

Voices of Torture Survivors in Nepal

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Abstract

The dissertation attempts to tap into the experiences of torture survivors of Nepal. The objective of the research is to shed light on: who were tortured, how and why; what are the consequences of torture on them, and what are their coping strategies and expectations for reconciliation. To meet these objectives, the study relied upon the interviews of ten Nepalese torture survivors; and six related experts on torture. The conceptual framework has been prepared by using the ideas of discourse, discourse analysis, perception, human capability and human agency.

Study findings indicate that most of the torture survivors are male head of the family, poor, lowly educated and unaffiliated to any political parties. Majority of them are victims of state forces and they belong to either the indigenous or the so called low caste groups in Nepal. The findings also suggest that the victims were not only tortured physically, psychologically, and sexually; but also tortured socially, economically, religiously and culturally. Reasons for torture did not only include punishment, confession, fallible perception, gaining information, suppression, revenge, and belonging to another side of the political divide. They were also tortured for the reasons of silencing, spying, biology and economy, too.

Consequences of torture were not only psychological, physical, and social; but also economical, sexual and cultural, too. Findings indicate numerous coping strategies of torture survivors. Major coping strategies are problem solving; seeking support and emotional ventilation; use of alcohol, drug and smoking; use of religion and superstition; and downward social comparison. Other such strategies are wishful thinking, catastrophizing and avoidance, cognitive restructuring and acceptance. Findings also indicate that uneducated and poor torture survivors are unaware of the discourse of reconciliation and truth commission. However, they expect reparation, development of the state and full-fledged democracy. They expect a place, where people are safe, war is not the need and people are not tortured for any reason.

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ACRONYMS

BBC: British Broadcasting Corporation
CA: Constituent Assembly
CBGP: Community Based Grassroots Peacebuilding
CDA: Critical Discourse Analysis
CFUG: Community Forest User Group
CIVICT: Center for Victims of Torture
COID: Commission of Inquiry on the Disappearance of Persons
CPA: Comprehensive Peace Agreement
CPN UML: Communist Party of Nepal, United Marxist Leninist
CVSJ: Conflict Victims' Society for Justice
DA: Discourse Analysis
DFID: The Department for International Development
FAO: Foreign Aid Organizations
HRO: Human Rights Organizations
ICCPR: International Convention on Civil and Political Rights
ICJ: International Criminal Justice
ICRC: International Committee of the Red Cross
ICTJ: International Center for Transitional Justice
INGOs: International Non-Governmental Organization
INSEC: Informal Sector Service Centre
NGO: Non-Governmental Organization
OHCHR: Office for High Commissioner for Human Rights
PLA: People's Liberation Army
PTSD: Post Traumatic Stress Disorder
RNA: Royal Nepal Army
SPA: Seven Party Alliance
TCA: Torture Compensation Act
TJRA: Transitional Justice Reference Archive
TRC: Truth and Reconciliation Commission

(U)CPN-Maoist: (United) Communist Party of Nepal Maoist

UNCAT: United Nations Convention against Torture

UNHCR: United Nations High Commissioner for Refugees

UNMIN: The United Mission in Nepal

USAID: United States Agency for International Development

VDC: Village Development Committee

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Chapter 1: Introduction

1. General Introduction to Civil War (1996-2006) in Nepal

In February 1996, the Communist Party of Nepal (CPN) Maoist declared a communist guerrilla war called “people’s war” against the then civilian government soon after their forty-point demands were refused by the parliament. Their key demands were the abolition of the monarchy, establishment of a secular republican state with ethnic-based federalism through the election of constitution assembly.

In the initial phase of the civil war, the Maoists attempted to target local police stations and local political structures of the state. In this process, they destroyed state owned infrastructures of development, such as, hospitals, Village Development Committee (VDC) offices, and imposed their own political system in the local community. In their words, they had parallel systems of governance, including army, tax system and so on to replace and paralyze state functions (Centre for Human Right and Global Justice, 2005:3). Until 2001, the Maoists attacked local police stations. But, after June 2001, they formed People’s Liberation Army (PLA) and started to attack military barracks when King Gyanendra initiated his royal dictatorship after royal massacre of the former King Birendra’s whole family. As a result, the Royal Nepalese Army (RNA) was deployed “against the Maoist insurgency as part of the ‘global war on terror’” (Centre for Human Right and Global Justice 2005:4). King Gyanendra announced a coup on 1st February 2005 and took direct power by sacking the Prime Minister, and declaring a state of emergency. In April 2006, nation-wide protests, strikes and vandalism knelt down the King to reinstate parliament and a political government. Then the Seven Party Alliance (SPA) led government and the Unified Communist Party of Nepal – Maoist (UCPN-M) formerly CPN Maoist ratified the Comprehensive Peace Agreement (CPA) on November 21, 2006 to formally end the decade long civil war (1996-2006). After two postponements, breaking the political stalemate, the Constituent Assembly election took place on April 10, 2008. First session of the Constituent Assembly abolished the monarchy and proclaimed the Democratic Republic of Nepal (Pathak, 2012:156).

The civil war in Nepal was fought differently than the similar wars fought in other many countries. In contrast to the civil war in Peru where the guerrilla war of “Shining Path” was

harshly suppressed until 1985, Nepal's guerrilla war ended by abolishing the monarchy. It did not have any military interventions and millions of deaths like that of Vietnam's military intervention in Cambodian civil war in 1997 to oust Pol Pot regime that led to the death of approximately 2 million Cambodians (Bellamy, 2009:10). Nepal's civil war and its peace process is completely different from other models of civil war for the reason that the active international players were not in the front stage of civil war and peace process to play a decisive role; though, UNMIN played a key role in monitoring the peace process especially keeping the arms in the containers. Likewise, India, USA, UK, Belgium and other EU countries helped in sustaining ongoing civil war in Nepal by providing billions of dollars, lethal or non-lethal military assistance and military training to the Nepal's government for strengthening its armed force and buying modern arms and artilleries (Human Rights Watch, 2004:82). But they had not played any active role to decide what Nepal's future will be, and how Nepal should conclude the peace process. Nepal's peace process is distinct for the reason that Nepalese stakeholders decided their own model of peace process. This included all the arms of Nepal's rebel group were stored in the containers and the keys of the containers were with the rebels.

Nepal's civil war was not a secessionist movement; however, the issue of federalism has been alleged for sowing the seeds of secession, and extreme ethnicism. Nepal's civil war was not a religious war though religious secularism was a political agenda of Maoists and it got institutionalized through the process of constitution assembly. It was not even an anti-colonial war; though, Nepal's monarchy is interpreted as a colonizer.

Nepal's civil war is unconventional guerrilla war (Jacobsen, 2011), or a new war (Kaldor, 2006) for the reason that it is intrastate war influenced and shaped by implied international actors for the purpose to aggrandize their ideology and hegemony (Kaldor, 2006). Nepal's civil war can be interpreted as ideological war between democratic and socialist forces which ended in the victory of democratic ideology. On the one hand, the communist countries such as China would have been happy to see Maoists implementing socialist ideology; and democratic countries such as India, USA, UK, Belgium and so on wanted to institutionalize democratic political system. The new war theorist, Kaldor, claims that these new wars are localized, and 'low intensity conflicts'. She writes "they involve a myriad of transnational connections" as a result it has become hard to distinguish internal and external, aggression of some other state and repression by one's own

state, and local and global, too (2006:2). This idea clearly depicts Nepal's civil war and transnational political game. Kaldor argues that these new wars are more brutal, violent and very dangerous since civilians or non-combatants have become too vulnerable. It is because she (Kaldor, 2006:9) claims that in the beginning of the twentieth century, the ratio of war casualties of military to civilian was 8:1 and this trend in 1990s has been almost completely reversed to approximately 1:8. This ratio seems depicting the situation of casualties of Nepal's Civil War, too. Moreover, Collier also alleges that the international political players believe, 'better to let them kill each other than to feed' (2009:189).

As Hironaka claims "Grievances or triggers of the civil wars are local in origin, the magnitude and the duration of wars themselves are the product of international processes and resources"(2005:149). This idea helps to understand that international community fed, encouraged and sustained the civil war in Nepal through military support to the Nepal's government. It is because Nepal's poverty and weaknesses were unable to sustain civil wars on its own, it lasted ten years with the possibility to keep erupting. For example, the new faction of Maoist led by Mohan Baidya, Kiran believes the need of another civil war in Nepal.

Nepal's civil war was fought in both ways—to sustain the political identity category and to create and recreate political identity categories with the help of other ethnic identity categories. Political identity categories--such as Maoists, Royalists and other Political Parties—were created and recreated which helped instrumentalizing the antagonism and friendliness between and among these identity categories of Nepal. Maoists kept attacking the civilians who were tagged to be of other political categories like Royalists, Nepali Congress, CPN UML¹ and so on but later in 2006, Maoists became one of the allies of Seven Party Alliance to fight against the Monarchy. However, before 2006, Monarchy and these other political categories were, in a sense, helping each other to fight against Maoists. So, political categorization and recategorization remained dynamic. There was a fight for the survival of the fittest because survival of the kin of one political group is the survival of oneself (Vanhanen, 1999:56-57). Vanhanen argues that "members of same group support their group members over non-members because they are more related to their group members than to the remainder of the population"(Vanhanen, 1999:57). Likewise, political ideology of Maoists and other political parties including Monarchy were

¹ CPN UML stands for Communist Party of Nepal, United Marxist Leninist.

instrumental to civil war of Nepal because the political elites of Nepal were involved in categorization and recategorization of their own political identity category which ultimately is, as Carment terms, a tool for their self-gain (1993:138). As a result, the elites created political identity categories, and mobilized and reinforced them as an instrument for making a civil war and gain the power and wealth they want. Jackson (2001:65-81) also argues that elites are compelled to do it for the circumstances and pressures they face, such as, being a leader of the weak state, facing challenges both from inside and outside the country, domestic failing economy, unstable institutions and civil service, fear of civil strife, adoption of divide and rule strategy—all these caused Nepal's civil war. Gurr (1994:348) also argues that competition among and between heterogeneous identity categories also caused and sustained civil war.

Nepal's civil war can be explained in two ways—in terms of the feeling of deprivation and in terms of the rationality of the political actors. Nepal's poverty and political movements generated a feeling of deprivation in the minds of civilians. Civilians expected that they had more capabilities, and they deserve far more than they were actually having—for example, the problems of poverty, unemployment, drinking water, load-shedding, roads, and so on—were not destined to be for them. These civilians' deprivation, as Gurr (1968:249) terms, generated grievances, and when some people identified other deprived actors, they turned behavioural dissent. Nepal's violence is due to the result of what people want, what people think that they rightfully deserve, what they think that they are capable of and what they actually get. Likewise people who actively took part in civil war were rational individuals, too, who calculated the cost and benefits of being rebellious; forming dissident identity category and waging war. In war political leaders were active rational actors who calculated costs and benefits more actively than other uneducated and underage foot soldiers. The civil war kept sustaining until it was advantageous for the war makers. Hirshleifer (1987:335) also argues that war activities keep increasing until they prove to be beneficial to the stake-holders.

2. Consequences of Civil War

The consequences of civil war in Nepal are explained in two different ways: constructive and destructive. Constructive consequences are positive consequences and destructive consequences are negative. Kang and Meernik term this distinction to be 'Renewal consequences' and 'ruin

consequences' (2005:90). Key renewal consequences are considered to be establishment of federal democratic republican state with secularism and proportional representation in the election of Constitution Assembly in Nepal.

And, in contrast, the key ruin consequences were destruction of infrastructure, killing, economic downfall, health degradation, inflation, unproductive resource allocation by government such as investment on peace process and most importantly despair, impunity, and torture. Informal Sector Service Centre (INSEC) documents 13,347 people were killed in the conflict until the end of 2006—with 37 per cent of those deaths attributed to the Maoists and 63 per cent to state security forces (INSEC, 2006:1). Data released by a task force of the ministry of peace and reconstruction in September 2009 places the number of deaths significantly higher, at 16,274; and it claims that “1,000 or even more are still unknown, with the state accused of some four fifths of those cases” (Crisis Group 2010, 5). And 200,000 people were reported to be displaced, and many among them were also tortured.

Likewise, more than 1000 health posts were destroyed (Devkota & Teijlingen, 2009:377). More than 1500 VDC (Village Development Committee) buildings were either burned or bombed (Miklian et al., 2011:293). 1200 people disappeared, 1000s were handicapped and more than 12 health workers were killed (ibid:379; Mukhida 2006:19-24). So, despite increasing the political awareness in the public; deaths, economic crisis, displacement, spread of disease, misuse of child as soldier, increase of land mines, systematic use of rape and systematic use of torture are the main ruining consequences of the civil war in Nepal. These consequences lead to huge amount of social and psychological costs. Because civil wars are protracted and long lasting, the sufferings, and problems of people become intractable and never ending. It somewhat led to the institutionalization of crimes, torture, rape, impunity, instability, uncertainty and lawless society (Crisis Group, 2010:i).

3. Torture as a Weapon of Civil War

In my opinion, torture has been used as a weapon of war during the decade long insurgency (1996-2006) between the Maoists and the Government of Nepal. Torture included mutilation and other cruel, inhumane and degrading treatments which were extensively practiced by both the warring parties. Data related to the number of torture survivors has not been documented in

Nepal; neither of their wellbeing. However, the Transitional Justice Reference Archive (TJRA) recorded well over 2,500 cases of such alleged ill-treatment over the decade-long insurgency. Likewise, the Centre for Victims of Torture (CVICT) claims 30,000 people experienced torture (OHCHR, 2012:125). In spite of the evidence of torture, the victims and “their families are left without recourse to adequate justice, compensation and rehabilitation” (Nowak, 2006:12). However, recently, some NGOs² have drawn attention to torture in terms of documentation, advocacy, legal aid and outreach services. Among them Advocacy Forum Nepal (2008:2) interviewed 3731 detainees in 2008. Of these interviewees, 1228 claimed to have been tortured. The Advocacy Forum claims it has visited 13,754 detainees between July 2001 and April 2008. Of those people visited, Advocacy Forum has documented that 5,342 have been subjected to torture (ibid).

In Nepal’s civil war (1996-2006), torture became a tool to victory—the more people tortured and killed; the bigger masses were successfully terrorized. In this way victory was glorified through systematic use of torture. As OHCHR (2012:125) reports, motives behind security forces torturing and killing people seems to extract information about the Maoists. It also reports that Maoists used torture for coercion to succeed their political programs, to collect donations, to revenge the secret messenger, to give punishment through the “People’s Court”, and to punish spying (ibid). The government of Nepal sanctioned torture was practiced throughout history of Nepal and during *panchayet* regime to prevent democratic changes (Sharma & Van Mmmeren, 1998:86). Torturing suspected criminals were increased significantly during the insurgency in Nepal; however, it was and is the primary approach to solve the crimes (Stevenson, 2001:752-3). The competition of torturing and killing continued so much that torture survivors will never speak a single word again. Situation of this systematic torture practice was very grave. 73% of the 3444 prisoners alleged that they had been tortured (Sharma & Van Mmmeren, 1998:89); and 60-75% of innocent people signed the confessions as a result of the torture (Stevenson, 2001:754).

It paralyzed physical, mental, social and psychological capabilities of the torture survivors. Impunity culture of Nepal and faulty peace process, which lacks acknowledgement of torture

² Nepal by Advocacy Forum (AF), INHURED International, Informal Sector Service (INSEC), Centre for Victims of Torture (CVICT), Accountability Watch Committee (AWC), and Forum for Protection of People’s Rights (PPR)

survivors and disappeared people, led to the never ending state of terror and despair. The might became right and right became truth in this culture.

4. Dissolved Constitution Assembly and Transitional Justice Measures

The elected Constitution Assembly (CA) 2008 got dissolved in 2012 without forming any mechanism to investigate war related crimes including torture. However, it proposed Truth and Reconciliation Commission, and Commission to investigate Disappeared People to investigate and prosecute war related crimes. Later in 2012, Council of Ministers merged these two commissions and prepared an ordinance named “Nepal Ordinance and Investigation on Disappeared People, Truth and Reconciliation Commission 2012³”. On the one hand, this process barred victims to prosecute the cases in the courts. On the other hand, it seems that this commission will never be established. Human Rights Watch (2013:1) argues that amnesty provision on the Ordinance proclaimed by president of Nepal in 2013 on Disappeared People, Truth and Reconciliation Commission (2013) makes the justice to victims impossible. The government of Nepal has also ratified the UNCAT in 1991 under Section 9 of the Treaty Act of 1990. But, as stated in *Criminalize Torture*, the former government was reluctant at fulfilling its obligations under the UNCAT, so it poorly drafted Torture Compensation Act (TCA) 1996 which proved to be totally deficient in addressing torture (Advocacy Forum 2009:v). Stevenson also argues that “Torture is not a crime in Nepalese domestic law” (2001:755).

Though, practice of torture infliction was extreme, no one is legally punished. Rather, war related cases were withdrawn by the governments of Nepal. As Gautam (2012:16) suggests Supreme Court’s verdicts were neglected by even the members of cabinet; and cases of serious crimes against humanity and human rights were withdrawn in the name of political crimes related to civil war in Nepal. For example, Girija Prasad Koirala led government withdrew 57 cases, Pushpa Kamal Dahal withdrew 349 cases, Madhav Kumar Nepal withdrew 255 cases, and Prime Minister Babu Ram Bhattarai’s Government withdrew 700 cases (Gautam, 2012:16). These withdrawals were on the consensus of the political parties that Truth and Reconciliation

³ Nepal Ordinance and Investigation on Disappeared People, Truth and Reconciliation Commission 2012 (2012, April 21) [Online]—
URL:<http://www.simonrobbins.com/missing/wp-content/uploads/2013/02/Nepal-TRC-Ordinance.pdf>

Commission will probe and recommend. As a result, torture survivors are systematically silenced by the use of state's structure and power.

5. Silenced Torture Survivors

The torture survivors are systematically and intentionally neglected by the peace process of Nepal. They are not addressed in the peace process and transitional justice measures—they are deliberately unseen in post-conflict architecture by all the major political actors of Nepal. They were politically indoctrinated, and divided into different political and social identity groups. They became instrumental—and they started to speak the elite's voice—and at last they became invisible. Now, they are invisible because they are poor, weak and fewer in number to unite and establish themselves in the arena of national discourse. Moreover, they are politically indoctrinated to speak of certain political voice leaving their pains and sufferings aside. It helped them being further silenced.

