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# NEPAL

## Human rights violations in the context of a Maoist “people’s war”

### Introduction

Since late February 1996, at least 50 people have been killed by police in Nepal. The authorities have repeatedly sought to portray these deaths as lawful killings during so-called “encounters” or armed confrontations with armed activists of the Communist Party of Nepal (CPN) (Maoist) who formally declared a “people’s war” earlier that month. But the facts collected by Amnesty International tell a different story. They suggest that police have repeatedly resorted to the use of lethal force in situations where such force was clearly unjustified, and as an alternative to arrest. Police have also been responsible for torture, such as beatings on the soles of the feet and rolling a heavy weight over prisoners’ thighs, and for arbitrary arrest and detention. Some prisoners have died in custody.

The victims include people suspected of being members or sympathizers of the CPN (Maoist) or its political wing, the *Samyukta Jana Morcha*, United People’s Front (Bhattarai), (SJM). Among them are many members of the Magar tribal community, members of lower Hindu castes, lawyers, teachers and juveniles. Armed activists of the CPN (Maoist) have also been responsible for deliberate killings of civilians declared by them to be “enemies”. Their victims have included landowners and local politicians belonging to mainstream political parties, particularly in the Mid-Western Region.

Since the establishment of multi-party democracy and the promulgation of a new Constitution in November 1990 which provided increased protection for human rights, Amnesty International has been encouraged by an overall improvement in the human rights situation in Nepal although it has continued to be concerned about torture in police custody throughout the country. It has also been encouraged by the recent introduction of a number of additional institutional safeguards for the protection of human rights.

In 1996, Parliament passed the National Human Rights Commission Act and the Torture Compensation Act. At the time of writing, the members of the Commission had not as yet been appointed.<sup>1</sup> Certain aspects of the Torture Compensation Act, in particular the fact that the district court, before which complaints have to be filed, has not been given the power to initiate or recommend criminal prosecution of the law enforcement authorities found by it to have been responsible for torture.

The authorities also recently introduced new procedural safeguards for people held in police custody, in particular the bringing into use of a custody record book at every police station. However, full implementation at the local level appears to be lacking.

The upsurge of human rights violations in the context of the “people’s war” in the last year represents a serious deterioration in the human rights situation and Amnesty International is appealing to

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<sup>1</sup> Amnesty International and local human rights organizations had earlier expressed concern that some provisions in the National Human Rights Commission Act could weaken the effectiveness of the Commission. For more details, see the Amnesty International document *Nepal: Appeal to Government and Parliament to strengthen provisions in a Bill to establish Human Rights Commission* of 15 December 1995, AI Index: ASA 31/03/95, News Service 247/95 for more details.

the Government of Nepal to take urgent measures to address its concerns. It urges that the recent reports of alleged extrajudicial executions and torture in the context of the "people's war" be fully and impartially investigated and that those found responsible be brought to justice. It is also calling upon the CPN (Maoist) for an immediate halt to arbitrary and deliberate killing of civilians.

While appreciating the difficulties experienced by the police in maintaining law and order in the face of attacks by armed Maoist activists, Amnesty International stresses that abuses by opposition groups are never a justification for governments to disregard their obligations to respect human rights. It is concerned that some authorities appear to be attempting to retreat from or ignore Nepal's obligations under international standards and under the Constitution. By doing this, they risk contributing to a cycle of violence and perpetuating the problem of extrajudicial executions and torture.

The evidence of human rights abuses presented in this document was collected during a visit to the country from 19 November till 9 December 1996. During their visit, the Amnesty International delegates held discussions with government officials, members of parliament and individuals active in the field of human rights. They interviewed dozens of victims and relatives of victims of human rights violations allegedly committed by the Nepal police as well as victims of human rights abuses by armed Maoist activists. This document includes comments obtained from relevant government authorities on a memorandum submitted prior to the visit, parts of which have been reproduced in this document.

Among the government officials met were the Prime Minister, Minister of Law and Justice, Attorney General, Secretary, Ministry of Home Affairs, Additional Inspector General of Police (Operations), Deputy Minister of Industries (from Rukum district) and the Political Adviser to the Prime Minister. The delegation also met with the Leader of the Opposition.

The delegates travelled to two outlying districts: Rukum in the Mid-Western Region and Sindhuli in the Central Region from where a high number of human rights violations had been reported. There they met with the Chief District Officers (CDOs), Deputy Superintendents of Police (DSPs) and local politicians. They interviewed prisoners in the local prison, relatives of people killed in so-called "encounters" with the police as well as victims of human rights abuses by the Maoists.

### **Background information**

According to an editorial in "People's War"<sup>2</sup>, the "people's war" declared on Falgun 1, 2052 (first day of the 10th month in the *Bikram Sambat* standard Hindu calendar used in Nepal, coinciding with 13 February 1996 in the Gregorian calendar) aims to "bring an end to the rule of vengeful regime and to establish a people's New Democracy" and constitutes a "historical revolt against feudalism, imperialism and so-called reformists." The SJM announced that it was joining the "people's war" because the government had failed to respond to a memorandum presented by its representatives to Prime Minister Sher Bahadur Deuba on 4 February 1996. The memorandum had listed 40 demands, including the abolition of royal privileges and the promulgation of a republican constitution, the abrogation of the Tanakpur treaty

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<sup>2</sup> Bulletin No. 1, May 1996, published by the Central Publicity Division of the CPN (Maoist).

with India on the distribution of water and electricity and the delineation of the border between the two countries. To Amnesty International's knowledge, the government did not officially respond to the memorandum.

On 13 February 1996 itself, the day of the formal declaration of "people's war", there were eight incidents reported from five districts, including attacks on police posts and local administrative offices, such as offices of the CDOs and District Development Committees (DDCs). In the following weeks, the violence escalated, particularly in Rolpa and Rukum districts. There were further reports of attacks on police stations, banks, offices of Village Development Committees (VDCs), local landowners, politicians of the Nepali Congress Party (NCP) and other mainstream parties. There were also reports of a number of attacks on local offices of international non-governmental organizations.

In the initial phase, the attacks on politicians and landowners often resulted in serious injuries to their hands or legs. From about March 1996 onwards, however, the pattern changed into one of deliberate killings.

About a dozen people have reportedly been killed by armed Maoist activists since. These killings and other human rights abuses have been reported from the following districts in the Mid-Western Region: Rolpa, Rukum, Salyan, Jajarkot, Baglung and Puythan districts and from other areas of the country, including Gorkha in the Western Region and Sindhupalchok, Ramechhap and Sindhuli districts in the Central Region.

