



Mr Benyam Dawit Mezmur  
Chairperson  
Committee on the Rights of the Child  
UNOG-OHCHR  
CH-1211 Geneva 10 (Switzerland)

14 April 2016

Dear Mr Mezmur

**Submission of information: Nepal (72<sup>nd</sup> session)**

We write with respect to the upcoming review of Nepal by the Committee on the Rights of the Child to be held at the Committee's 72nd Session (17 May 2016 - 3 June 2016).

Advocacy Forum-Nepal and REDRESS are non-governmental organisations focused on prevention of, and redress for, torture and other serious human rights violations. Further information about our organisations is provided in Annex One. Below we provide information on issues concerning child rights in Nepal arising in our work that we hope will be helpful to the Committee in Nepal's review under the Convention on the Rights of the Child.

The information below relates specifically to **Issues No. 7 and No. 18** in the Committee's List of Issues and covers:

- (i) results of Advocacy Forum's detention monitoring concerning children, including reported incidence of failure to uphold safeguards and commission of torture and other ill-treatment of children in detention;
- (ii) challenges encountered by Advocacy Forum lawyers in juvenile justice, including specifically relating to children being treated as adults pending trial; and
- (iii) ongoing impunity for extra-judicial killing, enforced disappearance and torture of children, both during Nepal's internal conflict (1996-2006) and since.

**(i) Results of detention monitoring concerning children**

Advocacy Forum-Nepal (AF) carries out a program of regular monitoring of police detention centres and Child Correction Homes in nine districts<sup>1</sup> of Nepal. AF has

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<sup>1</sup> Kathmandu, Bhaktapur, Lalitpur, Rupandehi, Kaski, Morang, Dhanusha, Banke, Kanchanpur.

developed a detailed questionnaire to record important information on a person's detention, to support and defend the individual's cases as well as to challenge any illegal practices by the authorities. A copy of the questionnaire is provided at Annex Three.

### *Summary of Findings Concerning Children*

An analysis of 12 months of data collected by AF lawyers from November 2014 to October 2015 shows regular non-implementation of procedural safeguards and a high prevalence of torture and other forms of ill-treatment against child detainees in police detention centers of Nepal.

During the reporting period AF lawyers visited and interviewed 345 child detainees (21 female and 324 male). Out of those interviewed:

- 21.7% complained that they had been subjected to torture or other ill-treatment in police detention centers,
- 27.51% complained that they were not presented before the competent authority within 24 hours of their arrest,
- 19.7% complained of not having been provided with the reason for their arrest,
- 4.6% complained of not having been provided with a health checkup,
- 7.2% complained of not having been provided food to eat before their remand,
- 25.5% complained that they had not been given access to family members, and
- 75.3% complained that the competent authority had not asked about torture and ill-treatment during their case hearing.

### **(ii) Challenges encountered in juvenile justice**

As at October 2015, AF provided legal aid to 40 child detainees. Out of the 40 child detainees, 24 children were released to parental custody. Two of these had initially been sent to prison but were released following the filing of writ petitions by AF lawyers to the Supreme Court. The remaining 16 children were transferred to Child Correction Homes with the support of AF Legal Aid. Out of the 40 child detainees, AF lawyers assisted in obtaining the birth certificate of 31 children. AF lawyers further assisted in the medical age verification of 9 children. AF Lawyers assisted the child detainees in gaining access to their parents by contacting and informing the parents about the situation of their children in detention centers. AF Lawyers provided legal counseling to all the child detainees and their parents.

AF has experienced difficulties in obtaining evidence on behalf of the children. On several occasions police have not been cooperative in releasing or accepting birth certificates or have not agreed to use medical age verification or birth certificates as evidence in court. The police are the first authority with the power to make an arrest

and file the case and in this process, the age of the minor is often increased by the police and the child is presented as an adult. This has in some cases been possible to overcome by close consultation meetings with the police, judges, public prosecutors to sensitize them about the importance of the age verification and the rights of the child detainees. AF lawyers have also presented a writ declaration for the Supreme Court which overturned two of the court orders to send the children to prison.