Most of the torture survivors are facing a number of psychological, social and economic difficulties and they are expecting some genuine helps which could assist to mitigate their hurdles of daily life. However, they have been left with more difficult ordeals and with the void to learn to cope on their own in such a harsh life. Therefore, they had to cope on their own, with only some backing from family, peers and party cadres. In fact, neither state nor the political actors have seen and attempted to address this most important factor/situation of the post conflict peace building architecture.

Documentary evidence does not exist about the number and state of the tortured and killed people, and even survivors. Some tentative data of forced disappearance has been reported which does not represent torture survivors' experiences. It is assumed that those disappeared were tortured and killed. No categorization exists for the number of people who were severely tortured.

But, exceptionally, some survivors dared to write and speak out through some print media despite knowing the fact that they will be waylaid in the corner of the streets. However, it does not represent the voices of all the torture survivors. One survivor's experience and another survivor's experience differ. Because national and international media stood on the side of peace

process, peace related elites and international actors; torture survivors of the local community remained far from the national and international media. Therefore they remained unheard.

They are unheard and silenced due to the threat to their life too. On the one hand, they are required to justify everything legally with evidence; on the other hand, to destroy possible evidence, perpetrators always pose threat to the lives of torture survivors. The gap between the need of legal justification for torture survivors versus legal hurdles for torture perpetrators led to the situation of suspicion, fear, terror, intimidation, uncertainty and hopelessness. It further silenced them.

Therefore, true stories of torture survivors are lacking, not available and invisible. Therefore, we need to collect them by visiting and hearing them. But the challenge is that the torture survivors intentionally silence their voices to ensure their personal security; because silence is one of their powerful coping strategies they learnt.

6. Problem Statement

This study attempts to tap into the experiences and forced silences of torture survivors of the decade long civil war (1996-2006) in Nepal. It specifically highlights the lived experiences of torture survivors; especially, who tortured them, how they were tortured and why they were tortured. Further, it seeks to understand the effects of torture inflicted upon them and their coping strategies. It is also about the views of torture survivors in relation to post-conflict Nepal—especially expectations from and obligations towards the multiple efforts at healing divided communities and ensuring national reconciliation.

7. Research Questions

This research has the main objective of vocalizing torture survivors. To fulfill this objective following research questions have been formulated in order to give the direction to the research.

- a. Who are the torture survivors?
- b. What do the torture survivors have in common?
- c. What are the trends in the anecdotes of the torture survivors?
- d. How are the survivors coping with their circumstances?

- e. Do the coping strategies manifest resilience and agency?
- f. What are the views of torture survivors about post-conflict Nepal?

8. Research Relevance:

The relevance of this research lies in contributing to community based grassroots peacebuilding (CBGP) through the documentation of torture survivors' experiences and expectations in the post-conflict era. Peacebuilding in Nepal means building social relations in the society divided due to the civil war. Recovering the social relations is very important because divided members of a local community, including torture survivors, have to live together and contribute in maintaining local, regional, national and global sustainable peace.

But, Nepal's peacebuilding process is much complex. Nepal's peacebuilding approach has been based upon NGOs and INGOs. It is following western prescriptive model (which will be discussed in the following paragraphs). Therefore, this research attempts to unfold how this prescriptive model fails to reach the grassroots and locals such as torture survivors. Research is relevant in providing torture survivors' knowledge and views—voices of local—on peacebuilding. It is very important to fill in the gap created by the “global prescriptive model” because ‘global and local spaces, mutually constituted and hence, equally important’(Wallace, 2009:22-23).

NGOs and INGO's are attempting to contribute as much as possible. But they have the limitations too. They have the potential to manipulate local voices of torture victims repeatedly through the process of ventriloquising them in the politics of participatory knowledge production (Cornwall and Fujita, 2013:1763). This ventriloquising is insistently localized and editorialized so as to concord the policies of state and international power by leaving them undocumented too (ibid:1761). The trend of establishing NGOs and getting job in these NGOs has increased significantly in Nepal. Trend of establishing NGOs started in 1990s, and in the year 2000, the number reached approximately 30,000, but it reached 2,50,000 in 2011 (Miklian et al., 2011:295). Aid through these NGOs is wasteful because the aid goes to employees and political parties and it is managed by fake documentations (ibid:297). It is further illustrated by the following discussion.

New rules of Nepal made FAOs to partner Nepalese NGOs mandatory; but, the local partner selection is itself problematic because it involves selecting the NGOs affiliated to political parties. For example USAID divides projects into different political parties of Nepal (ibid:296). Another problem of this approach lies in fundamentally disempowering local ownership through the vicious circle of ineffectiveness and inequality (Miklian et al., 2011:301). Miklian et al. (2011:302) give the example that pro-poor aid projects are so focused on Dalits, Janjaatis, Madhesis that it bypasses the poor member of other identity categories related to caste or religion. As a result, it institutionalizes social divides and ethnic politics (ibid). The implementation of the concept of level playing field requires giving more incentives to torture survivors (Robeyns, 2005:96-97), however, it is not noticed. Moreover, the risk also involves the political interpretive task of the information producers (ibid:1762).

Wallace, argues that CBGP is a disinterest in donor funded INGOs and state-centered projects (2009:60, 63) and it is a move away from Euro-centric prescriptive model (Wallace, 2009:20). Wallace simplifies CBGP is the hybrid of top down and bottom up approaches and it privileges the 'local' (ibid:64). So this study helps to document contextual, situated and partial knowledge required for CBGP. In Wallace's view it will help in authenticating local victims' knowledge (2009:27). This study is documenting first-hand knowledge from the related experts—a view from the bottom—a view of the torture survivors.

Likewise, by discussing the identity categories of the torture survivors; this study will contribute to radically restructure their representation in which the subjects will create their own world (Richmond, 2008:158; Giroux, 2007:1-5). This restructuring takes place by 'de'-othering themselves and engaging themselves in power relation at the local level on different fronts: social, economic, political, institutional, and educational. It will also put the concern in rethinking the agency of the grassroots/local torture survivors which will contribute to CBGP (Jabri, 2006:74).

This study can also contribute in explaining the hegemonic practice done at the local level where many other local voices are systematically, politically, culturally and structurally silenced in the name of CBGP. Miklian et al. (2011) provides the example of CBGP practiced in Nepal by showing how going local involves a number of perils. He assesses Nepal's CBGP in terms of its

hosting of foreign development aid programs through foreign aid organizations (FAOs), INGOs including UN, its numerous agencies, and its mission to Nepal (UNMIN). In the only year 2007, foreign aid for Nepal reached USD 598 million except the aid from China and India (Deutscher, 2009:206) which is more than twenty-five per cent of the Nepal's annual state budget (Miklian et al., 2011:290).

But FAOs and funders' choose the wrong kind of locals, over-romanticized them, and gently persuaded these locals on their agenda through the process of choosing 'yes men' with "reminders of what is 'proven', 'fundable', and 'operationalizable' and what is not"(Miklian et al., 2011:289). Thus they legitimize the 'western' model through the partnership with locals and local indigenous development processes (ibid:300). Moreover, Bonino & Donini argue that Nepal's peacebuilding is reproducing caste inequalities by recruiting upper caste English-speaking elites and like minded people in NGOs and INGOs (2009:7). Likewise Miklian et al. argue that it involves politicians of Nepal "by funneling national-level aid to local NGOs that are often run by relatives of politicians"(Miklian et al., 2011:291). This leads to politicization of the peacebuilding practice. Therefore, this study focuses on the views of the torture survivors that can contribute to CBGP. This study will provide the evidence on whether this huge amount of money reaches to the local torture survivors or it remains with the politicians and local elites. This study is also relevant to document the unpoliticized views of torture survivors for their own empowerment.

Chapter 2: Civil War in Nepal (1996-2006)

1. Introduction

This chapter focuses on the civil war in Nepal that began in 1996 and ended in 2006. It looks at the causes and consequences of the decade long civil war. It also highlights torture practice as a weapon of this war along with its causes and consequences. In doing this, it introduces the war protagonists, their reasons for involvement, and peace efforts, too.

2. War Protagonists and Basis of their Involvement

The history of Nepal is the history of hereditary monarchy, which lasted for 239 years until 2006. The 239 years long royal dynasty ended because of two major opposing powers, Communist Party of Nepal Maoist (CPN Maoist) and other political parties of Nepal especially, Seven Party Alliance. People's Movement 1950 established multiparty democracy in Nepal but it lasted for only 10 years when King Mahendra declared autocratic *Panchayeti* political system by banning the political parties in 1960. After 40 years, people's movement (I) in 1990 succeeded to re-establish the multiparty system but political parties were sidelined by King Gyanendra in 2001 again. Because of the King Gyanendra's anti-democratic stride, Maoist's civil war turned actively into anti-monarchic in 2001. Puspa Kamal Dahal (Prachanda) and Babu Ram Bhattarai led civil war started in 1996 against the then political parties led government, when their 40 points demands⁴ were pulled down in the parliament (Putorti, 2011:1137). In 2001, the monarchy sidelined the political parties, and along with the international community, it declared the Maoists, a "terrorist" group and accelerated counterinsurgency by deploying Royal Nepal Army. In 2002, King Gyanendra dissolved cabinet, and continued forming monarchy-led governments. Then the civil war turned into the war between the monarchy and the Maoists. In the first phase of the war, from 13 February 1996 to 26 July 2001, only 1593 people were killed; but in the second phase of the war, from July 2001 to 2006 approximately 15000 people were killed and most of them were killed by the then government of King Gyanendra (Tiwari, 2007:17). His successful quo lasted in April 2006 when Maoist and Seven Party Alliance led Comprehensive

⁴ 40 points demands are retrieved at (Online) [3rd October 2013] URL: http://www.humanrights.de/doc_en/archiv/n/nepal/politics/130299_40demands_Maoist.htm

Peace Agreement (CPA) and the People’s Movement (II) compelled the King to give up his power. Consequently the 239 years long monarchy got abolished in 2008.

3. Causes of the Civil War

Different scholars put emphasis on different causes of civil war in Nepal. Murshed and Gates (2005:132) argue that caste and ethnic-based inequalities, rural poverty, unemployment, and landlessness are the main causes of the civil war. Sharma (2006:1238) calls it development failure. Kievelitz and Polzer (2002:26) also argued that poverty and unemployment are the main causes of the civil war. In contrast, Shakya (2009:24) argues that poor and unemployed people did not have time and resources to make civil war; rather, a group of economically well off educated and politically conscious people started the civil war which was fuelled by structural violence in Nepal. Similarly, Acharya (2009:23) argues that the civil war was not due to grievances, social factors or ideology but rather it is because of the rational calculation of the incentives by both insurgent leaders and the government.

Another scholar, Harka Gurung (2005:1) gives focus on identity category and argues that social exclusion even in the employment opportunities and marginalization of *Dalits and Janajaatis*⁵, *Sukumbasi*³, *Kamaiya*⁶, indigenous peoples, disadvantaged and marginalized groups led to the civil war in Nepal. Upreti argues that centuries old feudal political and social system which institutionalized exclusion, discrimination, and subordination resulted in the civil war (2010:10). In his words civil war is “the cumulative effect of structural causes, proximate causes, changing international security dimensions, psychological aspects, the failure of leadership and geo-political specificity”(ibid:11). He (Upreti, 2010:11) presents the following table to categorize the causes.

Table No. 1. Causes of Civil War in Nepal

Structural Sources	External Sources	Triggers and Catalysts
<ul style="list-style-type: none"> ● Political sources ● Socio-economic sources (e.g., caste, class and religion based discrimination and inequality; poverty and 	<ul style="list-style-type: none"> ● Changes in international security paradigm ● Interests of powerful nations (political, economic, e.g., in natural resources such 	<ul style="list-style-type: none"> ● Vested interests ● Unforeseen events (e.g., the Royal massacre in Nepal on 1 June 2001) ● Failure of political leadership

⁵ Lower caste people in Hindu community are also called Dalits.

⁶ Homeless people are called Sukumbasi, and a form of slavery is called Kamaiya system of Nepal.

unemployment; social exclusion, etc.) <ul style="list-style-type: none"> • Geographical isolation Constitutional and legal sources <ul style="list-style-type: none"> • Ideological sources 	as gas, oil, water and forests; historical legacy of autocracy; religious; strategic and military) <ul style="list-style-type: none"> • Information technology, global advancement 	<ul style="list-style-type: none"> • Failure of development • Psychological factors (e.g., revenge and relation) • Irresponsibility factor and culture of denial
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Moreover, the Maoists’ agenda—of establishing classless and casteless society, banishing poverty and unemployment, ending slavery and landlessness for the poor people, making the country rich and prosperous in a very short span of time as soon as they get to the power--were very popular. People believed in their agenda and dreamed of achieving these ideal agenda in reality. They could not calculate what is achievable; and what are the only agenda to get to the power. As a result, the civil war took place in Nepal and continued for decade.

4. Consequences

More than 13,347 people were killed in the civil war in Nepal (INSEC, 2006:1); Ministry of Peace and Reconstruction (2009) puts the figure at 16,274. From 2003 to 2004, more than 1,700 cases of enforced disappearance were reported (Putorty, 2011:1143). More than 200,000 people were displaced; and more than 70 per cent of arrested people were tortured (Human Rights Commission, 2003:35). More than 1000 health posts were destroyed (Devkota & Teijlingen, 2009:377). In between 2002-2006, 13 district education offices, 79 schools, and one university were destroyed. Most of the local and district level physical infrastructure such as bridges, telephone towers, VDC offices, police stations, army barracks were also destroyed that costs approximately USD 5,07,55,550 (Upreti, 2010:28). Huge amount of money was spent on reconstruction and management of the rebels and their arms. Ministry of Peace and Reconstruction (2013:1⁷) reports that approximately USD 19,99,52,012/- was spent only on rebel fighters in six years from 2006. Therefore, civil war proved economically expensive.

5. Types of Torture Practices

CVICT Nepal categorizes physical, psychological, and sexual torture techniques in Nepal.

⁷ This report is retrieved on (Online) [6th October 2013) URL: http://www.peace.gov.np/uploads/files/Cibir_Expenses.pdf

a) Physical Torture

The most popular form of physical torture in Nepal as indicated by Sharma and Ghimire (2007:38) was severe beatings, and falanga (beating on the soles of the feet). Likewise, techniques such as removing of fingernails, inserting pins under fingernails, hanging them upside down over chili-burnt fires, tying down by smearing with honey to attract biting ants, whipping with stinging nettles, dripping lime juice into open wounds and so on were also commonly practiced (Sharma and Ghimire, 2007:38). Special Rapporteur Manfred Nowak (Nowak 2006:8) reported that physical torture techniques were quite many. They were burning, giving electric shocks, stretching, submersing, slamming, slapping, confining into dark torture chambers, water-boarding, and simulated drowning. Likewise, sleep deprivation, toilet deprivation, food deprivation, force-feeding inedible things were also practiced. Piercing, smashing, cutting of the flesh and using salt and sour acid, breaking of hands and legs, over-bleeding, hanging in different ways and suffocating were also extensively practiced physical torture methods in Nepal (ibid).

b) Psychological Torture:

Psychological torture techniques, mostly, were death threats, mock executions in front of blindfolded torture survivors, deprivation, coercion, threats, and humiliation (Sharma and Ghimire, 2007:38). Similarly, isolation, mock amputations, mock executions, threats, secret detention, disappearance, kidnapping; and observation of killing, mutilating certain parts of the body and torturing others are some common methods categorized under psychological torture practiced in Nepal.

c) Sexual Torture:

Sexual torture involved rape and sexual abuse (Sharma & Ghimire, 2007:38; Nowak 2006:8). In the presence of other family members, villagers or detainees, females were raped and sexually abused. These torture techniques must be understood in social and cultural context—the cultural context is that when someone is raped, she will have to face social stigma, as a result she will be deserted by her husband, society will start to condemn her and she will most probably not get the new man to get married to; or she has to be the victim of forced marriage (WOREC & ISIS-WICCE, 2011:80). It helps in understanding the intensity a victim feels and a perpetrator intends

to inflict. For example, sexual assault and rape prove suicidal effect on the victims in Nepalese culture.

6. Testimonial: Near Death Experience and System of Torture

Bijaydeb Bhattarai writes a testimony to Jana Aastha at Nakkhu Jail where he describes the torture practice in the Bhairabnath Army Barrack with four detainee camps (Bhattarai, 2006:1). He writes that he was "blindfolded, handcuffed and kicked to the ground" and then he was put in a sack, hanged upside down, beaten, and submerged in water. He found that detainees were categorized into Grade A, B and C. Electrocuting took place with Grade A; choking and slashing the bodies took place with Grade B; and hanging, beating to death, raping, burying alive, or shooting to death took place with Grade C detainees.

Bhattarai notes that there were many innocent civilians who were accused of working as Maoists: Pradip Sarki, a driver; Rajkumar Basnet, a bus conductor; and Kulman Tamang were severely tortured for 10 and 11 months and released (Bhattarai, 2006:1); but more than 500 others were disappeared. He states that 100-200 detainees were arrested without warrant and taken to unknown places the same night by blindfolding: many of them were subjected to torture, many killed and disappeared, many raped, stripped naked and beaten to death. Further he writes "a pregnant Tamang girl was kicked until she bled to death"(ibid). Bhattarai claims that he found that more than 25 (name listed) were squeezed into army truck and taken to Shivapuri forest and then killed and buried (ibid). He writes "only 30 of us, including Krishna KC and Himal Sharma, are among the survivors who witnessed these events"(ibid).

Regarding mental torture, he writes that it was also extreme, detainees, including him, were not allowed to go to toilet without being beaten with iron pipes every day. ICRC and other Human Rights Organizations visited the detainees. Detainees were being kept in the bunkers and forced to lie on cold floor. He further writes that he and other detainees were blindfolded, hands tied, taken to dark forests and then "dragged by ropes tied around our necks"(2006:1).

7. The Effects of Torture

Every part of the survivor's life is affected after they were tortured. Sharma and Ghimire (2007:39-40) list three types of consequences: physical, psychological and social.

a) Physical Consequences

Physical consequences are divided into external and internal; long lasting and short lasting. However, it remains for whole life serving as constant reminder (Sharma & Ghimire, 2007:39-40). Major physical consequences involved infections, deformation of the body parts, abnormal gait and posture, deafness, blindness, fractures, chronic pain, malignancies, incised and penetrating wounds (ibid). Likewise, sexually transmitting disease; abdominal, chest or head injuries, abrasions, haematoma; structural and functional sequelae; deformities, nerve and vessel injuries are also remarkable consequences of torture (ibid). Medically, fibrosis in muscles, ligament distortions, looseness in the joints, musculoskeletal problems, increased cervical and lumber lordosis, thoracic kyphosis and many others also the effects of torture (ibid). Most of them have chronic effects throughout their life.

b) Psychological Consequences

Psychological consequences involved anxiety, depression, insomnia, poor concentration, low self-esteem, post-traumatic stress disorder (PTSD), neurotic disorder, etc. Re-experiencing, emotional numbing and increased arousal are the major symptoms of PTSD (Sharma & Ghimire, 2007:41).

c) Social Consequences

Stigma is the main social consequence being experienced by torture survivors (Sharma & Ghimire, 2007:41). Such personal stigma and its related problems do not always remain personal. They turn to be familial and social. Family and society also get deeply affected by the victims of torture, and torture survivors and their stigma. If the survivors are disabled, family and society have to take care of them, feed them and play active role to fit the survival. Doing so paralyzes the progress and quality of life of all of them including the society itself.