The Mid-Western Region, where the incidents of human rights violations are highest, has traditionally been known to have a high level of violence, including human rights violations, particularly during election periods. For instance, in mid-1992, there were reports of arbitrary arrests and torture of scores of supporters of the left-wing political parties in Rolpa district around the time of the local elections. During the election campaign for general elections in November 1994, two supporters of the SJM were killed in disputed circumstances by police in Rolpa district and three supporters of the CPN (United Marxist Leninist) at Bijauri VDC in Dangeokhuri (Dang) district. However, since the end of 1995 and beginning of 1996, a pattern of human rights abuses is emerging which is out of the ordinary.

The Mid-Western Region, as well as other areas where human rights abuses in the context of the "people's war" are being reported, are generally among the most deprived areas of Nepal, which itself has been classified by the World Bank as among the 25 least-developed countries in the world. For instance, large parts of Rolpa and Rukum districts are inaccessible by road. Schools, health posts, development projects and industry in those areas are often lacking or far fewer, smaller or poorer than in other parts of the country.

In the course of their interviews with Amnesty International delegates, many villagers in Rukum and Sindhuli complained that, after six years of democracy, they were not experiencing any improvement in their socio-economic conditions and were still living in extreme poverty. People also complained about corruption at a national and local level, the politicization of the police and the administration and general discrimination against lower Hindu castes and members of tribal communities, such as the Magar community, in the civil service, judiciary and national institutions such as radio and television broadcasting. Support for the aims of the "people's war" was generally strong in these areas and among these socially

and economically disadvantaged communities. In addition, there has been clear expression of support for the "people's war" among leftist intellectuals (teachers, writers, lawyers) and students in the urban areas. Some observers pointed out that some of the support given to the CPN (Maoist) by villagers may be given out of fear of otherwise being considered to be an informant of the police. As is often the case, villagers find themselves caught between both sides to the conflict.

### **History of the Maoist movement in Nepal**

Like many other political leaders, politicians of the Nepal Communist Party, founded in 1949, spent many years in prison or in exile in India during the *panchayat* (non-party) system of government in Nepal between 1960 and 1990.<sup>3</sup> During that time there were periods in which some far-left factions of the party took to violence. In the late 1960s, for instance, inspired by the Cultural Revolution in China and the Naxalite movement in West Bengal, India, a group of young communists launched an underground guerilla movement known as the Jhapa Movement in eastern Nepal. Many of their members were killed by the army in a counter-insurgency operation in 1971.

As part of a 7-member coalition, the United Left Front, Maoists politicians were active during the *Jana Andolan*, Movement for the Restoration of Democracy in 1989 - 1990, which resulted in the collapse of the government of Prime Minister Marich Man Singh Shrestha in March 1990 and the subsequent lifting of the ban on political parties.

Initially, after King Birendra appointed an interim government under Nepal Congress Party leader, K P Battarai, representatives of Maoist factions participated in discussions over the drafting of a new Constitution as part of the United Left Front. However, they left the Front in late 1990 accusing the other parties of selling out to the King after an agreement was reached to turn the country into a constitutional monarchy rather than a republic.

The SJM registered as a political party in January 1991 and participated in the parliamentary elections in May 1991. It gained nine seats, including three in the districts of the Mid-Western Region. The SJM was essentially considered at the time to be an umbrella organization for a number of groups that wanted both a means of taking part in parliamentary politics and of retaining their status of "underground" movement. It also participated in local government elections in May 1992 but generally did not perform well. In 1994, further splits took place around the issue of participation in the parliamentary elections held in November. One of the leaders opting to remain outside mainstream politics was Pushpa Kamal Dahal, alias Prachand. He is said to have founded the CPN (Maoist) in February 1995.

Ideologically, the CPN (Maoist) is close to the Communist Party of Peru (Shining Path). Both are members of the Revolutionary International Movement.

### **Human rights abuses by the CPN (Maoist)**

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Under the *panchayat* (non-party) political system, elections were held to assemblies at local and national level, but those standing for election were forbidden from joining a political party. The King was head of state and ministers were appointed and removed by the palace, which also controlled the police, the army and the administration, including at the local level.

According to information provided by police officials in early December 1996, 16 civilians have been killed by members of the CPN (Maoist) since the declaration of the "people's war" in February 1996. The Deputy Minister of Home Affairs in October 1996 reported to Parliament that there had been 43 incidents of violent attacks on civilians and that 39 houses had been set on fire.

Amnesty International has received information about 13 civilians, including members of the NCP and other mainstream political parties, defectors from the SJM and suspected informants, apparently deliberately killed by armed Maoist activists. Among them is Deuchan Basnet, Chairman of the VDC, Pipal, Rukum district. He was killed on 14 July 1996, reportedly by a group of four or five masked men armed with *khukuris* (traditional Nepali curved knives). Details of other alleged deliberate killings have been listed in Appendix A.

In early March 1996, 11 people were receiving treatment at Thribhuvan University Teaching Hospital after they were attacked by Maoist activists with hammers and other tools. Among them was Narjit Basnet, a teacher at a primary school in Pipal VDC, Rukum district, and brother of Deuchan Basnet. He was attacked on 25 February 1996 on his way home by a group of armed men, one of whom he identified as a local activist of the SJM. His left hand and two fingers of his right hand were cut off with a *khukuri*. Several sources confirmed that, despite his heavy bleeding, the Maoist activists did not permit Narjit Basnet's relatives to take him for treatment until two days later.

Prior to the attack, Narjit Basnet had received death threats by letter urging him to join the SJM within ten days or face the consequences. His name had also been among a list of names of ten people written on the school wall with a message next to it saying "we will kill you". The issuing of death threats by letter or pamphlet pinned on doors or written on walls of targeted people's homes was frequently reported to Amnesty International. Alternatively, leaflets have been issued after somebody has been killed, in which the reasons for the killing are set out.

Baburam Bhattarai, the leader of the SJM, in a statement issued on 9 March 1996, indirectly admitted that people had been deliberately and arbitrarily killed. He was reported as having stated: "Targets for the war are selected only because of their role as exploiters and not because of their affiliation with any particular political party."

### **Amnesty International's position on human rights abuses by armed opposition groups**

Amnesty International's work draws primarily on international human rights law as the basis for holding governments to uphold their international obligations to protect human rights. Since 1991, Amnesty International's policy has broadened with respect to human rights concerns by non-governmental groups. In addition to its long-standing position of condemnation of the torture or killing of prisoners by such groups, the organization now actively opposes the taking or holding of hostages and the deliberate and arbitrary killing by armed opposition groups of people not taking part in the conflict.

