

Synopsis

Report of Fact-finding Mission on Arson by Maoists in Lalmatiya of Dang (10 December 2004)

Summary

On the basis of field monitoring, interview with the eyewitnesses and victims, a total of 34 persons, nine from Bhusal family and 25 from four Chaudhari families, were found victimized as Maoists attacked houses of civilians of Lalmatiya VDC-4 in Dang district on 10 December 2004. Maoists compelled Durga to donate 50 thousand rupees, he asked for a duration of 15 days to manage the fund. It was agreed. The rebels broke their words and destroyed his house one day before the stipulated time. Four houses of neighboring Chaudharis, ethnic Tharu community, were also burnt down. A press statement by Maoists in connection with the incident stated that they targeted the Bhusals. However, the Chaudharis, pinched by poverty and maintaining their livelihood through daily wages, have been made homeless along with the family of Durga. The perpetrators offended right to life of civilians and ignored the provisions in the Geneva Conventions.

31 December 2004, Kathmandu

1. Background

We received information on the incident through different means. A group of armed Maoists exploded two gas cylinders and destroyed houses and cowshed of Durga Bhusal at Lalmatiya VDC-4 on Friday, 10 December 2004. Houses of four Chaudhari families neighboring to Bhusal, sustaining themselves with daily labor wages, were also completely burnt down. A team of Human Rights Treaty Monitoring Coordination Committee (HRTMCC) moved for Dang to investigate the situation.

HRTMCC is a collaborative forum of 34 non-governmental organizations working in the field of human rights in the country. The forum is active since 2003. The committee primarily focuses to monitor the government efforts to implement the provisions of the international human rights treaty to which it is a state party. Preparation and submission of alternative report to the concerned UN committee is also another prime task of the coalition. The Committee also monitors the situation of human rights in the country through fact finding missions and on-the-spot investigation.

Dang, a district in the Mid-western development region of Nepal, is one of the most affected district by Maoist activities for a long time. The district witnessed the first major clash between Royal Nepalese Army and Maoists in 2001 after the rebels attacked the army inviting imposition of state of emergency nation wide and curfew over the district for a long time.

2. Objectives

- to find facts on the incident
- to monitor whether the provisions of international human rights and humanitarian laws were observed
- to gather information on the impact of the incidents over families of the victims
- to avail immediate relief to the victims
- to draw attention of concerned party involved in the incident

3. Persons the team talked with:

S.N.	Name	Office	Designation	Place	Remarks
1.	Surya Prakash Sharma	VDC	Ex- chairperson	His residence	
2.	Shobha Kanta Neupane	KalikaCommunity ForestCommittee	Chairperson	Office	
3.	Yubaraj Neupane	Lalmatiya-4	Social worker	On the spot	
4.	Chaudhari families			on the spot	
5.	Bhesraj Bhusal		Brother		
6.	Bhusal family	6 in number		Their residence	

4. Field observation:

The eight member team of Human Rights Treaty Monitoring Coordination Committee (HRTMCC), including representatives of Informal Sector Service Center (INSEC) human rights yearbook and Kantipur daily for Dang district, reached the spot on 17 December 2004. The team observed the exploded and burnt houses of Bhusal and Chaudharis, talked with the victims and the persons as mentioned in above table on the incident, the treatment the victims had to face from Maoist rebels, role of the victims in the society and on other matters relevant to the incident. Projects, development works ongoing in the area and responsibilities being carried by the victims also surfaced in the talks, interviews.

5. Details of incident

Maoists' atrocity of coercive donation spree remained the main cause of the incident. As informed by Durga, the perpetrators had warned him 14 days back to donate them fifty thousand rupees within two weeks. He had given words to them that he would manage it with the time frame as mentioned by the rebels. However, the rebels did it one day before their own date.

It was around 10: 00 pm on 10 December 2004. Durga heard voice calling him to come out of his house. Wonder to him, he saw a group of Maoists with pistol at everyone's hand. They entered the house, lashed it from inside after all the family members were called out of the house. Daughter-in-law of Durga, who was feeding her breast to her 14 days old baby, was also forcibly shunned out of the house. The rebels started collecting valuable goods, ornaments from the house warning the Bhusal family not to make any word, voice against their act.

The rebels fixed bombs on two gas cylinders and let it go off. Durga and his family cried seeking help. Grippled by uncertainty of the affair and terror surrounding them, families of the neighboring Chaudharis came out from their houses crying and begging help. A brother of Durga, who neighbored him, lit light at his house after he heard cries nearby. Immediately, he was warned to make lights off. The Bhusals and Chaudharis tried to put the fire out caused by the explosion with water binging from a nearby well in buckets and jugs but in vain as the rebels threatened them not to do so. Two houses of Durga were completely brought down along with a kitchen hut. The perpetrator looted valuable ornaments, a motorcycle and even cash worth of more than five millions in total.