8. Torture Survivors and Truth Commission

The UN High Commissioner for Human Rights published a report on 8 October 2012 that indicates approximately 9,000 serious human rights violations (ICJ, 2012:1). This report raised the need to establish transitional justice mechanism to foster post-conflict peacebuilding.

Comprehensive Peace Accord (CPA) signed by both the warring parties on 21 Nov 2006 and

Supreme Court⁸ promise to establish TRC independently in order to guarantee truth, justice and reparations. Later Council of Ministers' merged two separate TRC (Truth and Reconciliation Commission) and COID (Commission of Inquiry on the Disappearance of Persons) bills and made only one. It was called Nepal Ordinance on Investigation of Disappeared People, Truth and Reconciliation Commission, 2069 (2012). Ordinance had serious flaws, and violates international law for a transitional justice process (OHCHR, 2012:1; Cueva, 2012:6).

The proposed ordinance had some flaws. First problem is Article 23 and its "Provision regarding Amnesty" (Cueva, 2012:6). It limits the obligation to investigate, prosecute, and provide the victim effective reparation, and remedy as suggested by ICCPR, Article 2(3) and paras 11 to 13). Like this ordinance, Nepal's domestic criminal law does not consider torture and enforced disappearance to be crimes (Weekly Mirror, 2013:12). Secondly, ordinance's Article 22 is also flawed. It empowers the commission to initiate reconciliation without the request of the victims and perpetrators. It violates the international law⁹ for not having consent of victims and perpetrators (OHCHR, 2012:2). OHCHR also declares that reconciliation must not "replace the investigation, prosecution and punishment of those responsible for serious violations of international law" (OHCHR, 2012:2). This reconciliation provision stops the judicial actions against perpetrators and disclosure of high level authorities involved. Likewise it is also unclear whether it will prosecute and charge against top leaders (who caused torture) or prosecute low level officers (who were manipulated for the prosecution of torture).

Third problem is with the Article 28 of the Ordinance, "Provisions on Filing Cases" which provides attorney general the full authority to determine whether to prosecute certain case or not (Weekly Mirror, 2013:12). It is the violation of international law (Principle 4 of the *Basic Principles on the Right to a Remedy and Reparation*¹⁰) because it is state's responsibility to prosecute, investigate, and punish alleged perpetrators if found guilty (OHCHR, 2012:3). Fourth

⁸ Rabindra Dhakal v. Government of Nepal, Nepal law Journal, (2007, Jun vol. 49)

⁹ [principle 13(c) -- "Neither the victim nor the offender should be coerced, or induced by unfair means, to participate in restorative processes or to accept restorative outcomes"—of *The Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters*, adopted by Economic and Social Council 2002/12 (E/2002/INF/2/Add.2, Annex)]

¹⁰ "States have the duty to investigate and, if there is sufficient evidence, the duty to submit to prosecution the person allegedly responsible for the violations and, if found guilty, the duty to punish her or him"

problem with the ordinance is that it is silent about the Military Court in Nepal which is the only court where alleged military for the torture and disappearance is prosecuted (Neelakantan, 2007:10). Alleged military is not prosecuted in civilian courts; it is contrary to the international human rights principle (Sundh, 2007:12).

Cueva and ICJ lists a number of other problems of Ordinance in ICTJ Briefing (International Center for Transitional Justice Briefing) (Cueva, 2012:8-12; ICJ, 2012:5-10) and argues that failure to truth leads to hurting victims, eroding peace and undermining rule of law. First problem he mentions is inadequate term of two years and its legitimacy crisis. Another, problem is its potential of implementation problem, uncertain political viability and uncertainty about the result of forced reconciliation. Authority of TRC has no power of prosecution. Final TRC report has political control and it lacks international standard. Cueva also mentions the potential to manipulate the Commission through political selection of the commissioners. He also questions the no provision to ensure marginal and vulnerable voices. Likewise, it lacks ensuring reparation, reforms and prosecution. It is also silence on possible unofficial truth reports.

It indicates TRC in Nepal is heading through the nets of complexities and layers of problems. Above mentioned details indicate that TRC will fail to promise torture survivors truth, justice and reparations.

9. Chapter Summary

The civil war in Nepal took place from 1996 to 2006 between state government and Maoists. The causes of civil war were external, internal and also triggers and catalysts. The consequences were being very expensive because of the losses of lives, properties and infrastructure. It turned also expensive because of the torture, too. On the basis of available secondary data, torture patterns were physical, psychological and sexual. Even the consequences of torture also marked physical, psychological and social. In order to heal these torture wounds, Truth and Reconciliation Commission, a healing mechanism of divided society in Nepal, is only promised.

Chapter 3: Methodological Approach

1. Introduction

This chapter focuses on study area, informants, data collection techniques and field experience. It looks at the strengths and weaknesses of the data collection strategies and catalogues the reflections on insider-outsider role as a fieldworker. Finally it discusses how research ethical standards were maintained.

2. Study Area and Time

I conducted my fieldwork in Kathmandu and Bardiya districts from July to August 2012. Kuosmanen (2013:24) writes that choosing study area is also about choosing perspective, especially, when peripheries and centers represent two different realities. Kathmandu, the capital city and largest metropolitan city of Nepal, represents the centre of power, where the head of the state and head of the state organizations are located. Due to the civil war, Kathmandu has sheltered thousands of displaced people, which includes torture survivors, too. Moreover, Head Quarter of the state's military called Nepal Army (NA) and its' Bhairabnath Battalion, Yuddha Bhairab Battalion, Mahabir Battalion lie in Kathmandu. In Kathmandu, hundreds of civilians and students were tortured and more than 45 were killed for being suspects of Maoists in less than a year from late 2003 to 2004 (Crisis Group, 2010:8). UNHCR (2006:45) also claims that 137 civilians were arrested and tortured; and out of them 49 were disappeared in Kathmandu. The city practiced torture in its back stage in spite of the fact that it is the centre of media, NGOs and INGOs, human rights organizations. Moreover, these institutions and the workers in these institutions are fertile ground for potential secondary data that are required to study the issue.

In contrast, Bardiya represents periphery. This location represents highest number of registered cases of human rights abuses including torture, killing and disappearances (UNHCR, 2008:4). This location represents the 'somehow' front stage of the torture practice. Tharu indigenous people make up 52% of the total population in Bardiya District and they account for over 85% (135) of the persons disappeared by State authorities (ibid:6). UNHCR reports "among the victims were 123 men (including 102 Tharus), 12 women and 21 children. All the women and children were of all of Tharu origin..." (2008:6). Moreover UNHCR claims that majority of the

disappeared and tortured people were not Maoists rather they were civilian villagers, farmers, laborers, teachers, students, and carpenters (2008:6).

Kathmandu representing center and Bardiya representing periphery of torture practice might have different stories of torture survivors. Because Kathmandu is the shelter for some survivors; survivors might have different coping strategies than those survivors living in Bardiya, who were not displaced. Therefore, in Bardiya, Baidi, Katarniya, Samrawa, Baida, Dhadhawa; and in Kathmandu, Maharajung, Kirtipur, Thimi were chosen to be the main localities of my fieldwork.

3. Gaining Access

Torture survivors of Nepal are emotionally difficult subjects with a substantial threat to their life if they disclose the real story of their torture surviving. They are potential to get their political, economic, cultural, social, mental and physical wellbeing harmed. Therefore, the topic is very sensitive. Moreover, the aim of this study is explorative, descriptive and qualitative; and the informants are hidden and hard-to-reach people.

As a result, getting access to these impenetrable social groups poses a number of methodological challenges; however, snowball sampling technique offered real benefits to counter these challenges (Miller & Brewer, 2003:275). Snowball sampling is known as network, chain referral, reputational, or respondent driven (Neuman, 2011:269). It is a technique to find informants in which “one subject gives the researcher the name of another subject, who in turn provides the name of the third, and so on” (ibid, Bryman, 2012:200; Vogt, 1999). In this case of potentially sensitive topic, access was only possible when I was introduced by someone already inside the community (Aitamurto, Japinen, & Kulmala, 2010:34-34), and my social network (Rubin & Rubin, 2005:89) of friends and relatives. It indicates that gaining access had to do with researcher’s belongingness too. I was insider—who belongs to the group of people under study (Breen, 2007:163)—as a result of this, I could exploit my social network of my friends and relatives.

Gaining access to these sensitive people involves ensuring no harm to them and making them assured that they will not plausibly be used as a means to an end unless they give their genuine

agreement (Hugman et.al., 2011:658). Because torture survivors were traumatized, silence was their best coping strategy; so I had to be sensitive to the implicit messages of those people (Goodhand, 2000:14). I had to minimize the disturbance, and stop giving false hopes. It was very essential to ensure maximum security of the informants by—“ creating a mutually respectful, win-win relationship with which participants are pleased to respond candidly, valid results are obtained, and the community considers the conclusions constructive”(Miller & Brewer, 2003:95). Lee (2004:1285) argues that personal security in its absolute form is never possible because dangers are situational by nature and some of them are ambient, too. But, still, as a researcher, I have tried my best by preparing ethical guidelines, gaining inputs of peers, experts and supervisor. Proposal was submitted to research ethics committee and *Norwegian Social Science Data Services*¹¹ and gained the ethical clearance for ensuring maximum of personal security and dignity of all the research participants. In doing this I have taken informed consent of the informants and guaranteed them the privacy, confidentiality and anonymity; and debriefed the research project and my research intention. It was to prevent from undesired possible legal actions against too; though, it has bureaucratic hurdles and low approval rate (Bryman, 2012:134, 136). In order to gain access of the informants, I had to be and I was culturally sensitive, too, because the informants’ culture—like ethnic culture of *Tharu, Chaudhari, Maharjan, Giri, Pun, Brahmin* people—was not new to me, I grew up in and among these cultures.

In order to access torture survivors, I had to be very careful and discrete during the round of introductory interviews. If I sensed the informants were severely traumatized by their gesture and posture, I did not select those persons for in-depth interviews. While conducting in-depth interviews, informants did not show any problem so, fortunately, it went very well; though some informants did not fully open up.

Likewise in order to access the informants, confidentiality of identity and address of informants is ensured by written consent (Bryman, 2012:137). That written agreement paper and information sheet included the information and provisions (Neuman, 2011:149; & Gray, 2004:59) which are as follows: a brief description of the purpose, duration and procedure of the research; guaranteed anonymity and confidentiality of the records and informants, by and

¹¹ It can be done through www.nsd.uib.no

potential risks or discomfort associated with participation. It also guaranteed voluntary participation in the interview process; and gave the contact details of the researcher so that they could terminate the contract any time they intend to; and a promise to deliver the summary of the findings. As emphasized by Bryman (2012:138), I clarified that I was researching and financing the research, in order to complete my Master's thesis. It also helped a lot in gaining access to internal and hidden truth of the torture survivors.

In order to gain access to both—elite and low profile informants—I used coping strategy approach. One person's security and dignity is another's insecurity, and strategies can be diverse, adaptable and durable (Bøås et.al.2006:74). Problem of access and barriers to these elite informants was countered by other fellow elites' cooperation and knowledge (Gokah, 2005:68). Likewise researcher was aware that low profile informants “living in these situations are already vulnerable; they do not need researchers to make their lives even more complicated and dangerous”(Goodhand, 2000:72) and destroy their reputation. So, I had to maintain openness and transparency, and right use of language, too (Feenan, 2010:151-54). In this regard, securing approval from key stakeholders, being insider, cautions in using language and ensuring independence of research were more helpful strategies and methods.

My informants were worried about my prejudice—taking sides—too, which is inevitable (Bryman, 2012:150; Goodhand, 2000:12, 14). Some of the informants were seriously interested in how they will be represented in the research as suggested by Bryman (2012:150). Regarding the issue of taking sides, researcher benefited by being as neutral as possible and taking benefits from all the sides as suggested by Sluka (1995:152). By showing the sympathy or agreement with both the sides (1995:287)—torture survivors of Nepalese Congress, Maoists and others—researcher benefited in gaining access.

Gaining access, to these hard to find people, was possible due to unstructured focus group interviews; and rapport building interviews, too. I had focus group interview meaning guided group discussion (Raune, 2005:157) among torture survivors in the office room of CVSJ's (Conflict Victims' Society for Justice) office in order to access the torture survivors who are have been physically harmed too. My focus group discussion was more of thematic and unstructured interviews meaning non-directive conversational style in order to familiarize with

the issue; establish rapport, and gain rich information about various phenomena (Miller & Brewer, 2003:167-8). Therefore, it was for familiarizing me with torture survivors; the nature, type and practice of torture in Nepal; various phenomena and pattern of survivors' stories; their efforts in fighting for their identity, rights, compensation etc; and finally accessing them.

4. Informants' Size and Selection

Informant Selection: This study mainly focuses on wounded, injured, and possibly handicapped—by their broken ribs, electrocuted sexual parts, broken legs and hands—torture survivors. They are experienced and knowledgeable in the research area (Rubin & Rubin, 2005:64-65). To confirm that they were tortured, I had to confirm myself that at least they had the scars on their body parts. But when I reached the field and heard the stories of torture survivors, it was very hard to have the opinion that the only people who had injury, broken ribs, repeatedly raped and handicapped were seriously tortured. Others, who had no injury, had also experienced more horrible and extreme experiences of torture. To put simply, most of my informants were wounded, injured, repeatedly raped, and handicapped; however, the story of one informant was more horrible and extreme than of others. Therefore, I have also interviewed him in spite of the fact that he was not handicapped. All these data are “relevant, first-hand experience” (ibid:65).

Informants' Size: When I went to the fieldwork in Nepal in July 2012, I had expected to interview ten people; but, by chance, I interviewed more than that number. In doing so, I got at least eight good narratives of the torture survivors with the richness of the data having a number of patterns and themes. Out of eight torture survivors, six were from Bardiya and two from Kathmandu. Six were males and two were females. Similarly four were the victims of Maoists and the rest were of Nepal Army. Most of them were from different political affiliation—two from Maxists, two from Nepalese Congress Party, One from United Maoist Leninist, one from Rastriya Janamorcha, and two were unidentified. These varieties of informants were selected in order to analyze the patterns of torture experience, gain ideas of varieties of perspectives and identity categories of the people tortured.

In order to enrich the field data and a variety of perspectives, I had also interviewed one local level political activist, two health and rehabilitation service providers; one advocate of torture

survivors. One doctor cum psychiatrist of the torture survivors, one Mid-Level Nepal Army Personnel and one Maoist Mid-level Commander was also interviewed.

Statistically, this number of informants is representative; because, the purpose of my study, a qualitative discourse analysis, is not to find the generalizations of general opinions asked for (Kvale, 1996:33). In contrast, the qualitative discourse analysis only needs the limited number of informants so that it is easier to guarantee that differences are not lost in the generalizations and differences between the narratives get revealed (Oinas, 2004:216, 219). This limited but first hand opinions are advantageous to illustrate the diversities, particularities and richness.

5. Data Collection

Along with the detailed interview guide, I have conducted qualitative interviews during fieldwork to collect primary data thinking that my informants, torture survivors, are the true experts of torture and torture survival. Interviews provide access to deep knowledge and viewpoints from the research subject's perspective (Corbetta, 2003:264; Kvale, 1996:1). This study is to explore torture survivors' "interpretations of their experiences and their understanding of the world in which they live"(Rubin & Rubin, 2005:36), and in which they had to live. Because the purpose of this study is to document subjective, detailed and personal stories of the torture survivors; interviews' focus has been on how they understand and explain their world of torture in their social phenomena (Bryman, 2008:438). To sum up, I did not have any other better method than the qualitative interview in order to shed light on the experiences, perceptions, and interpretations of torture survivors of Nepal from their own point of view.

6. Conducting In-depth Interviews

The interviews were conducted in Kathmandu and Bardiya Nepal from July to August 2012--six torture survivors were interviewed in Bardiya and two in Kathmandu. Out of six, two were female in Bardiya—one teacher and one housewife. And other six were male, one job holder; and all others involved in some form of manual work related to farming. With the interview guide, I went to door to door visit for personal interview. All eight informants were met personally at their home, in the farm-field, in the jungle, and in their office. Some informants were visited two to four times in order to build rapport through the informal chats; and some

were kept in touch by cell phone after the first introduction meeting. I met more than hundred torture survivors and many of the potential informants did not agree to get interviewed. Some torture survivors, I felt were not severely tortured and severely affected by the torture experience, hence, I did not choose to interview. After an intensive exercise of me and my relatives, I got eight severely tortured torture survivors to interview in a very confidential and peaceful setting. They agreed to give their appropriate time and location. One informant was interviewed in the jungle where he was herding cattle; another was interviewed in his personal office, where he was job holder; and other six were interviewed in the room of their own home, where no one could hear us. They gave me some time out of their busy schedule. All the interviews were between me and my informant—no one was allowed; and it was ensured that no one could hear us. I briefed my intention, my study purpose, and why I needed their interview; we signed interview consent form. Each of the informants was interviewed for at least one hour. I recorded the interview; filled in the form so that it could compliment the recording; wrote short notes; and took written permission to interview, record and use the data they had given.

Additionally, I have conducted in-depth interview which is a repeated conversation between researcher and informant with a specific purpose directed toward “understanding informants’ perspectives on their lives, experiences or situations as expressed in their own words”(Minichiello et. al. 1991:103) without which it was impossible to answer my research question. Because interviews are very fundamental to understand the social context, social setting and the text (Phillips and Hardy, 2002:72), I had taken appointments for the in-depth interview with the selected informants after a preliminary rapport building interviews. And then I talked to my relatives, friends or others who know widespread story about my informants. This was essential to understand, what others think of those torture survivors and their story; and what torture survivors themselves narrate. I gave sufficient time to talk to their family members, and observe the situation and setting. It provided me a deep insight of their situatedness, belongingness, ways of living and their background information. All these processes helped me get prepared for interviewing on such sensitive issues; and arrange a secret place for the interview too.