In the context of the "people's war", Amnesty International calls on the CPN (Maoist) to stop committing human rights abuses and to ensure that all of its members are clearly instructed that torture and killings of people not actively taking part in the conflict must not be committed.

While Amnesty International condemns the abuses committed by an armed opposition group, its stand does not carry a connotation of recognition or condemnation of that group nor does it constitute a comment on the legitimacy of its goals or political programme, or on the use of violence as such for its achievement.

The organization does not by taking action on human rights abuses imply that the situation it addresses necessarily constitutes an armed conflict in terms of international law; it seeks the observation of minimum humane standards even in cases of sporadic armed encounters. These standards are laid down in particular in Article 3 common to the four Geneva Conventions of 1949, which forbids governments and armed opposition groups alike to torture, to deliberately kill civilians taking no part in the fighting, to harm those who are wounded, captured or seeking to surrender, or to take hostages.

While visiting Nepal, Amnesty International sought to meet representatives of the CPN (Maoist) or SJM to raise its concerns about abuses of human rights by armed Maoist activists and to initiate a dialogue about the observance to international humanitarian principles. However, its delegates received no response to its attempts at making contact.

### **Government response**

At the time of the Amnesty International visit, approximately nine months after the start of the "people's war", several ministers stated that the government had not as yet devised a detailed strategy to seek a political solution to the situation nor to address the human rights violations reported in the context of the "people's war". In early March 1996, the Prime Minister had called an all-party meeting in which eight political parties participated. Subsequent press reports stated that the government had decided on a two-track approach: "re-asserting security measures, and concomitantly exploring possible political solutions without resorting to human rights violations." (*The Independent*, Kathmandu, 6 - 12 March 1996).

Subsequently, there were some preliminary attempts at initiating negotiations by the Chairman of the Parliamentary Committee on Foreign Affairs and Human Rights, a member of the Committee and a leading human rights activist. However, the SJM and the government could not agree on a number of pre-conditions for the start of negotiations put by the other side. Efforts to find a political solution have remained stalled since.

There had been two official investigations into human rights violations reported to have occurred in the Mid-Western Region before the start of the "people's war". In December 1994, the then government appointed a seven-member committee chaired by Birendra Keshari Pokhrel, a human rights activist, to investigate reports of human rights violations, including the shooting by police of SJM supporters in Rolpa district during the November 1994 election campaign (see page 3-4). The committee finalized its investigations and submitted its report to the then government. To Amnesty International's knowledge, the report was not formally made public, nor is any action known to have been taken on its recommendations. It is believed that the report was critical of a number of politicians from mainstream political parties from the area; and that this factor contributed to the decision not to make it public.

In December 1995, an all-party parliamentary delegation visited Rolpa district to investigate reports of human rights violations in the wake of "Operation Romeo" by the police (see below). The

committee did not draw a unanimous conclusion. Members of political parties in power concluded that the police actions were legitimate, whereas members of the opposition described them as "unjustified". No report was made, but members of the delegation issued individual press releases.

In Amnesty International's view, the apparent politicization of human rights is a serious threat to human rights protection in Nepal. The establishment of a truly independent investigation into the reports of human rights violations described in this report, the outcome of which all political parties should pledge to respect, is of paramount importance.

While there has been little sign to date of the human rights and broader socio-economic issues surrounding the "people's war" being addressed in any concerted way, more and more emphasis appears to have been put on approaching the "people's war" as a law and order problem.

Prior to the formal declaration of the "people's war", in early November 1995, a police operation was launched referred to as "Operation Romeo" in Rolpa District. According to the Additional Inspector General of Police, this operation involved police addressing local people in an attempt to "win their hearts and minds" and at the same time deny the CPN (Maoist) its support base. In addition, it involved police encouraging local officials to set up development projects. An estimated 170 police, including 50 who had received specialized training in riot control, were sent to the area. In addition, new police posts were established. In other districts, the police presence has also been increased both in numbers of officers deployed and in the number of police posts established at village level. For instance, the DSP in Sindhuli informed the Amnesty International delegation that the number of police in the district had been increased from 183 to 340 after February 1996.

To Amnesty International's knowledge, the army has to date not been deployed to assist the police in maintaining law and order. However, there have been some reports that individual army officers have taken leave and returned home to protect their families. It is unclear whether they have been allowed to take their arms with them. In late January 1997 an "anti-terrorism summit" was organized by the army. Around the same time, there were also reports that the army had started to give special training to the police.

At the local level, some officials are reported to have admitted to using illegal methods to maintain law and order. The CDO in Gorkha, for instance, told a delegation of local human rights organizations visiting the area in late March 1996 that "SJM supporters do not abide by the present Constitution, so the present government is not compelled to watch their human rights." The Deputy Inspector General of Police in charge of the Mid-Western Region is reported to have said that "terror must be created to control terrorism".

### **Nepal's obligations under international law**

Even in situations of internal strife such as the "people's war", fundamental human rights cannot be ignored. The torture and deliberate killing of prisoners or other defenceless individuals cannot be justified in any circumstances. International human rights law makes clear that certain fundamental rights - in particular the right to life and the right not to be subjected to torture - must be upheld by governments at all times and in all circumstances. Killings by members of armed opposition groups can never provide



justification for government forces to deliberately kill defenceless people. Nor can they justify the torture of prisoners in the custody of the police.

These fundamental rights are laid down in international human rights instruments to which Nepal is a party. They include the International Covenant on Civil and Political Rights (ICCPR) and its first optional protocol, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Torture Convention), the Convention on the Rights of the Child and the Convention on the Elimination of all Forms of Discrimination against Women.

Under Article 4 of the ICCPR, to which Nepal acceded in 1991, there can be no derogations from the duty to uphold the right to life and the right to freedom from torture in any circumstances, even "in time of public emergency which threatens the life of the nation".

The right not to be tortured -- whoever the victim of torture may be and whatever the crimes he or she is suspected of having committed is also contained in the Torture Convention, to which Nepal acceded in 1991. Amnesty International is concerned by statements made by some officials such as the Secretary, Ministry of Home Affairs who suggested during a meeting with Amnesty International delegates in early December 1996 that torture in response to violence by armed Maoist activists could be acceptable. He stated that one needs to make a distinction between "intentional torture" and "counter-torture". Such attempts to retreat from or ignore Nepal's obligations under international standards and indeed its own Constitution will only serve to perpetuate the problem of torture.

