

TRENDS OF VIOLENCE AND CONTESTATION IN NEPAL

7



JUL-SEP 2018
SEVENTH QUARTERLY REPORT

This is the seventh in a series of quarterly reports from the Nepal Peace Monitoring Project (PMP), covering the period from July to September 2018. The PMP uses a methodology similar to Nepalmonitor.org's alert and mapping system, with a focus on gathering data on violence and political contestation. The PMP's goal is to improve our understanding of violence in Nepal to better respond to it and promote peace.



GBV and personal disputes continue to be the main drivers of violent deaths killing 67 and 28 people respectively this quarter



10%

increase in incidents and also an increase in death by 36 percent from last quarter



9%

increase in violent incidents attributed to GBV this quarter

Executive Summary

In the third quarter of 2018, the PMP recorded 852 incidents (607 of them violent and 245 non violent incidents of protests, public contestation or threats). A total of 152 people were killed in violence and 288 cases of rape/attempted rape was recorded. This marks an increase in incidents by 10 percent (from 776 to 852) and also an increase in death by 36 percent (from 112 to 152) when compared to the previous quarter, making it the quarter with the most fatalities overall so far this year. Similarly, the cases of rape or attempted rape also increased by 59 percent in this quarter (from 182 to 288).

Similar to the previous quarter, gender based violence (GBV) and personal disputes continued to be the main drivers of violent deaths, killing 67 and 28 people respectively in this quarter. The most common forms of GBV were sexual assault with 311 (a dramatic increase of 61 percent against the quarter 2 figure of 194) and domestic violence with 71 incidents. The rape and murder of 13 year old girl Nirmala Panta of Bhimdutta Municipality in Kanchanpur triggered a nationwide outrage, as despite several investigations and interrogation of 250 persons the main culprit was still at large.¹ Similarly, on August 24, in a protest against Nirmala's murder 17 year old Sunny Khuna of Mahendranagar in Kanchanpur district was killed and 25 injured after the police opened fire on civilians with tear gas and live ammunition.²

Three incidents related to abuse following dowry demands were recorded, in which two women were killed. In 11 incidents people were attacked following accusations of witchcraft. Similarly, 14 cases of violence or discriminations against Dalits were recorded, involving five injuries and the death of one person.

Similar to the previous quarter, governance, politics and economic issues triggered majority of the non violent contestation and public protests in this quarter.

Gender Based Violence(GBV), the Leading Cause of Violent Deaths

The PMP recorded 852 incidents (607 violent incidents and 245 non-violent incidents of protests, public contestation or threats) in Quarter three. Violent incidents saw an increase by nine percent (from 561 to 607) and non-violent incidents saw an increase by 14 percent (from 215 to 245), when compared to the previous quarter. The number of injuries due to violence other than GBV remained the same (from 267 to 268). The level of violent death increased by 36 percent (from 112 to 152). GBV and disputes of personal nature remained the leading cause of violent deaths, killing 67 and 28 people in Quarter Three respectively.

