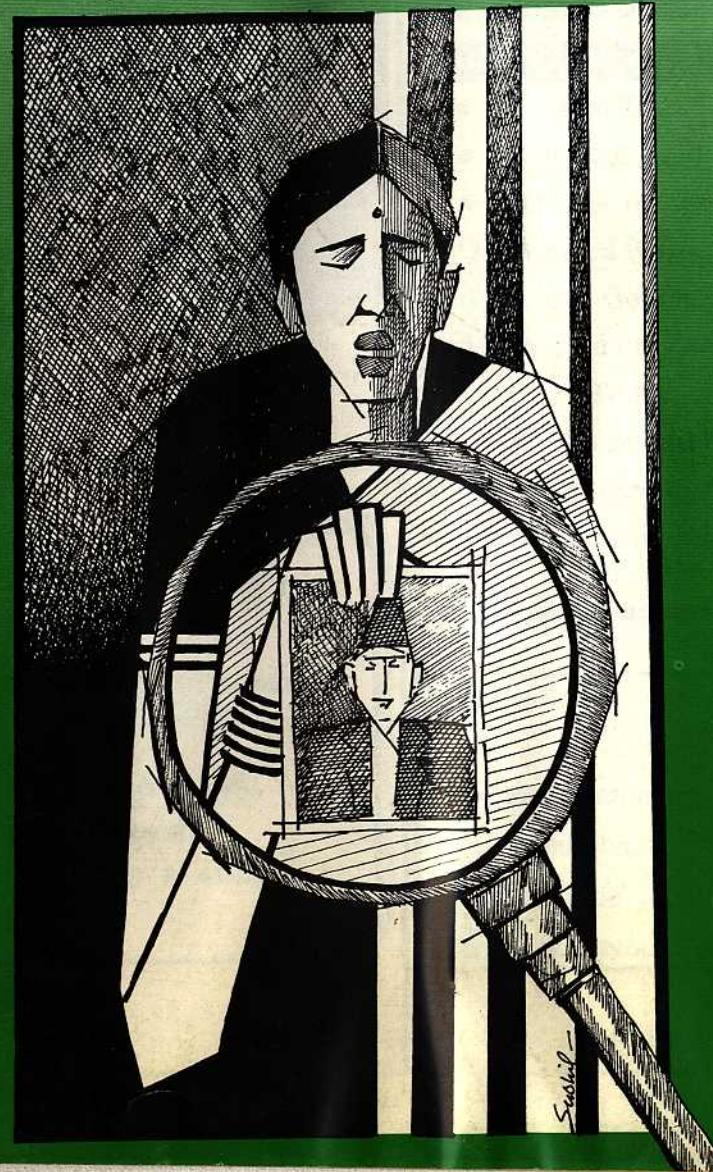
Coordinator
CVICT Sponsorship Programme
Post Box 5839 ☐ 418081
Fax : 977 - 1 - 419718



The ABC of Human Rights is now available in Nepali at CVICT. Though aimed primarily at children and neo-literates, it will be useful for other literate and interested adults.

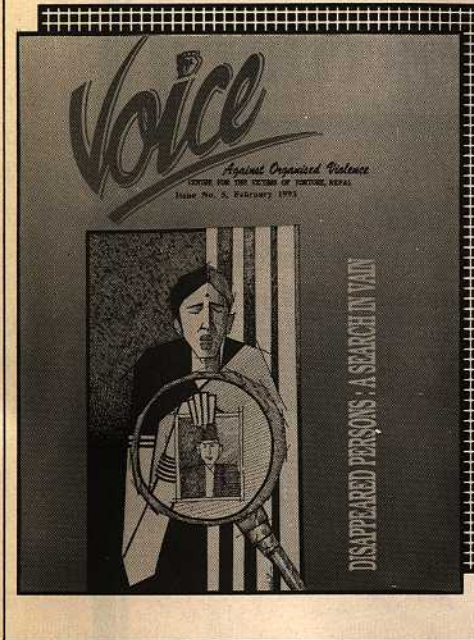
Voice

Against Organised Violence
CENTRE FOR THE VICTIMS OF TORTURE, NEPAL
Issue No. 5, February 1993



DISAPPEARED PERSONS: A SEARCH IN VAIN

THIS ISSUE



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VAOV

Published by

Centre for the Victims of Torture, Nepal

Issue No. V

February 1993

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Computer Type :- CVICT

Design and Layout :- Anjali Subba

STOP ROUTINE TORTURE !

Until only a few years ago, the practice of torture of detainees which was rampant during the Panchayat period was condemned by all political parties including the present ruling one. It is ironical therefore that so many victims of torture abound even today.

The 1990 Constitution which was formulated after a great deal of deliberation reflects Nepal's commitment to end torture. The interim government also signed the UN Convention against Torture and thus became morally and legally bound to enforce the provisions in the Convention.

Yesterday we were not allowed to speak out against human rights violations; today freedom of speech is an inalienable right. However, the age old habit of violating human rights appears to have remained unchanged. Torture of detainees is still standard procedure for most policemen in Nepal and mere suspicion reason enough for the application of torture.

Though one of the worst forms of human rights violations, torture is frequently overlooked because of the lack of active prohibition and political commitment. The government must punish torturers if it wants to reflect and reaffirm its democratic ideals and principles. Our immediate priority must be to prevent torture through public awareness and lobbying for the adoption of a legislation for the rights of all detainees and prisoners.

NO MORE TEARS !

On 10 October 1991, farmer ' P ' (35 years) was arrested from his home in Dagapela district, Bhutan and kept in custody for 16 days before being transferred to prison. He was released on the second day after the transfer.

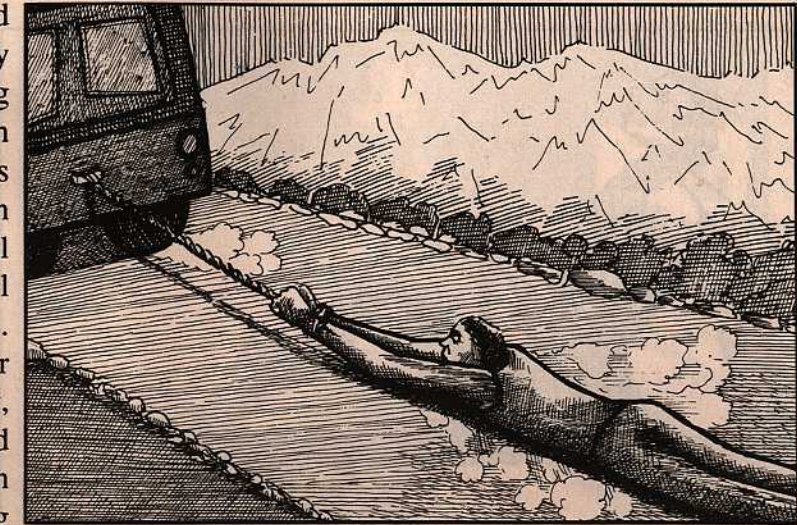
Torture was conducted by the army both during custody and in jail. He was beaten randomly till he fell unconscious. Usually, after each beating, they dragged him on a rough road by tying him to a jeep. He was kept naked on the floor for a whole day with his hands and feet tied together. The soldiers also fired shots at him about a hundred times daily, but never hit him.

' P ' was given uncooked maize mixed with glass pieces, iron nails and pins to eat. A small amount of water was given to him daily; when he asked for more, the soldiers urinated

all over him. The use of toilet facilities was allowed only once daily; if he asked to go more than once, he was beaten. He was kept together with several other people in a tiny little room.

When he visited CVICT, ' P ' had constipation and projectile vomiting. An upper gastro-intestinal endoscopy showed active duodenal ulcer with severe gastric outlet obstruction with scarring. Truncal vagotomy with gastro-jejunosomy surgery was conducted on him in a nursing home in Kathmandu. He was discharged after a week and advised to come for follow up.

During the intake interview, ' P ' was found to be suffering from loss of appetite, worry, disturbed sleep and nightmares. After surgery and several counselling sessions, he showed some progress.



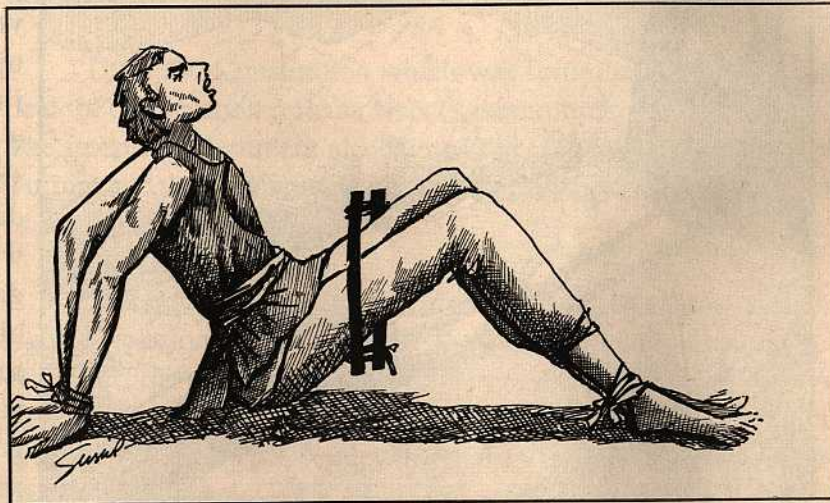
Man's inhumanity to man makes countless thousands mourn !

Burns

SILENT HELL !

31 year old 'D', also a farmer from Dagapela in Bhutan was arrested from his home in December 1992 and taken directly to prison. He was released from the Central jail after 14 months of imprisonment.

The soldiers who tortured him beat him frequently with wooden sticks, boots, etc. all over his body. He was kept naked for several days and nights, sometimes even on ice with his hands tied together with a rope. They also made him roll over sharp stones for a kilometer every day.



D's thighs were compressed between two wooden sticks or iron rods. He sometimes had to clean up vomit with his tongue. He and other prisoners were forced to mimic various animals and enact their sexual behaviour for the benefit

of the soldiers. They were also forced to perform homosexual acts with each other.

As a result of the severe beating, D's upper central incisors are broken due to which he suffers severe pain. He also complained of back pain while walking. An X-ray revealed osteoporotic changes of the lumbar vertebrae. He is suffering from chronic post traumatic stress disorder

(PTSD) with predominant depression.

'D' requires replacement of his broken incisors with artificial dentures. He is currently receiving analgesics and doing physiotherapy regularly for the back pain. He has been admitted to the psychiatric ward in the Tribhuvan University Teaching Hospital where he is on antidepressants. CVICT staff visit him on alternate days for counselling.

No ear can hear nor tongue can tell the tortures of that inward hell !

Byron

CURRENTS OF AGONY !

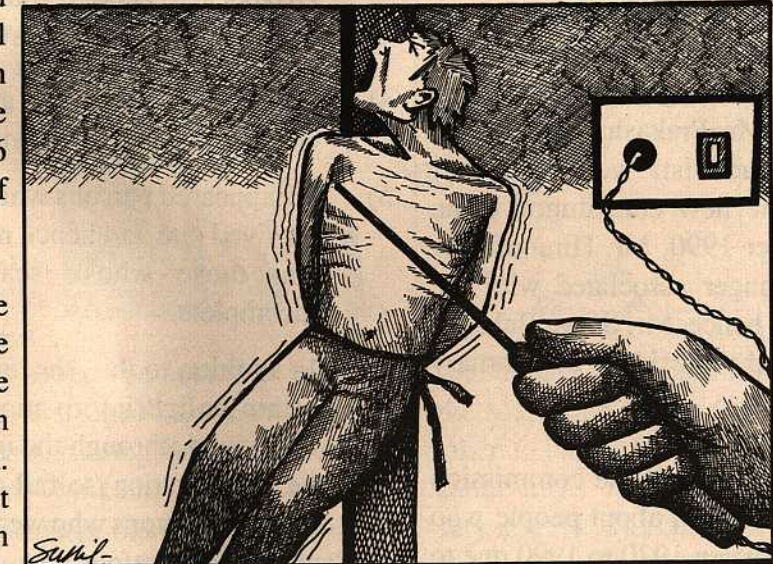
'C' - a 22 year old student was arrested from his home in Sarbhang district, Bhutan on 29 April 1992 on the charge of having participated in anti-government demonstrations. Initially, he was kept in custody for 20 days in the local village school. Later, he was transferred to the Central jail of Bhutan from where he escaped after 6 months of imprisonment.

