

Report on killing in the month of May

(based on INSEConline news)

Background

Killing has remained a major security concern in post-April Movement 2006. The killing did not stop with the end of conflict neither with the signing of Comprehensive Peace Agreement in November 2006. And with the Madhesh Uprising in January 2007 and emergence of armed groups claiming to stand up for the cause of Madhesi people have only exacerbated the situation. Now, the situation is that there is extreme insecurity for people of any sphere of life. The continued political bickering has also added to any remaining chance of improving law and order. Even the senior police officers and administrators are complaining about political interference in their action. The political parties do not hesitate to pressurize the civil and police administration to release the accused claiming them to be their cadres and being wrongly accused.

Without any deviation from that trend, the country saw killing of 33 in the month of May as recorded by INSEConline. Among them, the identity of nine persons could not be established. Eleven of the victims were female and four were children. Out of 33, five had some kind of connection with political parties. Among them, the perpetrators in the death of eight deceased could not be known. Three persons lost lives in unintentional explosion. Unknown motive was the top one with nine persons being killed for that while rumor of abduction of the children led to killing of seven persons. Three persons were killed by bomb planted by a self-claimed pro-Hindu state and anti-republic group.

State killing

Four persons were killed by the state in the month of May. All four were the accused in abduction cases.

Two persons were killed in Dhanusha district while the two others were killed in Kathmandu. Police in Dhanusha said the duo was killed as they were following a group suspected of being involved in abduction of a local villager. Two persons including one unidentified were killed while other members of the group managed to flee. Similarly, in Kathmandu, the deceased belonged to an abduction racket which had held a boy for ransom. Police shot at them when they were on motorcycles during night time. There were some media reports about involvement of YCL cadres in the group but this thread was not divulged much.

Politically motivated killing

Among the victims, five had any kind of political affiliation. One Umakant Hamal of Kalikot was a district-level NC leader. Maoists were accused of being behind the killing

Some facts on the trend of killing on May

Districts: Jhapa, Khotang, Morang, Sunsari, Saptari, Siraha, Udaypur, Dhanusha, Mahottari, Sarlahi, Bara, Lalitpur, Kathmandu, Rupandehi, Pyuthan, Rolpa, Jumla, Baitadi, Kanchanpur

Perpetrator: Police- 4; Nepal Defense Army- 3; Maoist- 1; Family- 4; Madhes Rastra Janatantrik Party (Revolutionary)- 1; JTMM-Prithvi- 1; Villagers- 7, Unidentified: 8, By own group- 1

Sex: Male- 22; Female- 11

Age: Adult- 30; Child- 3

Political affiliation: 5

Motive: Violence against women -5, being informer- 2, bomb attack- 3, unknown- 9

ERW- 3

but no one has been charged. Suresh Singh Danuwar was a Maoist cadre killed by Madhes Rastriya Janatantrik Party (Revolutionary) on charge of spying against the group. Azad Ali Musalman was active in Madhesi Tigers who was killed by unidentified group for unknown reason. Two were former Maoist cadres. Tek Bir Budha had reneged from the party and had formed his own group. His group was held responsible for killing an influential Maoist cadre in Rolpa few days before CA elections. Police said Budha was killed by the members of his own group. Police recovered some weapons from the site where his body was found but no one was arrested. Another Fulgen Safi of Siraha was abducted by an unidentified group and found dead few days later. No information about the abductors or motive could be known.

Nepal Defense Army, claiming itself as a group fighting to re-establish country as a Hindu state detonated a pressure cooker bomb at a church in Lalitpur. The explosion that occurred during the time of the service killed three including one 15-year-old girl. Over 20 persons were injured. The group was involved in bombing a mosque in Biratnagar few months ago which had claimed lives of two.

Nepali Congress general convention member Umakant Hamal of Dhapa VDC-9 in Kalikot district was killed by a group of people around midnight on May 22, 2009 headquarters. Nepali Congress accused the YCL and Maoist cadres of being behind the killing. The family filed an FIR against 16 persons including some YCL members. A fact-finding mission conducted by INSEC and Nepal Bar Association also concluded that the Maoists were involved in Hamal's killing.