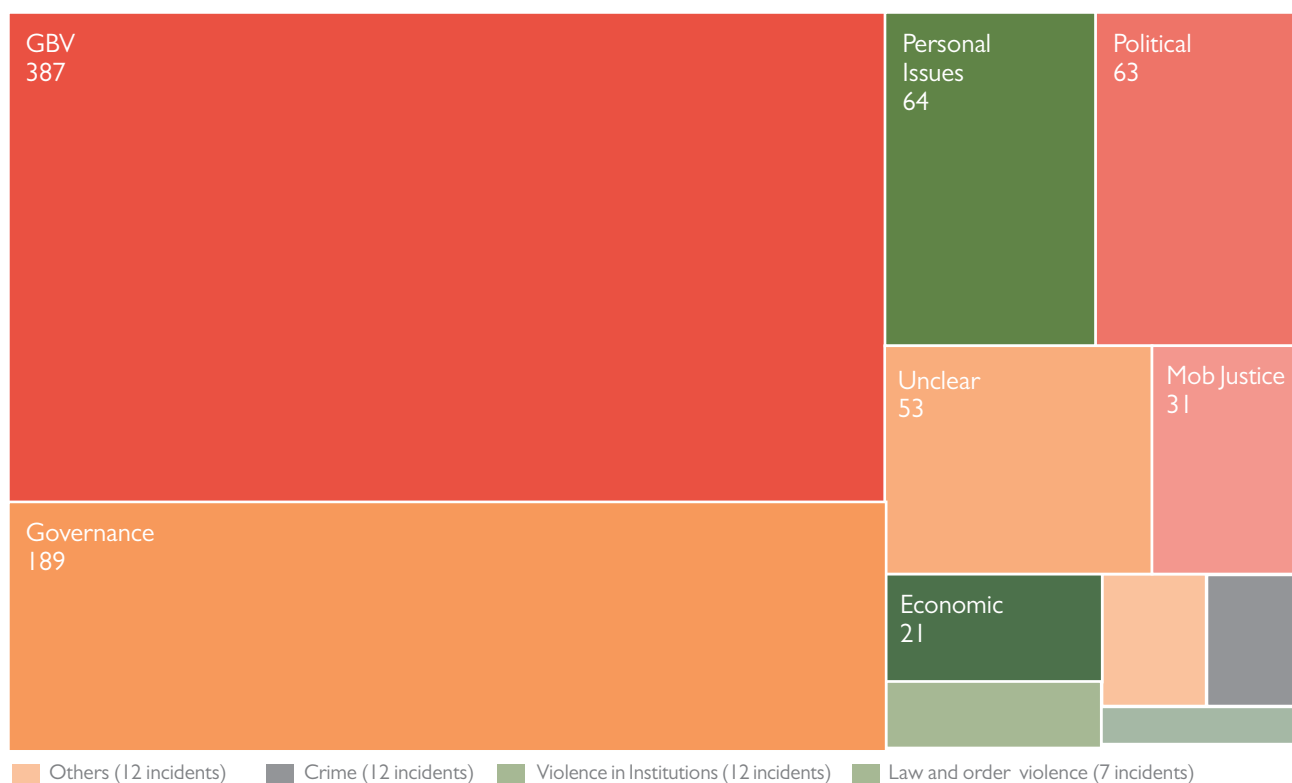
¹ See: [250 Persons Investigated in Nirmala Panta Case](#)

² See: [Kanchanpur Rape, Murder: 1 Dead, 24 Injured in Police Firing](#)

FIGURE 1: TRIGGERS OF VIOLENCE RESULTING IN FATALITIES



FIGURE 2: TRIGGERS OF INCIDENTS



In this quarter, governance related incidents increased by 22 percent (from 155 to 189). The incidents mainly involved protest against tax hike, over the quality of education and fees, or demanding legal action on specific crimes. Incidents related to political issues decreased by 28 percent (from 87 to 63) along with a decrease of 49 percent in incidents related to economic issues (from 41 to 21).