Article 6 of the ICCPR states: "No one shall be arbitrarily deprived of his life". This prohibition of the arbitrary deprivation of life is important because it helps to distinguish extrajudicial executions from killings which are not, or have not yet been, forbidden under international human rights standards, such as killings resulting from the use of reasonable force in law enforcement (see below). The right to life is a right which the United Nations (UN) Human Rights Committee has said "should not be interpreted narrowly". The UN Human Rights Committee has described the protection against arbitrary deprivation of life in Article 6 as being "of paramount importance". It has stressed the need for governments to "take measures not only to prevent and punish deprivation of life by criminal acts, but also to prevent arbitrary killing by their own security forces." Similar principles prohibiting the killing of defenceless people and torture can be found in international humanitarian law, more particularly in Article 3 common to the four Geneva Conventions of 1949.

International standards also regulate the use of force by law enforcement officials.<sup>4</sup> They acknowledge that use of force may in certain situations be unavoidable to protect the lives of others. But force must be used "only when strictly necessary" and should not be disproportionate to the legitimate objective to be achieved. The use of lethal force or firearms is further restricted to a series of situations involving the "imminent threat of death or serious injury" or "grave threat to life", and "only when less extreme means are insufficient" to achieve the objectives specified. Furthermore, the "intentional lethal use of firearms" is to be made only "when strictly unavoidable in order to protect life", implying that lesser

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<sup>4</sup> Principles on the use of force by law enforcement officials have been laid down by the UN in the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

means should be used first and that firearms should not be used before lesser means have proved insufficient to protect life.

A killing as a direct consequence of engagement between the security forces and members of armed opposition groups may be justified if it meets these conditions and therefore lawful under these standards. The killings which Amnesty International raises with governments are those which appear to be deliberate unlawful killings of defenceless people, whether they are unarmed civilians or members of armed opposition groups incapacitated by injuries or who have been taken prisoner or surrendered and offered no resistance. It is in this context that Amnesty International also raises concern about a pattern of killings of members of armed opposition groups where it appears that they were deliberately killed in circumstances where the law enforcement authorities had the opportunity to arrest them without risking the lives of others or their own lives.

With regard to allegations of arbitrary arrest and detention, Amnesty International recognizes that it is the duty of the authorities to take the measures necessary to maintain law and order and arrest those suspected of involvement in violent criminal activities, including violent attacks on the police, on other people or on property. However, when arresting and detaining people, the law enforcement agencies should at all times be required to act strictly in accordance with relevant international human rights standards.

## **Human rights violations**

### **Arrests and arbitrary detention of prisoners of conscience and possible prisoners of conscience**

Since the start of the "people's war", hundreds of people have been detained on suspicion of being members or sympathizers of the CPN (Maoist) or SJM. They included people holding office in the local administration, teachers, journalists and human rights activists, particularly in the Mid-Western Region. There have also been reports that relatives of people thought to be members of the CPN (Maoist) or SJM in hiding have been taken into custody. By the end of November, 1,358 people had been arrested, and although many were released, approximately 600 people remained in detention awaiting trial. Among them are many members of the Magar tribal community and members of lower Hindu castes. Amnesty International is concerned that among those arrested may be several prisoners of conscience, i.e. people arrested on the basis of their real or imputed political beliefs, their ethnic origin, sex, colour, language, birth or other status who have not used or called for violence.

During the initial phase of "Operation Romeo" in Rolpa district in November - December 1995, there were widespread reports of arbitrary arrests and detention, mainly under the Public Offences and Penalties Act, which permits detention pending investigation for up to 25 days on order of a CDO.

Among the first people arrested after the declaration of "people's war" was Jhakku Prasad Subedi, chairman of the District Development Committee of Rolpa, a local administrative body. He was arrested on 15 February 1996 from his home at Libang, Rolpa district. He was a member of the SJM and had been elected as chairman in 1992 but claims he was expelled from the party in January 1996 because he opposed the declaration of "people's war". He was initially held on suspicion of involvement in five

attacks attributed to armed activists of the CPN (Maoist). In early December 1996, the Appellate Court of Dang district reportedly acquitted him on four of the five charges. He is currently imprisoned at Kathmandu Central Jail awaiting trial on charges of involvement in an arson attack. Amnesty International believes he may be a prisoner of conscience held solely on the basis of his non-violent political beliefs and has sought further information from the government about the grounds of his detention.

Among the teachers arrested in Rukum district are Bal Bahadur Nath, Bhoj Raj Budha, Pratap Jaisi, Lal Singh Adhikari and Shashi Ram Kari, chairman of the Nepal Teachers' Association, Rukum district. Shakti Lamsal, a 60-year-old journalist and writer was arrested around 5am on 21 February 1996 from his residence in Kathmandu. He was charged with throwing stones at police under the Public Offences and Penalties Act. He was released on bail on 9 May 1996 and is awaiting trial.

Rajendra Dhakal, a lawyer and volunteer worker for FOPHUR, a local human rights organization, was arrested in Gorkha on 28 February 1996. The court released him but he was re-arrested by the police on 8 March. Since his release on 23 April, he has reportedly been re-arrested several times.

Bishnu Maya Rana of Khalanga VDC, Jajarkot district was arrested with her two daughters on 29 February 1996. Police questioned her for three days about the whereabouts of her husband, whom they suspected to be a member of the SJM. While in detention, she was stripped naked and beaten. Thirteen-year-old Indra Prasad Devkota from Amale VDC, Sindhuli district was arrested on 19 April 1996 and taken to Sindhulimadi police station. Police reportedly told his mother that he would not be released unless her husband -- whom police suspected of involvement in attacks by Maoist activists in the area -- handed himself over. Local human rights organizations managed to obtain the boy's release after five days. When interviewed by Amnesty International, Indra Prasad Devkota claimed that he was hit with a bamboo stick and kicked while being asked to reveal his father's whereabouts.

Local human rights organizations have expressed concern that detainees have not been given access to their family or lawyers for several days, sometimes even weeks. According to one source, lawyers in Rolpa district have been threatened by the police not to appear on behalf of members of the SJM else they would be arrested themselves. Bishwa Prakash Bandari, a lawyer, was arrested from his home in Sindhulimadi, Sindhuli district on 20 March 1996 and held in police custody for 29 days. He claimed that the DSP insinuated that he had been arrested to prevent him from appearing for a group of people arrested on suspicion of involvement in an attack on a police post. He spent four months in prison and was fined 6,000 rupees allegedly on the basis of a statement by a policeman claiming he was a "Maoist". He has appealed against the sentence.