According to the fact-finding report, Hamal was displaced from the village in 2001 and returned home in 2007. Hamal did have some differences with Maoist cadres regarding political and property issues. The Maoists also had issued a warning against 'feudal persons' two days before the killing took place. Hamal had also received life threats in public function from Maoists.

Violence against women

Four women lost their lives at the hands of husbands or in-laws in domestic violence related case. In one case in Mahottari, the family strangulated her to death for not bringing in enough dowries. Police arrested her husband and in-laws after the neighbor suspected foul play in her death as no neighbor was informed about her illness, death or funeral.

One woman in Khotang was killed by her husband on charge of not being able to give birth to children. The husband killed her at the instigation of his second wife. Police arrested the husband, the second wife and other two accomplices.

In Kanchanpur, a woman who ran a hotel was stabbed by her husband and later died while undergoing treatment at the hospital. In Lalitpur, the deceased's husband was accused of killing her by the girl's family and was arrested by the police. One woman was suspected of being killed after rape.

Lynching

Nine out of 33 persons could not be named. Among them, six accused of the venturing into the villages to abduct the children. There was a rumor spread across the districts of Tarai about such persons which led the villagers to take such drastic step. These victims

were Indian nationals- either beggars or mentally ill. Police arrested two villagers in Saptari for torching two such persons to death and rescued many such targets from the villagers.

Explosive remnants of war

Though, the armed conflict has formally come to an end, the legacy of the war persists and nothing reminds us better of the war than the explosive remnants of war. Three persons lost their lives because of them. Among them, one was a boy who took the device for a plaything.

Killing on Geographic basis

Situation of Tarai remains a major security concern for any government. In May too, there were 20 killings occurring in Tarai while other 13 happened in hilly region. Eleven districts out of 20 Tarai districts had at least one killing.

Tarai is gripped by violence ensued by the so-called pro-Madhesi groups claiming to fight for Madhesi cause but their acts hardly corroborate that. Many of the killed victims belonged to Madhesi community and though the real cause does not come into public, it tends to be more of an individual motive. One Maoist cadre was killed by Madhes Rastra Jantantrik Party (Revolutionary). This month did not see much killing by such groups. One group JTMM-Privthi claimed the killing of Menaka Sah in Bara on charge of being an informer.

Some national and international provisions related to right to life

Article 3 of the **Universal Declaration of Human Rights** says, "Everyone has the right to life, liberty and security of person".

Article 6.1 of the **International Covenant on Civil and Political Rights** says, "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life".

Article 12. 1 of the **Interim Constitution, 2007** has the provision that "Every person shall have the right to live with dignity".

Present Status

There is not much information regarding the unidentified killers. Villagers were accused of killing strangers arriving in their villages but only a handful of them have been arrested.

In Nepal Defense Army bombing case, the police made a breakthrough arresting a woman. She has confessed during the interrogation that she had indeed left the press cooker bomb at the church.

A fact finding mission conducted following the killing of NC cadre Umakant Hamal found that the police were reluctant to take action immediately after getting information of his abduction. The fact finding report said the police demanded written complaint instead of heading in search of abducted Hamal. Many implicated persons remain at large.

Observations:

- Number of killing is higher in Tarai region.
- Tarai armed groups' involvement in killing was less apparent.
- Violence against women is leading to death of many.
- Political interference is impeding judicial procedure.
- Sense of security among people is so weak that mere rumors can trigger violent killing of anyone.
- Police attempt in tackling crime is laudable but it should be ensured that death of suspects is not encounter death, the trend that is occurring in recent months.
- There is a need to remain vigilant so that the 'absconded' persons are not roaming fearlessly and with impunity.

Recommendations:

- Police mechanism should be upgraded making them able to react in short notice.
- Tarai security problem should be tackled by increasing number of security persons.
- Proper attempts should be made to disperse rumors as soon as possible rather than waiting to react to the incident later.
- Women should be encouraged to report any abuse being inflicted on them in any pretext and administration should be mobilized to provide security to them from admonishing family members to providing shelter.
- Winning confidence of the locals is quite necessary to get reports on absconding perpetrators.