

Summary:

Ms. Harkali Pun, 49, a permanent resident of Motipur VDC- 6, Mangalpur, Bardiya district was arrested by women staff of Maiti Nepal, an NGO working against women trafficking and handed over to police at around 12 noon on 12 July 2011 [2068/03/28] in charge of human trafficking. She was given arrest warrant and detention letter on 14 July 2011 [2068/03/30] with the effect from the previous day. The same day [14 July 2011] she was remanded for the first time for 5 days with the effect from the previous day and for the second time she was remanded for 10 days on 18 July 2011 [2068/04/02].

Arrest details:

According to the victim, on 12 July 2011 [2068/03/28] she was going to Rupadiya, India for shopping. In Kohalpur Bus Park she met two women who were from Sidhupalchowk district and were going to New Delhi, India for overseas job from there. They requested her to support them to reach India because they were new to that place. As she was too going to

Rupadiya, India, she promised them to help them to reach to Rupadiya, India from where they could go to New Delhi, India. They reached to Dhambochi, Nepalgunj in a bus and hired a cart for Rupadiya, India. When they reached near to Jamunaha Police Office in Nepal-India border, two women from Maiti Nepal stopped their cart. They asked the two women from Sindhupalchowk where they were going. The two women told them that they were going to New Delhi for overseas job. When the Maiti Nepal staff asked them with whom they were going to India, they pointed at Ms. Pun. Then Maiti Nepal staff caught Ms. Pun and handed her over to Jamunaha Police Office, Banke district.

Torture details:

After 4 to 5 hours of her arrest [on 12 July 2011] she was transferred to DPO, Banke in a police van and detained there in a detention cell. The same day at around 12 midnight a police woman took her to a room on the first floor where 3 policemen and 1 policewoman were already sitting there. An unidentified police officer (who looked like a police inspector, according to victim) ordered the two policewomen to beat Ms. Pun and all the policemen went out of the room.

One Lady Constable reportedly beat her turn by turn with a 3 inch thick and 1 meter long wooden stick on her palms, arms, back, bottom, thighs, legs, soles of her feet and other parts of her body. They said, "Give us your son and daughter's phone number. We will charge them too in this case. How many persons have you sold till the date?" They reportedly tortured her for about two hours. They allegedly ordered her to stretch her legs and one of them sat on her legs when another policewoman beat on the soles of her feet.

They reportedly took her to her house in a police van. They kept her in the police van when they talked to her daughter for a while and brought her back to DPO, Banke. In the detention center, the police didn't let her to meet her children and the lawyer who had come with her children.

On 23 July 2011 [2068/04/07] she was taken to Bheri Zonal Hospital for her medical checkup. A doctor diagnosed that her right arm was broken and referred for plaster of the broken hand. The police asked her if she had money. She said that she only NRs. 500/-.

Police took her for the x-ray of her broken hand and bought some pain killers with the money given by her. But her broken hand was not plastered. Instead the policewomen who had tortured her ordered her to tell others that her hand was broken by slipping from a staircase.

Effects of torture:

During the observation her broken hand was seen to be swollen. Blue marks of torture on her left hand were visible and three fingers of her left hand were twisted that looked like broken. Her feet were swollen and she complained of pain all over her body.

On 24 July 2011 [2068/04/08] her daughter, on behalf of Harkali Pun, filed a Physical and mental checkup application before the District Court, Banke under Torture and Compensation Act - 2053, Section 5, sub-section 3. The same day DC, Banke ordered DPO, Banke to provide medical checkup to the applicant within 3 days and submit the case document including medical report.

As ordered by DC, Banke, police took her to a hospital on 25 July 2011 [2068/04/09] for the medical checkup but no medical treatment was provided to the victim.

Police response for treatment:

A Sub-Inspector said, "We don't have money for her treatment. We have told the detainee to ask her family to bring money for her treatment. But no one from her family has come to meet her."

On 28 July 2011, while talking with AF lawyers Superintendent of Police denied police torture was the cause of Ms. Pun's hand fracture. He said that her hand might have got injured in the scuffle during her arrest. He said, "Police can treat the detainee in Nursing Home. Police don't need to worry for NRs. 500 or NRs. 1000/- for her treatment. We have provided her treatment already. She does not need further treatment." When requested to confirm by asking the Litigation Section, SP flatly said, "She doesn't need further treatment because her hand is not fractured."

But later it came to know from junior police officers that her arm was really fractured. "Yes, her right hand is fractured. No one from home has come to meet her and DPO, Banke doesn't have money for her treatment. So, no treatment was provided to her." Later they agreed to write an official letter to AF requesting for medical support to the torture victim if there was no money for her treatment in the Account Section of DPO, Banke.

On 28 July 2011 she was taken to District Court, Banke for her remand but Registrar Dilli Ranta Shrestha refused to extend her remand because the police did not submit the medical report of the detainee as ordered by DC, Banke. According to legal officer Padam Pande, Registrar said, "It is a contempt of court. First, bring the medical report of the detainee and then I'll extend her remand." He ordered the policewoman who had taken Ms. Pun to send Police Inspector to DC, Banke. Later Mr. Pande, informed that an unclearly written case form was submitted by police.

Mr. Pande informed that Ms. Pun had informed him that she was given a medical report but later the police took it and gave her another medical report saying that the report might put the police in problem later.

NHRC, Banke too had recommended the DPO, Banke to provide medical treatment to the victim but the police have not provided her medical treatment till 28 July 2011. As of 29 July 2011 she is kept in DPO, Banke.

On 2 August 2011 [2068/04/17] police has filed her case before the District Court, Banke (Registration No: 74-068-00060). During an interview with AF lawyers at court Ms. Pun said, "On 23 July 2011 I was taken to SP's office room. When I complained of by police torture during inquiry, SP and DSP threatened me saying, "Torture is normal here. Even men can be disappeared."

While taking me to the court on 2 August 2011 an unidentified policeman threatened me saying, "If you mention about torture in your testimony before the court, we will charge you on other cases too."