



Special Issue

STATE VIOLENCE ON THE RISE



Ms Samjana Dahal, 15 Year Old:
Victim of Indiscriminate Firing

Police opened fire indiscriminately in Sindhuli district leaving three persons injured. Ms Samjana Dahal, a 15 year old student of class 10, one of the victims of brutality, died on the way to hospital. She was shot in the stomach while walking on the side of road.

BULLET INCIDENT OF MARCH 5, 1993

WHAT IS TANAKPUR ISSUE ?

Tanakpur is situated in the Western Region of Nepal under the Mahendranagar Town Development Committee. There is a large river called "Mahakali" flowing through Tanakpur from Nepal to India; from North to South.

Since Prime Minister Girija P. Koirala's visit to India on December 5-10, 1991, Tanakpur issue became a "hot cake" among the politicians. During that time the Prime Minister signed a treaty with India on the water resource of Mahakali river. It is necessary to mention that the Mahakali river lies in the border area. According to the opposition parties of Nepal, the agreement of Mahakali water resource — generally known as the Tanakpur Agreement — is against the national interest and is thus anti-national. Nepal has lost much due to this agreement.

After returning from India, the Prime Minister declared that he had not signed any treaty on the Mahakali river, but had made an understanding on the use of water.

It is to be noted that according to the constitutional provision (Article 126 of the Constitution of Nepal) such type of treaty should be approved by two-third majority of joint session of Parliament.

A young advocate Mr Bal Krishna Neupane filed a case against the government at the Supreme Court on December 17, 1991 claiming that the Prime Minister's so-called understanding is a treaty in reality. The Supreme Court gave its decision on December 5, 1992 which says that Prime Minister had signed a treaty. The Supreme Court then sent the Tanakpur case back to Parliament for a final decision. The government wants to pass this treaty with simple majority. On the contrary, the opposition parties in the parliament are demanding that the treaty to be passed by a two-third majority, rather than simple majority. To pressurize the government, they made an

appeal to the people to protest the intention of the government. In this connection the opposition parties have been launching a movement with various programs. The consequence of the movement is given below.

Background

The coalition of opposition left parties including CPN (UML), the main opposition party in the parliament made an appeal to all the people to come to the street to protest against price hike on electricity and goods of daily necessity; for the stability of peace and security; against the Congressisation (Nepali Congress politicisation) in various fields such as communication and mass media, etc.; against the anti-national agreement with India on water resource (regarding Tanakpur issue); and to force the government to fulfil various demands.

As one of the steps of this movement with its 10-point demand, the Dharna program was announced for March 5 and "Valley Bandh" on March 14, 1993. The main demand of the opposition parties was the repudiation of the Tanakpur Agreement with India.

The Dharna (sit-in) program was fixed for the March



MP : Hospitalised

(Photo: Mahanagar Daily)

5, 1993. In the Kathmandu valley, the program was to sit-in in front of Singhdubar, the Secretariat, and outside the valley to sit-in in front of all the District Office.

However, contrary to people's expectations, ignoring people's right to peaceful assembly, association and forgetting its obligations; the government with its full capacity suppressed the peaceful program and police intervention was observed. The government used all means including state machinery to suppress the program.

Police indiscriminately shot tear-gas and used lathi-charge on a mass gathering, leaving some MPs including Mr Man Mohan Adhikari and Mr Madan Bhandari, President and General Secretary of CPN (UML), victims of lathi-charge and a large number of people injured. The mass gathering was in front of Singhdurbar to observe Dharna (sit-in) program call by opposition parties.

According to the pre-planned program people started gathering in front of Singhdurbar gate at 9:30 am. Right from the beginning the police force was kept alert. At 10:30, when the mass participation was increasing, the masses including MPs started going forward to the Singhdurbar gate. Police shot tear-gas before the participants of the Dharna program could unfurl their flag. One of the participants Mr Rajendra Regmi said, "About 20 shells of tear-gas were shot. No warning was given before hand".

According to the eyewitness, the leaders of the opposition party — especially Man Mohan Adhikari and Madan Bhandari — were the main targets of the police lathi-charge. Both means — tear-gas and lathi-charge — were used simultaneously. The police even threw stones on the masses.