I have used comprehensive topical life-history approach, which “does not try to focus on the full life history but rather examines a particular issue” (Minichiello et.al, 1991:155-56) of torture

survivors' horrible experiences of torture surviving, and their coping strategies. Life history is “social autobiography drawn from in-depth interviewing and or solicited narratives” (Minichiello et.al, 1991:146) which incorporates all the events of life but comprehensive topical life-history in this study is focusing upon the torture survivors and their coping strategies.

In order to access the data from the in-depth interview, semi-structured interview method proved very beneficial, which was the best option I had at hand. Semi-structured interviews are non-standardized interview where I had a list of issues and questions to be covered; order of questions were also changed; additional questions were also asked whenever they were necessary; I was allowed for probing their views and opinions in order to explore their subjective interpretations as suggested by Gray (2004:215-17) . I tried to follow the interview guide and cover all the questions in it.

Researcher conducted in-depth interview for at least one hour; interaction and discussions—with two health and rehabilitation service providers; one advocate of torture survivors; one doctor cum psychiatrist of the torture survivors; one Mid-Level Nepal Army Personnel; and one Maoist Mid-level Commander—in order to have secondary data related to those torture survivors. It was also essential to get prepared for the in-depth interviews with torture survivors because it enriched me with different dynamics of torture surviving and being sensitive while interviewing. While doing all these interviews, I followed the interview guidelines to interview torture survivors provided by Varouhakis (2008:7-8) which is a practical list of does and don'ts.

7. Being a Giri Student from Western Nepal

Being a Giri student from western part of Nepal, and studying in Kathmandu for approximately a decade until 2011 proved very beneficial for my fieldwork in Kathmandu and Western Nepal to acquire better reflexivity even though data might have been affected by my belongingness. Better reflexivity means a quality to be ‘self-critical’, ‘dead-end indulgence, narcissism and solipsism’ and committed to objectivity (Marcus, 1994:569) in the process of data collection for a serious work of research.

As a Giri student from western Nepal, my belongingness remained both insider and outsider. I was insider for a number of reasons. Firstly, Nepali nationality, growing up in the Hindu

religious tradition and culture; having knowledge of Nepal's hierarchal caste based society, caste system, and different privileges and obligations related to it; caste based discrimination¹² and the system of untouchability, all are common and shared by me and my informants. In Merton's (1972:21) term, I have a priori intimate knowledge of the community and its members; and I am a member of my informants' identity category of Nepali nationality to be insider. We have learnt the same history of Kirat, Malla and Shah; and celebrated Dashin and Tihar as their main festival. One of my respondents and I are relatives and we used to live and go to school/university together. Likewise, we, most of my respondents and I were not elites of our country. We eat the same food and we wear the same type of dress. We both, interviewer and interviewee were tortured; even though, interviewer was, being a journalist, less severely tortured. We speak the same Nepalese language; and experienced and observed bitter days of decade long civil war from 1996 to 2006 in Nepal together. So obviously I have prior knowledge to their culture, tradition, rules, regulations and torture experience. In Gokah's (2007:64) terms, I was more resourceful than outsiders though my familiarity does not guarantee safety.

During interview, they could not lie or build a complete new story of torture surviving because I had heard some stories about them in advance. Moreover, being an insider I knew what type of informant he or she is, what s/he likes and hates, how I should deal with him/her, what he/she was doing that time and what time I could go to meet, what that person's history is and what could be asked and what I did not have to ask.

I was outsider, too, for a number of reasons. Society, social norms and situation, social beliefs and traditions change day by day; and I cannot learn everyone's daily changing behavior and so on. As a result, as Merton terms, I became non-member (1972: 21) of the torture survivors' identity category. I tried to conceive the society from the same perspective that I had from my childhood. Second, within a Nepalese society, there exist many details of boundaries, hierarchies, untouchabilities; and privileges based on caste, sex, geography and person that I was not aware of. Therefore, as Hellowell (2006:490) opines, in some dimensions I was insider and in other dimensions outsider too. Giri informants might have perceived me insider; but for other caste informants—like Tharu, Chaudhari, Maharjan, Pun—I parachuted into their lives and then vanished as Gerrard terms the feature of outsider (1995:59). That parachuting occurred due to the

¹² Tamang (2010:95) writes that this caste based discrimination was legal in Nepal from 1854 to 1963.

academic pressures though I intended something best as suggested by Breen (2007:163). Third, political affiliation of my informants made me outsider because I was not affiliated to any of the political parties but many of them did. In terms of Griffith's definition of the insider as someone whose "biography (gender, race, class, sexual orientation and so on) gives her a lived familiarity with the group being researched"(1998:362), I turned outsider because I interviewed female, and other caste and age groups. For example, one of the informants blamed me of being a vigilante of some other states like Norway and USA. I was fully aware that I can be as seagulls, who "flies into the community; craps all over everything then leaves the community to tidy up the mess" (Drew, 2006:40); therefore, I was very careful in maintaining the confidentiality of the information the torture survivors have given to me so that I don't mess their world. Fifth, some informants from Newars and Tharus have their own language of communication, and their own ethnic histories and narratives that made me outsider. Moreover, I am an atheist; I experienced not the same type of torture; the knowledge, family status, living standard, age factor, sex, caste—all that I have is different. All of these differ from person to person that made me feel being stranger.

Being both insider and outsider meant for me to be "in the middle" (Breen, 2007:171) which is not biased to a particular type of torture survivors. Zinn (1979:211), Griffith (1998:365), Hammersley (1993:585), Hellowell (2006:487) and Le Gallais (2003:2) also have the opinion that researcher should utilize the best aspects of the both researchers' roles—insider and outsider—to enhance the research knowledge and practice. Likewise, Style's (1979:148) idea of moral rhetoric, Brewer's (1986:21) relating it with political hierarchy and class struggle, Collins' (1990:238) deconstruction of this dichotomy also favor that it is beneficial to exploit both the perspectives' strengths, because insiders claim a "monopolistic" or "privileged access to particular kinds of knowledge" (Merton, 1972:11); and outsiders focus on "the corrupting influence of group loyalties on human understanding" to which the outsider is not the subject (ibid:12). Merton not only critiques, but also celebrates the strengths of both the perspectives by claiming that "both have their distinctive assets and liabilities"(1972:33). The outsider's 'detachment' becomes a tool to acquire more than the 'taken for granted' assumption; and insider's extensive and tacit knowledge gives different understanding than that of outsiders, that is neither of them is adequate; so Merton gives emphasis on "their distinctive and interactive

roles in the process of truth seeking”(1972:36), and resolves the debate with a solution of a theoretical and technical competence that “transcends one’s status as insider or outsider”(1972:42).

Moreover being an insider, i.e., being a friend of a friend, or a relative of a relative with personal networks, helped gaining access to the information property but to analyze that property more critically, as an outsider was more resourceful. As an outsider I could understand fake friendships and quasi-therapeutic relations that one insider is not trained for; and as an insider I could become chameleon that changes the color according to the situational danger. For example, I hid my background as a journalist and remained only a student researcher during my field-work. It had some benefits. Had I shown my true past identity of journalists; many of the present informants would not have told the stories that they had told. Because I hid my identity, people have spoken more openly; they might have perceived me insider.

As my research context was multicultural, I played insider-outsider role simultaneously which proved valuable asset. On the one hand I did not take any information taken for granted; on the other hand, I did not ask unnecessary questions on everything that could irritate my informants. Likewise, because the setting of my informants was familiar to me, I did not have to struggle hard to get to the organizations and institutions to get access to informants and arrange meetings and building rapport. Because I was not too much of insider, no informant was hostile to me for taking me as their extreme outsider. I did not feel any cultural shock and disorientation.

Likewise, some of my informants perceived me outsider and might have believed that outsider is more secure to share the information because outsider will get lost forever, ‘parachuting’, and maintain secrecy leaving no harm and stigma on them.

My role as an insider-outsider is related to identity politics (Griffith, 1998:362); academic colonialism (Brewer, 1986:20) or validating ‘a sociology of knowledge’(Merton, 1972:38); and ‘recognition of different knowledges’ embedded in ‘social relations of power and privilege’ in which the researcher is located (Griffith, 1998:363), too. Therefore, by remaining in between, I have acknowledged different identity categories of torture survivors equally.

8. Language

I interviewed all the informants in Nepali medium even though some informants' first language was not Nepali. My informants' ethnicity differed from Tharu, Chaudhari, Maharjan, Bista, Pun, to Giri. Among these ethnicities, Maharjan, Tharu and Chaudhari speak their own language as their first language; but, Bista, Pun, and Giri speak Nepali as their first language. Because all my informants, fortunately, could speak Nepali language fluently; we did not have any problem in language medium.

9. Chapter Summary

This chapter discusses some methodological issues of this study. The fieldwork was done in Kathmandu and Bardiya district of Nepal from July to August 2012. During my fieldwork, I have conducted in-depth semi-structured interviews with eight severely tortured torture survivors for the primary data; and for secondary supporting data, I have also done in-depth semi-structured interviews with one advocate, two health and rehabilitation service providers, one psychiatrist cum doctor, one mid-level army personnel and one mid-level Maoist commander. These informants were selected through my social networks, called snowball sampling technique. The qualitative interview with this limited number of hard to find people, I believe, was very advantageous.

Chapter 4: Conceptual Approach

1. Introduction

This chapter attempts a conceptual framework to highlight the experiences of torture survivors in Nepal. It focuses specifically on the concepts of discourse, discourse analysis, perception, human capability and human agency. Taken together, the concepts will help to understand the lived experiences and reflections of torture survivors—especially how and why they were tortured, and their coping strategies and expectations in the post-conflict society.

2. Discourse Analysis

Discourse: In scholarly language, especially in linguistics, discourse simply means “a group of sentences, which could be a conversation, a paragraph, or a speech”(Fendler, 2010: 35).

Foucault’s concept of discourse means it is something put into words, and those words make everything mind can access and created by people (ibid:36). On the basis of these definitions, field interviews with the torture survivors, what they said, are all discourses—a spoken or a written or an expressed ‘text’. These texts represent torture survivors’ a point of view and their interpretation of their experiences of torture, how and why they were tortured, their position into the society, and their post-conflict expectations. Different torture survivors interpret and present issues differently. Therefore “different discourses are different perspectives on the world”(Fairclough, 2005:124) by different peoples. In this regard discourses involve positioning of the torture survivor, their inclusion and exclusion process in the formation of their identity category as torture victims.

Fairclough (ibid) claims discourses also have the elements of projections and imaginations; therefore, discourses of torture survivors are related to torture survivors’ expectations of the post-conflict new Nepal. He further claims relation between different discourses can manifest the relation between different people “who may complement one another, compete with one another, one can dominate others and so forth”(ibid). Therefore, discourses of torture survivors also manifest how torture survivors are related to other people in their society, how they compete and complement with other people in their society and what is their position in their social hierarchy. This thesis is not only about what is the interpretation of their experiences, but is about the

interpretation of their interpretations—which refers to discourse analysis.

Discourse analysis: Discourse analysis (DA) is to make interpretation(s) of the text (Berg, 2009, 352-53). This thesis also concerns itself with understanding and categorizing the field data which involves the researcher’s interpretation of the torture survivor’s text. It is not always possible for torture survivors to narrate their experiences because of the implications for personal security and dignity. So, DA also investigates and speculates about what has not been said (Foucault, 1980:135) rather implied. Moreover, because, the experience of torture survivor is contextual, DA involves understanding ‘who is speaking’ in the text to determine whether s/he is heard or not (Poynton, 2000: 35) and where his/her voice is in the text. By understanding, who a torture survivor is, it becomes possible to understand the power relation in that social context—who was powerful and who was a victim.

Gromm (2008:297) suggests that DA is a tool to analyze underneath ideology of the certain discourse. Therefore, what torture survivors say is determined by what political ideology they belong to; and what ethnic, professional, economic, and gender background they have. Torture survivors ideologies control the access to knowledge and information by sorting and filtering the discourses and by making “certain kinds of knowledge accessible to us and other knowledge inaccessible”(Fendler, 2010:37). Therefore, the possibility lies in the varied perception of the torture experience—one survivor’s perception of the torture may differ from another based on who they are; for example politically, economically, professionally and ethnically. Therefore, discourse analysis (DA), provides hermeneutic “approach to language”(Bryman, 2013:528).

DA does not have a fixed recipe to conduct research and analyze the narrative; rather, the recipe differs from one approach to another—“there is no one version of DA” (Bryman 2012: 528; Gill 2010: 214-215). Therefore, to analyze discourses collected from the fieldwork in Nepal, the concept of critical discourse analysis, perception, capability, and human agency are combined together in order to make a more focused and complete point of view to analyze torture survivors’ discourses.

Critical Discourse Analysis (CDA): CDA in this dissertation means post-structural Marxist, especially, Foucauldian discourse analysis seeks to dig up certain meaning from the textual data.

It focuses more upon the “relationship of language to other social processes, and of how language *works* within power relations” (Taylor, 2004: 436). This means to engage the research in finding the patterns of representations of torture survivors and torture perpetrators, who these people are. These representations are the sum of ‘us’ versus ‘them’—torture survivors versus torture perpetrators. Reader has to read between the lines of the field interview texts so as to find the evidence of ‘who’ is ‘dehumanized’, ‘othered’, ‘marginalized’, ‘suppressed’ and how these othered people accept these representations in their daily life. It also helps a researcher to analyze four elements in a textual data (Fairclough, 2005:931-3): emergence of new discourses; how these new discourses become hegemonic; how subjects like torture survivors recontextualize external discourses; and how their ideas are operationalized in new social settings and organization.

Simply, this research seeks to understand post-conflict reconciliation expectations of the torture survivors, how they want to live, and how they expect others to live with them. DA indicates the change in expectations of torture survivors from past to present; influence of post-conflict discourse over the pre-conflict discourses of torture survivors; how these expectations are constructed through media and other means of communication; how torture survivors’ life becomes meaningful and desirable amid these expectations; who constructs these expectations; and how they legitimize their position and action with the help of those meanings, meaning their expectations (Phillips and Hardy 2002:8).

Moreover, CDA is a tool to study “the way social power abuse, dominance, and inequality are enacted, reproduced, and resisted by text and talk in the social and political context” (Van Dijk, 2003:353). So who uses the language, why, when and how are very important questions in CDA (Van Dijk, 1997:2). Rogers (2004:2) claims that CDA includes not only a description and interpretation of discourse in context but also offers an explanation of why and how discourses work. Therefore, CDA is a tool to analyze how torture survivors were abused by power.

DA, as a tool, offers a point of view for the interpretation of what torture survivors say. But when its recipe is changed, DA can offer a point of view to explain how torture survivors perceived or interpreted their torture experiences. DA does not have a fixed recipe to conduct research and analyze the discourse (Bryman 2012: 528; Gill 2010: 214-215). So, as a part of DA,

the concept of perception offers a point of view on how torture survivors perceived torture—not how researchers perceive torture survivor’s perception.

3. Perception

DA is silent on how torture survivors perceive a phase during torture experience and a phase after torture experience, and even about their torturers. In order to analyze how torture survivors perceive torture, it is essential to analyze how the torture experience is perceived in their narrated interviews. Plato and Aristotle define this perception as mimesis (Plato 1972:60) and say “mimesis is the imitation of an action or of what Aristotle calls ‘people doing things’”(ibid 1972:92). Then Henry James argues these narratives are constructed through certain point of view, and points of view are different from voices (Omega & Landa, 1996:19). It means to argue that whatever said by torture survivors is not torture survivors’ voices rather that is a narrator’s voice and a narrator’s point of view. Because of this reason, perception of torture from one torture survivor differs from another. Booth distinguishes narrators into reliable and unreliable type. Reliable narrators speak for or act in accordance with the norms of the informant and unreliable narrators do not (Booth, 1961:158-9). It suggests that torture survivors’ voices or point of views can be reliable or unreliable depending upon the narrator whether it acts according to torture survivors or its own narrative. In Booth’s view, such torture survivors’ narratives are rhetoric, a form of persuasion—so their narratives may be reliable or may not be reliable.

Genette’s *focalization* is more close to perception (Genette 1980:189) and *voice* more close to narration and point of view (ibid; 213). This perception helps to know how torture survivors perceive other torture survivors and torture perpetrators. For example, one torture survivor’s perception of torturer differs from another. Narrative speaker of the torture survivors, who enters into the minds and activities of the other torture survivors and torture perpetrators and visualizes and perceives them, is a focalizer. James et al (ibid:78) defines focalizer as one who sees like a camera-eye. Mieke Bal also maintains that:

... the focalizer is the point from which the elements are viewed that point can lie with a character, that character has advantages over other characters. (Bal 1997:146)

The torture survivors’ as a perceivers’ horizon of understanding, attitude, ideology, gender, race and social and political beliefs affect the perception.

Moreover, Said (2004:61) argues that a narrative is a set of representation, which is obviously biased that requires contrapuntal reading is required. Contrapuntal reading is a reading from the point of view of humanism or human rights. It gives attention to the voices of suppressed victims (ibid:6). It means torture survivors can unconsciously express their suppressors' voices.

Perceiver knowingly or unknowingly falls in the vicious circle of focalization politics; as a result, it is required to read torture survivors' narratives from their point of view.

DA, along with the concept of perception, still lacks the systematic categories to look at torture survivors' marginalized human condition and its related real life problems. The concept of capabilities, capability assets and human agency are also integrated so as to explain what torture survivors' capabilities are, what they are deprived of in relation to their freedom and possibilities and their expectations regarding post-conflict peacebuilding architecture.

4. Human Capabilities

Sen (1985a:3-4, 1985b:201) defines human capabilities as a bundle of opportunities, which incorporate what a person can become and do. Since this research is also about how torture survivors are coping with torture and post-torture life, it translates into a study of their capabilities. Capabilities of torture survivors include torture survivors' functioning and conversion. Functioning is a person's being and doings in his real life context (Sen, 1999:95); and conversion is to convert certain inputs, like goods and services, to certain functionings. And this conversion of torture survivors is influenced by their personal, social and environmental factors (Robeyns, 2005:99). Torture survivors' personal dimension indicates their metabolism, sex, physical condition, intelligence, reading skills and so on; social dimension indicates public policies, social norms, power relation, social hierarchy, gender roles, discriminating practices and so on; and, environmental factors indicate climate, geographical location and so on. In this sense, this study is about the conversion of the torture survivors. This conversion is all about torture survivors' wellbeing which is not only opulence and utility, but also the economic, social, political, cultural and mental dimensions of their life (Robeyns, 2005:95). So, it is about the torture survivors' freedom of choice.

