

Report on the killings in July

(based on INSEConline news)

Background

Killing, abduction and extortion among other problems have persisted in Nepal even after the successful April Movement 2006 and Comprehensive Peace Agreement 2006. Activities as those common during the 10 years of conflict were thought of being numbered after the peace agreement but the things did not turn out had expected by the people. A new wave of Madhesh Uprising emerged in January 2007 and sprouting armed groups calling for the cause of Madhesi people and other nationalities have only added to the difficulties. Now, the state is struggling to deal with the groups and address their logical demands and checking on untoward activities. The political scenario and the political parties' struggle to grab and remain in power have also contributed to the chaos. The senior police officers and administrators admit that political interference is impeding fulfillment of their duty as the political interference is blatant in some cases.

The present report focuses on the incidents of killing filed to INSEC's human rights news portal INSEConline on the month of July. This report has tried to omit any individual killing but a few cases where the incidents triggered massive public interest and opinions are included. The killings where the perpetrators are unknown are also included. Killing as a result of violence against women and children have been included in the reported.

Summary

INSEConline recorded killing of 21 persons in July. Among them, four were killed at the hands of the states while nine persons were killed by unidentified groups. Three persons were lynched by mob while five were killed by relatives. Six of the killed persons had some kind of link with political parties. Seven of the killed were female and four were children. Six persons were beaten to death while seven died due to attack by sharp weapon. Six persons were shot dead.

State killing

Four persons were killed by the state in the month of July. Among them, three had some kind of link with political group or organizations. One of the killed was Akhilendra Yadav who was hit by police bullet during a scuffle between the police and villagers. Police accused the villagers including Yadav of smuggling fertilizer from India while the villagers said they were bringing small amount of fertilizer and that too for agriculture purpose. Another Ram Narayan Mahato alias Manager of Phulkahakatti VDC in Siraha district, the central coordinator of Madesh Rastra Janatantrik Party- Revolutionary (MRJP-R) has been killed in police action on July 19. Police said Mahato died during an exchange of fire between police and the MRJP-R cadres at wee hours. Similar death occurred that of District in-charge of

Some facts on the trend of killing on July

Districts: Saptari: 1, Siraha: 3, Dhanusha: 1, Sarlahi: 4, Kalikot: 1, Panchthar: 1, Bhaktapur: 3, Dang: 1, Kapilbastu: 1, Mugu: 1, Taplejung: 1, Dhading: 1, Banke: 1, Rautahat: 1

Perpetrator: Police- 4; Husband: 4; Father: 1, Civilian: 3, Unidentified: 9

Sex: Male- 14; Female- 7

Age: Adult- 17; Child- 4

Political affiliation: 6

Motive: Police action: 4, Ransom: 1, domestic dispute: 5, unknown- 9

Attempted killing: 2 (2 F)

Death Threat: 2 (1 M + 1 F)

Madhesi Mukti Tigers has been shot dead on July 20, according to the police. Police claimed that Yadav, a resident of Tenuwapatti VDC in Saptarai district, was shot when he tried to escape from the police custody near Kamala river, Yet another military commander and coordinator of armed outfit Tarai Rastriya Mukti Sena Ray Yadav alias Akash Tyagi was killed in police action at Janakpur Municipality-7 on July 22 morning. Police said Tyagi was killed after they opened retaliatory fire as the group shot at the patrolling police team.

The pattern of death reminds of the killing that security forces undertook during the Maoist insurgency. The death raised the issue of fake encounter. Police chief of Siraha district was transferred to Kathmandu soon after the killing. Though, the political motives of the deceased can be debated, it is not the job of the police to provide summary justice. The accused should be prosecuted as per the legal provisions of the land. The issue can also points towards the political interference and pressure to release the accused so the concerned authorities should also ensure independence to police to forward the case, check crime and impunity.

Killing of Politically-affiliated Persons

Three persons killed at the hand of the police had affiliation with the groups supposedly fighting for Madhes cause. Among the persons killed by others, three had any kind of political affiliation. One Dharma Bahadur Shahi of Mugu district and CPN-M was killed by unidentified gang by sharp weapon. Motive of the killing could not be established.

NC-affiliated Tarun Dal's Banke district member Subash Barnawal was killed when an unidentified group slit his throat and dismembered his body. However, the exact motive of the killing has not been known yet.

YCL central committee member Laxman Yadav of Rautahat district was shot dead by unidentified group. The motive of the killing could not be known neither the killers have been identified.

A declining trend of involvement of the organized group is been noticed even this month. Though, the reasons are not proven, the increased activity by the police can be one of the matters for relative lull in the number of such killings. However, it is still disappointing to see the number of killings of individuals remains more or less same, in fact four more this month than last one.