Instead of helping the injured, the police even beat and used lathi-charge on them. Mr Krishna Gopal Shrestha, MP, CPN (UML) was seriously hurt due to police beating and underwent treatment at Bir Hospital. He

BIR HOSPITAL

(Kathmandu)

(Department of — Emergency —)

DISCHARGE TICKET

Attending Doctor Dr MK Malla

Bed No. 12

Name Krishna Gopal Shrestha

Address Pokhara

Date of Admission 22/11/93

Date of Discharge 28/11/93

In. pt. No. 7261

Age 32 Sex Male

Diagnosis Physical Assault & ARO (Due to tear gas)

Case of Summary Presented to H/O Physical assault. Became unconscious after the assault.

C/E Reacts on (2) upper arms, left leg.

Pt. unconscious, do not respond to painful stimuli.

Pupil (2), reactive to light

Neurologically NO localizing signs.

NO motor/sensory deficit.

NO long bone # CT scan / x-ray Brain & spine.

Mechanized conservatively, → normal findings.
improved, Pt. became conscious after 6 hours; developed some chest problem on 2nd day & cough, which also getting less. So, discharged.

was unconscious for long hours. The partial list of the victims is as follows.

1. Krishna Gopal Shrestha, MP, CPN (UML)
2. Keshav Badal, MP, CPN (UML)
3. Bansidhar Mishra, MP, CPN (UML)
4. Madhav Nepal, Opposition Leader, Upper House
5. Man Mohan Adhikari, Opposition Leader, Lower House (Parliament)
6. Madan Bhandari, MP, CPN (UML)
7. Lilamani Pokhrel, MP, UPF
8. Ramesh Phuynal, Chairman, Alpot VDC, Kathmandu
9. Dipak Rai

One of the victims, Mr Hari B. Karki is under treatment at emergency ward of Bir Hospital. He says he was shot in the head. Mr Krishna Gopal Shrestha, an MP, was kept in the hospital for one week.

Similarly, police intervention was observed in various parts of the country. Police used tear-gas and lathi-charge and opened fire on the masses and participants of the program, according to reports.

Mass arrest, lathi-charge, use of tear-gas and bulletin firing were reported in Sindhuli, Citwan, Pokhara, Syanja, Biratnagar and Ramechhap. Some of the demonstrators were warranted. The arrested persons were released later on.

Sindhuli: About 150 persons were arrested. Ms Samjana Dahal, injured by police fire, died on the way to Zonal Hospital. Ms Goma Devkota, leader of CPN (UML), was seriously beaten by the police. Chitwan: Devi Gyanwali and Ram Prasad Shrestha were seriously injured by lathi-charge. About 27 were arrested. Pokhara: Hundreds were injured by lathi-charge. About 92 were arrested. Syanja: Dozens of persons were arrested. Biratnagar: Mr Guru Baral, Central Committee member of CPN (UML) and 24 other persons were arrested. Ramechhap: 20 persons were arrested. Dhanusha: About 384 persons were arrested. Dang: 15 were arrested. Surkhet: 12 were arrested.

HUMAN RIGHTS ACTIVIST ARRESTED

Mr Pravakar, a human rights activist and INSEC volunteer arrested in Dhanusha district. Police grabbed his camera and cycle. He was detained at the District Superintendent of Police (DSP) office until the next day. He was there to collect information of human rights violations for the Human Rights Year Book-1992 to be published by INSEC.

FACT-FINDING MISSION

Background

Regarding the shooting incident at Sindhuli, a Fact-Finding Mission comprised of four human rights organizations — INSEC, FOPHUR, INHURED International and CVICT — visited the spot. The report prepared by the Mission is printed below:

Member of Parliament from Sindhuli district Mr Madan Dhungel led a team to talk about sit-in-site program (at the main gate of Chief District Officer (CDO) which is situated between Ratmate and Hatechauri) with CDO

Mr Ram Ratan Mishra and District Superintendent of Police (DSP) Mr Deepak Sen Thakuri in advance and informed them of March 4, 1993. On March 5, 1993, people started to gather for the pre-planned program by 8:00 am. About 25 persons started observing the sit-in-site program at 9:00. 61 policemen were already present by that time.