Both the army and the police were involved in torturing him. The District Administration Officer also participated actively in the torture.

Falanga (beating on the soles) was the method most commonly used. He was also hit randomly with sticks, hands and boots all over the body and with strips of rubber on his testicles. One pre-molar was broken and his left elbow dislocated due to severe beating on it with a rifle. Electric current was also used on him with fixed and mobile electrodes. It was used on axilla, thigh and genitalia, but no

electric burns are evident. His skin was cut with a sharp blade in many places and different types of acids poured into the wounds. There were many longitudinal scars on his back of varying lengths ranging from 2 cm to 10 cm.

'C' was given only small amounts of dirty food. Glass pieces, iron nails, etc. were mixed with the food. There was hardly enough space for sleeping and since he was not allowed to go to the toilet, he had to defaecate and urinate in the same room.



During the initial examination at CVICT, 'C' was found to be suffering from decreased appetite, frequent headaches and tremors of the hand. He still has problems in thinking and concentrating on work.

The posterior dislocation of C's left elbow was surgically corrected (resection osteotomy of lower end of humerus) in a nursing home in Kathmandu. His cast will remain on for 6 weeks.

DISAPPEARED PERSONS : A SEARCH IN VAIN !

In July 1990, a commission was formed by His Majesty's Government of Nepal to investigate into the disappearances of people who had been involved in the struggle for democracy from 1970 onwards. The additional judge of the Supreme Court Mr. Hiraneshwor Man Pradhan was named the president of the commission and Mr. Surya Bahadur Shakya, Mr. Basudev Prasad Dungana, Dr. Sachche Kumar Pahadi and Mr. Prakash Kaphley (the late human rights activist) were the other members. When the new constitution came into force in October 1990, Mr. Hiraneshwor Pradhan was no longer associated with the Supreme Court and hence, Mr. Surya Bahadur Shakya was made the president in February 1991.

Since the main task of the commission was to collect information about people who had disappeared between 1970 to 1990 due to their involvement in various activities for democracy in Nepal, it focussed its attention only on those persons who had been politically active in the country.

In order to collect the required data, the commission forwarded questionnaires to various district courts, advertised on the radio and the national daily and made personal spot visits. From the information received by the Commission, the disappeared were classified into the following categories:

- 1) Persons disappeared in confrontations with the army and after arrest.
- 2) Political persons who disappeared, but were not arrested.
- 3) Disappeared persons found to be dead at the time of the investigation.
- 4) Persons disappeared after arrest in connection with the bombings in 1985.
- 5) Disappeared persons whose details were received late and hence not investigated and those whose search remained incomplete.

In addition to this, the commission also brought into the light information about persons who were found (through the initial study and after the investigation) to fall outside of their area of search, persons who were found to have died and were therefore also outside of their target group, and others who were proved to have not disappeared.

The 350 page report of the commission is divided into two parts. Part I contains the findings of the commission and part II testimonies of various persons and important documents, including the details of 61 disappeared persons.

9 persons are listed by the commission to have disappeared in confrontations with the army and after arrest. The section on political

persons who disappeared without being arrested includes the details of 14 political activists who were arrested several times, but not at the time of their disappearance. The commission is aware of the possibility that their disappearance could be related to the administration's negative view of them.

5 political activists were found to be dead already at the time of the investigation and the commission also presented a list of 26 persons whose details were received late and those whose search remained unsuccessful due to incomplete information received about them.

The commission considers the 'bomb incident'

and the arrest of several persons in connection with it to be the most significant in comparison to the other events. Among those arrested were Padam Bahadur Moktan, Ishwor Chandra Lama, Dilip Chaudhari, Saket Chandra Mishra, Dr. Laxmi Narayan Jha, Satya Narayan Shah, Suryanath Yadav and Maheswor Chaulagain.

Ishwor Chandra Lama and Padam Bahadur Moktan

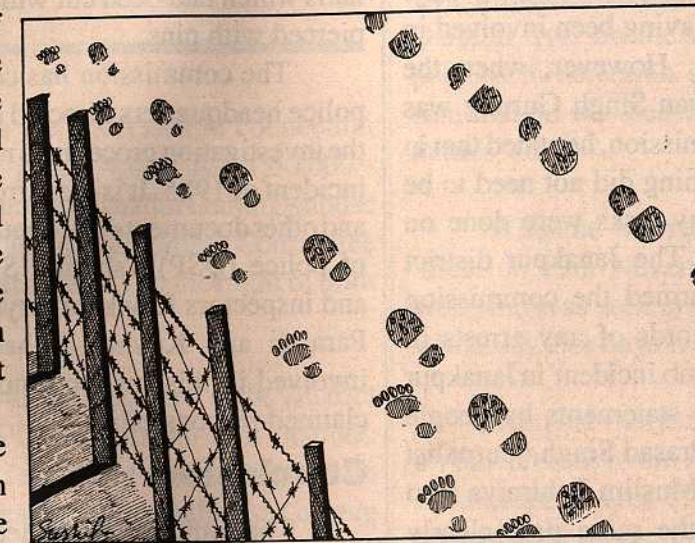
Ishwor Chandra Lama And Padam Bahadur Moktan were arrested together with several others under the Public Security Act for participating in the Satyagraha (non-violent movement) initiated by the Nepali Congress Party in May 1985. They were initially detained

for 22 days at a guest house and photographs taken of them with a plate on their chest with 'Nepali Congress' written on it. They were later moved to the store room of a tobacco company and then to the Mahotri jail from where they were transferred to Kathmandu under the orders of the Chief District Officer (CDO) Ghananath Ojha. However, the commission mentions that the statements of the former Zonal

Commissioner Lalkajee Gurung, CDO Khagendra Prasad Paudel and Superintendent of Police (SP) Narayan Singh Gurung of the zonal police headquarters are contradictory to the other documents received.

On the basis of the information received by the commission, it has

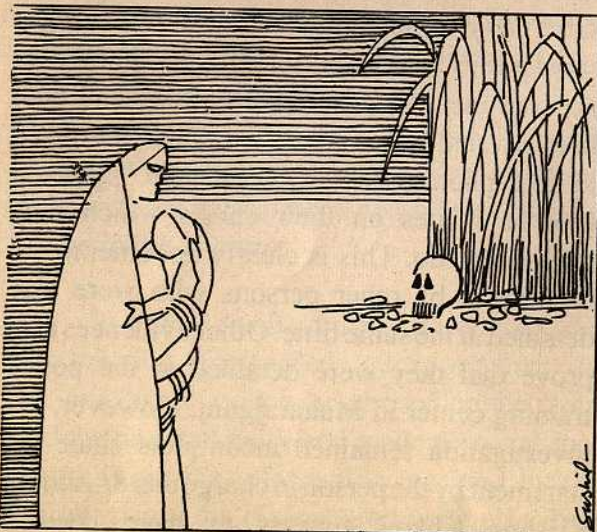
stated that Lama and Moktan were brought to the Mahendra Police Club in Kathmandu and taken to Hanuman Dhoka Police Office on the same day. The initial charge of being satyagrahi's was changed after the bombings occurred in spite of the fact that they had both been arrested much before. The police attempted to take photographs of them with 'Janbadi Morcha' plates on their chests which they declined to do. This is clearly documented in statements by other persons who were also detained at the same time. Other evidences also prove that they were detained at the police training center in Maharajgunj. However, the investigation remained incomplete since the statement by the person in charge there - Achyut Krishna Kharel appears to have been a



fabrication. Despite the statement by Muslim Rahimiya (who was also arrested in the same case) that the two were detained at the police training center until September 1985, the mystery of their disappearance remains unresolved.

Dr. Laxminarayan Jha

A private practitioner in Janakpur, Dr. Laxminarayan Jha was arrested in June 1985 on suspicion of having been involved in the 'bomb incident'. However, when the arresting officer Narayan Singh Gurung was questioned by the commission, he stated that in the police force everything did not need to be written down and many tasks were done on orders given verbally. The Janakpur district police office also informed the commission that there were no records of any arrests in connection with the 'bomb incident' in Janakpur in 1985. However, the statements by people like lawyer Mahindra Prasad Singh, journalist Rajeshwor Nepali and Muslim Rahimiya who were also arrested at the same time clearly reveal that many persons were arrested in Janakpur and transferred to Kathmandu and that Dr. Jha was among them.



Documents prove that Dr. Jha was detained at the Kathmandu district police office until mid-July and from then on at the police headquarters in Naxal. Another detainee-lawyer Katak Malla stated that when they were being interrogated at the police training center in Maharajgunj, Dr. Jha was questioned for half an hour. Though unable to talk to the other detainees, Dr. Jha was able to show them his nails which had been cut with a blade and then pierced with pins.

The commission has concluded that the police headquarters directed and controlled all the investigation procedures related to the bomb incident of 1985. It is clear from police records and other documents that deputy superintendent of police (DSP) Tshering Syangdarpa Lama and inspectors Ravikant Aryal, Sharda Prasad Parajuli and Krishna Bahadur Thapa were involved in this case, but none of them have claimed responsibility.

Conclusion

The commission handed over its report to the interim government Prime Minister Krishna Prasad Bhattarai, but now, nobody knows in which ministry the report is lying nor have any of the political parties expressed their concern over this issue. Despite the Prime Minister Mr. Bhattarai's promise that action would be taken against those found guilty by the commission and that the government would extend all the help possible to the families of disappeared persons, the interim government did not initiate any such actions. However, hope still remained that the newly elected government would take some steps in this direction. Contrary to such expectations, the Home Minister Sher Bahadur Deupa's statement that the report is inapplicable and incomplete has removed all hope that appropriate action would be taken by the authorities.

TORTURE IN GORKHA DISTRICT

Six persons were arrested in connection with the theft of assets worth Rs. 1,50,000/- approximately from Tej Bahadur Gurung's house in Thalajung Village Development Committee -9, Gorkha (western Nepal) on the night of 30th October, 1992.

The theft was first reported at the District Police Office (DPO), Gorkha on 31st October. The police visited the site of the incident and on the next day arrested Bhim Bahadur Gurung and Purna Bahadur Biswakarma. Over the following days, four others - Surya Bahadur Rana, Dewan Singh Gurung, Pratap Sunuwar and Sanumaya Biswakarma (wife of Purna Bdr. Biswakarma) were identified and arrested on the basis of the statement given by Purna Bdr. Biswakarma. They were detained in police custody for varying periods ranging from 7 to 24 days.

A fact finding mission to the area conducted interviews with the arrested persons, witnesses and concerned authorities and concluded that the 6 persons were severely tortured whilst in police custody. It was also noted that the first information report (FIR) had not been registered at the District Police Office. All 6 persons had been arrested as suspects without warrants.

Purna Bdr. Biswakarma, 61 years/M

Biswakarma was a certified case of psychotic depression and had been advised to stay under constant medication.

