



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2005/NGO/50
11 February 2005

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Sixty-first session
Item 12 of the provisional agenda

**INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER
PERSPECTIVE**

**Written statement* submitted by the Asian Legal Resource Centre (ALRC),
a non-governmental organisation in general consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 January 2005]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

DIABOLICAL TORTURE OF WOMEN AND ZERO RULE OF LAW IN NEPAL

1. In a 124-page report released this January 2005, the Asian Legal Resource Centre (ALRC) and the Kathmandu-based Advocacy Forum have described how the fundamental rights of people in Nepal have been suspended as institutions for the rule of law have ceased to function. In other statements made to the Commission this year, the ALRC has described the zero rule of law in Nepal, and detailed incidents of extrajudicial killing, forced disappearance, torture, and violence against children there. In a number of those it details incidents of killing and forced disappearance of women and girls. In this submission, it concentrates on gross acts of torture committed against Nepalese women by the security forces there.

2. At the sixtieth session of the Commission, the ALRC described how Dalit women – so-called 'untouchables' – in Nepal have faced centuries of deep-rooted discrimination and violence (E/CN.4/2004/NGO/50). While these types of caste-based abuses persist in Nepal, since 26 November 2001, when the Royal Nepalese Army was unleashed on the population under a one-year-long national state of emergency, it has also systematically violated the rights of all women throughout the country. The women victims of its abuses have no immediate prospects for redress, and meanwhile the security forces are continuing on their rampage.

3. During the last two years, there have been increasing reports of gang rape of women and children by security forces in Nepal. Janaki Chaudhary and Chinki Chaudhary, two 16 and 14-year-old girls of Mahadev village, Bardiya district, were two victims. In September 2003 they were working as day labourers in the building construction site of the Armed Police Force in Rajhena, Banke district. On the night of September 27, they were sleeping along with one male worker in a dormitory at the construction site when seven Armed Policemen came to their place and asked how many were in the room. The police, who have been identified, were all attached to the District Police Precinct, Banke. After they found out there were two girls and one boy, the policemen entered the room, switched off the light, and threatened the male worker. Then they forced the girls to go outside with them.

4. The policemen took Janaki and Chinki to a nearby garden and gang-raped them. Each girl was raped four times, and all seven were involved. While they were raping the girls, the policemen threatened them that they would kill both of them if they would shout or make any noise. After the rape, the policemen told the victims to go back to the dormitory and remain quiet and work as normal. However, the girls explained to the male worker what had happened to them. The next morning they told the contractor, after which they reported the incident to the local police station. On September 30, both victims went to the District Police Precinct, Banke and made a complaint. After making the complaint, the seven perpetrators were kept in custody pending investigation.

5. On 25 October 2003, the accused men were remanded in custody. However, some police officers of the District Police Precinct suggested to the victims that they negotiate to settle the case. The perpetrators offered 5000 rupees to each girl to withdraw the complaint, and threatened that they would have some difficulties if they challenged the police. In addition, plain-clothed police followed the lawyers who helped the victims to have medical examinations, and the whereabouts of the male worker who was in the dormitory with the two girls became unknown. More seriously, the Superintendent of Police, Shri Bahadur Ghale, said that he thought the policemen had consensual sex with the girls, even though the perpetrators initially admitted to

the crime. In a press release issued on 25 October 2003, the Armed Police Force categorically denied that the police gang-raped the two girls. The case is understood to be ongoing; however, in view of the collapsing judicial system in Nepal the prospects that the perpetrators will be held to account for their crimes are not good.

6. In another recent case of which the details cannot be given for security reasons, five personnel out of a larger patrolling Joint Security Force unit raped a young girl as she went for a bath. Afterwards they sent her back home and gave her a small amount of money and some instant noodles, telling her to not report what they did to anyone. However, some witnesses told her younger brother that some soldiers had taken his sister into the jungle. Then when he went to look the soldiers threatened him, and he came back out of fear. He waited for his sister at home, and saw that her body was spattered with blood. Soon, the girl's parents returned to the house and a crowd of villagers gathered outside. Medicines were offered to stem the bleeding. A human rights group has since given the victim protection. She is undergoing medical treatment, and has been referred for psychological counselling. However, attempts to have the case taken up in the courts have proved futile.