The CDO briefed the Mission about the situation in a different manner. He explained that the real participants were few whereas the "demonstrators" were more. "All together 300 people were gathered in front of district administration office where about 30-40 policemen were also present at that time", he said. At 10:00 am the demonstrators and policemen resorted to close and open the main gate by force and took place. "Charge! Hit those culprits", CDO shouted and police started throwing stones at the people; then lathi-charge began; as stated by Mr Narayan Basnet, one of the participants. Eye witness Mr Prem Raj Ghimire elaborates the beginning of incident as follows: "driver Hanuman (nick name) of district administration office started throwing stone from inside the office compound". But CDO had adverse-version on the beginning of incident: "stone throwing began all of sudden from outside by people other than the participants of the sit-in-site program". Mr. Mishra, the CDO, further elaborated to the fact-finding mission about the incident as follows: "the mass was not controlled by lathi charge or even by tear-gas, then blank firing was ordered. About 13 tear gas and 8-9 blank fire shots were fired. At 10:30 am some areas were declared restricted. From 10:40-10:45 am security personnel informed their inability to control the mass. Then the firing order was given".

District Bar Association Secretary Mr. Bishwa Prakash Bhandari, one of the eye-witnesses told to the mission that at the beginning of the incident: "clashes took place at 10:15-10:30 am, people began to leave the area after the lathi-charge, tear-gas firing and stone throwing. The mass dispersed by 10:45 am; no one could be seen around. The whole mass approached Ratmate, Dhura bazaar and Hatechauri. The situation was under control". He explained further: "there was not the situation to open fire without warning".

Incident Place

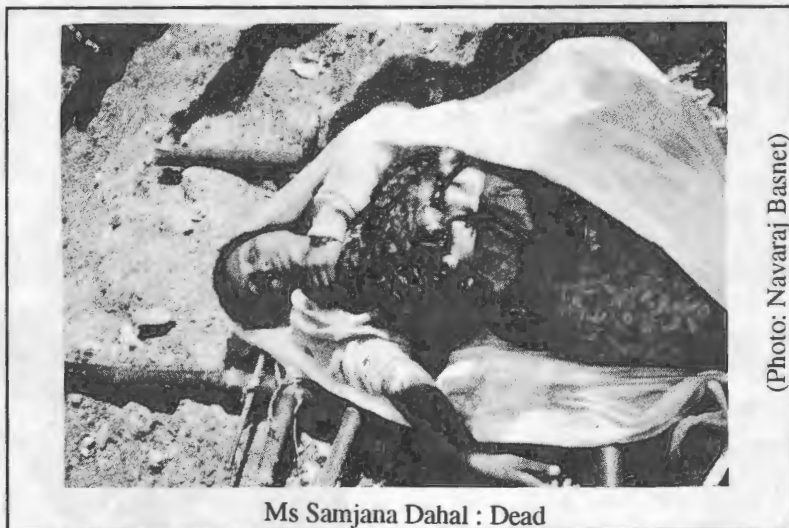
Among others, press reporters Mr Mohan Kumar Devkota and Mr Mukunmda Prasad Bhattarai were eye witness of the incident. They claimed that "at 10:45 am about 11 rounds of random firing were targeted 300m from Dhura Market". Miss Shamjhana Dahal and Mr Dhurba Devkota were shot. According to Mrs. Dil Maya Tamang of Dhura Market: "the victim was shot in front of my shop". The injured Miss Dahal was carried inside shop by Mr. Chhatra Lama and Mr. Deepak Ghimire. Mr Chhatra Shrestha and Mr Navaraj Thing took her upto the hospital. Chhatra Shrestha and Navaraj Thing were kept for two hours by police at hospital, later they let them free.

Talking with the fact-finding Mission, Mr. Mishra acknowledged that "Miss Dahal was in front of the office main gate with two other girls". DSP Mr. Thakuri informed differently: "She was with Mrs Goma Devkota, advisor of CPN (UML), nearby Chautari".

Talking with the mission, Nepali Congress local leader Mr Puspa Shrestha, district committee member, stated, "I was inside my house when firing took place and Shamjhana was shot near her house in Dhurabazaar". Mr Shrestha said: "my son Rabindra was also there while carrying Shamjhana up to the local hospital".