He was arrested on 1st November 1992 and brought like a corpse to the police office. Eye-witnesses state that he was dipped into the Daraudi river on the way to the DPO. Other persons in detention during the same period said that he was beaten regularly with sticks, nettles, etc.

When he was released 18 days after the arrest on 19th November, he was unable to walk and was seen crawling on the streets by witnesses. Six days later, he was dead.

The post-mortem report indicated bruises on the left arm (6 cm x 1 cm) and over the left infra-scapular area (7 cm x 1 cm). No other abnormalities were detected nor was the cause of death stated. The viscera (part of the liver, stomach and left kidney) had been forwarded for chemical analysis.

Bhim Bdr. Gurung, 36 years/M

Bhim Bdr. Gurung was arrested on 1st November at 4.30 p.m from his home and taken to Tej Gurung's house immediately. Here, both his legs were tied together and the left thigh hit with a rough, irregular stick. On the way to the DPO, he was not allowed to relieve himself.

On the third day of arrest, Gurung was beaten simultaneously on both ears (telephono) and pulled up by grasping the hair

above his ears. He was kicked in the abdomen and punched on the cheeks several times.

At 2 p.m on the 13th day of arrest, he was forced to sit in the 'Kukhura' (chicken) position. (The victim's hands are tied together loosely behind his back with a rope, then brought forward under the thighs while in a crouching position. The neck is bent forward and held in between the hands. The person is then left in this position for several hours). After adopting this position, Gurung was beaten on his arms, back and soles, for half an hour until the stick itself broke.

On the 18th afternoon, he was kicked with boots on his legs and back till he started bleeding. He was not allowed any visitors during the entire period



of detention. On the 24th day after arrest, he was finally released without his case being forwarded to the court.

Gurung complained of hearing difficulties in his left ear and of pain in his legs. A preliminary cursory examination however revealed that his ear had not been impaired. Multiple healing lesions with scabs were evident on his legs, more so on the left than on the right one. A longitudinal linear scar about 6 cms long, desquamated and situated antero-laterally (as depicted in photograph) was seen in the

middle of the left thigh and all the muscles of his lower limbs were found to be tender.

Surya Bdr. Rana, 23 years/M

Rana was arrested on 3rd November at 4.00 p.m from his watch-repair shop in Gorkha bazaar. He was beaten by the police on the way to the police station where he was detained for 22 days.

The police behaved very rudely with him and four of them hit his ankles with a rough stick for about 20 minutes. Rana was then asked to adopt the 'kukhura' position and beaten on the soles of his feet. On the same day, he was taken handcuffed to his shop to search for the stolen articles. The next day, he was hit on the upper abdomen by the policemen with their fists, and sticks were used on his ankles, thighs and arms.

Between 11 a.m and 2.30 p.m of the 9th day, Rana was forced to sit in the 'kukhura' position again and beaten on the soles, ankles, thighs and arms for 15 minutes, followed by continuous jumping for 5 minutes. This was repeated four times. He was then beaten all over the body with a bamboo stick after which he was removed to another room. There two policemen hit him on the thighs with their knees and on his back again when he was unable to stand up.

On the afternoon of the 11th day, Rana was taken to the inspector's room, made to lie down on the floor and beaten all over the body, especially on the limbs. Two policemen tread on him, followed by beating with a wooden stick.

He was taken again to the inspector's room on the 15th day and made to adopt the 'kukhura' position, and thereafter beaten on the soles and forced to jump up and down immediately afterwards. He fell to the ground about 12 times due to the repeated beatings on his thighs, arms and back and his requests for water were met with threats of imprisonment instead.

On the 16th day, he was hit on his hands, especially the left one with a police baton. His hands were laid flat on the ground, a stick placed over them and the police tread on the stick. As a result, he developed swelling and severe pain in the left hand and was unable to move the fingers on his right one. Later, he was kicked on his abdomen with boots until he fell to the ground.

During the entire period of detention, he was not allowed to see any of his relatives. His case was neither filed nor taken to court.

Rana complained of pain and difficulty in hand movements (L>R) and swelling in both ankles. Examination revealed swelling, redness and tenderness on the dorsum of the left hand with restricted finger movement, swelling and tenderness of ankles and tenderness in the right calf. An X-ray of the left hand showed fracture in the second metacarpal bone.

Pratap Biswakarma, 23 years/M

Biswakarma was arrested from the house where the theft took place on 9th November at 8.00p.m and taken to the DPO in Gorkha.

He was slapped by the inspector four times the next day. On the third day after arrest, he was taken to the inspector's room at 9.00 a.m where four other policemen were also present. He was punched on the upper abdomen twice and on his cheeks four times, then hit with sticks on the ankles. The policemen forced him to sit in the 'kukhura' position and hit his soles for about half an hour after which he was forced to jump up and down for 5 minutes. They then hit him with their knees on the thighs. This process was repeated again for 20 minutes. As a result, he was badly injured and his left sole started to bleed. His thighs, ankles and soles were swollen, bluish and painful.

On the 7th day, he was again made to adopt the 'kukhura' position and the procedure of beating on the soles and jumping up and down repeated. He was hit on the thighs by the policemen with their knees and on the nape with their boots. Due to the beating on the soles, a big wound formed on his foot and began to bleed. Even when he could not stand anymore and lay flat on the ground, they continued to beat him with sticks and all his requests for water were ignored. At 8.00 p.m that same night, he was beaten again specially on the thighs by two martial arts experts. His left thigh turned blue and the next day, dressing had to be done by a medical assistant.

Though kept in custody for 17 days, his case was not forwarded to the court. At the time of his release, the police threatened to arrest him



The 'kukhura' position method of torture was repeated again on the eight day. He was then punched on the abdomen and hit with knees on the thighs for half an hour. Thereafter, he was made to jump up and down until he was unable to stand. When he asked for water, he was beaten instead. On the 12th day, the inspector hit him on the cheeks.

Gurung was finally released after 13 days. While in detention, he was not allowed to meet his family and his case was also not forwarded to court.

He complained of pain while walking. Examination revealed that both feet were swollen (R>L) with echymosis on the soles which were also tender.

Sanu Maya Biswakarma, 57 years/F

Sanu Maya Biswakarma was arrested on 15th November at 10.00 a.m from her home. She was beaten once at the time of arrest.

On the 2nd day, she was hit in public on the head and back with a stick. She was then taken to the inspector's room and struck with nettles. Her hair was pulled and she was lifted off the ground, then beaten again with a bamboo stick on her back.

Biswakarma was kept in custody for a week. No one was allowed to visit her and her case was not forwarded to the court.

She had no physical complaints nor was there any bodily evidence of torture.

again if he disclosed that he had been tortured.

He complained of pain in the left thigh, an ulcer on the left sole and difficulty in walking. Medical examination revealed he had a big infected ulcer measuring about 6 cm in diameter on the left sole (photograph) and tenderness in his left thigh.

Dewan Singh Gurung, 21 years/M

Gurung was arrested on 6th November at 8.00 a.m from the vicinity of the scene of the crime.

At 12.30 p.m on the third day after arrest, he was forced into the 'kukhura' position and beaten on the soles with a rough stick for about 10 minutes and thereafter beaten all over the body. On the sixth day, he was stripped naked and beaten for three minutes with nettle which had been dipped in water. The policemen then hit him on the thighs with their knees.

ON THE RECEIVING END !

27 year old 'B' served in the police force as an inspector until four years ago when he was sentenced to jail for 7 years for the disappearance of a pistol from the police store.

An interview with him in the Central jail in July 1992 revealed the following :

- ◆ After my arrest in 1988, I was tortured continuously for 11 months.
- ◆ I was forced to lie naked on a bed of 'sisno' (stinging nettle or sisnurtica dioica). Water was sprinkled on the plant to make the irritation worse. At the same time, I was whipped with a thin bamboo stick so that my body pressed deeper into the 'sisno'. After that, my hands and feet were bound and I was forced to roll over the 'sisno'. My entire body remained swollen for days afterwards.
- ◆ At that time, a training for assistant sub-inspectors (ASI's) was going on at the Maharajgunj training center. I was taken there blindfolded and informed that I would be the target for a shooting practice in Raniban (a forest area within the valley). Once there, I could hear the sounds of shooting, but no shot hit me. The police repeatedly told me that they would neither let me live nor die.

◆ I was once tortured by a doctor from the military hospital. I was taken to the police hospital in Maharajgunj and strapped flat onto the examination table. The doctor connected an electric wire from the wall plug to a small box which looked like a voltage regulator. He then picked up two rod-like structures, flat at the ends and touched these to my head just above the ears on both sides. I shook vigorously and was blinded for a moment, then passed out. I cannot remember the details but when I regained consciousness, my face was covered with an oxygen mask. The doctor repeated this procedure many times. He then gave me an injection which caused a pleasant sensation after which he interrogated me.

◆ My investigation was carried out in many towns and I was tortured in each of these places.

In the Terai, I was hung from a tree in a horizontal position with ropes at my waist, chest and feet. It was a very hot day and a fire was also lit for a whole hour.

◆ Chillies (pepper) were burnt and I was forced to inhale the smoke from it.

◆ I was thrown into a septic tank and during the winter months forced to remain in a

pond of cold and dirty water for three hours each night.

◆ I was not given any rice for a whole month. Instead, only a small amount of beaten rice (*chewra*) and salt was given without a n y drinking water.

◆ The torturers urinated on my head and also burnt me with cigarettes. In 24 hours, I was tortured upto 16 hours a day.

◆ In the military head quarters, I was kept in a deep freezer for 2 hours at a time twice a day for 5 days.

◆ There was no limit to random beatings and I was beaten regularly every morning and evening. One of the guards even broke my tooth.

◆ The nail on my big toe was separated from the nail bed by a knife attached to the end of a rifle barrel and became infected. The injured toe which was filled with pus was then crushed under a boot.

The agony was unimaginable.

◆ I was once taken to the canine training centre where a mastiff was made to attack me. It bit me on the right forearm and the wound was left untreated. Later,



I had to take anti-rabies injections in the abdomen.

◆ Another time, I was locked in a dog-house which was approximately 3' x 3' x 4'. I was kept there for 24 hours and only allowed out for food and toilet.

◆ I was buried in a pit many times and threatened that I would not be removed and would suffocate to death. However, I was taken out every time after 10 minutes with my nose and mouth filled with sand.

◆ During the investigation, my parents and sister were also taken into custody. My parents were beaten and pins were driven into their nail-beds and my sister hung upside down.

I now suffer from disturbed sleep and have sudden onsets of palpitation and discomfort in the chest. I also suffer from nervous disorders at times.

TORTURE : definition, methods and consequences

An excerpt from the address by Dr. Rasmussen at the seminar on 'Health Issues and Torture' on 21st August 1992.

Epidemiology of torture

To describe the epidemiology of torture, the historic aspects, classification, spread and demographic aspects, population incidence and prevalence, aetiology, treatment and prophylactic and preventive measures must be considered.

Historical background

If we look at the historical aspect, then we have accounts of torture dating back to 3200 years when torture was given to enemy soldiers in Egypt. We also have it during the Greek period and then more recently, when the Roman Catholic Church used inquisitions to question and interrogate people about their relations with the devil (to get devil out of the body). Torture was re-introduced in Europe from about 1920 during the Nazi and the Fascist regime and by the Communists. Another historical aspect is the spread of torture from Europe to the colonies, e.g from Britain to India, from the Netherlands to Indonesia and South Africa, and from France to Algeria. In the old days, torture was accepted. There was a legal process after which it was executed in public. But today, torture is not accepted and is forbidden by law. It is secret and arbitrary and takes place commonly behind bars. However, some kind

of torture and inhuman treatment takes place in public e.g. floggings.

