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### DISCLAIMER

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. All COI Query Responses are compiled in line with the Common EU Guidelines (2008) and the EUAA Methodology (2023). This response is not and does not purport to be conclusive as to the merit of any particular claim to international protection. Please refer to all documents cited.

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### COI QUERY RESPONSE

#### NEPAL – INFORMATION ON THE TREATMENT OF DETAINEES AND PRISONERS

In April 2024 *Amnesty International* reported that: “Reports continued of torture and other ill-treatment of pretrial detainees with impunity. By the end of the year, there were no convictions under the 2017 Criminal Code, which criminalized the practice. In addition, the authorities failed to investigate and publicize reports of investigations into past custodial deaths alleged to have resulted from torture.”<sup>1</sup> This report further notes that: “In August, two prisoners died from alleged torture by police officers guarding them in Sankhuwasabha prison. The Sankhuwasabha District Court remanded seven police officers and eight prisoners in the prison while they were on trial for offences relating to the two prisoners' deaths.”<sup>2</sup>

The *US Department of State* Country Reports on Human Rights Practices in April 2024 states that: “The Office of the Attorney General (OAG) reported most of the prisons and pretrial detention centers observed had inadequate space, sanitation, medical care, and infrastructure. Advocacy Forum stated that overcrowding and poor sanitation remained a serious problem in detention centers. In its nationwide assessment of prisons, Advocacy Forum reported in June that facilities held 153.7 percent of the designed capacity of inmates. According to the OAG and Advocacy Forum, prisons and detention centers lacked basic infrastructure like water and electricity. Advocacy Forum reported some detainees slept on the floor due to lack of beds and had access only to unfiltered and dirty water and inadequate food, and that many detention centers had poor ventilation, lighting, heating, and bedding. The OAG reported that while some prisons had health officials, other detention centers or juvenile reform homes had only weekly visits by medical practitioners. According to Advocacy Forum,

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<sup>1</sup> Amnesty International (23 April 2024) *The State of the World's Human Rights - Amnesty International Report 2023/24: Nepal*, p.3

<sup>2</sup> *ibid*



medical examinations for detainees generally were perfunctory and medical care was poor for detainees with serious conditions.”<sup>3</sup> The report further mentioned that: “There were no credible allegations of mistreatment at prisons or detention centers.”<sup>4</sup> The same document further points out that: “According to human rights groups, in some cases detainees appeared before judicial authorities well after the legally mandated 24-hour limit, allegedly to allow injuries from police mistreatment to heal. NGOs stated police frequently circumvented the 24-hour requirement, registering the detainee’s name when they were ready to produce the detainee before the court.”<sup>5</sup>

In March 2024 *INSEC Online (Nepal)* reported that: “The lack of a healthcare professional in the 'B' category District Jail has resulted in challenges for inmates in necessary health treatments. Although the capacity of the prison is 352 people it is currently holding 518 prisoners. The overcrowding of the prison has led to issues concerning access to toilets, clean drinking water, and proper accommodation.”<sup>6</sup>

A report issued by the *Department of Foreign Affairs and Trade (DFAT) Australia* in March 2024 notes that: “DFAT is not aware of prisoners being routinely denied rights such as access to health or legal services. However, Nepal's detention and prison facilities can be overcrowded (prisoners may share a mattress in an overcrowded cell) and unsanitary. Inmates generally experience poor conditions including deprivation of natural light, ventilation, food, and hygiene facilities. Toilets and showers are very unsanitary.”<sup>7</sup> The report further points out that: “Prisoners receive two meals a day and food is often inadequate.”<sup>8</sup>

In February 2024 *Informal Sector Service Centre (INSEC)* mentioned that: “...two people were killed in police custody, and 51 lost their lives in prison including two detainees who were killed due to police torture and assault in Sankhuwasabha Prison. It is not normal for people to be died or killed in state custody.”<sup>9</sup> The document also notes that: “Across the country, prisoners were found to face harsh daily conditions due to prison overcrowding as per reporting from representatives of the National Human Rights Commission and INSEC. There were also reports of having to sleep taking turns and prison clashes due to prison overcrowding.”<sup>10</sup>

The *UK Home Office* in November 2023 points out that: “According to human rights groups, in some cases detainees appeared before judicial authorities well after the legally mandated 24-hour limit, allegedly to allow injuries from police mistreatment to heal. NGOs stated police frequently circumvented the 24-hour requirement, registering the detainee's name when they were ready to produce the detainee before the court.”<sup>11</sup> The same report states that: “The USSD HR Report 2022

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<sup>3</sup> US Department of State (22 April 2024) 2023 Country Reports on Human Rights Practices: Nepal, p.4

<sup>4</sup> *ibid*

<sup>5</sup> *ibid*

<sup>6</sup> INSEC Online (Nepal) (13 March 2024) Inmates Faces Difficulties in Health Treatment due to Lack of Health Worker

<sup>7</sup> Department of Foreign Affairs and Trade (DFAT) Australia (1 March 2024) DFAT Country Information Report: Nepal (March 2024), p.33

<sup>8</sup> *ibid*

<sup>9</sup> Informal Sector Service Centre (INSEC) (19 February 2024) Nepal Human Rights Year Book 2024 [Chapter 1: Overall Assessment: Federalism and Human Rights]

<sup>10</sup> *ibid*

<sup>11</sup> UK Home Office (29 November 2023) Country Policy and Information Note - Nepal: Political affiliation (November 2023)

noted 'According to human rights activists and legal experts, police resorted to severe abuse, primarily beatings, to force confessions from suspects', however 'police increasingly complied with the courts' demand for preliminary medical checks of detainees.' The same report noted that 'In June Advocacy Forum reported that 4 percent of the 1,024 detainees the NGO interviewed said they received some form of torture or ill treatment, a significant decrease from 19 percent in 2021.'<sup>12</sup>

*My Republica* in September 2023 notes that: "The government's treatment of prisoners in Nepal is highly problematic, with the Central Jail at Sundhara facing extreme overcrowding issues and a decaying infrastructure that puts inmates at risk."<sup>13</sup> This document also points out that: Overcrowding in the prison has increased the problems of mental health, access to health care, drinking water etc."<sup>14</sup> The same document mentioned that: "Prisoners and detainees are added daily but there is no space to keep them. We are forced to keep prisoners and detainees by adding beds in temporary towers, the situation is complicated," said Basnet, the chief of the prison."<sup>15</sup>

*The Himalayan Times* in August 2023 mentioned that: "A home ministry probe team formed under the Director of Department of Prison Kamal Prasad Pandey found that eight police personnel and inmates at Sankhuwasabha prison beat two inmates - Binod Tolangi, 19, of Khandbari, Sankhuwasabha, and Akash Balamí aka Bikash Shrestha, 28, of Nuwakot to death on August 9. Sankhuwasabha District Police has arrested ASI Laxmi Chaudhary who commanded the security personnel in the jail. District Court Sankhuwasabha has issued an arrest warrant against Laxmi Chaudhary and Acting Chief of Sankhuwasabha Prison Office Rajendra Ghimire. The victims' families had lodged FIR against them. The police are yet to arrest Ghimire."<sup>16</sup>

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<sup>12</sup> *ibid*

<sup>13</sup> *My Republica* (6 September 2023) Govt inhumanity in Central Jail: Overcrowding and dilapidated buildings increase risks to inmates

<sup>14</sup> *ibid*

<sup>15</sup> *ibid*

<sup>16</sup> *Himalayan Times* (16 August 2023) Two inmates tortured to death: Probe report

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