FIGURE 3: INCIDENTS AND THEIR IMPACTS

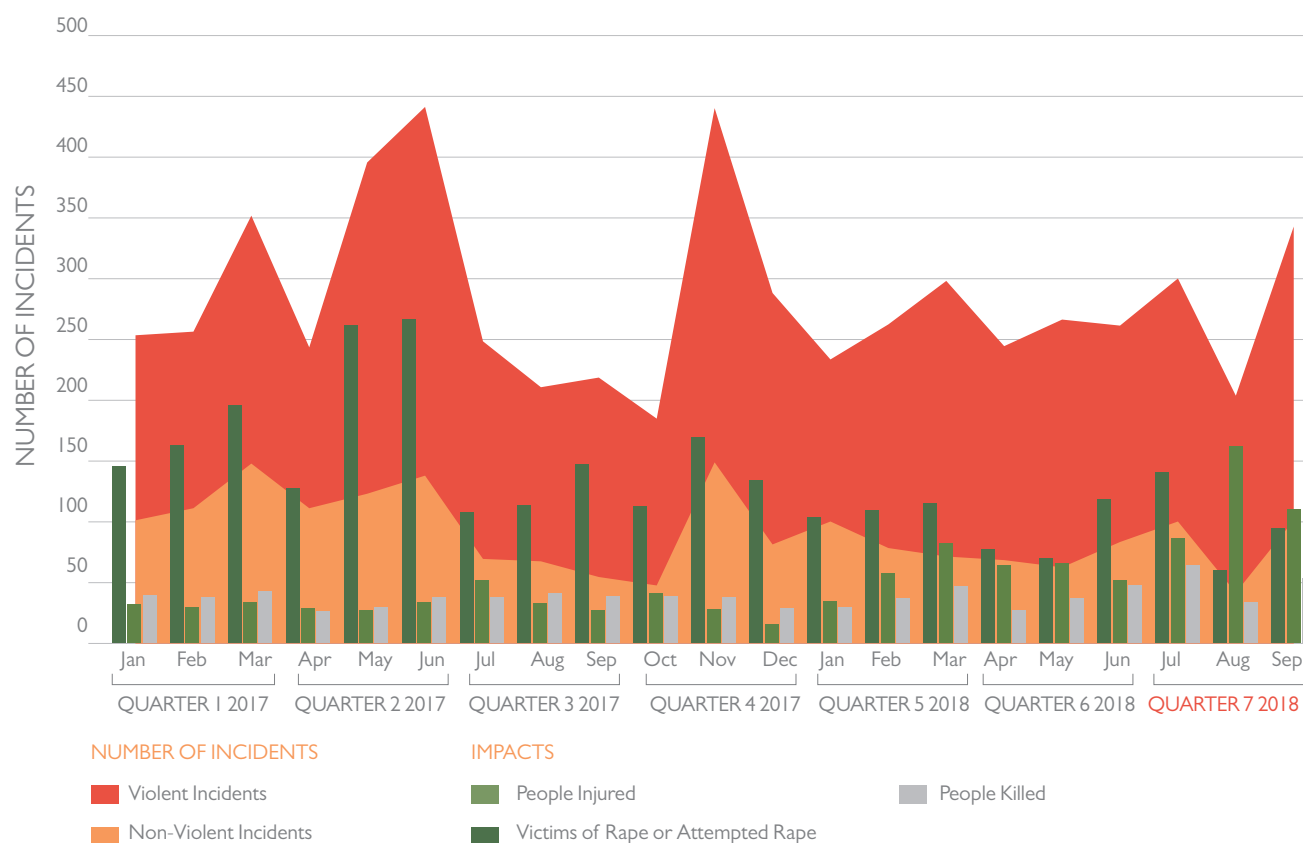
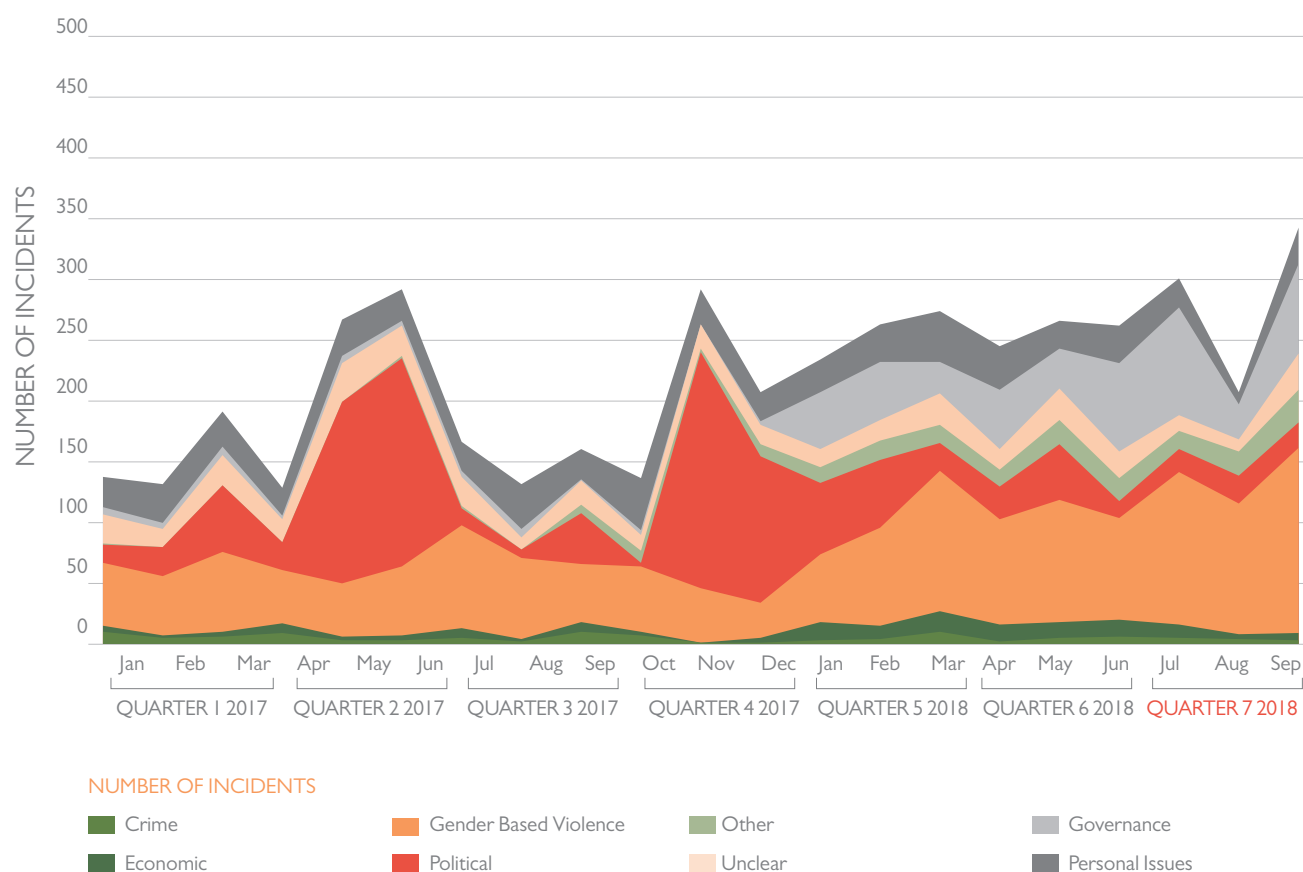