Definition of Torture

The Tokyo Declaration (1975) of the World Medical Association (WMA) defines torture as 'the deliberate, systematic or wanton infliction of physical or mental suffering by one or more persons acting alone or on the orders of any authority, to force another person to yield information, to make a confession, or for any other reason'.

The most important point is that the person is absolutely powerless. To be effective in the fight against torture, we have to have a strict definition of it. We should not broaden it to other areas that could be very inhuman like famine, gang violence on the streets, domestic violence, exile, etc.

Spread and demography

We know from reliable sources that torture takes place in 90 countries in the world, i.e. in one third of the world. These are countries with military and repressive regimes, and the people being tortured and persecuted are usually political opponents.

Torture spreads within the country, i.e. if one method is found to be good, then it spreads across the country. In Spain, certain methods of torture were found in different regions which were not found anywhere outside the country. Another form of spread is imperialism as seen

in what the U.S did in Vietnam. There were horrifying incidences of torture, rape and killing of innocent people, as also in Afghanistan by the USSR, by the Chinese in Tibet and by India in Sri Lanka.

Population incidence and prevalence

If we consider the incidence of torture per year, then it is during politically unstable periods that there is a rise in the number of cases. When we look at the prevalence, i.e., the total number of cases in an area at a certain time, we find that these are mostly young people and usually male. Our research has shown that more people of higher education are found among the tortured. We have also found that they are strong people, people who have been fighting for their political rights, human rights, democracy, and therefore easy to help return back to so called 'normal' life.

Aetiology

Torture is a man made disease. It is we ourselves who are creating it, so we should also be able to control it. Research done on the way people are trained to become torturers is unbelievable. They are trained to believe that what they are doing is right. This is a crucial point in the preventive aspect and we have to understand that they think that torture is the right thing to do.

Treatment and Prophylactic Preventive Measures

These can be divided into international and national prophylactic measures.

Internationally, Nepal has signed and ratified the UN Convention against Torture which states in Article 4 and 14 that 'the government should enact legislation which makes torture a criminal offence and gives victims and their families the enforceable right

to fair and adequate compensation and rehabilitation'. Also, Article 12 states that 'the government should ensure impartial investigation whenever there is reasonable ground to believe that an act of torture or cruel inhuman or degrading treatment or

punishment has been committed'. To this end, the government should give consideration to establishing a complaint mechanism and a formal investigation procedure.

On the national level, Article 14.4 of the 1990 Constitution states that 'no person who is detained during investigation or for trial or for any other reason shall be subjected to physical or mental torture, nor shall he be given any cruel inhuman or degrading treatment. Any person so treated should be compensated in the manner determined by the law'. These are important instruments for human rights workers. Other recommendations on the prevention of torture state that a person arrested should have



legal aid and the government should also see to it that personnel involved in the arrest, detention and interrogations of suspects are fully aware of the prohibition of torture and ill treatment in both Nepali and international law. The government should end the practice of incommunicado detention and the government should ensure that doctors and other medical personnel working for the police are regularly informed of international, ethical and medical standards relating to medical police work. Lastly, confessions extracted under torture should not be admissible evidence in the court.

Methods of Torture

We know from reliable non-governmental organisations like Amnesty International that torture and other cruel and inhuman treatment takes place in about every third country in the world, despite the UN Declaration on Human Rights, 1948 which states that 'no one shall be subjected to torture or to cruel or degrading treatment or punishment'. The number of torture victims is therefore very high considering the 90 countries involved. Torture is one of the most cruel crimes against humanity and one of the worst violations against human rights.

In my survey, the most common physical form of torture was beating, and alleged beating on the head took place in about 75% of the cases.

Threats were the most common mental form of torture used and included threats against relatives, family especially children and threats of execution. One third experienced sham execution. This is a very violent form of mental torture and a relation was found between sham executions and psychological problems afterwards.

Arrests usually take place in the morning. The police come in violently, tear everything apart, beat the family, take away the childrens

toys and even destroy them. They are extremely violent and then, it is usually the man of the house who is taken away to the detention area. At the detention area, people are stripped naked, hand cuffed and placed in a room after some beating. They might have to stand for a very long time. In some cases, they have to stand inside a circle without moving.

Hanging is another method of torture. One of the forms of hanging is the Palestinian hanging. Hanging like that for a long period of time produces very heavy strain on the shoulder parts and causes lesions on the tendons in the shoulders which can be proved in clinical studies afterwards. There are many other different forms of suspensions. In the 'parrot perch', you can be kicked on your back, head and feet and you can be hung for a very long time.

The next kind of torture is water torture. In the wet form of torture water is used, whereas in the dry form of torture, plastic bags are used. In the former method, the head is kept underwater until the victim is nearly suffocated, then brought up for a few seconds and pushed down again. In the beginning, the water is clean but after many torture sessions, it is filled with hair, spit, urine, etc.

Another form of torture is electrical torture. Naked cables or special sticks can be used on sensitive parts and it hurts a lot. The victims may be blindfolded and told that they are going to be cut with a knife, but in reality only the electrical tool is moved on the skin. The victim cannot distinguish whether a blade or electricity is being used.

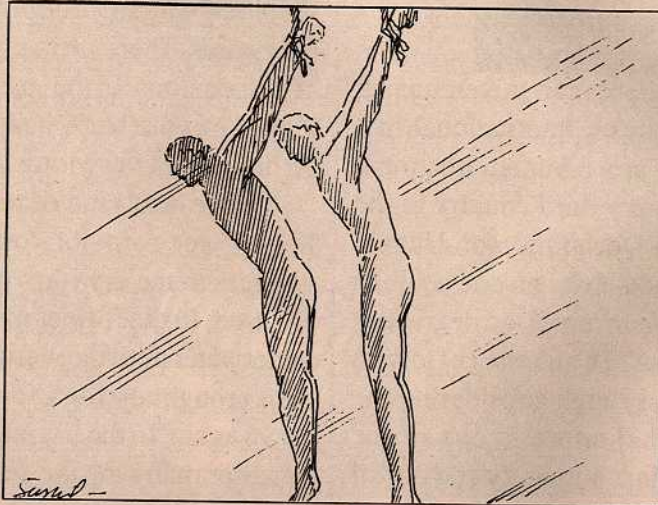
Another special form of torture used in Spain is called the motorcycle in which the victim sits with his knees flexed and apart from each other. It is very painful on the thighs and knees. A helmet is placed on his head which is used for beating, so that there is a lot of noise inside without causing any bruises.

Consequences of Torture

It is extremely important while discussing the different consequences of torture to keep in mind that these four factors - physical torture and mental torture and physical sequelae and mental sequelae overlap considerably. For example, if you are physically tortured and an arm is broken, that is a clear physical sequel, but then again you might have some mental problems. Or if you have mental sequelae like headache, etc, then you may get muscle pain or feel tired, etc. Torturers use threats and physical acts together in a very clever way.

Among the physical sequelae found in my study, the most predominant was scars, and most often after burning. Scars on the body are like a mirror of the torture that the person has gone through.

Long lasting changes in the locomotor system appears to occur in a significant number of cases following Falanga (severe beating on the soles of the feet). These symptoms include walking difficulties, ankle pain and knee pain, and suspensions also cause a lot of physical damage to the locomotor apparatus. Gynaecological symptoms consist of changes in menstruation, abnormal bleeding, painful menstruation and vaginal discharge. A lot of these women have been raped. Gastro-intestinal symptoms consist mostly of abdominal pain and epigastric discomfort, and cardio-pulmonary symptoms of breathing problems, asthmatic problems and palpitations.



Among the mental sequelae, sleeping problems including nightmares (in which the person re-experiences the torture and wakes up in sweat and in a state of fear) was the most often reported mental symptom. The mental symptoms are similar in many respects to those of studies of victims of severe stress, e.g. concentration camp survivors from the second world war in Germany, war/combat soldiers, Hiroshima survivors, etc. The horror of torture is beyond normal imagination and only those who actually experience it are able to fully understand the extent of it. Torture victims feel isolated, alone and have little hope and low self esteem.

The worst possible consequence of torture is the death of the person. When looking at the consequences of the most common method of torture -

beating, in my investigation out of the 99% beaten and the 75% beaten on the head, around 20% lost consciousness due to head injury.

In the telephono torture in which both the palms are used simultaneously to hit the ears, a shock effect is produced which can have a long lasting effect on hearing. In my study, a significant association was found between telephono torture and hearing problems, but only 9% had suffered telephono torture. Very few nose fractures were seen and this could be explained by the fact that the victims do not fight back.

There was a lot of beating all over the body - many rib fractures, but very little intra-

abdominal lesions. This was probably because if a victim sustained intra-abdominal lesions, he/she would die due to the bleeding from the rupture of the gastro-intestinal tract. Fractured limbs were also seen in some cases in the study.

Effects of electrical torture and Falanga

Photographs taken 72 hours after 'picana' (a form of electrical torture) showed lesions 1-2 mm large with reddish brown crusts and red stripes. There were no surrounding inflammations. Photographs of torture by electrically heated instruments showed circular and oval scars with an atrophic centre and narrow hypertrophic or hyper-pigmented margins 5-10 mm large. Lesions after cigarette burning are circular with deep pigmented centers and hyperpigmented relatively indistinct periphery.

Skin lesions after flogging show scars that are long, straight or curved. These scars are deep pigmented, hypertrophic and surrounded by thin hyperpigmented stripes. The scars may be asymmetrical or symmetrical.

Falanga can be applied to a person in any position and he/she can be barefeet or have shoes on. It causes acute lesion where the feet become swollen in a pyramid shape, with oedema located especially at the inner side of the ankle. This type of swelling is peculiar to beating by falanga. The toes become necrotic and scars can be seen on the soles of the feet.

Most falanga victims have pain for a long time afterwards in the knees and ankles while walking. An anatomical examination to investigate the mechanism for these acute and long lasting problems showed that the foot pads - one underneath the heel and two in front - a medial and lateral one can be smashed during Falanga. You then walk directly on the bones since the protection is lost. However, this does not explain the necrotic toes, only the walking

difficulties.

The muscles in the feet are arranged in three compartments. When haematoma or fracture or bleeding occurs, the different compartments in the foot become very tender with a strong pressure inside which does not allow the blood to pass through to the toes. This is called acute compartment syndrome and accounts for the acute necrosis.

A study of 30 persons showed that more than half of them had smashed heel pads on one or both sides. 77% had smashed feet pads and 73% apponeurocitis. Examinations of the ankle and the tibio-femur joint revealed abnormalities in them. Only 4 persons were found to have totally normal findings during the examination.

Conclusion

We know that the aim of torture is to destroy the identity of a person who fights against dictatorship and for human rights. It is our duty to help rehabilitate these persons and we have discovered that this is possible. Torture survivors are strong people who have reacted normally to a very abnormal and perverted violation. One of our strongest obligations is to prevent torture and we believe that this is possible. We have special obligations as doctors and psychologists and other health workers to treat those torture survivors who need assistance in their rehabilitation. We have to publish our findings in order to increase the awareness about what has been considered as one of the most brutal violations of human rights - torture. And we have to insist that the medical profession can be used to protect prisoners and detainees from being tortured through regular examination by doctors who are independent from the authorities. And we have to use doctors in fact-finding missions where they can add evidence to torture allegations by the examination of persons who allege having been tortured.

In the following issues, this page will carry introductions of different human rights groups in Nepal. We begin with HURON - the premier national group in the field of human rights.

HURON

The Human Rights Organisation of Nepal (HURON) was established on 10 December 1988 amidst large scale repression and human rights violations by the Panchayat regime at that time. Its members represented a broad spectrum of political opinion in the country and was drawn largely from the educated professional classes consisting of educators, journalists, lawyers, engineers, doctors and other social and political workers.

