

# FACT SHEET ON TORTURE IN NEPAL (26 June 2011)

## **Profile of torture victims under rehabilitation**

Most of the torture victims under rehabilitation at CVICT are from the ages of 16 to 45, generally poor with little to no education and are farmers from the rural community. They are also the ones with little support from their family, community and state agencies.

The number of torture victims who received rehabilitation support from 2006 to 2010 is 7082; 4935 males and 2147 females.

**In summary, the poor and marginalized people in the community are vulnerable to be the victims of torture.**

## **Torture trends**

After November 2006 (from here-on 2006), most are tortured by being accused of criminal offense or public offense. Before 2006, most were tortured with accusation of being a Maoist.

Most torture victims were not charged with any offenses.

Juveniles have no documentation of their real age. In most cases, the police falsify the age of the children to above 16 so that they can charge them as an adult.

Most are kept for more than 24 hours in detention without court appearance and usually they are kept for weeks. Before 2006, they were kept in detention for months and years.

There are increased instances of re-victimization of torture victims by the police.

All the torture victims who are/ were treated at CVICT suffered from tremendous physical and mental consequences. Minimum to a maximum duration it requires for a torture victim to be fully rehabilitated lasts from 1 year to more than 3 years but the scar will remain for life. There is always a chance of relapse.

Before 2006, the perpetrators were army, police and Maoists equally. After 2006, almost all the perpetrators are the police. *Torture, if there was any by the Maoists is not taken into account after 2006 because they are not a warring faction after signing of the comprehensive peace agreement.*

The torture victims rarely file a case against the perpetrators because of a lack of trust in the state mechanism, because they rarely get justice or get inadequate justice, fear of re-victimization, lack of victim/ witness protection mechanism, and the lengthy process involved.

## **Custodial deaths due to torture**

12 custodial deaths reported (November 2006 – May 2011, as per CVICT's records). None of the deaths were properly investigated. Deaths are said to be due to natural causes.

**Most common forms of torture in custody:** Random beating all over the body and beating on the palms and feet, kicking on the back, humiliation, scolding and threat to kill.

## **Most common consequences of torture**

Psychological – Fear, flashbacks, nightmares and sleepless nights

Physical – Pain over entire body, pain over a specific part of the body, headaches, tingling sensations in the limbs

Social – Rejection from society

**In the worst case scenarios torture victims have severe forms of psychological problems or are suicidal which takes years to heal and poses a financial burden on the family pushing them into poverty. Poverty is cause and effect of torture on individuals, their families and wider societies. To end this poverty cycle a united effort must be taken to prevent torture, rehabilitate the victims and give them justice.**

## **Major findings of a study in 7 prisons in Nepal**

Prisoners were interviewed whilst providing medical/ psychological treatment (police/ prison officers not present during the interviews) in between 2008 to 2010.

Total number of prisoners interviewed – 989; 44% uneducated, 19% received primary level education, 31% received secondary level education. Only 6% received university level education.

52% received warrant papers prior to their arrest.

13 of them were children (16 years of age and below), 8 of them were tortured in police custody.

74 % of the 989 prisoners were tortured during police interrogation.

83 % of the prisoners are suffering from psychological as well as physical disabilities, most commonly anxiety, post traumatic stress symptoms, scabies, fungal infections and other communicable diseases. Prison management department receives very small budget to be able to cater the basic needs of prisoners.

All the prisons are overloaded by more than twice its capacity and the physical conditions of all prisons are extremely poor. However, they are located in the most expensive areas of the city and town in most parts of Nepal.

### **Appeals**

**Victims who do not have access to rehabilitation will remain disabled for life. The consequences of torture may not be seen immediately; many develop these symptoms a few years after the incident. All victims of torture require a comprehensive holistic treatment from a multidisciplinary team to achieve complete rehabilitation. Thus, CVICT appeals to the government to take immediate action to have a mechanism for reparation of victims of torture.**

**Though Nepal has ratified the Convention Against Torture, Torture is not considered a criminal offense, thus, the law enforcing agencies are enjoying complete impunity. We urge the government to make torture a ‘criminal offense’.**

**Some torture victims after years of legal battle receive compensation as per the ‘torture compensation act’ but it hardly covers their treatment costs. It does however give them a psychological relief that the government has given them something but that money does not come out from the pockets of perpetrators but from the government which encourages the perpetrators to continue torturing vulnerable people from the rural community. We ask the government to make the perpetrators pay part of the compensation.**

**Centre for Victims of Torture Nepal appeals to the government of Nepal to share the draft of the ‘Torture act’, consult with civil society to ensure that the new ‘Torture Act’ is in line with international norms. This will be a major step towards eradicating torture from Nepal.**

**We request the political leadership to take the above appeals seriously (it has been 4 years since the Supreme Court ordered the responsible state agency to criminalize torture).**

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