At 11:45 am police opened fire. Mr Basu Devkota who was standing under a hut at 150m far away from the district administration office, was injured by a bullet.

At 3:00 pm police again opened fire while Mr. Basu Devkota was being carried to the hospital by ambulance. This time Mr Kul Prasad Sharma was injured. Police opened fire for three times between 10:00 am to 3:00 pm. The CDO and DSP accepted this claim, but said that the last firing took place at hospital because of an unknown person's attempt to a attack policeman with a knife.



Ms Samjhana Dahal : Dead

(Photo: Navaraj Basnet)

Police arrested three persons under Public Offence Act: Mr Dirgha Raj Shrestha, Chairman of Local Development Committee, Mr Bishnu Gautam, Assistant District Forest Officer and Mr Dambar Bahadur Thapa.

Consequence of the Incident

Ms Shamjhana Dahal declared dead. Father of Samjhana, Mr Shes Raj Dahal said, "They asked me to take the dead body and sign a paper. I asked them to correct the version of the paper to say that Shamjhana died by firing, not by fate. They forced me to cremate in a hurry". Mr Shesraj Dahal further said, "I had planned to cremate with my culture and ritual, but police did not allow for it and they forcefully kept us for 12 hours.

Mr Basu Devkota is under treatment at the zonal hospital. He was hit by bullet under his knee. He is out of danger. The Mission could not see other two persons.

Reactions on Incident

Nepali Congress local leader Mr Puspa Shrestha has demanded a judicial inquiry. Reacting on the incident he says, "action taken by administration was, in fact, not necessary. The situation was not so bad, or out of control". Similarly, Nepal Journalists' Association

Sindhuli district, Mr Sharlam Sharam of CPN (UML), District Development Board Mr. Hiranya Lal Shrestaha (independent), Mr Narayan Basnet of CPN (Masal), District Court Bar Association Secretary Mr. Biswa Prakash Bhandari and Mr. Shes Raj Dahal (victim's father) have demanded a judicial inquiry.

The report issued by the Mission has stated the following major concerns and demanded a judicial inquiry:

1. A fifteen year old girl died by police firing. She was 300m from the district administrative office across the Gwang Khola (stream) in Dhura Bazar while walking with her grandmother, niece and nephew.
2. "People were not informed due to lack of loud speaker", as told by CDO.
3. The injured persons were not taken to the hospital by police.
4. The funeral procession could not be carried according to family wishes, who were deprived of observing their customs and rituals.
5. Three persons are in custody and 10 others warranted under the Public Offence Act.
6. Stone throwing, lathi-charge, use of tear gas and firing on a peaceful sit-in-site demonstration was reported.
7. The shooting took place beyond the restricted area as declared by the local authority as the sit-in site was completely vacated before 10:30 am.

GOVERNMENT'S VERSION OF THE INCIDENT

Giving details of the incident in the parliament on March 5, 1993, Home Minister Mr Sher Bahadur Deupa informed the House that police burst 11 tear gas



Photo: Navaraj Basnet

Mr Basudev Devkota : Victim of Firing

shells and mildly used canes to disperse demonstrators who had blocked the public path causing obstructions to the public and office goers in front of the central secretariat. Mr Deupa said the government had decided to keep the way clear for office goers and the organizers of the protest were informed of the government decision. "Therefore, it was my duty to keep the way clear for the movement of public. I own responsibility for this", he said. He said some people including policeman were injured. "If there was any inconvenience to the legislators while the law enforcing agencies cleared the way, I am pained for the trouble", said the Home Minister. Similarly, police had resorted to baton charge to disperse the people trying to create obstacles at the chief district officer's offices in various districts. The opposition members of the CPN (UML) at the meeting of the National Council were demanding that the Home Minister present the House a full report of the incident and that the Home Minister should beg the pardon of the House for the police action and lathi-charge. Furthermore, Home Minister said, "MP Mr Krishna Gopal Shrestha fainted due to his poor health, not due to physical assault by police".