### **Torture, including rape, and cruel, inhuman or degrading treatment in police custody**

Many of those arrested have complained of torture and other cruel, inhuman or degrading treatment in police custody. Among the most commonly reported forms of torture is *falanga* - beatings on the soles of the feet of a prisoner - a form of torture which is not only painful during infliction, but can cause the detainee considerable pain and difficulty in walking at a later stage. The practice of *falanga* is widespread throughout Nepal. Another particularly damaging form of torture reported is *belana*, which involves the detainee being held prone by police standing on either side and applying pressure to the legs

by rolling a weighted bamboo cane down the thighs. This treatment causes muscle damage and is also reported to sometimes lead to renal failure.<sup>5</sup>

Jhakku Prasad Subedi (see above) was initially treated well by police. However, on 7 March around 7pm, two police officers took him up to a room on the first floor of the police station. There, one of them held him upright while the other one repeatedly delivered blows to his thighs with his knees. After about three hours, Jhakku Prasad Subedi lost consciousness. He remembers somebody walking into the room and telling the two police officers to stop torturing him. After three days, a doctor visited him and provided some treatment. As a result of his torture, Jhakku Prasad Subedi was unable to walk without support for seven days. He continued to have difficulties walking and had to use a walking stick till November 1996. At the time of writing, he was held at the Central Jail in Kathmandu where Amnesty International interviewed him in early December 1996. The delegates were shown medical certificates corroborating the allegations of torture made by the prisoner.

Dambar Bahadur Rokaya was arrested on 25 February 1996 on suspicion of involvement in an arson attack and taken to the police post in Darma, Salyan district. He alleges he was subjected to *falanga* by the local police. After his transfer to Salyan district police station, he was again subjected to *falanga*. He is also reported to have been beaten with a stick on other parts of his body and kicked by those interrogating him. He was brought before a court after 41 days in police custody, although under Nepali law a detainee should be presented in court within 24 hours of arrest. He complained to the magistrate about his torture. The following day he was reportedly beaten by police officers for doing this. Several months after his arrest, he was still experiencing pain and a tingling sensation in his legs and could not sit comfortably.

Another prisoner, Meen Raj Lamsal, arrested on 13 March 1996 at Bijauri, Dang district was reportedly tortured by police who, among other things, burned his anus with a lighted candle. At Khubinde, Sindhupalchok district, several children were reportedly beaten during interrogation by police in February 1996 after they had been involved in chasing away a police officer who had come to arrest a teacher. The police officer had drowned when he had run into a river. The head teacher, Dil Prasad Sapkota, arrested with the children, was allegedly beaten while being hung upside down.

Another teacher, Lal Singh Adhikari from Magma VDC, Rukum district was tortured for three consecutive days at Musikot police station in February 1996. Police rolled a heavy weight over his thighs while asking him to provide information about some of his friends whom they suspected of having been involved in an attack on a police post. He was also repeatedly asked to confess to being involved in the attack himself. Because he continued to refuse, police continued to torture him over three days and on two further occasions in the next few days. When Amnesty International interviewed him in November 1996, he complained of pains in his legs.

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<sup>5</sup> Some of the cases described in this chapter were included in the Amnesty International document *Medical Concern: Nepal: Seven cases of torture in Salyan and Rolpa districts* of 8 August 1996 (AI Index: ASA 31/07/96). In response to appeals by Amnesty International members, police authorities denied that torture took place in police custody.

Ganga Shrestha, a student at Kathmandu University, was arrested with eight others while attending a students' program organized by the All Nepal National Free Students Union (Revolutionary), affiliated to the SJM, at Amale, Sindhuli district on 6 May 1996. Police accused him of being the organizer of several attacks by armed Maoist activists in the district. He was questioned by the DSP who called for the assistance of seven other policemen. They displayed various objects, including sticks, razor blades, salt and pins. The seven officers then started beating him all over his body with the sticks. Ganga Shrestha claimed they used 15 sticks in total as they kept breaking. He suffered a broken finger in his right hand and serious bruising to his right eye, resulting in reduced vision. When he was produced before the district court after seven days, the court ordered a medical examination. To date, no action appears to have been taken against the officers responsible for torturing him.

Complaints have also been made of sexual harassment and rape in police custody. Two girls and a young woman, Khal Kumari Khatri Chhetri (14), Thirtha Khatri Chhetri (17) and Deosari Khatri Chhetri (18) were ordered to strip naked after the police killed six people in an attack on a house in which 18 alleged members of the SJM were hiding at Leka, Rukum district (see below). An older woman alleged that the two girls and the young woman were subsequently raped by the police officers. A 19-year-old member of the Magar community arrested in March 1996 from Kapilakot, Sindhuli district on suspicion of involvement in a robbery of grain attributed to members of the CPN (Maoist), alleged the DSP took her into his residence without anybody else present. She claims he kissed her and touched her private parts.

There have also been reports that prisoners in need of medical attention had not been given access to adequate medical treatment. Thara Bahadur Thapa, a 23-year-old farmer from Kapilakot VDC, Sindhuli district was not taken to hospital for seven days despite having a broken leg. He claimed that police at Mahendra Jashadi police post, on the border with Kabrepalanchok district, hit him with a rifle butt resulting in a fracture below his left knee at the time of his arrest on 24 May 1996. He was not taken to hospital until 31 May 1996.

There were also reports that prisoners have died in police custody as a result of torture. Bhanu Pratap Singh Chaudhary, a farmer from Halawar VDC, Dang district died on 31 August 1996 at Tulsipur Health Post, allegedly after he was beaten in police custody. He and a group of other farmers had been involved in a fight with a group of supporters of the NCP on 28 August. The next day, they were called to the Khadre temporary police post where further fighting occurred. The police brought the situation under control and reportedly asked all involved to sign a document settling the issue between both sides. When Bhanu Pratap Singh Chaudhary and the other farmers refused, they were taken into custody and beaten with a baton and kicked. Bhanu Pratap Singh Chaudhary was rushed to the Tulsipur health post for treatment but died on 31 August 1996. A list of cases of deaths in custody allegedly as a result of torture has been included in Appendix B.

### **Alleged extrajudicial executions**

Amnesty International is disturbed by the number of killings that have taken place in disputed circumstances during so-called "encounters" or armed confrontations between police and armed Maoist activists and by evidence that police may have repeatedly used lethal force in situations where such force was clearly unjustified, and as an alternative to arrest.