HURON played an important role in disseminating information within Nepal and to the rest of the world during the mass movement in 1990 and individual members made significant contributions during and after the movement for democracy.

HURON has 46 district branches and 12



sub-groups in different parts of the country which conduct human rights awareness programmes at the grass-roots level. One of their aims is to have a branch in every district in the near future.

HURON's mandate covers all kinds of human rights violations starting from 'domestic quarrels to torture of prisoners'. Their activities include organising seminars/workshops on human rights, advocating against and making public facts about any serious violations, human rights education in villages, etc. Of these, the last has been accorded priority. HURON also does referrals for legal aid for indigent persons.

Human Rights Organisation of Nepal
(HURON)

Post Box 5424
Kathmandu, Nepal.
☎ 411033

AMNESTY RELEASES BHUTAN REPORT

Amnesty International's first report on human rights violations in Bhutan, released in London last month and recently distributed in Kathmandu, is by far the most detailed and balanced account of recent political events and human rights abuses in Bhutan published anywhere to date. Citing several steps taken by the Bhutanese government to promote human rights over the last year, the 26-page document makes a pronounced departure from partisan reports in the Nepali media and allegations of human rights groups here.

The report, titled Bhutan: Human Rights Violation against the Nepali speaking Population in the South, is based on the findings of a three member delegation to Bhutan in January 1992 and numerous interview with Bhutanese refugees in Nepal conducted in November 1991. The delegation spent one week in Bhutan and visited the southern district of Samchi as well as Thimphu, the capital. The delegates interviewed political prisoners, ex-prisoners of conscience and "people affected by opposition groups in the south" during its visit.

The report briefly outlines the history of Nepali migration to southern Bhutan, and documents various laws and amendments passed by the government since 1958 to define

citizenship and regularise naturalisation procedures. Details of the 1988 census still underway and the results of censuses conducted in 1969 and 1980 are also recorded by Amnesty, which reports that the current census is "drawing to conclusion."

The report confirms that "many" of those categorised as non-nationals in the current census, "some of whom were born in Bhutan and had been resident there throughout their life," were "apparently forced to leave the country." Amnesty cites testimony of "dozens of heads of families, among them men aged 70 and older" who were forced to write and sign voluntary applications to leave Bhutan with their families. The report also mentions a programme launched in 1986 "to identify people without valid work permits," under which "several thousand non-nationals" have been "ordered to leave the country" as landless or unemployed illegal immigrants or for overstaying expired work permits.

During its visit to Samchi the Amnesty delegation interviewed victims and relatives of victims who confirmed government allegations and reports in Kuensel, the official weekly, of "kidnapping, beheading, extortion, torture and other abuses" by opposition groups operating in Southern Bhutan. "Villagers recounted how

they had been coerced into giving donations to the BPP (Bhutan People's Party) and that they were forced to sell their crops..... to raise money for this purpose. Villagers also described how they were threatened with kidnapping, assault or murder if they refused to comply with such demands, and that in some cases such threats had been carried out."

The report states that while it is "not always clear" that attacks on civilians in southern Bhutan are politically motivated, Amnesty "appreciated the difficulties faced by the

Bhutanese authorities in seeking to maintain law and order" and "condemns... torture or execution of prisoners by anyone, including opposition groups."

While in Samchi the delegates also investigated reports that "up to 300" southern Bhutanese had been shot dead during demonstrations there on September 19, 1990. The delegation found that only one of the estimated 4,000 demonstrators had been killed, apparently by a ricochet bullet fired in self-defense by a wounded police officer.

The remainder of the Amnesty report documents human rights violations by the government against southern Bhutanese since 1990, describes several government initiatives taken in the past year to promote human rights - many in response to Amnesty appeals - and recommends further measures.

Of the violations against southern



Bhutanese documented in the report, the crime of torture and rape described by refugees in Nepal - whose testimony Amnesty considers "reliable" despite government accusations of "tutoring" - are particularly

shocking. Methods of torture cited in the report include suspension off prisoners upside down, beating prisoners on the sides and soles of the feet and on the Achilles tendon, deprivation of food and inserting a cane in the anus.

Other human rights violations documented in the report include unfair trials, arbitrary arrest, detention of political prisoners for up to 12 months without charge or trial, inadequate prison conditions, medical negligence of prisoners and several deaths in custody.



According to Amnesty the total number of southern Bhutanese arrested since early 1990 and imprisoned for suspected involvement in opposition activities "runs into thousands." The report documents several royal amnesties granted to more than 1,500 prisoners during that period, and estimated that the number of political prisoners detained as of August 1992 was between 200 and 300. In response to requests, the government informed Amnesty of the reasons for detention "in approximately 150 cases," and in October 1992 announced that following a recent amnesty the total number of political prisoners was 182.

The government has also improved prison conditions, reformed legislation and reprimanded officials guilty of past abuses in recent efforts to promote human rights, according to the report. Shackles, previously used for periods as long as 20 months, have been abolished, prisoners have been granted access to relatives and cells provided with bedding. The government has also provided Amnesty with medical records in two cases of death in custody in response to specific inquiries.

The report gives details provided by the government of standard trial procedures for

political crimes. Defendants are "invited to make an uninterrupted statement in response and to submit a written statement to the court." Witnesses may be cross examined and defendants have access to "a person conversant with the law."

In November and December 1992, Amnesty reports, 37 political prisoners previously tried under the Law of Treason, which stipulates a mandatory death penalty for both violent and non-violent acts of treason, were sentenced under the newly introduced National Security Act. The new act specifies 14 prison sentences in addition to the death penalty for treason and other offences.

Despite these improvements, the report expresses concern over the government's "consistent refusal to reveal places of detention where prisoners are held," and "regrets" that Amnesty delegates were denied access to prisons during their visit to Bhutan. Several recommendations are made, including the immediate release of Tek Nath Rizal, the only remaining prisoner of conscience adopted by Amnesty who has not been released; the release or prompt trial of all prisoners held without charge or trial; ratification of the Convention Against Torture and official condemnation of torture "at the highest levels"; enforcement of human rights measures among security forces; and permission for the International Committee of the Red Cross (ICRC) to visit all places of detention on a regular basis to train security forces and provide medical assistance "at the earliest opportunity."

NEWS IN BRIEF

TRAINING

The second training of helpers for rape victims among the Bhutanese refugees was held at Birtamod, Jhapa district between 14 - 18 December 1992.

15 refugee women - 10 from Beldangi II, 4 from Pathri and 1 from Goldhaap participated in the training. The trainees displayed a keen interest in learning and took active part in the various discussions held.



The supervisory visit for the current 11 helpers was conducted after the training. The recorded number of cases they have looked at so far number 70 in all.

A follow up visit for the 30 newly trained helpers was held on 24 - 29th January, 1993. The majority of them have identified clients and are working with them already. Their documentation was also evaluated and corrected in some instances. Currently, 37 new clients are being counselled by the new helpers.

AWARENESS

The week long 'awareness and training program on human rights and torture' for the month of December was held from 21 - 25 December, 1992. The majority of the participants in this group were female.

Another training for health professionals was held between 11 - 15 January 1993. A record number of participants - 11 women and 10 men registered for this training.

A new section on 'crisis management of abused women' included in this program was received with much interest by the participants.



HUMAN RIGHTS DAY !

HR day was marked by CVICT and other human rights organisations with an exhibition at Basantapur Square in the heart of Kathmandu city. It aimed at increasing peoples' awareness about basic individual rights and freedoms.

CVICT displayed photographs of its various activities and different methods of torture prevalent in Nepal, together with the Nepali and English bulletins. CVICT's special publication for the day - an HR poster did a brisk sale. The proceeds of this will go towards our rehabilitation fund for torture survivors.



The day long exhibition drew a constant stream of visitors. Other organisations that took part in the event were Child Workers in Nepal Concerned Center (CWIN), Informal Sector Service Center (INSEC), Forum for the Protection of Human Rights (FOPHUR) and International Human Rights Environment and Development (INHURED).

FACT FINDING MISSION

A fact finding mission consisting of medical doctor Bal Krisna Bhattarai (CVICT volunteer) and journalist Gopal Guragain were in Gorkha district in west Nepal on 28th November 1992 to investigate allegations of torture of detainees in police custody.

Six people had been arrested and tortured severely in connection with a theft that occurred there on 30 October 1992.

Another team from CVICT went to Mahendranagar municipality in far west Nepal from 24th - 30th January 1993 to study the incidence of torture among the bonded labourers there.

52 men and women were interviewed about physical and mental abuse by their owners. Almost all of them had undergone mental torture and a few had also been physically abused.



CVICT SPONSORSHIP PROGRAM

Three girls aged 6, 8 and 11 respectively and one boy of 6 years have been enrolled in the CVICT Sponsorship Program. One is a rape victim, while the other three are children of abused women. They have been admitted to day schools in their respective neighbourhoods.

TRAINING ABROAD

Ms. Anjali Subba and Mr. Devendra Ale were in Copenhagen, Denmark between 24 - 29 January, 1993 to participate in a seminar workshop on documentation at the Rehabilitation Centre for Torture Victims (RCT). Twenty participants from all over the world were invited for the workshop which aimed at establishing a worldwide network of torture documentation centres. With the skill and knowledge they received there, CVICT hopes to build a base for future documentation of human rights abuses in Nepal.

The ABC of Human Rights is now available in Nepali at CVICT. Though aimed primarily at children and neo-literates, it will be useful for other literate and interested adults.

SAARC Human Rights Seminar

A seminar on 'Human rights in the SAARC countries' was organised by Forum for the Protection of Human Rights (FOPHUR) in Janakpur (eastern Nepal) on 22nd-23rd January 1993.

The two-day seminar was attended by over 200 participants from Nepal and from other countries. The latter included prominent persons like Justice Bhagwati



(India), Swami Agnivesh (India), Fr. Tim (Bangladesh), Amirul Islam (former minister - Bangladesh), etc.

Dr. Sharma - coordinator of CVICT presented a paper at the gathering on torture: definition and consequences, and the human rights situation in Nepal.



Mamta, an 11 year old girl, had to leave school when her mother could no longer afford to pay her fees. Her father, an alcoholic physically abused his wife and children until he finally abandoned them altogether. It was an uphill task for the mother to keep her 3 children in school though she worked long and hard hours.

Now, with help from a sponsor, Mamta is back in school and looking towards a future that does not seem as bleak.

There are many other children like Mamta, who have known little happiness in their young lives, either as children of torture victims and abused women or as victims of abuse themselves. By contributing a small amount of Rs. 500 or U.S. \$ 10 only every month, you can help make a difference in their lives.

Care a little ! Share a little ! Give a little !

Coordinator
CVICT Sponsorship Programme
Post Box 5839 ☎ 418081
Fax : 977 - 1 - 419718

CVICT Objectives/Activities

Torture is the extreme and deliberate use of violence. The victim upon whom it is inflicted and who experiences it has no control over its form or duration.



The prevalence of torture in our society is surprisingly high. Examples of its use abound in schools, the workplace, on the streets, in police interrogation centres and prisons as well as within the family.

The abuse of medical ethics also takes place, contradicting the fundamental purpose of the doctor, which is to save and protect human life and dignity.

Torture affects not only the victim, but also has implications for the family and the society at large. It is very necessary to inform relatives and friends alike about the importance of understanding and assisting torture victims to overcome the long term problems related to torture.