FIGURE 4: TRIGGERS OF VIOLENT INCIDENTS





Violence Against Women and Girls Continue

Similar to the previous quarter, GBV was the main driver of violence recorded in this quarter with 387 incidents and 67 death.³ Sexual assault was the most common form of GBV with 311 incidents including 288 cases of rape or attempted rape. In 27 cases the perpetrator was a family member or a relative. In this quarter, the rape and murder of 13 year old girl Nirmala Panta of Bhimdutta Municipality on July 26 and perceived lack of effective response prompted nationwide protests demanding justice (See Box: 1).

Box 1: Nirmala Panta's Rape and Murder Case

On July 26, 13 year old ninth grader Nirmala Panta of Bhimdutta Municipality- 2 of Kanchanpur district (in province 7) went missing after leaving to visit her friends Babita and Roshani Bam at their house to do her homework.⁴ The next day, on July 27, her body was found in a sugarcane field in Bhimdutta Municipality- 19 where she was raped and murdered. Following the incident, on July 28, the victim's family, locals and women rights organizations staged protests demanding arrest of the perpetrator.⁵ Similarly, on July 29, a team from the Central Investigation Bureau (CIB) who investigated the case concluded that Nirmala was murdered before she was brought to the sugarcane field, which was in a distance from human settlement.⁶

On August 20, Dilip Singh Bista mentally challenged 41 year old man from the area, was arrested in charge of Nirmala's rape and murder and was presented at the Kanchanpur district court.⁷ According to the DSP Bista, who had previously served a prison sentence after being convicted of murder, admitted to having raped and murdered Nirmala. The very next day, locals protested accusing the police of arresting the wrong suspect.⁸ After seeing no progress in police investigation, the Ministry of Home Affairs formed a committee on August 23 to investigate Nirmala's case.⁹

On August 24, as a protest against Nirmala's murder was ongoing, 17 year old Sunny Khuna of Mahendranagar in Kanchanpur district was killed and 25 injured after the police opened fire on civilians with tear gas and live ammunition.¹⁰ A curfew was announced by the Kanchanpur District Administration Office (DAO) after, in their terms, the protests between the local people and security personnel turned violent.¹¹

On August 25, the police arrested Nirmala's friend Babita and Roshani Bam for their suspected involvement in her death.¹² On the same day, the home ministry directed the Nepal Police to suspend police Chief SP Dilli Raj Bista for mishandling Nirmala's case.¹³ On August 28, a police team led by Deputy Superintendent of Police (DSP) Krishna Raj Ojha was formed to investigate Nirmala's murder case with an assignment to submit a report to the government and not to carry out investigation into the case itself.¹⁴

On September 10, the undersecretary Birendra KC, a member of the high level government probe committee formed to investigate the murder, resigned from the committee after the probe committee's deadline to submit its report was extended by 15 days alleging that the deadline was extended to shield the guilty¹⁵ and after receiving death threats.¹⁶ On September 11, Dilip Singh Bista was released after his DNA test report did not match the post-mortem DNA profile.¹⁷ The locals claimed that the police arrested a mentally challenged man to shield the real culprits. Locals alleged that police personnel involved in preliminary probe had altered the crime scene and thrown cloth torn from Dilip's shirt at the incidents site to prove him guilty.¹⁸ On the same day, the Bam sisters were also released. Roshani Bam was released on condition to present her before the police when required and Babita Bam was released on Rs. 30,000 bail.¹⁹

3 For the List of Reports to GBV see: [GBV Incident List](#)

4 See: [The Hunt for Nirmala Panta's Killer](#)

5 See: [Teenager Raped and Killed in Kanchanpur](#)

6 See: [The Hunt for Nirmala Panta's Killer](#)

7 See: [Man Who Served Nine Years for Murder Held for Raping, Killing 13 Year Old Girl and Murder After Rape Accused Dilip Singh Bista Lands in Police Net, Finally](#)