At a district level, police act under the CDO's direct control. Under Article 6(1)(b) of the Local Administration Act the CDO must issue a written, signed order authorizing the police to use lethal force. The law also provides that, if there is no time to issue a written order, a verbal order can be issued, which must be confirmed in writing as soon as possible, and in any case within 24 hours. If this is not possible, the police have to report in writing to the CDO clarifying the reasons why it was not possible and setting out the circumstances in which officers were required to use force. An internal inquiry will then be carried out to ascertain whether the officers acted within the law. It is therefore clear that the use of lethal force is legally considered in Nepal to be an extreme measure, to which police can only resort when strictly unavoidable to protect life and that a decision to use lethal force has to be taken on a case by case basis by the CDO, unless in exceptional circumstances. However, when delegates of Amnesty International inquired from the CDO in Rukum about several incidents of disputed shootings, the CDO admitted that he had delegated the authority to decide on the use of lethal force for an unlimited period to the DSP and other senior police officers. He had done this on 21 February 1996, shortly after three bombs had been found in Musikot, including at his office and the office of the DDC. Since then, there have been nine incidents of disputed shootings in Rukum district, in which 18 people have been killed. Amnesty International was told by the CDO that internal inquiries have found the officers' actions to have been justified in all cases given the threat encountered or perceived at the time. The reports of the inquiries, however, are not accessible to the public.

Amnesty International recognizes that police officers often have to make split-second decisions in difficult circumstances, and that it does not have access to the full facts in all the cases that have been reported. Nevertheless, there appear to be serious doubts in many of the cases as to whether the alleged armed Maoist activists had offered an immediate threat to life when they were shot. Several of the victims (who included two juveniles) were not armed with guns at the time they were shot; others were only carrying *khukuris*; others were killed while fleeing; some were shot allegedly after they had already been disabled; in several cases witnesses disputed police accounts of the shootings given to Amnesty International. In addition, in some of the cases which Amnesty International asked for details about, the police and CDO gave conflicting accounts, casting doubt on the thoroughness of the internal inquiries. At Sindhuli, a prisoner and a former prisoner independently recounted how the DSP had scolded a junior police officer for bringing prisoners to the police station. He is alleged to have said: "Why did you not kill them along the way?" The DSP in Sindhuli also admitted to the Amnesty International delegation that the arms used by the Maoist activists are "not sufficient to kill".

In one of the largest incidents of alleged "encounter" killings, six people were killed at Leka village, Pipal VDC, Rukum district on 27 February 1996, including a juvenile. According to official sources, they died in an exchange of fire between a group of police officers and 18 members of the SJM hiding in a house. Police had been called to the area in response to an attack by Maoist activists on Narjit Basnet, member of the NCP and brother of the VDC Chairman (for more details, see page 6 above) There are several factors however suggesting that these killings may have been extrajudicial executions. First of all, there are eye-witness reports suggesting that at least two of the six people killed were killed deliberately. Fourteen-year-old Khadka Bahadur Khatri Chhetri, apparently tried to run away with his hands handcuffed and was shot in the chest by a group of police officers coming from the opposite direction. Pashupati Khatri Chhetri allegedly was killed while lying on the ground. Witnesses are reported to have heard him ask for water. A police officer then allegedly shot him in the throat. At no time did police claim that police officers had been injured in the "encounter". The fact that police reportedly

refused to return the bodies to the relatives also indicates an attempt by police to cover up possible unlawful killings. (For names of all victims, see Appendix C)

Another example of such alleged "encounter" killings suspected of being extrajudicial executions are the killings of Tika Prasad Devkota and his brother Ganendra Prasad Devkota, on 7 May 1996 at Amale, Sindhuli district. According to the DSP, Sindhuli, police had been sent to Amale from Sindhulimadi in response to reports of the kidnapping of one Chandra Bahadur Koli. He claimed police were attacked by 10 - 15 Maoist activists armed with guns, including the two brothers, who were killed in the exchange of fire. According to an eye-witness report, however, the brothers were taken prisoner and a few hours later brought to Simale, showing signs of having been beaten. Their sister alleges that she was allowed to hand over some clothes and that police allowed her brothers to change before taking them away. There are allegations that when the police patrol proceeded towards Hattigaunda the detainees were taken to a cave and shot. Local people who were herding cattle nearby later stated that they heard two shots being fired. Another source alleges that the two brothers were deliberately shot dead when they tried to run away while they were allowed to attend a call of nature. According to the CDO in Sindhulimadi, the police patrol informed him via walkie talkie that they had been shot at, given chase and that two brothers were hit in the chest. He claimed they died while being transferred to police headquarters. In another report on the incident published in the *Gorkhapatra* newspaper, a spokesperson for the Home Ministry is reported to have said that a group of policemen taking the two detainees to hospital was attacked by armed Maoist activists at Hattigaunda; the two detainees were shot in an ensuing exchange of fire. Post-mortem examinations were carried out on their bodies, the results of which are not known.

Jaya Bahadur Budha, Mana Kumari Shrestha (f) and Chakra Bahadur Shrestha died of gunshot injuries at the market place in Kakri VDC, Rukum district on 18 March 1996. According to the CDO, Rukum, they had been among a group of 70 - 80 supporters of the SJM who had thrown stones at a police patrol accompanying two prisoners to Musikot police station. According to the DSP, Rukum, on the other hand, the villagers had tried to snatch the arms carried by the police. He claimed the three had been "killed in the ensuing melee". He claimed that weapons had been found at the scene, but could not provide further details. Witnesses however allege that the two men were having a drink when police appeared while Mana Kumari Shrestha was weaving a basket in her shop. Police approached her and asked questions about her husband, a known Maoist activist. The witnesses allege that police suddenly shot at the two men without an apparent reason. They claim Mana Kumari Shrestha was killed when she approached Chakra Bahadur Shrestha who was lying injured on the ground and had requested water.

Several other cases of killings in disputed circumstances have been reported. On 29 February 1996, Man Bahadur Rawal and Man Bahadur Bali, both from Laha village, Jajarkot district died while being taken to a nearby police station. They were handcuffed together. Police allege they fell down a cliff while trying to escape. However, witnesses claim they were deliberately pushed off the cliff. Rabi Khatri Chhetri (22), a college student from Magma VDC-6, Rukum district was shot in the leg by police while trying to evade arrest on 13 July 1996. He was brought alive to the VDC office. There, according to local people, police discussed what to do with him: take him to the police station or shoot him dead on the spot. An assistant inspector was then seen shooting him in the chest outside the VDC office.

In Appendix C, Amnesty International has listed 52 cases of possible extrajudicial executions reported to the organization. They include 26 cases from Rolpa district, 18 from Rukum district, four from

Jajarkot, two from Sindhuli districts and one from Gorkha and Sindhupalchok districts. The large majority of the victims are members of the Magar community. There are two juveniles and three women among them.