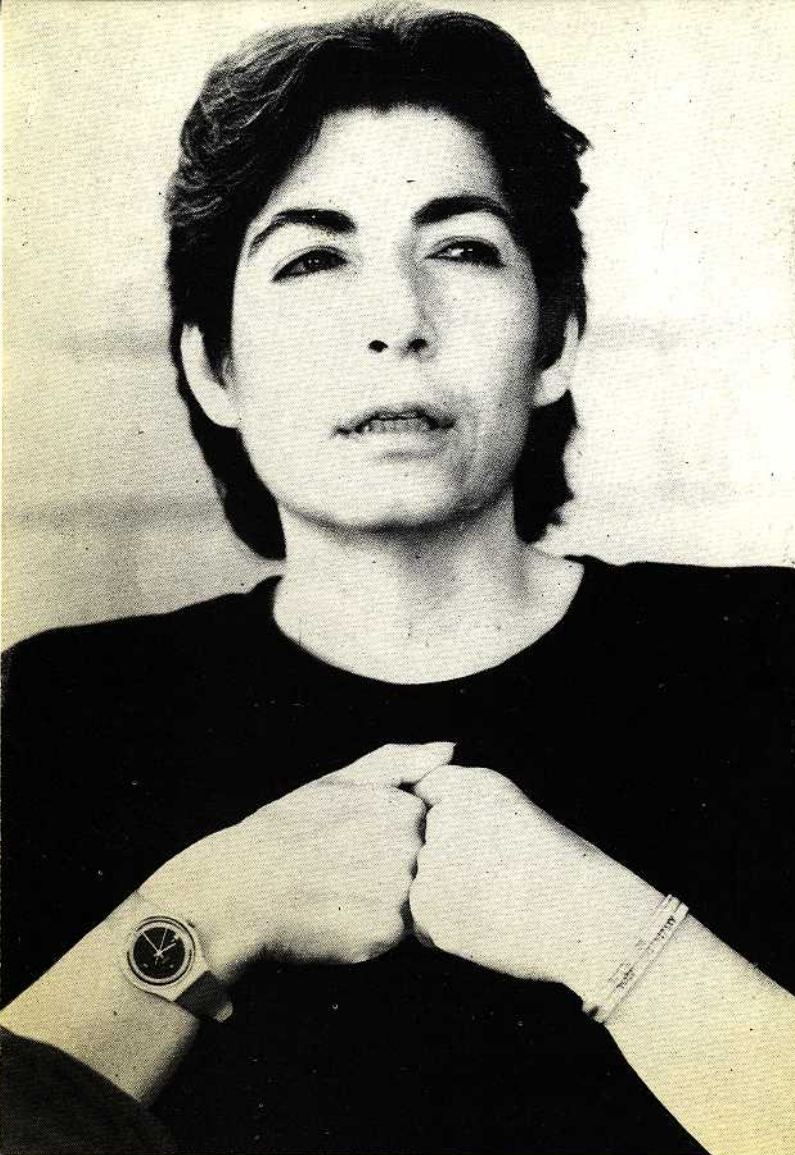
OBJECTIVES OF CVICT

- To increase awareness among the public in general and professional groups in particular about the extent of torture in our society.

- To carry out research in order to identify, describe and assess the extent and range of torture and its impact on public health. Such research activity will encompass biological, mental, social and cultural aspects of the use of torture.
- To coordinate with other national and international human rights groups.
- To help torture victims and their families cope with the medical, psychological and legal aspects of torture.
- To organise seminars and public meetings with the objective of advocating against the use of torture.
- To organise medical visits to prisons.

ACTIVITIES OF CVICT

- Psychological rehabilitation and social, medical and educational support to torture survivors and their families.
- Training of helpers for rape victims among Bhutanese refugees.
- Awareness programmes on torture and human rights education for health professionals and others from related fields.
- Special health services for Tibetan and Bhutanese refugees.
- Research and documentation of incidents of torture in the country.



Sig. Presidente

le chiediamo, in considerazione della sua sensibilità alla causa della giustizia e del rispetto dei diritti umani, di riesaminare il caso di SILVIA BARALDINI ed acconsentire il suo ritorno in Italia.

Mr. President,

in consideration of your sensitive attitude towards the cause of justice and of respect of human rights, we kindly ask you to re-examine the case of SILVIA BARALDINI and to consent to her return to Italy.

FIRMA

CITTÀ

**GRUPPO D'APPOGGIO ROMANO
COMITATO PER IL REIMPATRIO DI SILVIA BARALDINI**

PER GENTILE CONCESSIONE DEL FOTOGRAFO MICHELE BENGALI - AGENZIA MASI - MILANO

AFFRANCARE

President WILLIAM J. CLINTON

THE WHITE HOUSE

1620 PENNSYLVANIA AVENUE

WASHINGTON D.C.

USA

Note aux lecteurs

En septembre 1992, pour faire suite à une recommandation de l'Assemblée générale de 1991, le Conseil Exécutif de l'Organisation Mondiale Contre la Torture/SOS-Torture a décidé la mise sur pied d'un programme en faveur des enfants victimes de tortures, d'exécutions sommaires et de disparitions forcées. Ce programme est destiné à lutter plus efficacement contre un fléau qui semble s'étendre depuis quelques années.

De façon à pouvoir mobiliser les ONG et toutes les bonnes volontés prêtes à lutter dans ce domaine, le secrétariat international a décidé d'effectuer une étude devant établir l'état de la situation et définir certaines suggestions d'action.

Une telle recherche nécessite un investissement en temps et en argent et ne peut être menée dans un délai trop bref. Nous pensons être en mesure, d'ici fin 1993, de publier les résultats — en anglais et en français — des diverses contributions reçues et des recherches effectuées. Le dossier ci-joint ne constitue donc pas l'aboutissement du travail entrepris, mais un document intermédiaire dont nous sommes conscients qu'il doit être encore considérablement amélioré avant de faire l'objet d'une publication.

Si nous avons malgré tout décidé de présenter, sous forme d'un bulletin spécial en français, les premières observations effectuées, c'est que nous pensons qu'il est indispensable d'attirer l'attention de la prochaine Conférence mondiale sur les droits de l'homme de Vienne sur la gravité de ce phénomène et sur la nécessité de donner priorité à des actions en faveur d'une meilleure protection des enfants.

Eric Sottas
Genève, juin 1993

WHAT IS AMNESTY INTERNATIONAL



Thousands of people around the world are in prison because of their beliefs. Many are held without charge or trial. Torture and executions are widespread. In many countries men, women and children have "disappeared"; others have been killed by governments and their agents.

These abuses—taking place in countries of widely differing ideologies—demand an international response, transcending the boundaries of nation, race and ideology. This is the fundamental belief upon which Amnesty International, an independent worldwide organization, is based.

Amnesty International's activities focus on prisoners:

- It seeks the release of *prisoners of conscience*. These are people detained anywhere for their beliefs, colour, sex, ethnic origin, language or religion, who have not used or advocated violence.
- It works for *fair and prompt trials* for all *political prisoners* and on behalf of such people detained without charge or trial.
- It opposes the *death penalty* and *torture or other cruel, inhuman or degrading treatment* of all prisoners without reservation.

FACTS, IMPARTIALITY, ACTION

Amnesty International is open to anyone who supports its goals. It is impartial. It does not support or oppose any government or political system; it works for human rights under all systems. The work is based on careful research and accurate reporting of facts by the organization's International Secretariat. Information is collected from a wide range of sources and missions are sent to countries for on-the-spot investigations and to observe trials, meet prisoners and interview government officials. Once details are checked, action by Amnesty International's members gets underway: letters and telegrams on the prisoners' behalf, petitions and publicity. The work is funded by donations from members and supporters. This financial independence is as vital as the strict political independence. Amnesty International does not receive government money for its budget.

Further information is available from: Amnesty International,
International Secretariat, 1 Easton Street, London WC1X 8DJ, United Kingdom.

AMNESTY INTERNATIONAL AROUND THE WORLD

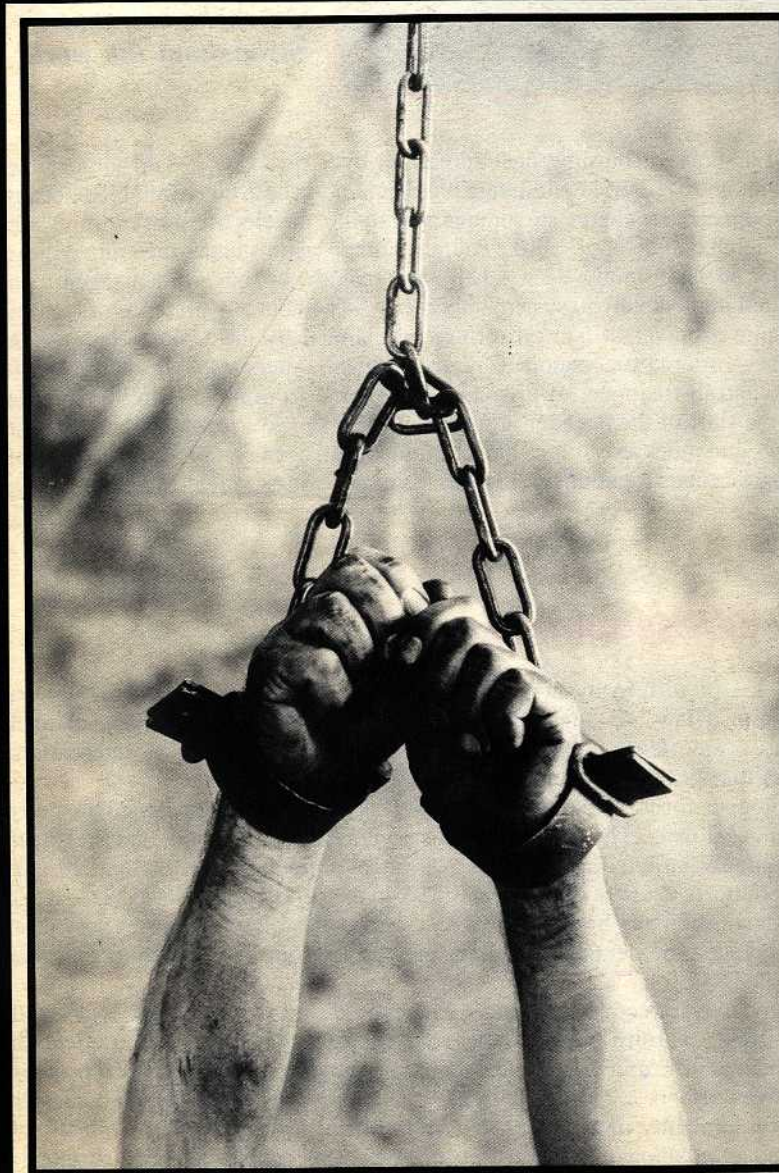
Australia: (Tel: 2 21 3566) Private Bag 23, Broadway, New South Wales 2007
Austria: (Tel: 222 505 4320) Wiedner Gürtel 12/7, A-1040 Wien
Barbados: (Tel: 809 424 4346) PO Box 872, Bridgetown
Belgium: (Flemish) (Tel: 3 271 1616) Kerkstraat 156, 2060 Antwerpen 6
(French-speaking) : (Tel: 2 538 8177) 9 rue Berckmans, 1060 Bruxelles
Bermuda: (Tel: 809 29 27961) PO Box HM 2136, Hamilton HM JX
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Canada: (English-speaking) (Tel: 613 563 1891) 130 Slater Street, Suite 900, Ottawa, Ontario K1P 6E2
(French-speaking) (Tel: 514 288 1141) 3516 ave du Parc, Montréal, Québec H2X 2H7
Chile: (Tel: 62 335 897) Señores, Casilla 4062, Santiago
Côte d'Ivoire: (Tel: 324 660) 04 BP 895, Abidjan 04
Denmark: (Tel: 33 11 75 41) Dyrkøeb 3, 1166 Copenhagen K
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Finland: (Tel: 0 6931 488) Ruoholahdenkatu 24, SF-00180 Helsinki
France: (Tel: 1 43 38 74 74) 4 rue de la Pierre Levée, 75553 Paris (CEDEX 11)
Germany, Federal Republic of: (Tel: 228 650981-3) Heerstrasse 178, 5300 Bonn 1
Ghana: PO Box 1173, Koforidua, E.R.
Greece: (Tel: 1 360 0628/363 1532) 30 Sina Street, 10672 Athens
Guyana: (Tel: 261 789) Palm Court Building, 35 Main Street, Georgetown
Hong Kong: (Tel: 300 1250/1251) Unit C, Third Floor, Best-O-Best Building, 32-36 Ferry Street, Kowloon
Iceland: (Tel: 1 16940) PO Box 618, 121 Reykjavík
India: (Tel: 11 310799) c/o Dateline Delhi, 21 North End Complex, Panchkuin Road, New Delhi 110001
Ireland: (Tel: 1 776361) Sean McBride House, 8 Shaw Street, Dublin 2
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Portugal: (Tel: 1 523 537) Apartado 1642, 1016 Lisboa Codex
Puerto Rico: Calle El Roble No. 54, Altos, Rio Piedras
Senegal: Please send all correspondence care of the International Secretariat, London
Spain: (Tel: 1 575 418) Paseo de Recoletos 18, Piso 6, 28001 Madrid
Sweden: (Tel: 8 663 1900) Gyllenstiernsgatan 18, S-15 26 Stockholm
Switzerland: (Tel: 31 25 79 66) PO Box, CH-3001 Bern
Tanzania: PO Box 4331, Dar es Salaam
Tunisia: (Tel: 1 35 34 17) 48 Avenue Farhat Hached, 3e Etage, 1001 Tunis
United Kingdom: (Tel: 71 278 6000) 99-19 Rosebery Avenue, London EC1R 4RE
USA: (Tel: 212 807 8400) 322 8th Ave, New York, NY 10001
(Washington office) (Tel: 202 544 0200) 304 Pennsylvania Ave, SE, Washington DC 20003
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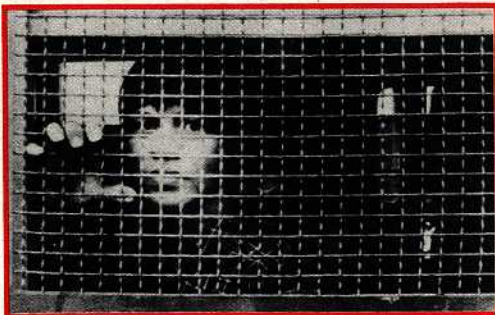
Printed by Flashprint Enterprises, London.