Robeyns argues that the western concept of justice and liberalism failed to address the diversity of the population (ibid:96-97)—diversity of torture survivors. Therefore, capability approach

argues that this diversity needs the proportional variety of access to resources, goods and services—similar to the concept of level playing goal. This study is also about to voice diversity of views of torture survivors, and their diverse needs.

The basic capabilities refers to “the ability to satisfy certain elementary and crucially important functionings up to certain levels”(Sen, 1992:45). Sen also acknowledges the importance of policy discourse in order to maintain quality of life which is to be accessed in terms of the capability to achieve valuable functionings” (Sen, 1993:31). Torture survivors’ capability assets are related to their torture experiences, abilities and coping strategies.

5. Capability Assets

Capability assets are defined from the perspective of capital and of tangibility. The *Department for International Development (DFID)*, defines *assets* as the fundamental capital of human beings that have five core categories: human, social, physical, financial and natural (DFID, 1999 & Ellis, 1999). Haider (2009:6) later added two more categories of assets: political capital-power and capacity to influence decisions. On the other hand, Chambers and Conway (1992:5) and Scoones (1998:7) broadly categorized all DFID and Haider’s assets into two broad assets: tangible and intangible. To analyse and study torture survivors’ coping strategies during and after torture experience, it is very much essential to highlight their capability assets. Narayan and Petesch (2002:463) provide following ten point categories of capability assets, which appears to be a very helpful framework for the present study.

Table No. 1.: Capability Assets

1.	Material assets	Employment; ownership of productive assets; land; house; boat; savings; jewellery
2.	Bodily health	Freedom from hunger and disease; strong, healthy-looking bodies
3.	Bodily integrity	Freedom from violence and abuse; sexual and reproductive choice; freedom of physical movement
4.	Emotional integrity	Freedom from fear and anxiety; love
5.	Respect and dignity	Self-respect; self-confidence; dignity
6.	Social belonging	Belonging to a collective; honor, respect, and trust

- | | |
|---|---|
| | within and across social groups |
| 7. Cultural identity | Living in accordance with one's values; participation in rituals that give meaning; sense of cultural continuity |
| 8. Imagination, information, and education | Inventiveness; informed and educated decision making; literacy; entrepreneurship; problem solving capacity; expressive arts |
| 9. Organizational capacity | Ability to organize and mobilize; participation in representative organizations |
| 10. Political representation and accountability | Ability to influence those in power; accountability of those in power |

These sub-topics of the capability assets are also very helpful in discussing how torture survivors can claim whether they were denied the capacity to welfare resources and opportunities to secure and maintain well-being and sense of dignity.

In order to understand the capabilities, the concept of human agency explains power of an individual to make decisions and act upon them. This also helps to understand how an individual's decision is influenced by other social actors and the social norms and values.

6. Human Agency:

Human agency is one of the many concepts of human development approach. It refers to the ability to define one's own goals and acting upon them (Kabeer, 2001:21). It specifically means to make choices and being able to "transform these choices into desired actions"(Petesch, Smilovitz & Walton 2006:40). It can be individual or collective in form. Individual agency refers to ownership of personal capability assets that enable an individual to make choices and exercise control over his/her immediate surroundings; whereas collective agency refers to a group of people's capabilities to influence public decision (Fukuda-Parr, 2003:309). The concept of capability approach and human agency are not only related to individual but also related to the community. Saha writes that human agency is historical collectivity making a participatory agency (2011:1).

People's identity, their wellbeing, their personal capability assets and their communal ability to influence the public decision are interrelated. Analyzing discourse and human development aspects both better understanding of torture survivors' voices. Discourse, capabilities and human agency are related to each other because when human agency is both individual and collective, it starts to function in a discourse level. It functions from individual level to collective. And it finally becomes social norm and value that a torture survivor is obliged to.

Agency sometimes function through a "prescribed model from outside" (Freire 1974:4); even though, "actor is able to envision alternative paths of action" (Petesch et.al. 2006:42). It means even individual agency is influenced by their environment, and situation. In torture survivors' context, sometimes, they are compelled to make decisions and enact upon them because of their surroundings, culture, traditions, power relations, and so on. In this sense, torture survivors used their individual agency but they turn just an instrument of enacting some other agency's interest. In this critical situation, discourse analysis and counterfocalization offer a point of view to look at the enactment of agency of the torture survivors—to what extent they make decisions on their own or they have compulsions to make those decisions. Bleiker (2003:40-41) also claims that these concepts of human agency and discourse of freedom should be relative—agency and freedom of one individual and its community should not cross the border of another individual, and their community.

7. Chapter Summary

This chapter attempts a conceptual framework to highlight the torture survivors' experiences, coping strategies and expectations.

Firstly, the concept of discourse analysis and critical discourse analysis were discussed to enable the highlighting of the experiences and reflections of torture survivors. The CDA is introduced specifically to help interpreting torture survivors' discourses, to investigate torture survivors' marginalization in the post-conflict social discourses, and torture survivors' expectations. Then, the concept of perception is introduced as a part of discourse analysis in order to get a clear framework to explain how torture survivors perceived or experienced torture; how torture is also perceived differently by different torture survivors.

Because discourse analysis and perception are not related to real life situations and problems, the concept of human capabilities and capability assets are employed for a clear understanding the capability assets of the torture survivors, and how their different capability assets affect their expectations and needs of post-torture coping. Moreover, as a part of human capabilities, the concept of human agency is introduced in order to get a clear outline to discuss the power of decision making, acting upon the decisions and how these decisions are influenced by other external and capability factors.

Taken together, this integrated conceptual approach is expected to help capturing torture survivors' resilience—total sum of their capabilities and their agency—which manifests their inventiveness and negotiability; and to understand the patterns of representations in the voices of torture survivors.

Chapter 5: Data Presentation and Analysis

1. Introduction:

This chapter presents and discusses the field data within the conceptual framework. It begins with the informants' background information, especially, age, sex, education, and occupation. Thereafter, the data will be categorized into themes for discussion. The themes include patterns of torture, causes and consequences of torture, coping strategies and future expectations of torture survivors regarding post-war Nepal.

2. No Further Insecurity—Ensuring Anonymity

Torture surviving is a very sensitive topic making torture survivors the very sensitive people. Goodhand maintains that low profile people “living in these situations are already vulnerable; they do not need researchers to make their lives even more complicated and dangerous”(2000:72). Therefore, confidentiality of identity and address of my informants was very essential (Bryman, 2012:137) so as not to put them in any dangerous or uncomfortable situation. Processing the data with pseudonyms and keeping them in a secure place until publication of the research and destroying the data after the publication have also been considered. One person's security and dignity are another's insecurity and loss of dignity (Bøås et.al.2006:74). So tactful handling of my research data was crucial.

3. Background of the Informants: Who were Tortured?

Table No. 1. Background Information

Informant No	1	2	3	4	5	6	7	8	9	10
Pseudonym	Kanchi	Bir Bahadur	Prakash	Krishna	Suntali	Ramu	Pravakar	Raamji	Padam	Raju
Sex	Female	Male	Male	Male	Female	Male	Male	Male	Male	Male
Age	29	41	51	45	27	36	40	55	36	32
Tortured Year	2001	2003	1997	2001	2002	2002	2001	2000	2001	2001
Days of Torture	90 days	408 days	27 days	30 days	90 days	84 days	365 days	One day	178 days	271 days
Tortured By	State	State	Maoists	State	State	State	State	Maoist	State	State
Family Members	5	3	5	11	21	7	9	5	4	5
Dependents on informants	4	2	All farming	10	18	6	7	4	3	4
Qualification	SLC	Intermediate	SLC	Class 10	B.A.	Class 8	Class 6	SLC	BA	MA
Profession Before Torture	Student	Student	Govt. Employee	Office Assistant	Student	NGO worker	Shopkeeper	Land Owner	School Teacher	Student
Pre-torture Political Belonging	None	None	UML	None	Maoist	NC	None	None	Maoist	Mashaal
Post-torture Political Belonging	Maoist	UML	UML	unknown	Maoist	NC	Maoist	unknown	Maoist	Maoist
Caste/Indigenous group	Tharu	Newar	Magar	Tharu	Tharu	Tharu	Tharu	Chhetri	Tharu	Giri

Source: Fieldwork, 2012.

Table 1 presents the background information of the informants. Data has been categorized into informants' sex, age, tortured year, days of detention, torture perpetrator, number of dependents on informant, qualification, profession, and political-ethnic belonging.

The categorization of data indicates that all the informants are economically poor except one. The exceptional one is tortured by Maoist and others are tortured by the state forces. Out of ten informants, eight were 'state victims' and two were 'Maoist victims'. This trend indicates that state authority of Nepal targeted economically poor people while Maoists targeted comparatively the richer ones. Based on the Nepal Living Standard Survey 2003-2004 (NLSS-II), these informants are under the poverty line of Nepal (DFID & World Bank, 2006:18). These poor informants belong to women, indigenous groups and Dalits of Nepal. These Dalits and low caste indigenous people are untouchables and marginalized people (ibid:xvi). Table 1 also shows that most of these indigenous and low caste informants are head of the family, upon whom many other family members depend for survival. So lower living standard and higher incidence of poverty may be because of this large family size and higher proportion of dependent family members (ibid:19)

Most of the informants are sexually males. They have the responsibility of the whole family to look after for survival. But when they were abducted, women have increased responsibilities for childcare and maintenance of family resources of food (Rubenstein & Lane, 2003:143-144). But, at the same time these informants and their dependents are lowly educated. This low level of education leads to consequent lack of access to more productive occupations in Nepal (DFID & World Bank, 2006:21). These lowly educated people and women are more vulnerable to political manipulations (Rubenstein & Lane, 2003:143-144). It indicates poverty leads to low level of education owing to the vicious circle of poverty and under-education.

Table 1 indicates that most of the poor informants had no affiliation with any political party at the time they were tortured. However, torture without reason gradually inclined them towards Maoist and they choose to become Maoist. It indicates that the planners of war and torture expected to eliminate Maoists with the use of torture. But the data shows, directly proportional ratio between the increasing rate of torture and increasing number of opponents. This table

further indicates that most of the torture survivors in Nepal are farmers, teachers, office assistants, students, bidders, NGO workers, shopkeepers, general mechanics/bicycle repairers. The profession of these Nepalese informants indicates that these people have lower level of resources (ibid:21). These resources play significant role in making of their capabilities—their choices and power to acting upon them. So these informants’ background related to profession also indicates their capability assets. Above table indicates that not only males were abducted and tortured but also the females. It indicates that torture is not limited to only a particular type of people.

These aforementioned trends indicate quite a number of themes in relation to who were tortured, who tortured them, why they were tortured and how torture affected their livelihoods. Moreover it also signals Nepalese social discourse, torture survivors’ capability assets, and the way they can perceive.

4. Patterns of Torture Experience: Trends and Anecdotes

Sharma and Ghimire (2007:38) present three patterns of torture namely physical, psychological and sexual. However, the present field data show that informants have experienced social, economic, religious and cultural. These patterns were also reported to be direct and indirect both. These torture categorizations are problematic because of the overlapping and masking of experiences. Mid-Level Army Personnel, Santosh, also agrees on it and says that many types of torture are practiced in Nepal’s security system, such as: direct, indirect, religious, cultural, non-religious, social, physical, and psychological. Though problematic, a systematic study requires broad categorization. Therefore, the following table is an integrated version of both Sharma and Ghimire (2007) and the field data.

Table No. 2. Torture Patterns:

Torture Patterns	
Indirect Physical Torture	Depriving of: sleeping, sufficient and nutrient food, fresh air, water, talking to each other, reading newspaper, watching TV, using mobile phones, internet, toilet, hospital, sunlight, warm place to live
	Blindfolding and handcuffing all the time; keeping in very cold tents or rooms; throwing in the bunkers for mosquitoes,
	Too much insects like mosquitoes, fleas, bugs and lice biting
	Carrying loads, working for months for free, and mobile prison
	Keeping healthy prisoners with the serious patients of communicable disease such as TB and diarrhea
Direct Physical Torture	Burning alive and dumping alive and keeping asking the questions; slicing the neck; drowning a man in the mud for whole night

	Slicing the flesh and spraying salt and chili powder on the wound
	Compelling to eat too much food, finish toilet in extremely limited time and so on
	Making a prisoner disabled—dumb, blind, broken hand and leg, damaged urinary system because of electric shocks and so on
	Putting a prisoner in the sack, fastening the mouth of sack and beating
	Giving electric shocks on ears, tongue, penis (of even 11000 voltages) through urine etc.
	Beating, hanging, drowning, and water-boarding
	Hitting with stone-like boots, guns, bamboo sticks, polithin pipes and big woods
	Unplugging the finger nails, toe nails; fixing the fingers on the wall with the pins, making legs up and head down for hours; appointing a detainee for beating the other; and squeezing the fingers between the boots and the floor
	Beating until one gets unconscious and vomits 8-10 times, make him conscious again, beat again—repeat this process for a long period of time
Psychological/Emotional	Kidnapping, arresting without warrant paper, no hope of life, death anxiety all the time, no sharing of feelings, no communication, no contact with anyone outside and disappearance
	Abusing verbally like: scolding, insulting, reproaching,
	Giving electric shocks on penis and making impotent—depressed of thinking about his wife
	Observing death of fellow prisoners in the prison; experiencing a friend died on the lap due to torture—fear of family members and friends getting killed; witnessing a son being killed, wife beaten and daughter being raped
	Watching or listening to mock-killing execution and intimidation,
	Interrogation more than 18 times—same questions, different people to ask and beat
	Hearing the sounds of roaring and crying out of pain, observing the unconscious people
	Feeling of being an animal—no cleaning of anus after toilet, never taking bath, never washing face and shaving, never getting hair cut, thick layer of dirt on the body skin, no brushing of teeth, too much fleas, bugs and lice, too much stinking prison because of open toilet, excretion and pee on the paints of the prisoners and the vomit of drug addicts,
	Everyday switching of the location, unknown about where they are, where will they be, who is the jailor and so on
	Threatening to remain silent with ICRC and human rights interviewer
	Getting arrested for more than 5 times
	Signing a declaration of being a criminal or murderer
Social	Impotency; no sexual relation between husband and wife leading to social problem
	Stigma: your daughter is raped—no one to marry her; your son is a criminal—no one to help and support
	Arrested the same man for more than 5 times
	Beating and killing in the public to terrorize
Economic	Getting money and other valuable assets looted while arresting, money demanded for the release, home blasted, property captured
Sexual	Getting sexual abuses, rape, electric shocks on sexual parts, sticks inserted in the vagina of a female
Religious / Cultural	Using a toilet without a door, becoming naked in front of all the prisoners and jailors; a prisoner peeing on the mouth of another prisoner; prisoner forced to drink the urine; making a women naked and so on
Source: Fieldwork, 2012.	

A. Indirect Physical Torture

Deprivation: Informants reported that they were deprived of sleep, food, sight, fresh air, water, conversation, information and even toilet. Sharma and Ghimire (2007:38) also mention about it. Informants said that the deprivation was too extreme and involved indirect physical torture, too. For instance, Ramu said:

“After a certain period of time we were not hungry any more (...). The prisons stopped stinking of vomits, urine and excretions of the toilets, and other dirty stuffs.... We were not thirsty any more. We did not feel cold. We did not feel so much pain on our body when they used to beat. We got habituated to remain silent. We forgot about TV, newspaper, radio and so on. In a word, they killed our senses to feel cold, hunger,

thirst, pain, and even illness. They numbed our senses. Many of us used to get unconscious every hour though army personnel tried hard to make us conscious” (Field interview, 2012).

Likewise, Bir Bahadur, another informant, said that “*no one had hope of life in there—everyday jailors used to check how many of us were alive and dead—HOSPITAL—no! (...) they used to say we were not in Sasuraali¹³” (Field interview, 2012). Regarding toilet deprivation, Basnet (2007:39-40) also writes, about the detainees, who left food and toilet for 5-7 days were taken to army hospital and many of them died on the way. He (2007:23) writes state army’s interrogation was so much extreme that they interrogated him 18 times in three days—same questions, different people to ask and beat—and sometimes very personal and sexual questions.*

Pravaakar shared his experience related to the deprivation of living without communicable disease. He said that “*we had to live with the prisoner who had TB; and we had to wear masque all the time, 24 hours” (Field interview 2012). Likewise, regarding food deprivation, Raju had following to say:*

They gave sometimes too much food than we could eat and compelled us to eat. If we failed to do so, they forcefully fed us or beat us. And sometimes, they gave extremely less food than we needed. There was no sense of taste of food. Because we felt death very close, we felt no hunger there. I thought, why to eat if I was going to be killed soon. (Field Interview, 2012)

Similarly, toilet deprivation was also extreme—visiting toilet most of the times was limited. “*I pissed on my paints many times being unable to control”* said Raju. He also said, when toilet was allowed, it was for only one minute. Informants reported that they were deprived of sleep also. Very painful example, Basnet (2007:113) writes is that sometimes they made a rule that every hour, detainees had to stand up for 45 minutes; and they had to sleep for 15 minutes every hour.

Kidnapping: Many informants in the field reported that they were “kidnapped” and indirectly tortured. They reported that they did not know who took them, where they were and they did not receive any warrant paper for arrest in the beginning. According to them, they were blindfolded for months and years—as long as they were kept in the barracks before they were sent to jail through the legal process. Krishna, a Maoist victim torture survivor, for example, said that “*we were far from the world, we were unknown about outside and our family. We did not have any means to send the information outside. (...) we were not allowed to have conversations in*

¹³ Sasurali means wife’s paternal home where a man gets full respect, good food and extra care.

between the detainees too” (Field interview, 2012). Regarding this, a Master’s student, Raju, who was successful to move to jail from terrible barracks had following to say:

“Once I entered the jail after the barrack tenure of 271 days, I was very delighted. I was so much happy that I felt like I was in heaven for the first time after 9 months. I was so much happy that I could see the sky, buildings, people—everything, I could talk to other detainees. I could wash my face. I had separate room. My relatives and friends could meet me and give me some fruits. I got everything. My hands were not handcuffed. I started to eat full-stomach. So I felt like they can keep me there for whole life. No problem at all.”(Field interview, 2012)

Many informants also reported that they did not have a bed to sleep on, and they were not allowed to contact people and tell them that they were still alive.

Being a Pig: Krishna had following to say about his experience of torture:

“we were just pigs [...] given worst food, however, very happy with that. Uff [...] we were wearing torn clothes, our body swollen with beaten marks, long and dirty beards and hair, thick layer of dirt on the body skin, [...] thrown in the dirty bunkers [...] leaving us becoming food of the mosquitoes—days and nights with natural extremes, such as, 45^oC burning temperature, [...] oho [...] raining, burning sun of the summer and extremely cold tents of the winter!” (Field Interview, 2012).