**Case Study One** in Confidential Annex Two provides an example of how non-adherence to procedural safeguards can result in the wrongful detention of children. This 14 year-old child was arrested on the charge of stealing a laptop from his school, and despite informing police of his age was remanded in custody on the basis that school records indicated his estimated age of 20. AF lawyers requested forensic verification of his age but this was not presented by police to the court, even after it had been received and showed that he was a minor. Once AF lawyers presented the evidence to the Court (one month after his arrest) he was released to parental custody on condition of payment of NRs. 40,000 bail (approximately USD 375). As his family could not afford this amount he was sent to a Child Reform Home. He remained in custody and was only released nearly four months after his initial arrest, following a challenge brought by AF lawyers to the Supreme Court.

In **Case Study Two** and **Case Study Three** in Confidential Annex Two, police and courts refused to accept birth certificates in relation to children aged 14 and 13 respectively provided by the child's guardians and they were remanded in custody as adults. The child in Case Study Two was only released 93 days after arrest following the obtaining of forensic age verification and further argument in court before the Juvenile Justice Bench. The child in Case Study Three was only released after approximately three months following the filing of a writ of *habeas corpus* by AF lawyers before the court.

Other case studies included in Confidential Annex Two provide further examples of detention of minors as adults prior to intervention by AF lawyers.

In addition, some minors are internally displaced and some come from India looking for jobs thus it is difficult to trace their families and the legal documents required. In some cases the police do not inform the family members of the detention of the minors, which makes it even more difficult for the AF lawyers to trace the family to get the legal documents like birth certificates or school certificates to verify their age. Other children, such as **Case Study Five** in Confidential Annex Two, do not have guardians, and without appropriate state-appointed guardians AF lawyers have had to take responsibility for the children following release pending trial.

### **(iii) Ongoing impunity for extra-judicial killing, enforced disappearance and torture of children**

Finally, Advocacy Forum and REDRESS have been involved in representing child victims and their families of extrajudicial execution, enforced disappearances and torture and other ill-treatment committed both during the country's internal conflict (1996-2006) and since. Although there have been some recent positive

developments within the courts, impunity for such crimes remains total. Transitional justice processes recently established to address conflict-era cases have been strongly criticized by victims' groups, domestic non-governmental organisations and international actors including UN experts for their failure to uphold victims' rights and potential to promote impunity.<sup>2</sup> In addition, international crimes including torture and enforced disappearance are yet to be criminalized in Nepal, meaning that it is impossible to bring criminal proceedings against those responsible for committing such crimes during the conflict and since. Where any action is taken it is limited to disciplinary proceedings and the payments of small amounts of compensation.

Five emblematic cases we wish to draw the Committee's attention to are:

- **Maina Sunawar:** a 15 year-old girl tortured and killed in Army detention in 2004. Following international pressure a court martial found that she died in state custody, convicted three soldiers of procedural offences and sentenced them to six months' imprisonment, temporary suspensions of promotions and a small monetary fine as compensation to Maina's family.<sup>3</sup> The army has refused to cooperate with police investigations into the murder, resulting in suspension of prosecution proceedings. In January 2016, following an application by AF lawyers, Kavre District Court ordered the prosecution to continue in the absence of the accused. However no person has yet been presented for trial and to date Maina's family has not been informed of further progress in the investigation and prosecution.
- **Reena Rasaili:** a 16 year-old schoolgirl killed by soldiers in February 2004. In the middle of the night soldiers dragged Reena from her house, interrogated, raped and tortured her before shooting her at point blank range. Despite a court martial finding soldiers guilty of her unlawful killing, no person has successfully been brought to justice, although one deserter was tried and acquitted. Reena's parents, supported by Advocacy Forum Nepal and REDRESS, filed an individual complaint to the UN Human Rights Committee in December 2015, after failing over many years to achieve justice in Nepal. Proceedings before the Committee are ongoing.
- **Subhadra Chaulagain:** On the same night that Reena Rasaili was killed, Subhadra Chaulagain, a 17 year-old schoolgirl in the same village, was

