

Report on the killings in February (based on INSEOnline 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 present report focuses on the incidents of killing filed to INSEC's human rights news portal INSEOnline on the month of February. 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. In this report, though a boy was killed on January 26, the fact that he was dead came out only February 14. He has also been included in this month's report.

Summary

INSEOnline recorded killing of 18 persons in February. Among them, three were killed at the hands of the states while nine persons were killed by unidentified groups. Two persons were killed by husbands while one was killed by family members including husband. Three of the killed persons had some kind of link with political parties. Five of the killed were female and two were children. Eight persons were killed by sharp weapon while six were shot dead. One beaten to death while one died of torture. Dead body of a boy was recovered in Dang on February 14. He was killed by his neighbor, angry with his parents, on January 26.

State killing

Three persons were killed by the state in the month of February. Among them, one Motiram Dusad alias Kalicharan was linked with Jwala Singh faction of Janatantrik Tarai Mukti Morcha while another Guddu Yadav was allegedly a cross border criminal whom police from both sides were searching. Police claimed Yadav was also involved in killing of a businessman four years ago. One death occurred at Army barrack in Dhankuta where the army commander placed a soldier out in the open for whole night causing serious illness to him. He later died at BPIKHS, Dharan.

The killing by police can be likened to rumor of fake encounter. Though the police administration is under immense pressure to create a situation of law and order, this kind of death gives a feeling that the police might be using all the wrong tactics by eliminating the source of insecurity at any cost. It should be reminded that any fake encounter would be a violation of human rights principle.

Killing of Politically-affiliated Persons

Two persons killed on the month of February were affiliated to political parties. One of them was Shambhu Ray Yadav, 35, of Sonarniya VDC-4 and member of UCPN-M's Bhojpur State Committee. He was shot dead by an unidentified group. The UCPN-M called for bandh in protest of the killing. The police could not identify the killers. Another politically affiliated person killed this month was Asha Ram Sunar, one YCL cadre of Surkhet district. He was stabbed to death by Youth Force cadre following a squabble. The killing triggered a series of attack and counter-attack and displacement of several UML cadres. The incident took days to subside. One person affiliated with Tarai armed group was killed by police. Motiram Dusad alias

Some facts on the trend of killing on February

Districts: Banke: 2, Dhankuta: 1, Jhapa: 1, Kathmandu: 1, Palpa: 4, Panchthar: 1, Parsa: 2, Mahottari: 1, Morang: 1, Rautahat: 1, Saptari: 1, Surkhet: 1

Perpetrator: Army: 1, Police- 2; Husband + Family members: 3; Unidentified: 9, Youth Force: 1; TJP (M): 1

Sex: Male- 11; Female- 6
Age: Adult- 15; Child- 2

Political affiliation: 2
Armed Group: 1

Motive/cause: Police action: 2, Torture: 1, Ransom: 1, domestic dispute: 5, unknown- 9

Attempted killing: Khotang: 1, Morang: 1; (1 M + 1 F)

Death Threat: 0

Discovered later: Dang: 1; Neighbor: 1,

Kalicharan was linked with Jwala Singh faction of Janatantrik Tarai Mukti Morcha shot dead during patrolling.

As in previous month, in many cases of killing, the perpetrators are not known. The cases take time to be resolved leaving the families wandering about the motive or the culprits. It does not only point towards the rampant insecurity but also the inability and unwillingness of the police administration to find out the killers.

Domestic Violence

Though, the government has declared 2010 as the year of zero violence against women, it is likely to be limited to the papers unless some drastic action is taken. Women are insecure in their own houses and their family members are the threats. In February, two were killed by their husband and one was killed by family members including husband. Two women were killed after heated debate while one woman in Mahottari was killed for not bringing enough dowries.

Death of Children

Two out of 17 killings were that of children. It has happened in same incident in Palpa when four persons of the same family were killed. The killers slit the throat of their victims. Though, some say the involved perpetrator is an army and that the police are hesitating to take action because of his link. But, police are allowed to proceed with the case if any soldier is involved in crime against civilians.

Types of Killing

Eight persons out of 21 were killed by sharp weapon while six were shot dead. Cause of death in two cases could not be known. Police shot dead two persons while one UCPN-M cadre was also shot dead. One woman was beaten to death by her husband and in-laws for not bringing sufficient dowries. One soldier died in Dhankuta after he was kept in the open for whole night as a punishment for over drinking. The soldier was found unwell in the morning and rushed to the hospital but he could not survive.

Killing on Geographic basis

On February, killings of seven persons out of 17 took place in Tarai. There were two persons killed in Banke and Parsa and one each in Jhapa, Mahottari, Morang and Saptari. In Mahottari, a woman died because she could not satisfy her in-laws regarding dowry and in Saptari, husband killed the woman after family dispute. In Palpa, four persons were killed in same incident. Two women and two children were killed in the night when the male members were not at home. The shocking murders are yet to be resolved though some claim the involvement of a soldier is hampering the investigation. Killing of an YCL member by Youth Force cadre in Surkhet led to unrest. This kind of killing is increasing in the country adding to the political differences and entangling the peace process.

In Kathmandu, high profile killing of media baron Jamim Shah at high security zone not only mocked the capacity of the police, later details of involvement of policemen rattled the people. Government even formed a probe commission. Shah's killers are not yet identified.

A boy was killed by his neighbor who was angry with his parents. The police managed to arrest the perpetrator who confessed to the killing. The body was found buried in a trench.

Attempted Killing

There were two cases reported in INSECOnline on attempted killing. One was in Khotang where a man tried to set his wife in fire after sprinkling kerosene. Husband fled the scene and was absconding. In another case, a journalist was attacked in the pretext of asking about a news item. A Youth Force cadre was later arrested on charge of attacking the journalist.

Age and Sex of the Victims

Among 17 persons killed, six were female and 11 were male. Two of the killed persons were children who died in the same incident in Palpa. Among six female, one was killed by her husband and in-laws for not bringing a motorcycle as a dowry for her husband. One woman was killed by her inebriated husband who was angry for not obeying him. Two women of the same family were killed by unidentified group.

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, in the killing case of Palpa where two women and two children's throats were slit, involvement of soldiers is suspected. There is no information regarding the report of the investigation committee formed by the government to find out about the killing of Jamim Shah. The army is reporting looking into the death of a soldier who died due to torture in army barrack. UCPN-M launched a series of protest program demanding identification of the killers of its cadre who was killed in Rautahat but no development has been known on the case so far. One Bhutanese refugee who slit his wife's throat has been arrested for further legal action while the killer husband in Saptari is absconding after hacking his wife to death. Except for one incident, unidentified killers have not been located.

Observations:

- Number of killing similar to that of last month
- Killing in hilly region was higher opposite to previous months' trend
- Two persons killed in police action were in Tarai among them one was Indian
- Tarai armed group carried out a murder
- Violence against women is a cause of death for women
- 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 and be persuaded to resort to killing as last option
- Tarai security problem should be tackled by increasing number of security persons.
- Maximum efforts should be put into catching the absconding accused or killers.
- 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.
- 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.