Ramu also shared similar experience in his interview thus:

“No one cleans anal after excretion—they have only toilet! No water to clean the anus! [...] no one washes and brushes face and teeth. Don’t talk! Too much of fleas, bugs, and lice [...] sucking the blood every minute! Attached toilet without a door! [...]And the imprisoned room stinks too much. Army also kept junkies (drug addicts) with us, who vomited around us and it smelled wyaaa! too much! too disgusting! [...] It is far better to live on the dumping site”.

Everyday Switching of the Location: Raju, a state army victim expressed his pain regarding everyday shifting of the detention center thus: *“every day I had to pack whatever belonged to me, then carry them, get loaded into the black trucks more than its capacity and follow the torture perpetrators to a new place where we were supposed to get killed!” (Field Interview 2012).*

Informants told that before switching the place of detention, they were told that they were going to be killed in the jungle. For example, Raju notes that most often they were thrown in deep bunkers, blindfolded and handcuffed, and were threatened to remain silent. Moreover, they were taken to sometimes new detention centers, sometimes into the forest, sometimes in the same trucks whole day and come back to same place again. During the switching of location, Ramu

said that “*we were the donkeys carrying loads and walking at the speed of the master’s will*”(Fieldwork, 2012).

This switching of place was related to keeping detainees disappeared. Informants noted that media, HRO (Human Rights Organizations), NGOs and INGOs—no one was allowed in the army barracks. ICRC was allowed only few times if pre-information was given to barracks before 24 hours. Pravaakar said “*it was all a drama to hide us and give the message that they don’t have anyone illegally detained*” (Fieldwork, 2012).

B. Direct Physical Torture: It is the main torture pattern explained by Sharma and Ghimire (2007) too. The statement Ramu introduces the direct physical torture thus:

We had to get used to beatings, hangings, drowning, and hitting with the stone-like boots, bamboo sticks and polithin pipes even by getting naked. [...] Water boarding in very cold water was too much extreme! We never tasted meat and green vegetables in the barracks! Rice was too mixed with sand and glass particles. As a result of insufficient food, polluted air, cold temperature, [...] poor sunlight exposure and starvation many prisoners suffered different health problems.

Extreme Beating: Informants indicated that torture used to be extreme—the police got tired of beating with big sticks; and they hit with guns and boots as much as they could. For example, Bir Bahadur said that “*I was beaten so hard that my bone and the flesh were apart—the flesh did not stick to the bone! [...] their beatings destroyed my natural bodily structure and damaged my organs*” (Field Interview 2012). “*Beatings used to be so much that one had to vomit 8-10 times*”—says another torture survivor, Raju (Field Interview 2012). It indicates the intensity of beatings. Basnet also mentions that detainees used to get unconscious many times before they died (2007:62).

Burying Alive & Setting Fire on Detainee: Basnet (2007:83-84) writes detainees were buried and burned alive. Regarding this, Raju, a torture survivor, also told that “*I cannot forget—they put the fire on you and start asking questions! [...] they dump a man alive and keep asking the questions until he is fully dumped [...]*!”(Field Interview 2012).

Drowning & Water Boarding: Basnet (2007:83-84) claims that during interrogation, a detainee is drowned in the mud whole night. Raju, also says “*water boarding and drowning in the well and big drums--[...]I believe—no one escaped it*”(Field Interview, 2012).

Electric Shocks: Basnet (2007:83-84) mentions that detainees were compelled to urinate on electric heater so as to make the detainees impotent. Suntali also claims, “*I think—electric shocks used to be as high as 11000 voltages*” (Field Interview, 2012).

Spraying Salt-chilli-lemon Juice into Wounds: Basnet (2007:83-84) writes that salt and chili-powder was sprayed on the open wounds, too.

Half-Beheading: Basnet (2007:83-84) writes that state army even beheaded people during interrogation. Raju, a torture survivor, also said, “*I saw—Oh My God!—they kept slicing a detainee’s neck, and kept interrogating him ...uff... the man’s neck was half-sliced but they did not stop[...]. They were devils*” (Field Interview, 2012)

Everyday New Torture Techniques: Detainees were tortured differently on different occasions. For example, Ramu and Raju (Field Interview, 2012) reported that prisoners were tortured not the same way every day; rather, torture techniques kept changing—today, legs up and head down for hours; tomorrow, *one detainee compelled to beat the other* detainees; the day after tomorrow, *stripped naked in the public*; and the fourth day, electric shocks. Moreover, Basnet (2007:83-84) also indicates fixing the fingers on the wall with the pin as common in barracks.

Mock Killing Execution: Regarding this technique, Ramu (Field Interview 2012) said that “*we saw our co-detainee hanged on a tree and taken out his skin. He was pleading for his life, but, soldiers didn’t listen to him*”. Raju also mentioned

“a detainee was beaten until he got unconscious [...] they put the unconscious persons in a truck and fired the bullets on them [...] I saw it! But many times when I was blindfolded I heard soldiers shooting the prisoners and telling one of us to dispose of the dead bodies! It may be mock killing executions in order to frighten us and it could also be real executions.” (Field Interview, 2012)

C. Psychological Torture: It is second important pattern of torture as described by Sharma and Ghimire. They (2007:38) write that commonly practiced psychological torture techniques were death threats, mock executions, deprivations, coercion, threats, humiliation, isolation and mock amputations. Moreover, mock executions, threats, secret detention, disappearance, kidnapping, exposition of killing, mutilating certain parts of the body and torturing others were also commonly practiced. Most of my informants also confirmed it. Examples are explained below.

Prepared to Die: Bir Bahadur said, “*one friend died on my lap due to torture [...] many were killed in front of our eyes; as a result I always feared for my life [...] I think everybody was waiting for his/her turn to die!*” (Field Interview, 2012). Krishna further visualized the shivering bodies “*were attempting to say something—but roaring and crying out of pain or laying unconscious[...] by saying ‘please kill me quick!’*” (Field Interview, 2012).

Getting Arrested More than 5 Times: Raamji said “*I was arrested five times soon after the court’s verdict to free me—just from the gate of the court!*” (Field Interview, 2012).

Verbal Abuse: Most of the informants said that they had to get used to verbal abuse meaning scolding, rebuke and reproaches with the words such as ‘mother fucker’, ‘bastards’, ‘bitch’, ‘dog’, ‘pig’ and so on. It was quite normal in the detention centers.

No Hope of Life/Survived by Chance: During field interviews, all the torture survivors reported that they did not have hope for life—they survived by chance. For example, Ramu said that “*I am happy that I am alive*”(Fieldwork, 2012). Regarding this, Pravaakar who uses wheel chair due to torture had the following to say:

“Maoist tortured my family for only one day in front of all family members and even villagers but I lost everything! [...]my son killed!, my wife beaten!, my home was blasted!, my land confiscated!, [...] and my hands and legs were hammered so much that I had to amputate them to survive. [...] They are living monsters. They broke my son’s hands and legs from top to bottom with big stones. Then [...] ahh... they warned all the doctors not to give us any treatment! [...] As a result, my son died ..(pause)... I have also seen them strapping a man to a tree and inserting a sword through the stomach when I was abducted! I had never thought that I would be alive!(Field Interview, 2012).

Prakash, one of the local political leaders of Nepali Congress Party, mentioned that *“the local community believes that when someone is captured by the Maoists, there is 90% possibility of death of captivated”*(Field Interview, 2012).

Signing a Paper: Most of the informants said they had to sign either a paper—which declares that ‘they were Maoists involved in attacks and killings; they wanted themselves to be in detention; they were not tortured in the detention center, and so on. It tortured them psychologically. For example, Ramu, who was put into Chisaapaani Armi Barrack, says, *“It does not matter who is culprit and who is not, just if you are there, you are a culprit. [...] We did not have other options than to sign the paper or get killed!”*(Field Interview, 2012). Basnet (2007:37) also writes that these papers were prepared in order to provide a proof in case torturers are taken to international tribunals.

D. Economic Torture: Out of ten informants, five reported that they were economically tortured. For example, Prabhakar (Field Interview, 2012) said the following: *“whatever I had at home and at my grocery store, they threw out. They broke my TV, and took all my money from the shop”*. Specifically, Human Rights Watch (2004:2; Basnet, 2007:130) reports that many soldiers, who had close links with superiors of army and police, were engaged in extortion and blackmail activities, too, by visiting hapless families. They demanded money for ensuring the safe release of their kin from the custody.

E. Social Torture: Torture survivors reported that they were tortured socially. For example, Kanchi said *“thinking about my prestige always tortures me. People think that I am a criminal. I am raped even though I am not. It was very difficult to get married. No one helps me, no one supports me”*(Field Interview, 2012). It illustrates the role of perception in relation to torture. People feel tortured by the knowledge about what others think about them. Moreover, it is very difficult for a girl in Nepal to get married when she is raped (WOREC & ISIS-WICCE, 2011:84). And it leads to suicide, forced marriage, and stigmatization and so on. In short, society makes life difficult for rape survivors or stigmatized torture survivors.

F. Sexual Torture: Sexual torture was rape and sexual abuse in Nepal (Sharma & Ghimire, 2007:38; Nowak 2006:8). Two informants reported that they were sexually abused. Regarding rape, Suntali was not quite open. However, villagers said that she was raped. In contrast to

villagers, Suntali, said, *“I was not raped fortunately. All other women who were arrested with me were not only raped, they were stripped and sticks or shoes inserted into their private parts”* (Field Interview, 2012). This statement also illustrates the role of perception and the role of Suntali’s agency to produce the truth of hers. She falls helpless even by using her agency. Here what she means is many women are raped and it is obvious practice of torture.

G. Religious/Cultural Torture: Informants also reported that they were culturally and religiously tortured. For example, Raju said, *“jailors used to force us to be naked in front of the public, urinate in the mouth of other prisoners, and drink the urine [...]! Even toilets were without doors. I have also heard that they raped women in front of their parents. It hurts culturally”* (Field Interview, 2012). It indicates people’s perception of culture and religion, or their beliefs play significant role in hurting them.

5. The Causes of Torture

People were tortured for a number of reasons during the civil war in Nepal. Varouhakis (2008) highlights five important reasons. He writes that torture is to “annihilate the victim’s personality, to obtain information or confession, to punish and degrade, and to spread fear in the victim’s community” (2008:4). In addition, Wisniewski & Wmerick (2009:6), too, discuss three more reasons: judicial, deterrent and sadistic. However, informants, during the fieldwork, indicated a lot more reasons; such as: monitory reasons, personal revenge, masculinity, being a rich and silencing.

Criminal Punishment and Fallible Perception: Criminal punishment was a motive behind torture in Nepal. Sussman (2004:31; Varouhakis, 2008:4) argues that torture is a form of criminal punishment. Foucault (1980:35, 42) names it judicial torture to indicate punishment and investigation. Regarding the cause of torture in Nepal, Pravaakar, an informant survivor, said that *“Maoists believed I was exploiting the poor peasants and therefore I should be punished!”*. He further explained that:

Maoists killed my the only son, made my wife mad, broke both my hands and legs, blasted my house, and took away all our property in only one day. It was all for the reason that they believed I was exploiting the poor, Tharus. But, in reality I was not exploiting them; rather, I just had little more land than the local Tharus. (Field Interview, 2012)

Above mentioned extract is very important in relation to perception—what survivors perceive and what perpetrators perceive. Perception also plays key role in torture perpetration. Maran (1989:11) argues that ideology of people legitimizes torture practices in the form of punishment. Similarly, J.S. Mill’s concept of utilitarianism justifies torture if it brings 'greater good for a greater number of people'(Almond 1988:127). Likewise, Kant’s idea of good will, sense of duty, and a moral act done for right reasons (Pojman, 1998:194) also justifies torture by claiming ‘the end justifies the means’. In Maoists’ judiciary system, too, torture was just a punishment led by public ideology of ‘good by bad means’. It was just a discourse or statement to say. In reality, Raju, an informant, noted that:

“The Maoist leaders wanted to torture their oppositions, especially, the royalists, Nepalese Congress Party, UML, National Democratic Party. So, they ordered and convinced their juniors to torture their political oppositions. This was even more severe from government side” (Field Interview, 2012)

Above extract indicates that all detainees in army barracks, too, were accused criminals of being a Maoist or helping them. Maoists also captured people, who they perceived were helping the government to fight against the Maoists (Subedi, 2012:17). Maoists’ punitive system involves torture, seizing property, capital punishment and intensive labor for months under their mobile prison system (Prakash, Field Interview 2012). Prakash shares his survival of capital punishment thus: *“an old woman, owner of the prison house, fortunately informed me that Maoists have sentenced me to a capital punishment. So I sneaked away”* (ibid). Above discussion indicates that either torture perpetrators and victims did not have the agency, they were just playing the role or perpetrators were also manipulated by the discourse of war engineers/top level actors.

Confession/Evidential: Foucault argues that gaining confession through torture is also very important for the state because confession is a supreme form of evidence “in the ritual of producing penal truth”(1980:38-39). Informants’ notes also indicated the same. One mid-level army officer, Santosh, told that interrogatory methods other than torture are very expensive, time consuming, technology demanding and difficult. He meant following to say,

“the mentality of all police is the same. They are not interested in investigating or collecting facts—I myself have ordered junior staff to torture culprits. The main causes are a lack of manpower, lack of technology

for controlling crime and a limited time bond of 24 hours to present the accused (suspects) before the court with evidence when there is none!”(Stevenson, 2001:752¹⁴).

Familial and Personal Revenge: The innocent civilians were tortured and that compelled them to become Maoists so that they could revenge (Pettigrew, 2001:127). Informant, Pravaakar, also said that *“my enemy became Maoist in order to kill me! [...] or at least ruin me! [...] it was personal enmity with the cover of politics”*(Field Interview 2012).

Silencing and Suppression: The informants indicated that detainees were tortured in order to keep them silent—so that they will not speak to media, human rights organizations and so on. Raju specifically said that *“State army did not release us. They kept torturing us in order to hide the information related to torture, killings, their misbehavior, abnormal conditions of the detainees and cases of disappearance”* (Raju, Field Interview, 2012). Moreover, suppression was also the cause of torture. For example, Raju said, *“[...] actually they want to dominate us”*(Fieldwork, 2012). It shows that Foucault (1980:35) is right to some extent. Foucault (ibid) argues that in order to make public admit the suppression and fear the sovereign, the state uses an ‘economy of power’ to execute torture in the public (Foucault, 1980:35). Torture perpetrator Colonel Raju said that *“your human rights, courts, shoot them! he... he... he... They do not turn anything up and down!”*(Fieldwork, 2012).

Spies/Information: As Nepal Conflict Report (2012:125) reports, motive behind Security Forces torturing and killing people seems to extract information about the Maoists. Most of the informants reported that state army believed torture as a very effective interrogation method for obtaining information. Kanchi (Field Interview, 2012) said, *“They tortured me because they wanted to arrest Maoists with the help of information I give them. They believed I knew some information about the Maoists”*. Perception of Kanchi is that they believe in something, but in reality it may not be so since another informant Raju said they just want to dominate. So willing to dominate might have some psychological causes which is not the focus of my study.

Biological Reasons: Basnet (2007:81) also writes in order to show the manhood, bravery and impress the female detainees, jailors used to torture the detainees physically more than ever.

¹⁴ He cites, Guragain G. (1994). *Indelible Scars: A Study of Torture in Nepal*. Kathmandu: Centre for Victims of Torture (CVICT) Nepal .

Raamji said “*they wanted to impress female prisoners by torturing us*” (Field Interview, 2012). Mid-level army officer, Santosh (Field Interview, 2012) also noted that,

“all people are by nature violent and therefore they want to torture the detainees. There do not exist any training on how to torture or interrogate the detainees. No one knows how much he or she can torture and how much he or she should not. They have no limitations—they can do as much as they want—it is all about being tough as a man soldier!” (Field Interview, 2012).

Belonging to the Other Side of the Political Divide: In my opinion, torture was a weapon of war. People were tortured because they helped the enemy by giving them food, money and moral support. For instance, Raamji noted that, “*State army thought that we were their enemies. In their view either we were Maoists or we helped Maoists*” (Field interview 2012). An army general also noted, “*to fight a terrorist, you have to fight like a terrorist*” (Crisis Group 2005:9). This idea of the army colonel justifies the Kantian idea of good will as a reason of torture and Mill’s idea of ends justifying the means of torture too (Almond 1988:127; Pojman, 1998:194).

Torture as a weapon of war was used in order to break the self-respect of the detainees, too. For instance, Ramu said “*I felt helpless. I saw my life meaningless. I believed I could do nothing. I felt I was no more than an animal*” (Field Interview, 2012). Likewise, torture was used in order to satisfy unconscious desire to revenge, too. For example, one of the torture perpetrators was the brother of Colonel Kiran, who was killed by Maoists; and he tortured detainees because wanted to revenge (Basnet 2007:25). It indicates one even fulfills his unconscious desire to revenge even by torturing, beating and verbally abusing the wrong people.

Economic Motive: Torture was not only a weapon of war, but evidence shows it was also a weapon to wealth. Prabhakar, like two other informants, indicated, “*When the army kidnapped me, they took all the money I had*” (Field Interview, 2012). Basnet also writes that when he along with his friends were arrested by the state army, they had with them motor-cycle, gold chain and gold rings but belongings were never returned (2007:131). Detainees were given insufficient food; they were neither given meat nor vegetables. It has economic implications. According to Basnet (2007:89) army barrack gets full money for food for the detainees. When the detainees were not given sufficient food, the money is saved for the corrupt officers of the barracks. This indicates corrupt practices in relation to food in the army barracks (Basnet, 2007:89).

6. How are Torture Survivors Affected?

As discussed in chapter 2. VI, Sharma and Ghimire (2007:39-41) discuss physical, psychological and social consequences of torture; however, informants indicated that they were affected directly and indirectly in three more different ways—economically, sexually and culturally.