TORTURE IN NEPAL

In February 1993, Amnesty International has published a report about Nepal entitled "Nepal: Recent reports of torture by police" (under AI Index ASA/31/02/93). The extract of the report is given below:

Between October and December 1992, at least 18 people were reportedly tortured during interrogation in police custody. In the first incident, in Sindhuli district at the end of October, six supporters of the main opposition party, who had been arrested for questioning about two murders, were tortured by police after denying any involvement in the murder. The second incident took place in Gorkha district in November: six people arrested for questioning about theft were severely tortured in police custody, and one victim later died. It has not been established whether or not the death occurred as a result of injuries caused during torture. Later in November, in Pokhara, several people were arrested and reportedly beaten by police during or after arrest; and in December a 24-year-old woman was reportedly tortured and raped in police custody in Kathmandu.

Following the restoration of democracy in Nepal during 1990, there have been several positive developments in the human rights situation, including the promulgation in 1990 of a new constitution which prohibits torture and provides for compensation for torture victims. In 1991 the Nepali Government acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Despite these positive changes, however, reports of torture in police custody are continuing and, as far as Amnesty International is aware, no official investigations have been held into these reports. Moreover, the organization does not know of any case of tortures being brought to justice in Nepal.

Death in Custody

Of course, tortures in police custody are increasing. However, most of the cases go untold and remain hidden. But some of them come to the notice of public.

Recently, on March 10, 1993 in Hetauda of Makawanpur district, police arrested an innocent person at police post and beat him to death. According to the Makawanpur district office, two police personnel have been taken into custody on the charge of detaining and beating him to death. However, further action against those police personnel is unknown yet.

The policemen — Bal Bahadur KC and Ganesh Bahadur KC — had taken a 45-year old man, Majiman Biswakarma, a resident of Handikhola VDC-5 of Makawanpur district, to Newarpani Dhikat police post at Basani VDC without any reason and beat him on March 10. The victim died while being taken to Hetauda hospital on the same evening.

Police Brutality

Even in the present time while Nepal is exercising democracy, police brutalities are continuing like in Panchayat regime and remain unchecked. Police are using more brutal practice of torture. Recently, on March 4, 1993, Mr Ramchandra in Biratnagar was tortured brutally in police custody by a policeman Mr Baidhnath Yadav. The victim was kept up-side-down. A stick was inserted into his anus. He is now undergoing treatment. The incident took place in Betauna village of Morang District, Area No. 3.

On the basis of verbal complaints, four persons, namely, Khemang Limbu, Karna Bahadur, Til Bahadur and Ramchandra were arrested. They were accused of stealing fire-wood and chicken. All of them were tortured severely.

NO HUMAN RIGHTS COMMISSION... !?

National Council at its meeting on March 5, 1993 rejected the motion tabled by MP Subash Nemwang of the CPN (UML) for the formation of a high level, all party national commission comprising of persons concerned for protection and promotion of human rights.

In the voting, chairman Beni Bahadur Karki announced that 16 votes had been cast in favour and 27 votes against the motion tabled by MP Nemwang.

In reply to the motion, Home Minister Sher Bahadur Deupa stressed the need for all the political parties to provide appropriate training to party workers for democratization of the society.

He expressed the view that democracy cannot be made dignified by carrying out practical exercises for this purpose.

The Home Minister said that it was not necessary to form any commission as human rights organizations are active in the country. He further added: "There should be limitation on human rights". He also stated that there was a Section on Human Rights under the Home Ministry and a Committee in the Parliament which are active.

How funny !

The representatives of human rights organizations and prominent human rights activists in Nepal argue the need of human rights commission. They opine that the day the National Council rejected the proposal for a Human Rights Commission, should be regarded as a "black day" in the history of human rights movement in Nepal. It is an irony of democracy. The statement of the elected Home Minister in a democratic country like Nepal should be condemned. This kind of government response has revealed its real face and shown its lack of commitment towards promoting and protecting human rights. Everyone can see the human rights situation in Nepal.

In this context, inaugurating a meeting of human rights activists with regard to World Conference on Human Rights organized by INHURED, the Speaker of the House Mr Daman Dhungana expressed, "We need a Human Rights Commission", adding "A motion was tabled at the National Council, but it was rejected from the side of the ruling party. However, I am convinced that we need such a commission represented by various political parties and human rights organization".

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