January 1991.

amnesty international

CAMPAIGN FOR THE ABOLITION OF TORTURE





Political suspects and other prisoners face torture in police stations, secret detention centres, camps and military barracks in countries throughout the world.

"I felt a shock of burning heat spread all over my body", said the detainee in this photo, "...I cried out in terrible pain...my whole body trembled because of the high electric charge streaming through it... the electric shock torture went on for about half an hour". Like countless other victims under differing political systems he had simply been taken into custody by government agents and subjected immediately to systematic cruelty — without any pretence of legality.

Despite a universal ban on torture proclaimed by the United Nations, the practice—ordered or condoned by governments—persists. Allegations of the torture and ill-treatment of prisoners have come from more than 90 countries since the start of the decade: in many, electric shocks, sexual assaults, severe beatings and mock executions have become routine. In certain countries doctors take part in interrogations while the state and courts shield the torturers.

WHY OPPOSE TORTURE?

Every act of torture by a government is a violation of human dignity and international law. As such, it is prohibited under the constitutions of many nations, is an offence under the criminal law and contravenes key international treaties that protect human rights.

Apologists for torture often argue that it is justified in the defence of society and innocent lives. The truth is that this argument does not fit the facts. Torture is commonly inflicted as part of government suppression of dissent. In most cases political detainees are at greatest risk in the period immediately after arrest. Such detainees have broken down and signed false confessions. The victims have included mothers and children tortured in front of each other, mutilated and killed.

There are no circumstances under which these abuses are acceptable or legally permissible. Torture violates the rule of law: it directly contradicts the fundamental principle that citizens should be subject only to prescribed penalties for proven offences. Torture, instead, is calculated assault. Nothing denies our common humanity more than the purposeful infliction of totally unjustifiable pain and humiliation on a defenceless prisoner. It is to be condemned absolutely.

WHAT IS AMNESTY INTERNATIONAL DOING?

As part of its worldwide human rights campaign, Amnesty International opposes the torture of all prisoners, without reservation. It concentrates first on getting the facts. Once it becomes clear that torture and ill-treatment are being inflicted on prisoners, the organization's members begin appealing to the relevant authorities to guarantee the safety of detainees. In urgent cases, where individuals face possible torture after arrest, an international network of volunteers can immediately be alerted to appeal for prisoners' well-being. Securing proper medical treatment for torture victims is also part of the campaign, with teams of Amnesty International doctors working to help refugees and others needing mental and physical rehabilitation. Amnesty International also works to prevent anyone being forcibly sent to another country where they can reasonably be expected to be tortured.

WHAT ARE THE RESULTS?

The postcards, telegrams and parcels are getting through. Torture has been stopped in specific cases; international and domestic pressures have brought about changes in the laws and procedures under which prisoners are held in various countries; and considerable medical progress has been made in examining and treating victims. Much more needs to be done.



This mother was beaten and tortured with electric shocks in a military barracks after being abducted by military personnel. She was then held for four and a half years without charge or trial, until released into exile after appeals by, among others, Amnesty International and eventually reunited with her young daughter eight years after her abduction. "It's a miracle," she told reporters, "...I still can't believe I'm back with my precious baby."

WHAT CAN PEOPLE DO?

Amnesty International needs broad public support for its Campaign for the Abolition of Torture. Your help is vital. Contact Amnesty International today (addresses are in this leaflet). Study our 12-Point Program for the Prevention of Torture. Share it with your friends and colleagues. Cut it out and post it in your school, church or workplace. The first step is to convince people that torture *can* and *must* be stopped.

THE PREVENTION OF TORTURE

1. Official condemnation of torture

The highest authorities of every country should demonstrate their total opposition to torture. They should make clear to all law-enforcement personnel that torture will not be tolerated under any circumstances.

2. Limits on incommunicado detention

Torture often takes place while the victims are held incommunicado—unable to contact people outside who could help them or find out what is happening to them. Governments should adopt safeguards to ensure that incommunicado detention does not become an opportunity for torture. It is vital that all prisoners be brought before a judicial authority promptly after being taken into custody and that relatives, lawyers and doctors have prompt and regular access to them.

3. No secret detention

In some countries torture takes place in secret centres, often after the victims are made to "disappear". Governments should ensure that prisoners are held in publicly recognized places, and that accurate information about their whereabouts is made available to relatives and lawyers.

4. Safeguards during interrogation and custody

Governments should keep procedures for detention and interrogation under regular review. All prisoners should be promptly told of their rights, including the right to lodge complaints about their treatment. There should be regular independent visits of inspection to places of detention. An important safeguard against torture would be the separation of authorities responsible for detention from those in charge of interrogation.

5. Independent investigation of reports of torture

Governments should ensure that all complaints and reports of torture are impartially and effectively investigated. The methods and findings of such investigations should be made public. Complainants and witnesses should be protected from intimidation.

6. No use of statements extracted under torture

Governments should ensure that confessions or other evidence obtained through torture may never be invoked in legal proceedings.

7. Prohibition of torture in law

Governments should ensure that acts of torture are punishable offences under the criminal law. In accordance with international law, the prohibition of torture must not be suspended under any circumstances, including states of war or other public emergency.

8. Prosecution of alleged torturers

Those responsible for torture should be brought to justice. This principle should apply wherever they happen to be, wherever the crime was committed and whatever the nationality of the perpetrators or victims. There should be no "safe haven" for torturers.

9. Training procedures

It should be made clear during the training of all officials involved in the custody, interrogation or treatment of prisoners that torture is a criminal act. They should be instructed that they are obliged to refuse to obey any order to torture.

10. Compensation and rehabilitation

Victims of torture and their dependants should be entitled to obtain financial compensation. Victims should be provided with appropriate medical care or rehabilitation.

11. International response

Governments should use all available channels to intercede with governments accused of torture. Inter-governmental mechanisms should be established and used to investigate reports of torture urgently and to take effective action against it. Governments should ensure that military, security or police transfers or training do not facilitate the practice of torture.

12. Ratification of international instruments

All governments should ratify international instruments containing safeguards and remedies against torture, including the International Covenant on Civil and Political Rights and its Optional Protocol which provides for individual complaints.

- * Treatment programme at RAHAT aims at medical, psychological and social rehabilitation of torture victims and their families.
- * Treatment at RAHAT is provided free of charge.
- * Doctors, other health professionals, hospitals and all types of organizations can refer torture victims to RAHAT for treatment.
- * RAHAT is also engaged in research and educational work for the purpose of combating torture. It provides necessary information on different aspects of torture to health professionals, lawyers, human rights activists and other concerned persons.

For visits, consultation and treatment at RAHAT, timings are from 9 A.M. to 1 P.M. (from Saturday to Wednesday except public holidays).

With prior appointments, visits, consultation and treatment can be arranged at any other time and day as well.

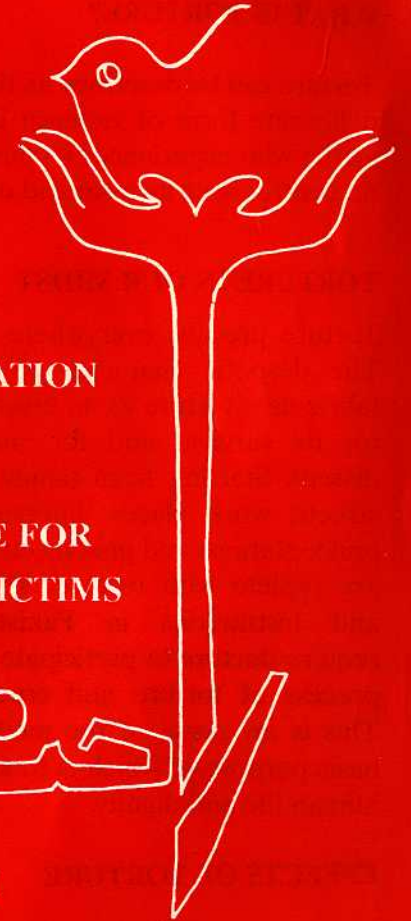
For further information please write to:
 VAT / RAHAT,
 P.O. Box 2428,
 Islamabad, Pakistan

or

Visit RAHAT at :
 House 340, Street 97, G-9/4,
 Islamabad

or

House No. 19, M-Block,
 Model Town,
 Lahore



**REHABILITATION
 AND
 HEALTH
 AID CENTRE FOR
 TORTURE VICTIMS**

* Islamabad

* Lahore

VOICE AGAINST TORTURE

WHAT IS TORTURE?

Torture can be described as that extreme and deliberate form of violence inflicted upon a victim who experiences it consciously and has no control over its form and duration.

TORTURE IN OUR MIDST

Torture prevails everywhere in our society. The despotic character of socio-economic fabric uses torture as an essential instrument for its survival and for snuffing out any dissent. Starting from family on to schools, streets, work places, interrogation centres, police stations and prisons etc., our daily lives are replete with torture. The present laws and institutions in Pakistan sometimes require doctors to participate or assist in the process of torture and cruel punishments. This is an abuse of the medical profession, basic purpose of which is to save and protect human life and dignity.