### **Amnesty International recommendations**

Amnesty International is calling on the Government of Nepal to implement the following recommendations for the investigation and prevention of human rights violations, in particular extrajudicial executions and torture. It also calls on the leadership of the CPN (Maoist) to give clear orders to their members prohibiting deliberate and arbitrary killings and maiming of civilians.

Amnesty International urges concerned individuals and organizations and all political parties to join in promoting these recommendations in order to prevent further human rights violations occurring in the context of the Maoist “people’s war” or elsewhere in Nepal.

#### **1. Official condemnation**

The government should publicly demonstrate its opposition to extrajudicial executions and torture. A clear message should be given to members of the security forces that extrajudicial executions and torture will not be tolerated under any circumstances.

#### **2. Chain-of-command control**

CDOs and senior officers of the police should maintain strict control to ensure that officers under their command do not commit extrajudicial executions and torture. Officials who are found to have ordered or tolerated extrajudicial executions or torture by those under their command should be held criminally responsible for their acts.

#### **3. Restraints on use of force**

The government should ensure that the police only use force when strictly necessary and only to the minimum extent required under the circumstances. Lethal force should not be used except when strictly unavoidable in order to protect life.

#### **4. Prohibition in law**

The government should consider introducing a constitutional amendment guaranteeing the non-derogable right to life.

The government should review and amend existing legislation, particularly the Local Administration Act and the Police Act, to ensure that there are strict legal limitations on the use of force and firearms by the police, in accordance with international standards.

#### **5. No incommunicado detention**



The government should end the practice of incommunicado detention by ensuring the drawing up of clear and precise regulations to ensure the detainees' right of prompt and regular access to independent doctors and lawyers and the right to be visited by their relatives.

## **6. Access to court**

The government should ensure the effective application of existing legal and procedural safeguards in all circumstances, including that all prisoners should be brought before a court within 24 hours. Instructions should be issued that failure to implement legal safeguards will lead to criminal prosecution.

## **7. Individual responsibility**

The prohibition of extrajudicial executions and torture should be reflected in the training of all officials involved in the arrest and custody of prisoners and all officials authorized to use lethal force, and in the instructions issued to them. These officials should be instructed that they have the right and duty to refuse to obey any order to participate in an extrajudicial execution or torture. An order from a superior officer or a public authority must never be invoked as a justification for taking part in an extrajudicial execution or torture. They must be made aware that they will face criminal prosecution for such acts.

## **8. Investigation**

The government should ensure the independent and impartial investigation of all allegations of serious human rights violations reported in the context of the "people's war", either by the National Human Rights Commission or a similar independent body. The methods and findings of all such investigations should be made public in full.

The government should order a review of *post mortem* procedures in cases of suspicious death; ensure that *post mortem* examinations are carried out into all cases of suspicious death and independently of anyone implicated in the death; and allow the presence during examination of a medical or other representative of the family of the deceased. Relatives of the victims should be given access to all information relevant to the investigation.

Officials suspected of responsibility for extrajudicial executions or torture should be suspended from active duty during the investigation.

Complainants, witnesses, lawyers and others involved in the investigations should be protected from intimidation and reprisals.

## **9. Prosecution**

The government should take action to bring to justice anyone against whom there is reasonable evidence of involvement in extrajudicial executions and torture. The definition of those responsible should include those who may have given orders as well as those who carried out the actions.

## **10. Compensation**

Notwithstanding the provisions in the Torture Compensation Act, victims of extrajudicial executions and torture or their relatives should be entitled to obtain fair and adequate redress from the state, including financial compensation.

**11. Safeguards during interrogation and custody**

The government should review procedures for detention and interrogation. All prisoners should be promptly told of their rights, including the right to complain about their treatment to a judge. There should be regular independent visits of inspection to places of detention, including lay people.

**12. An independent complaints’ authority**

The government should consider the establishment of a permanent, independent complaints’ authority as a measure to ensure the public accountability of the police. Such a body should be able to function at the local level and be given the powers to carry out continuous assessments of the police’s own measures to ensure compliance with national and international regulations on the use of force, to prevent torture and corruption; to record the incidence of complaints of excessive force, and where necessary conduct its own investigations. This would promote greater transparency and accountability among the police, and contribute to the government’s long-term plan to transform the force from a quasi-military force into a community service.

**Appendix A: List of victims of alleged deliberate and arbitrary killings by CPN (Maoist)**

<b>Name</b>	<b>Date</b>	<b>Place</b>	<b>Alleged circumstances</b>
Krishna Bahadur Budha (50)	15/2/96	Mahat VDC, Rukum district	Attacked in his home at night by masked men.
Dil Bahadur (alias Mithu) Gharti	27/2/96	Homa VDC, Rolpa district	Beaten to death while sleeping in his cowshed.
Dil Bahadur Gharti (34)	2/3/96	Khareti VDC, Rolpa district	Attacked by a group of 6 or 7 armed members of the SJM.
Bishnu Prasad Poudel (23) Bajhi Man Budha Magar (38)	2/3/96	Rolpa district	Killed in explosion of hand-made bomb near water mill. Bishnu Prasad Poudel died on the spot. Bajhi Man Budha Magar died while undergoing treatment in hospital.
Bal Krishna Shrestha	15/3/96	Sangachok VDC, Sindhupalchok district	Shot while returning home from shop, allegedly for his membership of the National Democratic Party.
Kumbir Gharti (35)	29/3/96	Hukam VDC, Rukum District	Killed at home by a suspected Maoist
Dhan Singh Khadka	3/5/96	Simle VDC, Rukum district	Dragged from his bed and killed by stabbing.

Deuchan Basnet	14/7/96	Pipal VDC, Rukum district	Hacked to death by a group of 4 or 5 people wearing masks on his way home from observing local drinking water project.
Mani Ram Khatri (35)	5/8/96	Magma, VDC, Rukum district	Hacked to death by masked men with <i>khukuris</i> while he was buying cigarettes in a shop
Tek Bahadur Oli (30)	12/10/96	Kharka VDC, Rukum district	Throat cut with a <i>kuhkuri</i> by a suspected Maoist near the market at about 3.30pm
Dhan Bahadur Budhathoki	26/10/96	Suikot VDC-9 Salyan district	A shopkeeper. Killed by suspected Maoist activists.
Dal Bahadur Tochhaki Magar	27/10/96	Pelung VDC, Sindhuli district	Shot by a group of suspected Maoist activists while asleep at home.
Balaram Pokharel	11/1/97	Chhoparak VDC, Gorkha district	Attacked in his house by 10 masked men who dragged him outside and stabbed him to death..