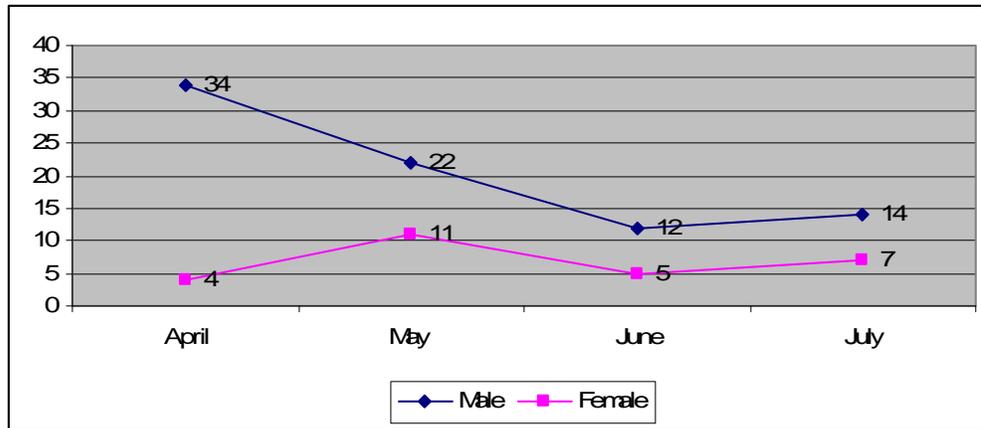


Figure: Number of persons killed since April 2009

Domestic Violence

Violence against women is rampant across the country. The different forms of violence including misbehavior, beating, polygamy, expulsion from home on various charges, dowry violence and trafficking are only to name a few. Violence against women even results in killing many a times. On June, one woman in Kalikot Parbati Shahi was killed after she insisted on visiting her maternal home which the husband did not like while in Dhading a woman lost her life when her beat her in inebriated condition. One man and his father were arrested for beating his wife to death after domestic dispute.

Death of Children

Among four, three teenagers under 18 years of age were beaten to death by mob in Bhaktapur after local boys accused them of arriving in the place to abduct children. The deceased and the local group of boys were originally involved in gang war but the things turned fatal for the deceased were charged by their rivals of being potential child abductors. One 2-year-old girl lost her life because of the dispute between her parents. She was smashed on the ground by her drunken father Upendra Majhi following a fight with his wife.

Types of Killing

Six out of 21 persons were shot dead. Among them four were killed by police, one woman was shot dead by her husband and two by unidentified groups. Sharp weapon attack claimed seven persons. Six persons were beaten to death. Among them, three youths succumbed to injuries inflicted in the beatings carried out by locals after rumor spread of them being child abductors. One girl died after her father smashed her on the ground while two women lost their lives after being severely beaten by the husbands.

Killing on Geographic basis

On June, killings of 12 persons out of 21 occurred in Tarai. Among them, Sarlahi had the maximum deaths i.e. four followed by three in Siraha. There were one death each in Saptari, Dhanusha, Kapilbastu, Banke and Rautahat. Among the deaths in Tarai, four occurred at the hands of police- two in Siraha and one each in Dhanusha and Saptari. In

hilly and inner-Tarai districts, there were three deaths in Bhaktapur while one each in Kalikot, Panchthar, Mugu, Taplejung and Dhading.

Attempted Killing

There were two cases reported in INSEConline on attempted killing. One was in Panchthar where a man attacked his first wife and mother of three with khukuri. In Makawanpur, a father-in-law Jit Bahadur Syangtan tried to attack her with sickle.

Death Threats

Two persons were threatened this month as recorded in INSEConline. One Raju Bishwakarma was threatened for complaining against a man accusing him of selling his sister in India. In another case, a woman health worker was threatened of death unless she quit her position. Girja Devi Harijan claimed that she was forced out of her position for being a dalit.

Age and Sex of the Victims

Among 21 killed persons, seven were female and 14 were male. Murder was attempted on two women and one man and a woman received death threats. Four of the killed persons were children. Three of them were lynched by locals at Chapacho of Bhaktapur while one girl died at the hand of her father when he thrashed her on the ground during a dispute with his wife.

Present Status

There is not much information regarding the unidentified killers. In the case of the young girl, her father Upendra Majhi has been arrested while her mother is at large. Regarding the lynching of three youths, Home Ministry formed an investigation committee and police also arrested few persons. Jit Bahadur Syangtan has been arrested for attempted murder. In other cases, where the killers have not been identified, the cases are less likely to be resolved but they will add to the apprehension of the locals. The invisibility of the organized armed Tarai groups in carrying out such killings can be due to the authority vested upon police administration to take action in such districts or other factors including busy agriculture season making persons diverted towards such activities with focus on field work.

Observations:

- Number of killing increased by four
- Killing in Tarai region was higher
- Four persons killed in police action were from Tarai
- Known Tarai armed groups were less visible.
- Violence against women is leading to death of many, even a girl lost life.

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".

- Some signs were visible that police was acting but it should not amount to summary or extra-judicial killing as the pattern of death in police action this month aroused.
- 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.
- Police should boost their image so that the people would not take the matter into their hands.
- Tarai security problem should be tackled by increasing number of security persons.
- Maximum efforts should be put into catching the absconding accused or killers.
- Proper thought should be given to relation between youth unemployment and crimes.
- 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 trust of the locals is quite necessary to get reports on absconding perpetrators or in cases of involvement of organized groups.
- Administration can also take help from media in generating public urge to support the police by remaining vigilant, immediately reporting about the suspicious persons and restraining themselves from taking action on their own.