Psychological Consequences: Even though the present researcher has no expertise to speculate on psychological issues, it is still instructive to note the self-evaluation of informants regarding psychological consequences. Some informants complained about loss of concentration, sleeplessness, self-harm, use of hostile language and general aggressive behaviors. These consequences are also briefed by Sharma and Ghimire (2007:39:40). By the way of illustration, Bir Bahadur stated that: *“I've lost self-control.....I'm not the person I was before ...Look....I can't work on my farm; I can't concentrate on anything these days.....”* (Field Interview, 2012). In a somewhat hostile language and gestures, Ramu also said the following: *“if I meet the person, who tortured me, I would leave no time in harming him....why did he do this to me?”*(Field Interview, 2012). In another rendering, Raamji noted that *“I'm always confronted by those horrible events.....I see them in my sleep.....dreams. I wake up in my sleep....I can't sleep at all. I get frightened.....”* (Field Interview 2012). Bir Bahadur also showed a sense of hopelessness in the following terms:

“I was a teacher and, after the kidnapping and torture, I continued teaching job..... But, I felt the subjects that I teach are new to me. I always forgot the meaning of some basic terms...words; I don't understand what I teach..... Everybody is also complaining about my work, including my students and school principal. So I stopped going to the school; I left the teaching job. Then, I started a poultry farm but I lost my birds to a disease..... Recently, I went back to school to study but I in the class I understood nothing..... even though I've studied and worked with that subject” (Field Interview, 2012).

All the above illustrations are pointers to the state of mind and self-evaluations of some of the informant torture survivors.

Physical and Economic Consequences: Most of the physical consequences reported by informants has also been mentioned by Sharma and Ghimire (2007:39-40). However, individual experiences differ from person to person. Like the other seven informants, Ramu has following to say,

“I have chronic pain [...] (by pointing at the scars on the back and thighs)..meat knots are all over my body and marks of wounds are still visible. [...] I spent all the money I had for my treatment in the last 5-7 years. Now I have no money for the treatment so I’ve stopped my treatment! I have nerve system defect. I cannot walk as I used to; I walk as a one legged man now (Field Interview, 2012).

Consequences of physical torture are quite many and they affected informants differently. Many people turned handicapped. Basnet reports that a man lost eye sight; another became deaf, while many others became disabled due to the fracture of fingers, hands, legs, ribs, backbone and nose (2007:57, 83, 104). He additionally reports that one man turned into a man with a big hole on the back through which one could insert the hand in his body (ibid). Likewise, it affected on the carrier of the informants, too. Following table illustrates the impact of torture on profession.

Table No. 3. Impact of Torture on Profession

Pseudonym	Profession Before Torture	Direct Visible Impact on Professionability
Kanchi	Student	Termination of Studies
Bir Bahadur	Student	Termination of Studies
Prakash	Govt. Employee (Khardar)	Termination of Government Job
Krishna	Office Assistant in Sub-health post	Termination of Government Job
Suntali	Student	Got the job of teacher but quit further studies
Ramu	Bidding & NGO worker	Loss of physical health, and gain in political career
Pravakar	Shopkeeper, bicycle repairer	Loss of economic material, and physical health
Raamji	Land Owner	Loss of property, and displacement
Padam	School Teacher	Termination of Job
Raju	Student	Delay in Studies

Source: Field Interview 2012

The Table 3 demonstrates that torture led to the termination of the job and studies too. It also shows that torture led to the deferral of duration of studies. It indicates that torture has negative impact on the

profession and studies of the people. Regarding the consequences of torture, Raju said that *“I worked for a NGO. But, because I get tired very quick, it became very difficult for me to work. So I quit the job 3-4 years ago”* (ibid). Additionally as Prakash and Raamji relocated themselves to a new community, they lost their assets and sources of livelihood. All this affected their ability to fend for themselves and their children.

Because of physical torture, their body is not as capable as it used to be. Raju said that, *“We cannot have as many cattle as we used to have. It led to the lack of fertilizer on the field, and it led to further loss of productivity, too”*(Field Interview, 2012). Madan said that his father used to have 15-16 buffalos and he was considered a rich man, but these days he has only one. Krishna said that *“People give loan to the rich people or to the people who have jobs, but not the torture survivors because they are poor now”* (Field Interview, 2012). All the torture survivors reported

that they had big loss of material assets along with the studies and job. Survivor of Maoists' torture, Raamji, reported that *"Maoists blasted my house and seized all my property! Further, they mutilated my hands and legs! [...] I cannot work. They also killed the only son I had! I lost 'everything'!"*(Field Interview, 2012).

Above discussion indicates that torture led to the loss of material assets, bodily health, and bodily integrity. They also lost respect and dignity in the sense that they are not getting loans as easily as they used to get.

Social Consequences: Sharma and Ghimire (2007:41) discussed only stigma as a social consequence; however, the informants reported the loss of respect, dignity and friends. About this, Kanchi, a female informant said that: *"Even though I was not raped, people think that I was raped. People also think that I am a criminal because I was arrested. As a result, I have lost my self-respect and good name in the village"* (Field Interview, 2012). This expression shows why she had to get married with the person, who is lower than herself in terms of education, property and other capabilities like family background and her beauty. Informants indicated that because of loss of material assets, they lost respect and dignity. Regarding her dignity, local political leader Prakash says:

Kanchi deserved educated and rich husband because of her family background, her beauty and her qualification; but, got to marry very uneducated and extremely poor man. She used to maintain good get up and speak formal language. She was always well dressed up but after torture she does not care about dressing up. (Field Interview, 2012)

Informants indicated the loss of identity because of torture. For example, Pravakar said the following about his loss of identity: *"they tortured us because they thought we were Maoists, so we became Maoists after we underwent torture; we did not want to, but the state army compelled us to be"*(Field Interview 2012). It indicates perception of the people, state army and even informants to shape their identity category.

Regarding the loss of social property, two torture survivors reported varying views. While Krishna said he did not want to meet people; Bir bahadur noted that people did not want to meet him. Krishna said, after he was released from military detention, he was suspicious of everybody

so he did not want to talk to people. This led to his loss of friends and by extension social network. Krishna said,

“Soon after my release, the Maoists and the cadres of Nepali Congress came to see me but I refused. Not only this, I refused to meet my relatives and neighbors, and tried to avoid them for security reasons. I wanted to live alone as I did not trust anyone. It led to loneliness and despair. [...] I lost my friends and relatives”. (Field Interview, 2012)

But Bir Bahadur said, *“My friends wanted to be far from me due to the risk of being arrested by the state army. My friends thought I was a Maoist. They also thought if they come to me and talk to me, they will also be tortured. So people’s views made me lonely”*(Field Interview, 2012).

Even though the views are opposing they give a common theme, i.e., perception of informants and their related people played vital role in cutting social network.

Sexual Consequences: Though the informants were not open on this topic, there were indications that torture survivors were suffering from sexual effects such as impotency. Like Basnet (2007:83-84), informant Raju mentioned that *“many torture survivors became impotent due to electric shocks and they don’t get any social respect for that”*(Field Interview (2012)

Cultural Consequences: Sunatali, one informant, indicated that many women detainees were raped and had become mothers of the kids of unknown fathers. *“It led to a new culture of poor men taking care of other people’s kids!”*(Suntali, Field Interview, 2012).

7. Coping Strategies

Coping strategies of torture survivors are related to the saving of their lives during and after the emergency situation of war and torture. It is a work of adjustment and learning. Skinner & Wellborn (1994:112) highlight coping specifically as a way of regulating the behavior, emotion and orientation during the psychological stress situation. However, coping is not only related to psychological stress, rather to all types of stressful situations. Stress is defined as any circumstances that threaten one’s well-being (Weiten et.al., 2009:71). So, better definition of coping strategies are “specific ways of dealing with the stressful situation (Hooberman, 2007:32). So this study is based on the definition of Eisenberg et. al. (1997:45), who define coping as self-regulation of behaviors, situation and emotions when one is faced with stress.

Categorization of coping strategies is problematic because of their overlapping of the characteristics. However, a systematic study requires broad categorization too. Eisenberg et. al. (1997:45) presents threefold categorizes of coping strategies, namely: regulating behavior, emotion and situation. Because coping strategies differs from person to person, and situation to situation, this three-fold categorization lacks many more categories. However, categorization of coping strategies by Compas et.al.(2001:92) seems more inclusive. They provide twenty-three broad categories. However, all the strategies are not used in this study, rather some new categories are also formulated so as to provide a better picture of coping strategies of torture survivors of Nepal. Some of these 23 different types used in this study are: problem solving, cognitive restructuring, seeking understanding and support, catastrophizing, emotional release or ventilation, physical activities, acceptance, distancing/avoidance/denial, wishful thinking, suppression/silence, resigned acceptance, alcohol or drug use, seeking support, and use of religion (Compas et.al., 2001:92). And a new types of coping strategy is comparison—especially, downward social comparison which will be explained and defined below.

Based on aforementioned definition and categorization of coping strategies, torture survivors had to cope at three different periods—pre-torture, torture, and post-torture. However, two periods are significant: one, the extreme torture during their period of disappearance; and two, extreme post-torture period if by chance they survived. So torture survivors' coping strategies are

"attempts to directly regulate emotion (e.g. emotion focused coping, henceforth labeled emotion regulation); attempts to regulate the situation (e.g., problem-focused coping, including thinking about how to do so), and attempts to regulate emotionally driven behavior (e.g., behavior regulation)". (Eisenberg et. al., 1997:45)

Most of the coping strategies during the detention period are almost similar; however, the coping strategies and coping power of the post-torture period differed from person to person. They are unexpected sometimes. For example, Ritu, NGO Chairperson and psychologist for torture survivors, also noted that—*"it is more difficult for men than women because society expects men to be strong as a result men don't say that they are coward and weaker rather they do not open up so that they don't lose self-esteem; but women [...] easily cry!"* (Field Interview, 2012). Some torture survivors consider the minor problems as huge obstacles; whereas some others take considerably biggest obstacles to be normal problems that can be easily handled. Examples demonstrate that political cadres and educated torture survivors had comparatively easier ways to

cope during and post-torture phase because political cadres had a lot of supporters to encourage, and educated people had the qualifications to get the jobs. “*Maoists and army also coped easily because they were already ready to kill or be killed*” (Ritu, Field Interview, 2012).

8. A. Coping with the Extreme Torture in the Detention Centers:

In the detention centers, torture survivors’ main coping strategy remained overcoming the fear of death. For example, Raju said that “*I did not fear death, it was the main strength,[...] to live was too much painful than to die!*” (Field Interview, 2012). Bir Bahadur said it was a form of war— “*when ICRC succeeded in getting information about us, we felt a sense of victory*” (Field Interview, 2012). It means torture did not remain torture; it developed as a profession of detainer and detainee. Raju had following to say:

“Torture being used every day we got used to it..... it stopped hurting as much as it used to hurt.... They killed our senses...we didn’t feel hunger after some days of hunger; we didn’t feel pain when beating led to numbness”(Field Interview, 2012).

As Basnet (2007:77-78) and informants said, silence also remained a main coping strategy in the detention centers.

8. B. Coping with the Extreme of Post-Torture Period

Coping with the post-torture phase differed from one individual to another. Broadly, some coping strategies were directed towards adapting with the stressful situation and some others towards adjustment. However, some other strategies were directed towards learning new techniques and skills which are constructive. Categorically, it is discussed further.

a) Problem Solving

Problem solving coping strategy is the central coping strategy of the torture survivors in Nepal though it differs from person to person and place to place. D’Zurilla and Nezu (1982) defined problem solving as the “process whereby an individual identifies or discovers effective means of coping with problem situations encountered in day-to-day living” (1982:202). Torture survivors, too, have demonstrated resilience and creative ways of living with their circumstances.

Displacement/Going Abroad: Out of ten informants, five torture survivors reported that they got displaced temporarily and two of them permanently. For example, Raamji said that “*my land*

was seized by the Maoists, so I moved to nearest big city” (Field Interview, 2012). Similarly, another survivor Prakash had following to say:

I took shelter in the homes of relatives after got displaced from the hilly region to Terai (plain) region. Then I started working as farm laborer for survival. After that we started to do adhiya¹⁵, and sometimes we borrowed money from the friends, relatives, or rich people of our community.... Many torture victims went abroad but I struggled here with my family.... When conflict ended, I went back, sold the property, and built a house here. (Field Interview, 2012)

These extracts indicate that displacement is an important coping strategy which indicates even the agency of the torture survivors is not as free as it is thought to be. Human’s capabilities are limited by their freedom maintained by their circumstances.

Transformation Opportunities: Changing gender role in labor. Informants, who could not migrate, indicated that they worked in their own lands and owned buffalos, goats, and chickens. Work division was done in relation to what a person can and cannot do—meaning changing the role. For example, physically disabled man informant does household works and his wife works in the field or farms. Anjana (2012:49) also indicated it. In many poor torture survivors’ family, men do household works like cooking and elder kids look after the younger kids and cattle. This is re-division of labor. Survivors, who were extremely poor, used to do *adhiya*¹⁵ and *Tikhur*¹⁶. Krishna, for example, said “*even though our bodily health does not support, we must work to survive... We have some field to farm... and we have some chickens and goats*” (Field Interview, 2012). The better example of changing of the gender role can be noticed in the experience shared by Pravakar:

My wife had to be both father and mother during the period I got disappeared[...] She did not have hope that I will return! As a result, her health and kids’ education got hampered.... But, when I returned and had to undergo physical treatment, my wife had double burden. She had to work in order to buy medication for me too, along with sustaining family! [...] We discussed ‘who could do what’ and did accordingly. (Field Interview, 2012)

Similarly, Bir Bahadur also noted that, “*after I got released, I could not work so my wife started to do the job in the carpet factory to sustain the family*” (Field interview, 2012). Pratik notes more difficult life of kids thus: “*Some boys and girls of poor torture survivors are working for*

¹⁵ Adhiya is a system of working on farms of landlords. Such farm laborers get 50% of the total harvested crops.

¹⁶ Tikhur is a system system of working on farms of landlords. Such farm laborers get 67% of the total harvested crops.

landlords...and if they are of legal age, they go to Dubai-Qatar¹⁷ for manual jobs” (Field Interview, 2012). Poor torture survivor, for example, Kanchi, could not own buffalo and cows. She believes, “only rich people can own them therefore I have a couple of pigs and a dozen of chickens”(Field Interview, 2012). This indicates how she has been coping with the poverty with the capabilities she had. To illustrate the transformation, Shanker noted thus:

“involve yourself, help yourself! [...] if you have broken your legs, use your hands! if they have broken your hands, use your legs for survival! And if they have broken both hand and both legs, you can use your mouth, brain and so on and survive!” (Field Interview, 2012).

These examples demonstrate that informants had both inventiveness and adjustment.

Silence: All of the informants indicated or at least implied that “silence” was their main coping strategy to remain safe. They indicated that they were too much suspicious of strangers.

Regarding it, Pratik, local political leader, said that

“...these torture survivors are extremely silent about their torture experience; they tell nothing! They are suspicious of everyone.... Even they beat their kids very hard to keep them silent!”(Field Interview, 2012).

Limiting Child Birth was another coping strategy. For example, Bir Bahadur said, “Because of loans and no source of income, I did not dare to give another child to my wife” (Field Interview, 2012).

Attempting Skilled Job: Table No. 3 indicates termination of the studies and job or delayed studies; however, the torture survivors started doing skilled job as long as they can. One informant was teacher and another was lecturer. They were students when they were tortured. Third is office assistants, fourth doing bidding, and the fifth a part-time NGO worker. It shows that seeking skilled job is the main coping strategy of educated torture survivors. Raju said, “Social support and pity was very important to get the job!” (Field Interview, 2012). Moreover, informant’s experience, and knowledge in running a business helped a lot to cope with post-torture phase to restart the business. Two informants reported that they have re-started the business and running it well with the help of their family members. Pravakar says—

“I have small shop, too. I became happy that I am alive. I am doing my job normally these days. Because I was businessman, I got the goods to sell on credit. I sold the goods, earned money and paid back. Everybody trusted and helped” (ibid).

¹⁷ Dubai-Qatar is said in order to indicate Dubai, Qatar, Malaysia and some other Gulf countries.

Accepting Legal Father was a solution to the social problem of rape during war and torture. Pratik said “*women who are raped by army had to marry a poor man who is ready to be a legal father; or husbands of raped women accept wife and the kids who are not genetically theirs*” (Field Interview, 2012).

Tea as Food: Pratik (ibid) reported that some poor torture survivors, like Kanchi’s family, “*take tea as their breakfast. Tea kills their hunger and works as a food for some time*”.

Seeking Unity: Bir Bahadur (Field Interview, 2012) said that all torture survivors are divided into different political parties. In his opinion, it is essential to get united. He said that “*we have national conference of torture survivors*”. It indicates that torture survivors are trying to get united. Pratik, (ibid) also said that the *Tharu* community has an extraordinary unity in local community. As a result of this, an abuse of a *Tharu* woman results in compulsive marriage with the person who raped or abused. This unity is one of the coping strategies of torture survivors.

b) Seeking Support/Emotional Ventilation

Seeking support of family members, relatives, media, court, international organizations, and political organizations was reported to be one important coping strategy of the informants. Love and compassion was very important element of coping—especially of spouse. For example, Raju said that “*I grew stronger with the care, love and sympathy of my wife, parents and relatives to struggle with the hardships of life*” (Field Interview, 2012). Relatives’ support remained important for poor informants such as Sunti. Sunti says “*when I go to my maitighar¹⁸, my parents give me some rice, daal, fruits, and vegetables. Even when I have work, I leave my small kids there*”(Field Interview, 2012). Similarly, Raju, said, “*Talking to relatives and their counseling and emotional support gave the desire to live*”(Field Interview, 2012).

People’s and political organization’s moral support also helped tortured survivors a lot in coping with post-torture phase. Regarding this, Pravakar has following to say:

Because of the torture experience, I became Maoist, and I involved in social leadership. I became electricity committee chairman and I electrified my village. I involved myself for the public job. I started politics. I was imprisoned for one year. 75% of my physical health and economy is destroyed. But the support of people encouraged me to live. (Field Interview 2012)

¹⁸ Maaiti means a married women’s parental home, not her husband’s home.

Similarly, Raju shared his experience thus:

When they decided to release me, for a week, they loved me, cared me, gave me soap and showed the bathroom where I could take shower. They arranged transportation to my home after release. When I reached home there were so many people with garlands of flower! I got delighted by seeing many people on my side.[...] I cried. I got inspired to live. There were many NC¹⁹ cadres who believed that I got arrested because I was Maoist. But their head is down these days, because I am Nepalese Congress Party(NC). (Field Interview, 2012)

Above mentioned extract indicates that people's perception of the informant had not only negative effect on informant. Dev Bahadur Maharjan from Kirtipur sought court's, media's and international organizations' support for his medication, justice, and voice. He filed a case against state army on UN Human Rights Committee and got the verdict²⁰ on his favor and got some energy (Annapurna Post²¹, 24 Aug, 2012). Moreover, favor of media was also very important during the case in the court. Even though majority of informants said that they did not get monetary support; Bir Bahadur says "*Human rights organizations have given me some money for medication but medication left me with huge loans*"(Field Interview, 2012). These examples indicate that the perception of torture survivors is changeable according to the change in social discourse produced by court and media.

c) Alcohol/Drug Use/Tobacco/Smoking

Informants reported that homemade *Raksi*²², tobacco & *Bidi*²³ were the only means they had at hand to escape depression. Because they are expensive in the shops, poor torture survivors like Kanchi produce homemade tobacco, *bidi*, and *raksi*. Like Subedi (2012:229), Raju (Field Interview, 2012) said "*I never used to smoke and take tobacco but I learnt it during their detention period*". Pratik (ibid) says "*it helps me a lot to tolerate the pain*".

