

around, random beatings, fake executions and threats of killing.

The commonly practiced methods of torture in police detention centers are beatings on soles by plastic pipes, rolling the muscles of thighs, random beatings and forcing victims to sit in an abnormal position.

We also documented 46 cases of torture inflicted by the Maoists. They have also been practicing torture systematically to punish and to terrorize people. The commonly used methods of the Maoists are breaking the legs and bones of different parts of the body by hitting with heavy objects, wounding and random beatings. They have also put people for a prolonged period of time in "labor camps".

Out of 371 reported cases of torture in the barracks, Bhairabnath Battalion, Maharajgunj Barracks, Kathmandu, Youdha Bhairab Battalion, Maharajgunj Barracks, Kathmandu, Jagadal Battalion, Chauni Barracks, Kathmandu, Mahabirgan Battalion, Chauni Barracks, Kathmandu, Bhimkali Battalion, Chisapani Barracks, Banke, Rajdal Barracks, Lalitpur, Fulbari Barracks, Pokhara, Kaski, Bijaypur Barracks, Kaski, Shivadal Battalion, Goringhe Barracks, Kapilvastu, Dhulikhel Barracks in Kavre, Devi Dutta Battalion, Suparitar Barracks in Makawanpur, and Bhawani Box Battalion, Dailekh Barracks in Dailekh are the ones where most of the victims were tortured.

Out of 511 torture cases by the police, Valley Crime Investigation Branch, Hanumandhoka, Gausala Ward Police Station, Boudha Ward Police Stations, Kalimati Ward Police Stations, Balaju Ward Police Stations, District Police Office Morang, District Police Office Banke, District Police Office Kanchanpur, District Police Office Udaypur, District Police Office, Kapilbastu, District Police Office, Kaski are the police stations where most of the victims were tortured. Of those people we interviewed in police detention centres, 35.5% in Nepal, 43.8% in Kathmandu said that they had been tortured. However, Advocacy Forum only has access to those people detained by the police who are then taken to Court for remand. If statistics for people released before being taken to Court were included, we consider the percentage of those who have been tortured by the police may be considerably higher.

Torture is also a result of the failure of the criminal justice system. Though the political context of the country has been changed, the practice of torture has not. Torture is routinely practiced in detention even today. In May 2006 alone we documented 72 cases of torture in 21 different police detention centers. The pattern, ways and techniques of the police remain the same as before. Likewise, the judges and the prosecutors continue with their previous prejudices and practices. Neither the judges nor the public prosecutors are adequately sensitized on the issue.

The existing system forces victims of torture to remain silent. What happens in practice is that if a person is arrested, generally that person will be detained for some days without any custody record, the authority does not even acknowledge the detention of that person, and there is no mechanism that allows inspection or scrutiny of the detention records of the police. During this period the detainee is tortured. When his or her wounds and bruises are healed, the police prepare a paper that shows that the detainee was arrested less than 24 hours previously, 24 hours being the legal limit within which a detainee should be presented to a judge. The detainee is then escorted by the police from the same office to the court. In the presence of the police the judge extends the remand. During this period, detainees are rarely

given access to medical services or lawyers. When a detainee goes to prison or comes out of custody only then does he or she share the incidences of torture with others. If a case for compensation is filed, the victim is likely to lose the case as he or she will be fail to prove evidence of torture. In the absence of medical reports, it is hard to convince a judge!

The whole issue of torture is also related to the issues of an independent and professional police system, independent judiciary and the office of the Attorney Generals. So, it is important that we have a wider discussion about making the criminal justice system more functional and efficient in eliminating torture and for the promotion of rule of law and fair trial.

Since 2001, Advocacy forum has helped 40 torture victims to bring a case challenging their torture and demanding compensation. Out of 40 cases, 11 have been already been quashed as the victims were unable to provide sufficient evidence of torture, in particular any medical report proving the claim. Victims have also lost their cases because they were unable to establish that they were in custody when they were tortured. For example, Mainya Tamang was arrested on 7 November 2004 by the police of Ward Police Station, Bouddha. Following her arrest, she was then taken to the same ward police station where she was detained for two days illegally and for two days she was severely beaten and tortured. On 9 November 2004 she was transferred to Kalimati Women's Cell where she was again beaten. On 11 November 2004 the police prepared a paper showing that she was arrested that day and produced her to the District Court of Kathmandu for remand. On 27 December 2004, Advocacy Forum filed a case on her behalf demanding compensation for the torture inflicted upon her while she was in detention. Her case was quashed both in the District Court and on appeal in the Appellate Court as both Courts said that at the time when she claims that she was tortured, there was no evidence to prove that she was in detention!

Out of the 40 cases that we have represented, only 4 victims of torture by the police have so far been awarded compensation of 10,000 Nepali Rupees (approximately US\$ 135), but they still have not received this compensation. Other cases are still sub-judice of the court.