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<sup>2</sup> For views of other UN bodies see, eg. OHCHR, 'OHCHR Technical Note: The Nepal Act on the Commission on Investigation of Disappeared Persons, Truth and Reconciliation, 2071 (2014) – as Gazetted 21 May 2014'; Pablo de Greiff, Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence; Ariel Dulitzky, Chair-Rapporteur, Working Group on Enforced or Involuntary Disappearances; Christof Heyns, Special Rapporteur on extrajudicial, summary or arbitrary executions; Rashida Manjoo, Special Rapporteur on violence against women, its causes and consequences; Juan E. Méndez, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, (2014), 'Nepal: Truth-seeking legislation risks further entrenching impunity, alert UN rights experts', 4 July 2014. See further Advocacy Forum, REDRESS and TRIAL (2014), 'Paying Lip Service to Justice: The Newly Adopted TRC Act Breaches International Law and Flouts the Decision of the Supreme Court of Nepal', June 2014, [http://www.redress.org/downloads/publications/1407TRC\\_Act\\_UN\\_Submission\\_AF\\_TRIAL\\_REDRESS%28June2014%29.pdf](http://www.redress.org/downloads/publications/1407TRC_Act_UN_Submission_AF_TRIAL_REDRESS%28June2014%29.pdf).

<sup>3</sup> For further details of the case see Advocacy Forum (2010), *Maina Sunuwar: Separating Fact from Fiction*, <http://advocacyforum.org/downloads/pdf/publications/maina-english.pdf>.

dragged from her house in the middle of the night, questioned outside over a period of several hours, and finally shot in the head and stomach at point blank range and in front of her father. The soldiers kicked her body and then proceeded to brutally beat her father, leaving him for dead.<sup>4</sup> No person has been prosecuted and her family has only received a small payment of what is termed “interim relief” payable to all conflict victims. Following a failure to achieve justice in Nepal, her family filed a complaint to the UN Human Rights Committee, which found in October 2014 that Nepal was responsible for violations of Subhadra’s right to life, right to be free from torture and other cruel, inhuman and degrading treatment, right to liberty and right to humane conditions of detention, all read in conjunction with her right to a remedy.<sup>5</sup> The Committee urged Nepal to undertake an effective and complete investigation of the facts, the prosecution and punishment of those responsible, and the provision of full reparation to Subhadra's family. However, to date, no action has been taken to implement the Committee’s views beyond translation of those views into Nepali.<sup>6</sup>

- **Manau disappearances:** On 11 April 2002 Dhaniram Tharu (aged 17 or 18), Soniram Tharu (aged 16 or 17), Radhulal Tharu (aged 19), Prem Prakash Tharu (aged 23), Kamala Tharu (aged between 16 and 18), Mohan Tharu (aged 18), Lauti Tharu (aged between 17 and 20) and Chillu Tharu (aged 16) were taken by soldiers from their homes in Nauranga Village. They were all members of the Tharu indigenous community. Their families have never seen them again or received any credible information from the authorities about what happened to them. The families of the disappeared filed cases in the Supreme Court in 2003 seeking release of the young people. All state authorities denied detaining them, and the Supreme Court closed the cases. In 2006, the army informed the Neupane Committee (created by the Government of Nepal to investigate the fate of allegedly disappeared persons) that seven of the young people were killed in crossfire during an encounter with Maoists. The families have refuted the army’s allegations, because the victims left their houses unarmed and guarded by armed soldiers.