**Appendix B: List of deaths in custody allegedly as a result of torture**

Name of Victim	Date	Place	Alleged circumstances
Hasta Bahadur Damai	around 20/3/96	Damai VDC, Jajarkot district	He died due to torture in detention after he was arrested in early March 1996.

Bhakta Bahadur Sunar (31)	26/7/96	Tewang VDC, Rolpa district	Was reportedly arrested on 25 July, died in custody of police due to torture on 26 July. Police allege he was killed in "encounter" on 27 July 1996.
Bhanu Pratap Singh Chaudhary	31/8/96	Halawar VDC-4, Dang district	Taken into custody by police at Khadre temporary police post. Allegedly beaten with a baton and kicked. Rushed to Tulsipur health post where he died. Not known whether a post mortem report was carried out.

**Appendix C: List of victims of alleged extrajudicial executions**

<b>Name of victims</b>	<b>Date</b>	<b>Place</b>	<b>Alleged circumstances of killing</b>
Dil Bahadur Ramtel (14)	26/2/96	Pandrung VDC, Gorkha district	Shot dead during police firing into group of schoolchildren protesting against the arrest of their headmaster.
Kal Bahadur Khatri Chhetri (22) Man Bahadur Khatri Chhetri (25) Pashupati Khatri Chhetri (25) Khadka Bahadur Khatri Chhetri (14) Lal Bahadur Khatri Chhetri (25) Dal Bahadur Khatri Chhetri (29)	27/2/96	Leka, Pipal VDC, Rukum district	Shot by police during a raid on a house. (See page 16 for more details.)
Man Bahadur Rawal (34) Man Bahadur Bali (26)	29/2/96	Laha VDC, Jajarkot district	Alleged to have been deliberately pushed off a cliff by police. (See page 17 for more details)
Dal Bahadur Pun (42) Jokh Bahadur Pun (18)	12/3/96	Pwang VDC, Rukum district	Killed by police who were visiting their home to arrest Ganeshman Pun, a relative.
Bhar Gharti	16/3/96	Hukam VDC, Rukum district	Killed by police while on his way to a neighbour's cowshed.

<b>Name of victims</b>	<b>Date</b>	<b>Place</b>	<b>Alleged circumstances of killing</b>
Jaya Bahadur Budha Chakra Bahadur Shrestha Mana Kumari Shrestha (f)	18/3/96	Kakri VDC, Rukum district	The first two were killed during police shooting into a crowd. Mana Kumari Shrestha was allegedly killed when she tried to give water to Chakra Bahadur Shrestha. (See page 17 for more details.)
Jaya Dhan Thapa (33) Indrajit Pun (30) Lahare Pun	19/3/96	Homa VDC, Rolpa district	Jaya Dhan Thapa was killed by police in the courtyard of his house. Indrajit Pun and Lahare Pun were allegedly taken to a river two hours' walk away from their homes and shot.
Iman Singh Rokka (19)	25/3/96	Uwa VDC, Rolpa district	Allegedly killed during transfer to Dang jail.
Chob Bahadur Dangi Ganendra Giri	27/3/96	Dubidanda VDC, Rolpa district	Killed by an assistant sub inspector, according to police during "encounter" in forest around 3am.
Mulman Budha (26)	28/3/96	Mirul VDC, Rolpa district	Taken from his house to the forest by police and shot dead.
Dudh Bahadur Pun	30/3/96	Chairman Kakri VDC, Rukum district	Arrested from a house where he had met up with his wife, by police along with four others. Taken outside and shot in the chest.
Bin Bahadur Pariyar, alias Fokse Damai (30)	1/4/96	Khungri VDC, Rolpa district	Reportedly dragged out of his home by a sub inspector and shot dead, allegedly because he had refused to sell police his goat.

Name of victims	Date	Place	Alleged circumstances of killing
Tilak Ram Budha	12/4/96	Kotgaon VDC, Rolpa district	Allegedly killed by Sub-Inspector of Police at Madichaur.
Masta Bahadur Bista (21)	25/4/96	Chunwang VDC, Rukum district	Shot dead by police inside his house.
Ganendra Prasad Devkota (29) Tika Prasad Devkota (32)	7/5/96	Amale VDC, Sindhuli district	Killed while being taken to police headquarters. (See pages 16 - 17 for more details.)
Dujha Bir Gharti Magar	16/5/96	Gam VDC, Rolpa district	Shot dead by police.
Harka Bahadur Pun (19)	31/5/96	Pwang VDC, Rukum district	Shot dead by police in the jungle. Police claim they shot in self-defence when they were shot at from a cattle shed.
Thak Bahadur Puna Prabesh Budha	4/6/96	Ranmamaikot VDC, Rukum district	Shot dead by police at night near a cave in the jungle. Thirteen others reportedly escaped.
Kali Bahadur Basnet (33) Ratilal Rawat (56)	23/6/96	Jirigaun, Jajarkot district	Shot by police in nearby forest.
Rabi Khatri Chhetri (22)	13/7/96	Magma VDC-6, Rukum district	Allegedly deliberately shot in chest outside Magma VDC. (See page 17 for more details.)
Tek Bahadur Budha (24)	4/8/96	Gam VDC, Rolpa district	Shot by police in jungle
Gore Gharti Magar (28) Narendra Roka (20)	6/8/96	Seram VDC, Rolpa district	Shot by police while inside a house at Uribang.
Dute Budha (19) Parman Budha (29) Bir Bahadur Budha (18) Lal Bahadur Budha (19)	10/8/96	Jaimkasala VDC, Rolpa district	Shot by police while being taken to district police headquarters.



<b>Name of victims</b>	<b>Date</b>	<b>Place</b>	<b>Alleged circumstances of killing</b>
Hasta Bahadur Budha (30)	10/8/96	Jedwang VDC, Rolpa district	Killed by police by pushing him off a cliff.
Karna Bahadur Budha (35)	21/10/96	Grampu village, near Rankot and Kureli VDC, Rolpa district	Killed by police while being taken to Rolpa district headquarters.
Bajen Roka (42) Bal Prasad Roka (48) Singh Bahadur Budha (45) Kumari Budha (23) (f) Til Man Roka	17/11/96	Mirul VDC, Rolpa district	Killed by police in the forest. Police claim he was killed during an "encounter".
Jan Bahadur Pun (25) Sunsara Budha (22) (f)	5/12/96	Mirul VDC, Rolpa district	Killed by police in the forest. Police claim he was killed during an "encounter".
Gobinda Ghale	23/1/97	Haibung VDC, Sindhupalchok	Police claim he was killed "during an exchange of fire".