EFFECTS OF TORTURE

Thousands of individuals and families suffer from the effects of torture in Pakistan. They come from different backgrounds. Many of them are Pakistani nationals. Others are refugees from different countries now living in Pakistan. They were forced to leave their homelands because of the circumstances threatening their physical and mental integrity.

Scars of torture remain on the mind and body of victim long after the procedure has ended. The whole personality of the

individual is destroyed which in fact is the basic purpose of inflicting torture. The effects of torture include anxiety, depression, fear, irritability, introversion, lethargy, disturbed memory, loss of concentration, headaches, visual problems and sexual disorders etc. Torture effects not only the individual but also other members of the family, and ultimately the whole social fabric is permeated with fear and terror.

VOICE AGAINST TORTURE

Voice Against Torture (VAT) is an interdisciplinary research forum for struggle against all forms of torture. Doctors, psychologists, physiotherapists, nurses, sociologists, social workers, lawyers, journalists and intellectuals form the network of VAT in a common cause to combat the all pervasive problems of torture. VAT is not affiliated with any political group or party.

AIMS OF VAT

- * To mobilize public opinion against torture and cruel, inhuman or degrading punishments.
- * To make efforts that knowledge of all aspects of torture, and knowledge of the methods for the treatment of torture victims is incorporated in the teaching courses of doctors, psychologists, nurses, physiotherapists, and social workers.
- * To ensure adoption of a new code of medical ethics by the Pakistan Medical and Dental Council and make it

impossible for any member of the health profession to participate in, aid or abet the process of torture.

- * To coordinate with other anti-torture and human rights organizations at national and international levels.
- * To run Rehabilitation and Health Aid Centre for Torture Victims (RAHAT) as a comprehensive programme.

RAHAT

Considering the fact that torture victims need specialized care and such facility is not available in ordinary hospitals, VAT has established 'Rehabilitation and Health Aid Centre for Torture Victims (RAHAT)' in Islamabad and Lahore. Doctors, psychiatrists, psychologists, nurses and social workers experienced in the care of torture victims provide services at RAHAT. The staff of RAHAT work as a team to assess and treat the multi dimensional problems of torture victims.

- * RAHAT is the first centre of its kind in South Asia where any one suffering from the effects of torture can come for treatment.
- * There is no discrimination of age, sex, religion, ideology, political affiliation, nationality or ethnic origin for treatment at RAHAT.



Torture - the most destructive weapon against democracy

Special NGO Session on the Occasion of the World Conference on Human Rights
LaWie, Landstrasser Hauptstrasse 96, 1030 Vienna
16-17 June 1993

Under the patronage of
the Danish Minister for Development Cooperation, Mrs Helle Degn

Chair persons: Prof. Erik Holst, MD, IRCT, Copenhagen, Denmark
Mahboob Mehdi, MD, VAT/RAHAT, Islamabad, Pakistan
Hélène Jaffé, MD, AVRE, Paris, France

Sponsored by the Danish Democracy Fund

16 June 1993	17 June 1993
<p style="text-align: center;"><u>09.00 - 12.00</u></p> <ol style="list-style-type: none"> <i>Torture in the World Today - Torture as a Challenge to the International Community</i> Inge Genefke, MD, DM Sc.hc., Medical Director, IRCT, Copenhagen, Denmark <i>Torture - The Short and Long-Term Effects on Society and the Individual in Asia</i> Mahboob Mehdi, MD, Medical Director, VAT/RAHAT, Islamabad, Pakistan, IRCT Council Member <i>Torture - The Short and Long-Term Effects on Society and the Individual in Latin America and The International Understanding</i> Diana Kordon, MD, Co-ordinator, EATIP, Buenos Aires, Argentine 	<p style="text-align: center;"><u>09.00 - 12.00</u></p> <ol style="list-style-type: none"> <i>Torture and the United Nations</i> Prof. Bent Sørensen, MD, DM Sc, member of CAT (UN Committee against Torture), 1st Vice-President of CPT (The Council of Europe's Committee for the Prevention of Torture), Copenhagen, Denmark <i>Torture - The Short and Long-Term Effects on Society and the Individual in Africa</i> Hélène Jaffé, MD, Medical Director, AVRE, Paris, France, IRCT Council Member <i>Treatment Strategies for Integrating Physical and Psychological Care of Survivors of Torture</i> Vincent James Iacopino, MD, PhD, Survivors International of Northern California, Berkeley, California, USA
<p style="text-align: center;"><u>16.30 - 19.00</u></p> <ol style="list-style-type: none"> <i>Torture - The Short and Long-term Effects on Society and the Individual in a European Country Having a Repressive Regime</i> Maria Piniou-Kalli, MD, Medical Director, Medical Rehabilitation Center for Torture Victims, Athens, Greece, IRCT Council Member <i>Torture - The Short and Long-Term Effects on Society and the Individual in South Africa</i> Thabo Rangaka, MD, SAHSSO, Johannesburg, South Africa, IRCT Council Member <i>Torture - The short and Long-Term Effects on Society and the Individual in the Former Soviet Union</i> Marina Berkovskaya, MD, Medical Director, Compassion ENIO, Moscow, Russia, IRCT Council Member 	<p style="text-align: center;"><u>14.00 - 17.00</u></p> <ol style="list-style-type: none"> <i>Torture - The Short and Long-Term Effects on Society and the Individual in a European Country</i> Dr med Thomas Wenzel, University Hospital for Psychiatry, Vienna, Austria <i>The History and Future of Torture in Korea</i> Suh Sung, MD, STIK, Korea <i>Role of Torture and Trauma Services in ensuring Social, Economic Rights of Resettled Torture and Trauma Survivors</i> Margaret Cunningham, Director, STARTTS, Canberra, NSW, Australia <i>Torture - The Short and Long-Term Effects on Society and the Individual in a Country in Civil War</i> Selvan Selvaratnam, MD, Medical Director, The Institute for Counselling and Ongoing Formation, Jaffna, Sri Lanka

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International Rehabilitation Council for Torture Victims
Voice Against Torture / Rehabilitation and Health Aid Centre for Torture Victims
Equipo Argentino de Trabajo e Investigación Psicosocial
South African Health and Social Services Organisation
Association pour les victimes de la Répression en Exil
Stop Torture in Korea
Service for the Treatment And Rehabilitation of Torture and Trauma Survivors (NSW)

stik

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STOP TORTURE IN KOREA - JAPAN COMMITTEE

STIK and the Campaign to Eradicate Torture: the Story of STIK Japan.

STIK (Stop Torture in Korea) is an NGO which provides legal advice, financial support and medical services to torture victims and their families in South Korea. Set up in the USA by Mr SUH SUNG who was himself labelled a political criminal and then tortured in Korea, it now has a Japan Committee. The Committee of STIK Japan is comprised of members from groups such as Amnesty International Japan Section, the Korean Rights Group Japan and the Young Doctors Group and has set itself two concrete goals:

① A campaign to eradicate torture in Asia, in particular by urging ratification of the Convention against Torture, starting with Korea and Japan.

② Financial support for torture victims from Korea.

It has begun by launching a newsletter and holding study meetings. It will also focus on the legal and political structures in each Asian country which give rise to the practice of torture.

While we have grand aims, our resources are few. We hope to make greater progress in the campaign to eliminate torture by joining with other NGOs. So we have good links with Amnesty International which has achieved so much already.

To you who are reading this, please give us your support to end the horrible outrage against all people which is torture.

ACTION PLAN

[Please refer to the "Information Pack for NGOs Addressing Torture" for background information and addresses]

If you hear of someone who is being tortured or who you fear might be tortured, speed is the most important thing: the first days or weeks are the most dangerous period. The following steps could help:

1. Check the information: it is important to be as sure as possible with something as serious as torture. Try and check the basics: Who? Where? When? Who's responsible? Have they been visited by relatives, friends, lawyers or doctors?
2. If you have enough resources, bring a case in court to free the person in danger.
3. Notify the higher authorities - they may not know. Ask them to
 - visit the place of detention;
 - remind all public officials of the illegality of torture under [national and] international law;
 - issue a public condemnation of torture.If you know someone high in the bureaucracy, judiciary or military ask them to intervene personally.
4. Start a campaign in the country or local area including news reports, letter-writing campaigns and petitions to bring the facts of the torture to public attention.
5. Contact international NGOs such as Amnesty International or in war, the International Committee of the Red Cross (ICRC).
6. Contact the UN bodies which can take steps in emergency situations like the Special Rapporteur on Torture.
7. Think if there are other people who might intervene for example, a neighbouring country which is friendly with the government; the International Labour Office for trade union cases, UNESCO, multinational corporations.
8. Keep the NGOs and UN informed of new developments.
9. Send documents giving as many details as possible to the UN bodies which work on general situations and to the NGOs.
10. Start a campaign to get the government to ratify the ICCPR and CAT treaties if they have not done so.
11. Form a network of concerned activists with human rights NGOs, lawmakers, journalists, lawyers, religious groups, students, trade unionists, and especially doctors and nurses.
12. Get compensation and rehabilitation treatment for the torture victims and get the torturers punished.

INFORMATION PACK FOR NGOS ADDRESSING TORTURE (MARCH 1993)

What is Torture?

The Convention Against Torture and Other Cruel, Inhuman or Degrading Punishment which was written by the United Nations (UN) defines torture as:

1. mental or physical pain
 2. which is done for getting a confession or information or as punishment or intimidation
 3. by a public official (e.g. police, military) OR with the consent of a public official.
- However torture does NOT mean something which is a lawful sanction (something which was ordered by a court.)

Also, in 1983, the UN Human Rights Committee said that if someone is "disappeared", that can be mental torture for close relatives. (The case was Quinteros v. Uruguay)

International Law Prohibiting Torture

Torture is illegal in most countries even by national laws. In addition, it is prohibited in international law by the following standards:

1. The United Nations Charter (which is a law for all UN member countries): In the 1980 Teheran Case, the International Court of Justice said that torture is "manifestly incompatible" with the UN Charter.
2. The Universal Declaration on Human Rights bans torture in Article 5.
3. The International Covenant on Civil and Political Rights (ICCPR) bans torture in Article 7.
4. The Convention Against Torture (CAT), which was adopted by the UN General Assembly without opposition.
5. General Assembly resolutions have condemned torture e.g. the Declaration Against Torture of 1975.
6. In wartime, the Geneva Conventions of 1949 prohibit torture absolutely.

The Responsibility of States

By the international law above, all governments are under a legal duty not to torture. They are also under a duty not to send a citizen of another country back to that country if that person might be tortured there. This is the principle of "non-refoulement" of customary international law. For states which have ratified the ICCPR or CAT, the Human Rights Committee has said in a "general comment" that those governments are under a duty to:

1. effectively protect their citizens against torture through a machinery of control;
2. effectively investigate any complaints that torture has been practiced;
3. punish those who are guilty of torture;
4. provide effective remedies for victims of torture including a right to compensation.

Individual Responsibility

Those who commit torture are responsible individually. They can be tried as criminals in any country which has ratified CAT. Also they may have to pay compensation to their victim because, according to the words of a United States court, "the torturer has become...an enemy of [hu]mankind". (The Filartiga case). Those who commit torture in wartime can be tried as war criminals almost all over the world since 177 countries are party to the Geneva Conventions.

Further Information

For more details about legal standards, please see: RODLEY, NIGEL S., "The Treatment of Prisoners under International Law", Oxford: Clarendon Press, 1987. For more details about international procedures for helping victims of human rights violations, please see: HANNUM, HURST, "Guide to International Human Rights Practice", 2nd Ed., University of Pennsylvania Press, 1992.