Families of the victims filed a case with the Human Rights Committee, represented by AF and REDRESS. The Human Rights Committee decided the case in July 2015, finding that the eight young people were victims of enforced disappearance, resulting in violations of their rights to life, to be free from torture, to liberty and to personality before the law. It found further that the anguish and stress caused to the families of the victims amounted to a serious violation of their human rights.<sup>7</sup> Since the handing down of the decision the only action taken by the government is translation

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<sup>4</sup> For further details of the case see: [http://www.redress.org/case-docket/chaulagain-v-nepal?utm\\_source=smartmail&utm\\_medium=email&utm\\_campaign=REDRESS+Reparation+News+Dec%2FJan+2016](http://www.redress.org/case-docket/chaulagain-v-nepal?utm_source=smartmail&utm_medium=email&utm_campaign=REDRESS+Reparation+News+Dec%2FJan+2016).

<sup>5</sup> UN Human Rights Committee, *Chaulagain v Nepal*, CCPR/C/112/D/2018/2010, 28 October 2014.

<sup>6</sup> On implementation of the Committee’s views see further <http://realrightsnow.org/en/subhadra-chaulagain/>.

<sup>7</sup> UN Human Rights Committee, *Tharu et al v Nepal*, CCPR/C/114/D/2038/2011, 3 July 2015.

of the views into Nepali and a promise to provide the families with an additional small payment of “interim relief”.<sup>8</sup>

- **Padam Bahadur Khadka:** a 14 year-old boy arrested with six other children in October 2011 by soldiers on the suspicion of killing a spotted deer. Padam and the other children were taken to the army barracks where they were threatened and verbally abused, before being beaten with sticks, punched with fists, held for lengthy periods of time in stress positions, and forced to stand upside down on their hands against a tree. Shortly after the arrest, AF brought a complaint under the Torture Compensation Act on Padam’s behalf, and finally in March 2016 the court found two named soldiers responsible for torture. It ordered the government to provide NPR 50,000 (USD 470) as compensation to Padam, and ordered the perpetrators to personally pay NPR 2,000 (USD 18) to the victim. The Court also ordered the Government of Nepal to take departmental action against the perpetrators. However, given that torture is not criminalised under Nepali law there is no opportunity to bring criminal proceedings against the perpetrators.

We hope this information is helpful for the Committee in its review of Nepal’s record under the Convention. Please do not hesitate to contact us if you require any further information.

Yours sincerely



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Annex One: Information about the organisations

Confidential Annex Two: Case studies from detention monitoring (not for publication)

Annex Three: Format of Detention Monitoring Questionnaire

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<sup>8</sup> For further information on implementation see: <http://realrightsnow.org/en/manau-disappearances/>.

## **ANNEX ONE: INFORMATION ABOUT THE ORGANISATIONS**

**Advocacy Forum – Nepal** (AF) is a leading non-profit, non-governmental organisation working to promote the rule of law and uphold international human rights standards. Since its establishment, AF has been actively confronting the culture of impunity by systematically documenting human rights abuses, monitoring government detention facilities, and litigation both nationally and internationally. The information is published and presented to national and international audiences and provides necessary evidence for the reform of the justice system. It regularly engages internationally recognized human rights mechanisms, including United Nations treaty bodies and special procedures, and work closely with international human rights organisations, such as Amnesty International, Human Rights Watch, and Asian Federation against Involuntary Disappearance, the International Commission of Jurists and the Asian Human Rights Commission. With the help of all these mechanisms and agencies, AF attempts to put Nepal at the forefront for significant human rights attention worldwide. AF's work on juvenile justice and redress for torture and other ill-treatment is funded in part by DKA Austria, the European Union's European Instrument for Democracy and Human Rights (EIDHR) and Pro Victimis Foundation.

<http://www.advocacyforum.org>

**REDRESS** is an international human rights NGO based in the United Kingdom with a mandate to assist torture survivors to seek justice and other forms of reparation, hold accountable the governments and individuals who perpetrate torture, and develop the means of ensuring compliance with international standards and securing remedies for victims. REDRESS carries out its mandate through casework on behalf of individuals and groups before national and international courts and bodies, advocacy with governments, parliaments, international organisations and the media and by working in partnership with like-minded organisations around the world to strengthen national legal systems. REDRESS has consultative status with ECOSOC. REDRESS' work in Nepal is funded by the European Union's European Instrument for Democracy and Human Rights (EIDHR) and Pro Victimis Foundation.