Advocacy Forum has faced a number of difficulties in bringing cases of torture. In the beginning, the Court would not even let us register a complaint where military were the accused. The Court asks a victim to prove that he or she was tortured rather than the accused having to prove that the victim was not tortured while in their custody. Those people who remained in custody for many weeks and months without any records of their detention, without access to medical services, lawyers or families have very little chance of proving that they were tortured. In addition, the Torture Compensation Act provides that if the complaint is filed with "malafide" intention, the victim will be fined up to 5,000 Nepali Rupees. As it is very difficult to prove the case of torture, many victims are discouraged from doing so as the chances of being found guilty of bringing the case with malafide intention and being fined are very high. Thus, the victims have no protection. In many incidents they reported to us that they were put under pressure to retract their complaint. No witness could dare to testify in their favor as they also have no protection. Thus, the whole system is hostile against the victims and favors the perpetrators.

One of the major problems in the case of torture is the failure of the State to crim-

inalize the act of torture. Since 1996 the UN Committee against Torture has been asking the Government of Nepal to criminalize the act of torture, but the State has failed to do so. Furthermore, the existing Torture Compensation Act does not comply with Nepal's international obligations. To make it compatible with Nepal's international obligations, the Torture Compensation Act of Nepal has to be amended in such a way that criminalizes the act of torture, puts the burden of proof on the custody taking officers, includes provisions for the protection of victims and witnesses, ensures lawyers and families have access to detainees right from the beginning of arrest, makes it mandatory for the list of detainees to be made public and put under public scrutiny, if anyone is found to be detained without record, the officer in-charge is accountable, makes provision that ensures perpetrators of torture from other countries are extradited or prosecuted, and ensures that no-one will be extradited to any country if there is a risk of torture in that country.

In addition, the following changes to the law are necessary:

Mechanisms of transitional justice to deal with past cases of human rights violations including torture;

An increase in the current maximum amount of compensation, which is currently 100,000 Nepali Rupees (approximately US\$ 1,350) plus a change to allow the recovery of medical expenses; and

Changes to the laws of evidence to ensure that evidence produced under torture or duress is inadmissible by making prosecutors provide proof that evidence was voluntary.

In conclusion, the State has the obligation to investigate all past cases of human rights violations including torture and to prevent violations in the future. A functional mechanism has to be set up to address past violations of human rights including torture and to take measures to prevent such occurring in the future. One way to prevent the future occurrence of such violations is to prosecute those responsible for violations committed in the past. It is also urgent to amend the existing Torture Compensation Act to make it compatible with the provisions of the U.N. conventions against torture.

#### MANUFACTURING EXTENSION PARTNERSHIP

Mr. KOHL. Mr. President, since 2001 America has lost 2.5 million manufacturing jobs, eroding an industry that was once the pride of the United States. Manufacturing represents the cornerstone of our economy and the best in American values. It creates the cars we drive to work, the computers our children use to learn, and the household appliances we use each day. I rise today to talk about the Manufacturing Extension Partnership, MEP, one of the few Federal programs that has provided tangible assistance to the manufacturing sector, keeping companies in business and retaining jobs.

MEP is a public-private partnership working with small and medium sized manufacturers, helping them streamline operations, integrate new technologies, shorten production times, and lower costs. MEP clients surveyed in fiscal year 2004 reported 43,600 jobs created or retained and \$1.889 billion in additional sales.

In Wisconsin, where manufacturing employs 512,000 people and contributes

22 percent of the State's gross product, MEP has assisted 1,700 small and medium sized manufacturers to improve their productivity and profitability. One example is the Jor-Mac Company, a metal fabrication company in Grafton, WI, which was beset by fierce Chinese competitors. After working with MEP, Jor-Mac improved its production efficiency, increasing sales by \$5 million.

Since its inception in 1988, the Manufacturing Extension Partnership has been an invaluable resource to manufacturers. Without strong Federal support, MEP will be unable to maintain its mission of serving America's small manufacturers. At a time when we want to increase economic activity, expand U.S. exports, and strengthen the manufacturing base of our Nation, MEP is a fiscally sound investment of Federal resources.

#### RENEWABLE FUELS

Mr. DAYTON. Mr. President, this week is the long-anticipated Energy Week over at the House of Representatives. It is the response of that Chamber's leadership to the soaring energy prices which are hurting this Nation's consumers, families, and businesses.

After hearing the House Energy Week touted for months, I was naturally curious about what would be on the agenda. A plan to put more alternative fuel vehicles on the road? Incentives to make renewable fuels available to more consumers? A plan to rein in the Federal Government's vast consumption of fossil energy?

No, Mr. President, none of those worthy initiatives are being discussed during House Energy Week. In fact, I am told that their only initiative is a plan to weaken a quarter-century ban on offshore drilling. That is it. That is evidently the House's plan to provide relief for Americans from the high cost of energy. Not the slightest mention of the role that renewable fuels might play in solving this energy crisis.

For most American families who drive passenger cars, ethanol is this country's most promising alternative to foreign oil. Ethanol is not merely an additive to gasoline, it is a replacement for gasoline, which is why major oil companies have sought to block its entry into the marketplace.