¹⁹ Nepalese Congress Party

²⁰ Source:

<http://sim.law.uu.nl/SIM/CaseLaw/fulltextccpr.nsf/160f6e7f0fb318e8c1256d410033e0a1/35c4b8cc86914b2dc1257a7d003127f4?OpenDocument>

²¹ Nepal's popular daily news paper.

²² A type of homemade liquor

²³ A type of homemade cigarette-leaf of Sal-tree as paper and home-farmed tobacco inside the leaf.

d) Use of Religion/Superstition

Believing in God, fate & *Dhami-Jhankris*²⁴ also remained one of the coping strategies. Pravakar, like other informants, said that “*God’s desire for us was to undergo all these hardships*” (Field Interview, 2012). Suntali said “*these dhami-jhankris (witch doctors) are really cheap and accessible. It really works for me*” (Field Interview, 2012). It indicates poor informants’ downward human development.

e) Wishful Thinking

Wishful thinking was another coping strategy of the torture survivors. Six informants reported that they are surviving with the hope that government will do something to them, at least, compensate. Country will developed after the political change, and it will change the life of everyone (Field Interview, 2012). Psychosocial Counselor and Legal Advisor, Bindu (Field interview, 2012) also said if they are compensated, it would be starting point to struggle for survival, even though they are ten years back. Likewise, three informants who had kids; for example, one of them, Suntali said that “*I could not die because of my small kids. They will be big*²⁵ *and they will do something*” (Field Interview, 2012).

Political change of 2006 fueled some more hope of better life in torture survivors and encouraged them emotionally. For example, Bir Bahadur said:

“I involved in the movement actively. After political change in Nepal in 2006, I felt mentally stronger. In the beginning, I did not use to go to my home to sleep for security reasons, but later I started to go home and live with my family!” (Field Interview, 2012).

Similarly, kids of Raamji started to go to their parental property after the political change. Prakash also went back to his property and sold his property and came back to displaced area after political change. These examples indicates that informants are living with the hope that better time will come one day.

²⁴ Traditional witch doctors who are told to cure the patients with the help of supernatural power.

²⁵ ‘Big’ meaning adults, educated and rich

f) Catastrophizing/ Denial/Avoidance

Catastrophizing/ denial/avoidance remained the main coping strategy of the poor torture survivors. Poor torture survivors stopped worrying about the status and prestige. Pratik, a local political leader, had following to say about Kanchi:

Kanchi and her father used to worry about their status and prestige quite a lot. She studied hard until class 10, she used to take care of her get up and make up... They had good reputation in the society too; however, after torture, they turned hard to live people! she got to marry a very poor and a man whom no one likes! She might not have been raped,[...] she says she is not raped [...] but, people believe... she is raped. It is a stigma on her which changed all her life. These days she does not care about getting up, making up, her status and her prestige. (Field Interview, 2012)

Moreover, landlords also don't give loan thinking that money will never come back. So accepting death was their one of main coping strategies. It indicates how the perception of the community affects the life of informants. Likewise, Pratik (Field Interview, 2012) indicated that these poor torture survivors don't like to take burden of the loans for the treatment rather they prefer dying because failure to pay back loan means losing the land and house, and making kids' future extremely painful. It indicates the fall of capability assets in the life of torture survivors due to torture.

g) Transformative Opportunity: Cognitive Restructuring

Some torture survivors like Raju reported cognitive restructuring as one of the coping strategies. Regarding this Raju, a Master graduate, said:

I am proud that I got enlightened due to torture I underwent. I learnt what a state is—a human creation—what the law is, what the criminals are and so on. I used to believe that law and system exists, but, I learnt that law and system do not exist. All that exists is power and power is law. Even government was helpless; they did not have control of the information that belongs to the security system. [...] I lived with more than 300 criminals; I have heard 500 different stories of crimes; and knew that they are just product of time and had their own compulsion to commit crime. I learnt there is different world of prisoners—their own hierarchy, their own rules and regulations. [...] I experienced death and last moments before death. I experienced pain and sufferings. I learnt that needs are fulfilled but desires not. I learnt what hunger is, what thirst is—it lasts if you don't satiate for long time. I learnt, man is no more than an animal. (Field Interview, 2012)

Basnet also writes that he knew that the real dons²⁶ of the town were civil dressed armies. Their get up involved long hair, long beards, long nails, big chains on the neck, and many rings on the fingers (Basnet, 2007:80). He claims, if state wants to control the crime, it actually can; but state itself is sustaining crime (ibid).

h) Downward Social Comparison

Downward social comparison is another coping strategy of the torture survivors. Wills defines it, “persons can enhance their subjective wellbeing by comparing themselves with a less fortunate other”(1981:245). For example, Bir Bahadur said: *“I have seen many survivors who are in more painful situation and in extreme hardships than I am in. This made me feel that if they are surviving, I will also survive.”* (Field Interview, 2012). Six informants, too, reported that they see many other torture survivors like them with miseries, pain and suffering—and it consoled them.

i) Acceptance

Ramu told, *“Life is always not the same—sometimes garland of flowers, sometimes of shoes”*(Field Interview, 2012). It indicates that his coping strategy was accepting the ups and downs and hardships and stress.

9. Torture Survivors Expectations of Peace and Reconciliation in New Nepal

As discussed in Chapter 1 & 2, torture survivors of Nepal are deprived of reparation, justice, truth and reconciliation. Neither they can go through criminal justice mechanism nor TRC has been established. In the aforementioned background, they have mixed opinion regarding their expectations from New Nepal. Six poor torture survivors with no more than school education expected justice, reparation and guarantee of non-recurrence of war and torture. But they remained unaware about TRC. Out of four educated torture survivors, only one was optimistic to Truth and Reconciliation Commission and three were pessimistic to it.

²⁶ Meaning criminals

a) **Reparation**

Most of the torture survivors said they expect reparation through retributive justice, financial reparation, and accountability. They also expect non-recurrence of war and torture, and restoration of mutual respect.

Retributive Justice: Most of the informants wanted the punishment to the torture perpetrators. For example, Krishna says *“I want to file a case and get them disposed in the poison”* (Field Interview, 2012).

No More War! Please!: Most of the informants said they want non-recurrence of war and torture meaning they want positive peace. Suntali said, *“Please let us do our hardships, and let us live. We want to live”* (Field Interview 2012)”. Similarly, Bir Bahadur says: *“I expect the political conflicts must not repeat, government should be extra alert for this”*. It illustrates informants’ frustration with war and torture.

Financial Reparation: Torture survivors especially expected financial reparation. However Raamji had little different to say: *“I want my hands and legs back; I want my burnt and blasted house back. I want my seized land back. I want my physical health as it used to be. All these are just impossible”* (Field Interview, 2012). Similarly, Pravaakar said, *“who will trust that my shop was looted. Who will give me my property back and who will calculate the loss”* (ibid). These examples indicate that informants not only want the financial reparation, they also want it with some sense of recognition of pain and suffering they have undergone.

b) **Development of the State**

Narayan & Petesh (2002:503) also write that the capability assets and wellbeing of a particular group of people and its change in the categories of wellbeing must be defined by people of the same community. It provides the importance of what torture survivors say about their wellbeing. One of the torture survivors, Krishna had the following to say about his wellbeing,

“I wished to have laptops and mobiles, send my kids to boarding school, give wives gold jewelry, own motor cycle, become a teacher in the school, or go to abroad and earn a lot of money. But our poverty led to sleeping many nights without eating food” (Field Interview 2012).

All he summed up with was: he wanted Nepal's development and prosperity. He further said that *"though our generation suffered too much, we don't want to see our kids suffered like us"* (ibid).

c) Democracy, Accountability and TRC

Ramu, a highly educated informant survivor, had special concern regarding democracy, accountability, justice and TRC. He said that, *"True democracy as promised is never possible. Torture perpetrators are going to establish a mechanism of TRC in order to cure their fear of death. I have never seen a tiger becoming the food of a goat"* (Field Interview, 2012). His view is rather pessimistic. But in contrast Bir Bahadur was optimistic and he wanted TRC. He said, *"TRC is at the least better than having no place to go and complain"* (ibid).

10. Chapter Summary

This chapter focuses on presenting and analyzing the field narratives of torture survivors. Analysis of the results indicates that planning and executing of war and peace in Nepal involved the planning and executing of torture, too. Torture was planned and conscious choice of torture perpetrators. In this sense, causes and consequences of torture along with the promise of reparations were also planned and conscious. Analysis also indicates that torture survivors are too powerless to demand their rights and claim reparation. Most of the torture survivors are poor and lowly educated people. They are from diverse ethnic, sexual, regional, occupational, and educational backgrounds. But their number is too limited to act upon the post-conflict peacebuilding architecture.

Data presentation further demonstrates that mainly physical, psychological, social, economic, sexual, religious and cultural tortures were used in both ways: direct and indirect. Different informants perceived same torture experience differently. Some survivors interpreted torture experience as an opportunity to learn something and get enlightened; while, the others understood it disempowering and depriving of the human agency to act upon self-defined goals. Likewise, the presented field materials indicate that they were tortured for a number of reasons to: punish, gain evidence, suppress, revenge, silence, gain information and monetary benefits, and to defeat the enemy. Moreover, informants reported some biological reasons of torture too.

Data analysis also shows that the perception of the other people in the society and torture perpetrators played a key role in torture perpetration, torture survivors' living standard, their identity formation and their coping strategies. But the perception of people remained changeable according to the change in social discourse.

Evidences show that torture is counterproductive to human development, especially, in terms of torture survivors and loss of their capabilities. Torture had mostly negative effects on torture survivor's lives though there were some transformative potential, too. Negative perception about them are affecting more negatively than positively. They are affected physically, psychologically, economically, socially, and politically. People's capability assets were declined due to torture. Thus their life became harder.

But, human proved extremely powerful, they found new ways of survival, too. Different people with different background utilized different coping strategies to adjust and adapt their circumstances. Presented data demonstrates that main coping strategies of torture survivors were problem solving, seeking support, using religion, changing gender roles, wishful thinking, catastrophising, denying, being alcoholic, comparing and accepting. Therefore, in the battle of torture surviving, informants showed the evidence that they do not expect any conflict so that people will have to undergo the same process again. Moreover, they expect reparation, reconciliation, development and prosperity of Nepal.

Chapter 6: Summary and Conclusion

1. Introduction

This chapter attempts to present a summary of the dissertation and make some concluding remarks. These conclusions attempt to highlight the expensive cost of wars in terms of losses of lives, livelihood and properties. Moreover, it also discusses how peacebuilding manifests multiple tracks—tracks not only reserved by politicians, elites, upper caste people, diplomats and war victors; tracks but also desired by war losers, victims, and poor and marginalized people. This chapter lastly discusses the importance of first-person narratives.

2. Summary

The purpose of the dissertation is to voice the experiences of torture survivors of Nepal and their expectations. The main objective of the research is to shed light on who were subjected to torture in Nepal; how and why they were tortured; what are the consequences of torture on them; how are they coping; and what are their expectations regarding healing the divided society.

To meet these objectives, the study undertook ten qualitative interviews with Nepalese torture survivors. To enrich these interviews, mid-level Maoist commander, mid-level army personnel, doctor, psychologist, lawyer and local political activist were also interviewed. The study adopted an eclectic conceptual approach, which involved simultaneous reliance of many concepts including discourse analysis, perception, human capability and human agency in order to illuminate torture survivors' experiences.

Findings

Study findings suggest that most of the torture survivors are economically poor, academically lowly educated, and sexually males. They were politically not affiliated to any political parties before torture experience; however torture made them gradually get inclined to becoming Maoists. Most of the torture victims are the people on whom whole family depends on for survival. Most of them are victims of state forces and they belong to indigenous and low caste people of Nepal. Findings also suggest that victims were not only tortured physically, psychologically and sexually; but also socially, economically, religiously and culturally.

Findings related to the reasons behind torture indicate that people were not only tortured for punishment, fallible perception, confession, gaining information, suppression, revenge, and belonging to another side of the political divide. But they were also tortured for silencing the public, punishing the spying, biological reasons, and economic reasons too.

Moreover, the perception of the other people in the society and torture perpetrators played a key role in torture perpetration, torture survivors' living standard, their identity formation and their coping strategies. However, the perception of people remained changeable according to the change in social discourse

Data analysis also indicates that torture survivors were not only affected psychologically, physically, and socially; but they were also affected economically, sexually and culturally, too. Their coping strategies are never researched and discussed issue. This thesis's main focus is also coping strategies of the torture survivors in Nepal. Findings indicate that the main coping strategies of torture survivors include the following: problem solving, seeking support, using alcohol or smoking, using superstition, wishful thinking, catastrophizing, denying, cognitive restructuring, downward comparing and accepting.

The findings also indicate that issue of reconciliation and truth commission remains a discussion by the political elites in Kathmandu. Informants, representing the poor and uneducated survivors, are unaware and unconcerned about it. They did not even know whether they can apply for the monetary compensation to assuage their losses. The informants representing everyday and unconnected people do not appear to have been consulted on the context of the post-conflict national reconciliation process and the entire post-conflict architecture of Nepal.

Data analysis also indicates that torture fueled the increment of opponents. It also helps in making the vicious circle of poverty and lower level of living standard. Adjustment and learning are continuously changing process.

3. Analytical Contributions

The study analytically brings the evidence to claim that wars are expensive in terms of human lives, livelihoods and properties. For example, in Nepal's civil war, 16,274 people were killed;

more than 1700 people disappeared; more than 200,000 people were displaced; and more than 1000 people were handicapped (Crisis Group, 2010:5; Mukhida, 2006:19-24; Putorty, 2011:1143). Analysis of field data indicates that the central cause of torture was war, and the central effect of torture was also war. This thesis brings the evidence that torture practice leads to tension and underdevelopment of citizens through the loss of capability assets, social image and human agency. Human agency meaning the making of human choices and transforming them into desired actions (Petesch et.al., 2006:40).

Study analytics also indicates that conflict could unleash changes in terms of structural relationships and caste and gender roles. At least, for a short period of time, people have transformative opportunities in the conflict and society moves forward. For example, Anjana (2013:49) also argues that conflict brings in transformative opportunities by changing the gender roles in a society. Torture survivor informants also proved to have some inventiveness for survival, at least for a short period of time.

Analytics have also indicated that peacebuilding has multiple tracks. Peacebuilding is not only the reserve of politicians, elites, upper caste people, diplomats and war victors. It is also of the war losers, poor and marginalized victims too. But the reality shows just opposite in Nepal. Engineering of the architecture of war and peace involved the engineering of torture, too, which was planned and conscious act of engineers. Data analysis also demonstrated that denying torture survivors reparations is also a conscious plan. It is because torture survivors are too powerless to demand their rights in terms of number, property and education; and powerful politicians do not want prosecutions against themselves. Number of torture survivors is also too limited to act upon the post-conflict peacebuilding architecture. In this sense their human agency is also limited in peacebuilding architecture. The main cause behind this is, as Kuosmanen (2013:86) says, torture survivors liberation is the trap of the engineers of war and peace.

So, considering Nepal's decade long civil war, the national healing of violent conflict requires reconciliation in the form of social mixing or mending across ethnic, caste, religious and class boundaries. This includes not only macro peacebuilding designed by the agreement between a state and UN; but also the acknowledgement of micro peacebuilding meaning the involvement of torture survivors too in post-conflict peacebuilding architecture. Murithi also argues that macro-

level and micro-level peacebuilding framework can exist independently of each other, but “effective peacebuilding can only be implemented when each level compliments the other”(2008:8). This expansive healing calls for reconciliation and material reconstruction with the communities of the grassroots level. A broad based recognition of the sufferings, and articulation of the needs and interest for the divided society is required to move on. For example, Murithi also argues that “in addition to recognizing the expansiveness of peacebuilding, it is useful to acknowledge that this activity is also performed at different levels by different actors”(2008:7). Torture survivors underwent the extremes of human reasons. So, acknowledgement of collective ownership of the ‘peace’ is essential in Nepal.

Importance of First Person Narratives of Torture Survivors

First person narratives of torture survivors are to recognize and grasp different viewpoints of torture experience which contributes self-expression, in-depth knowledge, and holistic understanding. It is to grasp the research subject’s perspectives and individual’s experiences. Regarding the importance of first person narratives, Coulter (2009:18-19) also argues that many reports have attempted to voice the victimhood and suffering but they are influenced by hegemonic humanitarian discourses. Though these voices are personal and told by individual about unique experiences, they are “to some degree standardized and collectivized”(ibid). This process makes individual experiences, pains and sufferings invisible. Likewise, it also translates standardizes reparation or healing packages which also overlooks individual needs. In order to get non-standardized and non-collectivized unique experiences of torture survivors and address their individual needs, first person narratives are very important. These narratives bring the evidence of torture practice in Nepal and compliments previous research, For example, *Combating Torture in Nepal: Problems and Prospects* by Sharma & Ghimire (2007).

Field interviews have unfolded some of the questions and issues that were never been discussed in the academia and high level political discussion. They are coping with the hardships now; but what the meaning of reparation will be after a torture survivor dies of lacking money for the treatment (Sari, 2013:22). How the top level political mechanism will compensate sexual, cultural and economic loss—especially their money was looted by the state forces—which were never acknowledged. Interviews have been successful in unfolding some new dimensions of

torture; especially, their coping strategies. Torture survivors must cope with the circumstances therefore they are coping. They must undergo all the hardships and even death so they are going through it. Nobody has to experience their hardships so they are unseen people. They are few in number in national politics so they are silenced. They don't want to speak because they have predator death anxiety all the time. They never know who will come and kill them so they don't want to speak a word—they have seen many people dying because of speaking some words related to their experience. Their testimonials threaten some other people's moral existence; therefore they have threat of life. In this situation their narratives are very important and rare testimonials to the world—valuable assets to learn. World also gets some evidence so that it can make or modify its policies to help them cope with the extreme circumstances.

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