The fire also engulfed four houses of neighboring Bhatti Prasad Chaudhari, Rahaman Chaudhari, Bishnu Prasad Chaudhari and Lakhan Chaudhari. The Chaudharis suffered a loss of 1.4 million rupees in the incident.

6. Victims and witnesses on the incident:

6.1 Durga Bhusal, 65, victim

He informed about the situation before and after the incident. However, he I requested the team not to disclose the information that I he shared. He expressed his feeling in this way: 'We are not sure whether we have government in this country. We want our life and livelihood secured.'

6.2 Surya Prakash Sharma, erstwhile chairperson of Lalmatiya VDC

(Durga) Bhusal is a man with spirit of social service. He is good. He did not inform us about the frequency of donation that he had to offer to Maoists before it. We observed the burnt houses of Bhusals and Chaudharis the following morning as we could not notice it at the time of its occurrence. We don't expect such acts again. I believe that they did not target the houses of Chaudharis. To be owner of your parental property is not your fault. Bhusal has his parental property. Its not a crime. Politically, he is a supporter of Nepali Congress party. It is really confusing point that why the Maoists attacked him before the date they had set to collect donation from him. It could have been caused due to 'bargaining' on it among the Maoists themselves. Maoists might have done it to threat other villagers so that they easily could collect fund from them.

6.3 Bhesh Raj Bhusal, 43, brother of Durga

They (Maoists) stopped us from helping my brother and Chaudhari families. They warned not to lit light. We phoned fire brigadier and armed police force for help. But they could not reach here for the road was blocked. We tried to put off fire with water from nearby well. Making the situation worse, the rebels threatened our life if we did that.

6.4 Mina Chaudhari, 25, victim

It was night. We were tired after working hard whole the day. We saw flames of fire suddenly. All of us cried gripped by fear. My husband broke the wall and rushed out. Rest of us in the family followed him.

6.5 Phulkeshari Chaudhari, 39, victim

We came out of house crying after breaking wall. Sadly, we could not put off fire.

6.6 Krishana Chaudhari, 22, victim

Maoists stopped us from brining water from well to put off the fire. We just remained crying seeking help.

6.7 Sunita Chaudhari, 30, victim

I have no idea how to rear our three children. Shelter has been destroyed and nothing has been left to eat. I am worried for their education. Help us for their education.

7. Maoists

As informed by INSEC Human Rights Yearbook Representative for Dang Bimal Adhikari later, Maoists maintained that they were not supposed to destroy the houses of four Chaudhuri families. They promised that they would build houses for them and manage 50 tons rice for them.

8. Relief

The team provided pens, note books, clothes for the children of the families and blankets as immediate relief for victims.

9. Conclusion

It is not difficult to conclude that Maoists visited Bhusal time and again. The team also learnt that he was compelled to donate them money on different dates on various pretensions.. There remained a whole day for Durga to avail money for them as demanded. Maoists failed to follow their own words, they reacted violently against innocent Durga. It could be a strategy of the perpetrators to collect fund from other villagers creating threat by bombing and setting house of a well-to-do civilian on fire. If followed the press statement by Maoists on the incidents, it can be interpreted that they did not intend to set fire on the houses of the Chaudharis. However, such an act of atrocity by the rebels outrightly offended general standards of international humanitarian laws, in particular, the provisions of the Common Article 3 of Geneva Conventions.

10. Suggestions

- Parties involved in the armed conflict must stop targeting civilians for their interest. Government must be able to protect its citizens.
- The warring parties must be ready for peace talks to transform the ongoing armed conflict to sustainable peace in the country.
- Maoist leadership has failed to tame its cadres in local level to be abide by the principles of international humanitarian law opposite to its commitment that it would follow them. What they said is expected to be translated into practice.
- Relief package must be reached there immediately.

11. Team Members:

1. Akur Neupane, INSEC, Kathmandu
2. Puskar Pandey, INSEC, Nepalgunj
3. Bimal Adhikari, INSEC, Dang
4. Madhav Lohani, CWIN, Kathmandu
5. Suresh Gautam, CVICT, Nepalgunj
6. Rudra Phuyal, Himrights, Nepalgunj
7. Prabhat Thakuri, Multiple Service Center
8. Kamal Lohani, JUP-Nepal, Kathmandu