7. Women have also not been spared from the extraordinary torture that has become a commonplace for the security forces in Nepal. In other statements to the Commission this year, the ALRC has already detailed some cases of gross torture of women, including sexual torture, accompanied by disappearance or killing. Another victim of such abuse was Sabita Lama, an 18-year-old hostel warden residing at Mahankal, Kathmandu. Five uniformed officers of the Ward Police Office, Boudha arrested Sabita at her house around 7pm on 14 March 2004. They took her to the police station, where she was beaten for two days with sticks on the soles of her feet, back, legs and thighs. She was beaten continuously each time for about four hours, with a 10-15 minute break every half an hour. During the beatings her hands were kept tied behind her back.

8. On 26 March 2004, Sabita was brought to the District Police Office, Hanumandhoka and produced before the District Court the following day to be remanded in custody on human trafficking charges. She was asked about torture when produced before the court, and the judge ordered medical treatment. The police took her to hospital, however she was taken back without a proper medical examination. A lawyer from the Advocacy Forum visiting her in custody noted physical injuries on her body, and that she was weak and in poor health, suffering from dizziness, having difficulty walking, and fearful when faced by police. After further intervention, she was given additional medical treatment. However, after her first court hearing on April 21 she was ordered back into custody, and sent to the Sadarkhor Prison, Dillibazaar.

9. Advocacy Forum has details of numerous cases of torture of women and girls, particularly by the Royal Nepalese Army, in which the victims again cannot be identified for security reasons. In one case from around February 2004, a 20-year-old victim was taken to a barracks after being accused of being a Maoist, which she denied. The officer in charge of her interrogation then ordered his men to assault her. After this, she had her head dunked into water, and also had water poured over her head while being beaten on her back for about half an hour. When she did not speak, they began assaulting her with a plastic pipe. The torture continued twice per day over six days, once in the morning, and once in the evening. On the third day, as she still did not speak, one soldier slit her knees and feet with a sharp blade and sprinkled salt and chilli powder on the lacerations, on orders of the major. Starting on the fifth day, two

soldiers took turns to rape her, which continued for 10-15 days. The victim also alleges that she was fed some sort of drug before being raped. Finally, after she was then used to secure the arrest of another girl, they were both brought back and beaten again, in separate rooms. Then, she was handed over to the police, and sent to prison.

10. In a similar case from around the same time, the victim – accused of being a Maoist – was ordered to stay in a room for three hours, after which the soldiers joined wires to both her ears and gave an electric shock every 10 minutes. Then she was beaten for about an hour, till four or five sticks were broken into pieces. After two days the torture was repeated. The victim alleges that she fell to the floor under a hail of boot-kicks, after which they thought she had died and she heard one order that her body should be dumped. However, they kept watching her and after they found she was still alive she was driven to a relative's house where she was released, after being told not to disclose anything about what had happened to her.

11. As the diabolical torture of women in Nepal is occurring because of a total breakdown in the rule of law it is – as the ALRC has already stressed in a number of other statements to this session of the Commission – very difficult to produce recommendations to counteract this violence. In a separate submission, it has in particular expressed deep concerns over the possibility of making meaningful suggestions to the international community when a country has reached the point at which Nepal is at today. So it is with this caveat that the Asian Legal Resource Centre urges that

a. The Commission should pay special attention to the gross acts of torture, gang-rape and other violence committed against women by the security forces in Nepal, including those incidents described above, in particular through its Special Rapporteur on violence against women.

b. The Commission should create an international alert on the human rights situation in Nepal, whereby the situation in the country can be monitored constantly and reported upon to other agencies to permit a rapid response.

c. Neighbouring states and key international agencies, such as India and the European Union respectively, should raise the deteriorating security situation in the country as a key issue for discussion at the Security Council and in other relevant gatherings, with a view to active and speedy intervention.

d. International humanitarian agencies must reconsider their current activities with a view to keeping abreast of the rapidly worsening conditions in Nepal and concentrating on necessary steps for protection of fundamental rights there.