[www.redress.org](http://www.redress.org)

## ANNEX THREE: FORMAT OF DETAINEE QUESTIONNAIRE

### Questionnaire to Detainees

#### ADVOCACY FORUM – NEPAL

#### Detainee Interview Form (For the detainee in process investigation)

Case No.	
Charge	

A. Visit information	
Date of visit	
Time of visit	
Name of AF lawyer	
Name of detention	

1. Personal information		
1.1 Name (s)		
1.2 Gender	1. Female ( <b>complete information in section 11</b> ) 2. Male 3. Other	
1.3 Age		
1.4 Date of Birth	BS: AD:	
1.5 Minor	1. Yes ( <b>complete information in section 9</b> ) 2. No	
1.6 Permanent Address	Village/Tole: VDC/Municipality: Ward No: District:	
1. Temporary Address (if different from above)	Village: District: VDC: Ward No:	
1.8 Telephone no.		
1.9 Education		
1.10 Occupation		
1.11 Nearest relative/Friend		

1.12 Contact No.			
<b>2. Arrest Information</b>			
2.1 Time			
2.2 Date	BS:	AD:	
2.3 Place	Village/Tole: District:	VDC/Municipality: Ward No:	
2.4 Witness(es)	1. Yes	2. No	
2.5. If yes - who?	1. 2.		
2.6 Initial arresting authority	1. Nepal Police 4. Forestry Office	2. Nepal Army 5. Unidentified group	3. Armed Police Force 6. Other
2.7. Main arresting authority (After handing over by the initial arrest authority)	1. Nepal Police 4. Forrest Office	2. Nepal Army 5. Unidentified group	3. Armed Police Force 6. Other
2.8 Number(s) of initial arrest authority			
2.9 Name(s) Rank(s) if known Gender (M/F/O)			
2.10. Uniformed/Weapons	1. Yes	2. No 3. Both	
2.11. Reason for arrest given (Arrest warrant)	1. Yes	2. No 3. Given but after bringing in detention (specify date)	
2.12. Family informed of arrest	1. Yes	2. No 3. Given but after bringing in detention (specify date)	
2.13 Behaviour of arresting authority	1. Normal	2. Verbal abuse 3. Physical Violation	
	(Complete Section 10 if with verbal abuse there is torture or other cruel, inhuman and degrading behaviour).		
2.14. Mode of transportation to detention facility			
<b>3. Basic detention information</b>			
3.1 When the detainee is brought to this detention	Date		
3.2 Previous detention place(s) if any			
3.3 Is he/she kept in detention before	1. Yes (Give full detail)	2. No	
3.3.1 Place 1	Name:	Date in:      Date out:	
3.3.2 Place 2	Name:	Date in:      Date out:	

3.3.3 Place 3	Name:	Date in:	Date out:	
3.4. Did you have health check-up before keeping in detention?				
3.4.1. In which hospital taken?	1. Government	2. Personal		
	Name:			
3.4.2. Who paid the money in the hospital?	1. Police	2. Detainee	3. Free	4. Any other
3.5. Were you brought before a judge/competent authority within 24 hours of detention?	1. Yes		2. No	
3.6. Were you given detainee letter?	1. Yes (provide details below)		2. No	
	Given before remand		Given after remand	
<b>4. Conditions of detention:</b>				
4.1. Is food/money paid to you for having food?	1. Yes (Give complete information)		2. No	
	Given before remand		Given after remand	
4.2. How is the facility of drinking water?	1. Good		2. Not Good (Give complete detail)	
4.3. How is the toilet facility?	1. Good		2. Not Good (Give complete detail)	
4.4 How is the bathing facility?	1. Good		2. Not Good (Give complete detail)	
4.5 How is the sleeping facility?	Adequate space to sleep		1. Yes	2. No
	How many are there in the room you are in?			
	.....			
	Bed sheet and blanket		1. Yes	2. No
	Other information.....			
4.6 Information about other detainees.	Women:	1. Yes (how many)	2. No	
	Children:	1. Yes (how many)	2. No	
	Name:			
	How many mentally and physically ill?			
	1. Yes (how many)		2. No	
	Name:			
	Foreigners:	1. Yes (how many)	2. No	
	Name:			