I have heard from gas station franchise owners in my State of Minnesota that the major oil companies have prevented them from selling E85 with a requirement that only branded products be sold under the company's branded canopy. This means that, rather than selling E85 from one of several existing pumps, a station owner must dig a new hole in the ground somewhere in the parking lot, and install a new pump, often at costs of up to \$75,000.

Perhaps this explains why, of the estimated 170,000 service stations in the country, just 800, or less than 5 percent, offer E85 fuel. And of those 800 stations, over one-fourth, or 210 sta-

tions, are located in my State of Minnesota.

I have introduced legislation, the Renewable Fuels Promotion Act, that would prohibit oil companies from restricting where E85 and biodiesel can be sold on the premises of franchised gas stations.

E85 is a very popular fuel, where it is available. This year, first quarter sales in Minnesota increased 320 percent over last year, as the price of gas soared. Americans all over the country should have access to E85, and my bill would ensure that every gas station owner who wants to sell it has the ability to do so.

My legislation also targets the Federal Government's failure to embrace renewable fuels. In his State of the Union address, the President said our Nation is addicted to oil. What he failed to mention was that the Federal Government is the biggest addict of them all. The Federal Government is far and away the largest consumer of energy in the United States. In fact, the Department of Defense alone is the single largest consumer of petroleum fuel in the world. So what would happen if the largest consumer in the most energy-hungry nation in the world used its tremendous market power to purchase renewable fuels?

Consider this: In 2004, the Federal Government consumed 2 billion gallons of petroleum diesel fuel. If every gallon of that diesel had been a blend of 20 percent biodiesel and 80 percent diesel fuel, the Government would have consumed 400 million gallons of biodiesel—a great boost for the nascent industry. Instead, the Federal Government is using its massive purchasing power to buy petroleum fuel—a windfall for the oil companies. In 2004, the Federal purchases of ethanol and biodiesel fuels combined amounted to a paltry 3 million gallons, less than two-tenths of 1 percent of the total fuel consumption.

According to the Department of Energy, "One reason for the relatively low alternative fuel use rate is the lack of sufficient alternative fuel infrastructure." "The Renewable Fuels Promotion Act" would require every Federal fueling station to be equipped with a renewable fuels pump. On May 17, I sent a letter to President Bush asking him to accomplish the same thing with an Executive order.

In the world of renewable fuels, infrastructure is half the battle. If you don't have the pumps, you can't sell the fuel. My bill addresses the fundamental problem underlying the Federal Government's failure to embrace biofuels: the fuels are not available at Federal fueling stations. In Congress, we can't control the private energy markets, but we do have some sway over the Federal Government. My bill would ensure that the tremendous purchasing power of the Federal Government would take us in the right direction: toward a stronger biofuels industry, and away from reliance on foreign oil.

In conclusion, I wish our House colleagues the best as they proceed with their Energy Week agenda. However, I would caution them that a plan to drill offshore is not really a plan for relief from high energy prices. Even if legislation were passed today, no new oil would come online for a decade or more. Americans don't have a decade to wait.

Ethanol and biodiesel are here today. They are ready for consumers, and automakers are ready with the vehicles. The Renewable Fuels Promotions Act would help bring biofuels to the customers that need energy security today.

#### INTERNATIONAL POLAR YEAR

Ms. MURKOWSKI. Mr. President, I rise to take this time to speak about the Arctic and the upcoming International Polar Year. The Arctic is still a new frontier for many in Congress. For many, it is too far away, too dark and too cold to merit much attention. But whether you represent Florida, Iowa, or any other State, Americans around the country are connected to events in the Arctic. From climate change and the development of our natural resources, to international treaties and maritime rights, more knowledge about each of these issues is needed to help us formulate and shape the policies that will impact the Arctic and our country for future generations.

It has been nearly 14 years since the United States last developed an Arctic policy. The world was a different place 14 years ago. The Cold War had just ended. Climate change was barely being considered as an issue. An accessible, navigable Arctic Ocean was nowhere near as real a prospect as it is today. The Arctic Council, an intergovernmental organization that addresses many of the common concerns and challenges faced by the Arctic states, was just getting started. And we had nowhere near the sensitivity to the changes life is bringing to indigenous residents of the Arctic.

Times have changed, and we need a new Arctic policy. The upcoming International Polar Year will be the 50th anniversary of the International Geophysical Year of 1957-1958 and continues a tradition of international science years that began in 1882-1883 and again in 1932-1933.

The purpose of the International Polar Year is to spark an interest in those whose expertise may not be in the Polar Regions. Most importantly, the theme is international.

IPY is being led by the International Council for Science, ICSU, and the World Meteorological Organization, WMO. Participating nations so far include Argentina, Australia, Austria, Belgium, Brazil, Canada, Czech Republic, Chile, China, Denmark, Finland, France, Germany, Greenland, Iceland, India, Ireland, Italy, Japan, Korea, Malaysia, New Zealand, Norway, Poland, Portugal, Russia, South Africa, Spain,