



## KUMAR LAMA

14.04.2016 ( **Last modified:** 07.09.2016 )

### FACTS

Kumar Lama, Nepalese Colonel, was recruited into the Nepalese Army as a combat engineer in 1986 and has since served therein. During the Nepalese civil war he was a commander of the Goringhara barracks in Kapilvastu. Lama left Nepal after the political changes in 2006. In 2008, he applied for and was given indefinite rights to remain in the UK as a resident. The same year, he was convicted by the Kapilvastu district court in Nepal for torture as a result of which, his promotion was suspended for 15 months.

In 2011, Lama was transferred to the « disaster unit » under the Director General of Military Operations at the Army Headquarters and subsequently promoted to the rank of colonel. He served as a UN peace-keeper in Lebanon in 1991 and 1996 and in Sierra Leone in 2001. Lama also served in the UN Mission in South Sudan (UNMISS).

A victim of torture during the Nepalese civil war launched a complaint to the Metropolitan Police's Counter Terrorism Command. Lama was claimed to be responsible for two separate incidents of torture allegedly committed between April and October 2005 on Janak Bahadur Raut and Karam Hussain, detainees at the Goringhara Army Barracks in Kapilvastu Nepal, suspected from supporting the Maoist movement.

As a result of these allegations and investigations, Lama was arrested on 3 January 2013 at his home in St Leonards-on-Sea near Hastings (United Kingdom), under [Section 134 of the Criminal Justice Act 1988](#). This Act allows for universal jurisdiction and thus permits the UK to arrest and prosecute people accused of human rights abuses committed outside the UK. Nepal instructed its London



peacekeeper when arrested. As a response, the spokesperson of the UN Department of Peacekeeping Operations, Kieran Dwyer, confirmed that the United Nations Secretary General had waived Lama's diplomatic immunity as a UN peacekeeper because the alleged crimes do not relate to Lama's functions of an expert on mission and were allegedly committed before he was in function in the UN.

## LEGAL PROCEDURE

Lama was held in the Belmarsh Prison (United Kingdom). Lama was charged for two incidents of torture by intentionally inflicting severe pain or suffering in the exercise of his functions as a public official. The incidents were allegedly committed between 15 April and 1 May 2005 and between 15 April and 31 October 2005.

On 24 January 2013, Lama appeared by video link from prison at the preliminary hearing at the Central Criminal Court in London. Lama's counsels requested bail as they claimed the trial was against the principle of *res judicata* because Lama was already punished in Nepal by getting his promotion withheld for over one year. However, the application was denied by Judge Adrian Fulford.

On 24 February 2015, the trial commenced at London's Old Bailey, the Central Criminal Court of England and Wales. The prosecution presented evidence regarding the charges with an alleged victim presenting oral testimony on 9 March 2015. On 18 March 2015, the trial of Lama was adjourned until August 2015 due to the lack of a qualified interpreter.

On 2 August 2016, the jury acquitted Lama of one of the two counts of torture he was facing, for the mistreatment of Karam Hussein. Yet, the jury could not reach a verdict for the acts of torture committed against Janak Bahadur Raut. On 6 September 2016, he was acquitted of all charges.

## SPOTLIGHT

Lama is the first person to be tried outside Nepal for crimes committed during the Nepalese civil war of 1996-2006.



jurisdiction.



## FACT SHEET

**Name:** Kumar Lama

**Nationality:** Nepal

**Context:** Nepal

**Charges:** Torture

**Status:** Acquitted

**Judgement Place:** Great Britain

**Particulars:** On trial for two charges of torture committed during the Nepalese civil war; On trial at London's Old Bailey

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