4.6.1 Are there any detainees that need immediate medical attention?	Yes: (Full Name) 1. 2. No 2. 3.	
4.6.2. Are there any other detainees who are kept with you for the same charge?	Yes: (Full Name) 1. 2. No 2. 3.	
4.7. Behaviour of detaining authority	1. Cooperative 2. Verbal abuse 2. Physical Violation (Torture/or other cruel, inhuman and degrading behaviour) (Complete information in Section 10)	
4.8. Other comments on place of detention		
<b>5. Family contact information</b>		
5.1 Contact with family members	1. Yes 2. No Before remand After remand	
5.2. Reason for no family contact	1. Did not want to inform family 2. Family not granted permission to visit by the detention authorities 3. Family did not visit despite having been informed 4. Family are unaware of arrest/detention 5. Other (specify)	
<b>6. Access to legal assistance</b>		
6.1 Are you aware that every person has the right to have legal counselling right from the time of arrest?	1. Yes 2. No	
6.2 Have you consulted a lawyer following arrest?	1. Yes 2. No	
6.2.1 When was lawyer consulted?	Date: Number of days after arrest: Date: Date:	
6.2.2 Why was lawyer not consulted?	1. Financial constraints 2. Did not know how to contact 3. Prevented by detaining authorities 4. Did not think it was necessary	
6.3. Are you able to hire own lawyer?	1. Yes 2. No	
6.4. Do you require free legal aid from AF?	1. Yes (complete information in Section 12) 2. No	

<b>7. Investigation information</b>		
7.1. Are you aware that according to the law, a person is not liable to provide a statement against herself/himself?	1. Yes	2. No
7.2 Have you been subject to interrogation?	1. Yes	2. No
7.2.1. Place of interrogation	1. Public prosecutor's office 3. Both	2. Police station 4. Other (specify)
7.3.. Signed statement	1. Yes	2. No
7.3.1. Where was statement signed?	1. Public prosecutor's office 3. Other (specify)	2. Police station
7.3.2.. When was statement signed?	Date: Before remand: After remand:	
7.3.3 Did you sign the statement of your own volition?	1. Yes	2. No (provide details below)
7.3.4 Were you able to read the statement before signing?	1. Yes	2. No (provide details below)
Was the statement a confession?	1. Yes (Complete information in confessions section below) 2. No	
7.4 Have you been brought to the public prosecutor's office?	1. Yes (provide details below) Date: Reason:	2. No
7.5 Have you been brought before a court/other judicial authority for remand?	1. Yes (provide details below) First Date: Day ( ).....time Second Date: Day ( ).....time Third Date: Day ( ).....time Court/judicial authority:	2. No
7.6 If brought before court/other judicial authority for remand did judge/judicial officer ask whether T/CIDT had occurred?	1. Yes (provide details below)	2. No
7.7 Do you know that you can request a medical (physical and mental) check-up if brought before a court for extension of remand?	1. Yes (provide details below) 1. Check-up requested: given 2. Check-up requested: denied (details below) 3. Not asked	2. No
7.8. If your request was granted, have you been taken for the check-up?	1. Yes	2. No
7.8.1 Were you satisfied with the medical check-up (was treatment provided if necessary)?	1. Yes	2. No

7.9 Previous arrest?	1. Yes (provide details below) Charge: Released on what grounds? (provide details below)	2. No	
<b>8. Case summary</b>			

<b>Minor information</b> (complete if answer is <b>yes</b> to <b>1.5</b> ) Not completed 16 years of age			
9.1 Is your age verified	1. Yes 2. No What are the evidence of age proof? 1. VDC birth certificate 2. Hospital Certificate 3. School Certificate		
9.2 Enrolled in school at time of arrest	1. Yes (provide details in 10.3)	2. No	
9.3 School details	Name: Address:	Class:	
9.4 Handcuffed at time of arrest?	1. Yes	2. No	
9.4.1. Handcuffed while being taken to court or other external location	1. Yes	2. No	
9.5 Were guards/police uniformed whilst escorting you to court or other external location?	1. Uniform	2. Plain clothes	
9.6 Co-detainee information	1. Below 16 years age minor 1. Yes (if yes, how many) 2. Over 16 years 1. Yes (if yes, how many)	2. No 2. No	
9.7 Was interrogation following arrest child-friendly?	1. Yes	2. No (provide details below)	
9.8 Has interrogation whilst in detention taken place at night?	1. Yes (provide details below)	2. No	

9.9 Did you were taken to separate room and had interrogation for more than one hour in one time?	1. Yes (provide details below) 2. No	
9.10 When brought before court for remand, was there a <b>juvenile bench</b> (social worker, child psyc. or specialist)?	1. Yes (provide details below) 2. No	
9.11. Were you kept with child detainees in the detention or not?	1. Yes 2. No	

**Torture and CIDT information** (only complete if **yes** to **2.14** or **4.8** – can be undertaken on a second visit if nec.)

10.1 Torture and CIDT details

No.	Location	Date	Time and Duration (min/hr)	Description (where on body; with what; method used)	Perpetrator(s)	Officer giving command?
1						
2						
3						
4						
5						
6						

10.2 Perpetrator details	1. Name:	Rank:	Appearance - (Physical identity)
	2 Name:	Rank:	Appearance - (Physical identity)
	3. Name:	Rank:	Appearance - (Physical identity)
	4. Name:	Rank:	Appearance - (Physical identity)
10.3 Did the police give reasons for torturing you?	1. Yes	2. No	
10.4 Were there any Witness(es) present at the time of inflicting	1. Yes (provide details below)	2. No	

torture?		
10.4.1 Witness name and contact details	1. Name: Address: Telephone no.:  co-detainee      public                      police                      other (detail)  2. Name: Address: Telephone no.:  co-detainee      public                      police                      other (detail)	
10.5 Physical or psychological effects of T/CIDT (as assessed by AF lawyer)	Details:	
10.6 Physical or psychological effects of T/CIDT (as assessed by detainee following T/CDT)	Details:	
10.7 Medical assistance following T/CIDT	1. Yes  2. No	
10.7.1 Treatment received	Details:  Documentation:                      1. Yes (specify)                      2. No	
10.7.2 Provided by	1. Detention/prison medical officer                      2. Doctor (hospital)  3. Other (specify)	
10.7.3 Who paid the money?	1. Detaining authorities                      2. Self  3. Family                      4. Other detainees	
10.7.4 Reason(s) why medical assistance not sought	1. Fear of reprisal 2. Assumed the police would not provide assistance 3. Sought by detainee, but denied by detaining authorities 4. Sought by detainee, but has not yet been provided by detaining authorities (delayed)	

	5. Other (specify)	
	6. No money available for medical treatment	
10.8 Torture and/or CIDT further details		

11. Female detainee information	
11.1. Were you arrested by female police/security force personnel?	1. Yes 2. No
11.2. Are there female guards in place of detention?	1. Yes 2. No
11.3. Gender of officials who escort you to the court and other external places?	1. Male 2. Female 3. Both
11.4 Necessary support (sanitary towels/extra clothing/medicine) provided by det. authorities during menstruation/pregnancy	1. Yes 2. No
11.4.1. If no, what is the reason why you have not been provided with the above support?	1. Assumed the detaining authorities would not provide assistance 2. Sought by detainee, but denied by detaining authorities 3. Sought by detainee, but has not yet been provided by detaining authorities (delayed) 4. Other (specify below) 5. Not felt necessary 6. Had no money for those things
11.5 Male co-detainees in same cell/room?	1. Yes (Number) 2. No

<b>Confession information (only complete if yes to related question above – can be undertaken on any visit if nec.)</b>		
Did you give a confession? Did the judge require additional steps be taken against the police or other authority? Where was confession signed? What was the overall impact of the confession in the prosecution of the defendant? Did you sign the confession of your own volition? Were you able to read the confession before signing? Why did you give the confession?	1. Yes (provide details) 1. Yes 1. Public prosecutor's office 1. Other (specify): 2. Date: some impact, not only prosecution evidence; 3. little impact; 4. no impact, excluded Before remand: After remand: 1. Yes 1. Yes 1. torture/ill-treatment; 2. threat of torture/ill-treatment; 3. inducement by police; 4. advice of lawyer; 5. feeling of guilt; 6. other	2. No 2. No 2. Police station 2. Only evidence submitted, resulted in conviction; 2. No (provide details below) 2. No (provide details below)
<b>Confession-related questions to be answered by interviewer at end of investigation</b>		
Was confession used by police or judicial investigator? Was confession corroborated by other evidence? What other evidence was collected? Was authority alerted to any coercion used against detainee? Were steps taken to ensure confession was obtained lawfully?	1 Yes (provide details) 1 Yes (provide details) 1 Yes (provide details) 1 Yes (provide details) 1 Yes (provide details)	2 No 2 No 2 No 2 No 2 No
<b>Confession-related questions to be answered by interviewer during trial</b>		
Was the confession admitted as evidence by the judge? Was the judge alerted to any coercion by police or other actors? Was the confession tested for admissibility? Was other prosecution evidence submitted during the trial? Was any other prosecution evidence a 'fruit' of the confession evidence?	1 Yes 1 Yes (provide details) 1 Yes (provide details) 1 Yes 1 Yes (provide details)	2 No 2 No 2 No 2 No 2 No
<b>Confession-related questions to be answered by interviewer at end of trial</b>		
Was confession excluded? If confession was excluded,	1 Yes 1 Yes (provide details)	2 No 2 No

**[AS AMENDED BY APT FOR EXCLUSIONARY RULE ASSESSMENT PROJECT]**

<b>12. Legal aid information</b> (only complete if <b>yes</b> to <b>6.4</b> – can be undertaken on a second visit if necessary)	
12.1 Do you want AF to undertake any of the following actions?	<p>1. Appear in your case:                      1. Yes <span style="float:right">2. No</span></p> <p>2. Litigate against the perpetrator(s) (If torture has occurred – <b>see section 11</b>)                      1. Yes <span style="float:right">2. No</span></p> <p>3. Raise awareness of the case at national/internal levels                      1. Yes <span style="float:right">2. No</span></p> <p>4. Approach one/some of the following bodies:                      1. NHRC      2. OHCHR      3. NBA      4. AG      5. AI      6. AHRC</p> <p>5. Other (specify)</p>
<b>13. Consent (general)</b>	
13.1 Do you consent for AF to use this information when following up the case and/or in AF public reports?	<p>1. Yes: both (with name) <span style="float:right">Yes: case FU/AF reports only (with name)</span>                      Yes: both (without name) <span style="float:right">Yes: case FU/AF report only (without name)</span></p> <p>2. No</p>
13.2. Detail of the guardians/legal parents?	<p>Name:</p> <p>Telephone No:</p> <p>Address:</p>
13.3. Who was present at the time of this interview?	<p>1. Police/detention authorities:    1. Yes (provide details below)    2. No</p> <p>Name:                      Within hearing distance?    1. Yes    2. No</p> <p>2. Co-detainees:    1. Yes (provide details below)    2.No</p> <p>Number:                      Within hearing distance?    1. Yes    2. No</p>
13.4. Interview duration	

<b>B. Visit information continued:</b>	
Authority in charge:	
Custody management in charge:	
Investigative authority:	