8 See: [Kanchanpur Rape, Murder Case: Protests Intensify After Wrong Suspect Paraded](#)

9 See: [Home minister to Form Committee to Probe into Kanchanpur Rape Case](#)

10 See: [Kanchanpur Rape, Murder: 1 Dead, 24 Injured in Police Firing](#)

11 See: [Kanchanpur Rape, Murder Case: Curfew as Protests Turn Violent](#)
On August 25 the government decide to provide relief amount of

One million (USD 8595.13) to the families of Nirmala Panta and Sunny Khuna and also bear all the medical expenses and provide proper financial support to those injured in the protest. see: [Govt Announces Rs. 1 million for Family of Kanchanpur Incident Victims](#)

12 See: [Police Arrest Two Sisters for Alleged Involvement in Nirmala's Rape-Murder Case](#)

13 See: [Police Told to Suspend SP Bista](#)

14 See: Ibid

15 See: [Main Accused Held for Nirmala's Murder Freed](#)

16 See: [My Life is in Danger, Says probe Committee member](#)

17 See: [Main Accused Held for Nirmala's Murder Freed](#)

18 See: [Main Accused held for Nirmala's Murder Freed](#)

19 See: [Bista, Bam Sisters Released](#)

Box I: Nirmala Panta's Rape and Murder Case continued

On September 14, blood samples were taken from Superintendent Dilli Bista, his son Kiran Bista and Aayush Bista; nephew of the mayor of Bhimdatta Municipality, for DNA testing in relation to the case.²⁰ Similarly, on September 15, the investigation committee submitted a preliminary report to MoHA which explained that the role of police in the investigation of the case was deemed weak. MoHA suspended five police officials, including two Deputy Superintendents, for gross negligence in investigating the case.²¹ On the same day, demanding free and fair investigation in Nirmala's murder case and arrest of the perpetrator, civil society members organized protests across the country. In a TV interview, Prime Minister Oli, dismissed the protests as attempts to undermine his government and expressed support for the Bam sisters.²² On September 17, during a meeting with the Prime Minister, Nirmala's parents were assured by the PM that strict action will be taken against the culprits.²³

On September 25, the committee formed to investigate Nirmala's case submitted their report to the Ministry of Home Affairs (MoHA).²⁴ On September 29, hundreds of people participated in a protest program at Maitighar, Kathmandu demanding the government to make the report public.²⁵ On September 30, the DNA report of SP Dilli Bista and his son Kiran Bista plus that of the nephew of mayor of Bhimdatta municipality Aayush Bista tested negative. On the same date, a jeep carrying a member of high level probe committee formed to investigate the Nirmala's case and deputy secretary at Ministry of Internal Affairs and Law of far west province Birendra KC was pelted with stones.²⁶

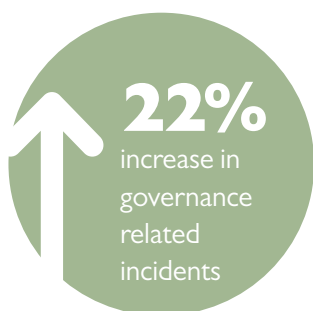
Caste Based Discrimination

Despite existing laws against caste based discrimination, dalits continuously face discrimination in their everyday lives. In this quarter, 12 incidents of discrimination against dalits were recorded of which four were incidents of rape and an incident of murder of a dalit woman.

In one incident, on September 26 a dalit youth was beaten by ward chairperson at Bideha Municipality- 4, Dhanusha when he went to the ward office to take elderly allowance of his parents.²⁷ The victim accused the ward chairman of beating him on false charges of teasing a girl.



Of 155 governance related incidents, 31 were violent.



Rise in Incidents Related to Governance, Economic and Political Issues

Similar to the previous quarter, governance, politics and economic issues were the main triggers of protest in this quarter with 189, 63 and 21 incidents respectively. In this quarter, governance related incidents increased by 22 percent (from 155 to 189). Of the 189 incidents recorded, 24 incidents were violent in which 82 people were injured.

On July 21, more than 48 people were injured in a clash with the police in a rally organized by Tarun Dal (a student wing of Nepali Congress) in Baneshwor Kathmandu to support Dr. Govinda K.C.²⁸ and demanding the government to save his life. According to Nepali Congress (NC) spokesperson, the police used force in a peaceful demonstration staged by Tarun Dal.²⁹

On August 6, two persons accused of the abduction and murder of an 11 year old boy were killed in a police encounter in Doleshwor, Bhaktapur (see box:2). On September 1, free Madhes activist Ram Manohar Yadav, died in police custody after being arrested on August 23 for showing a black flag to Deputy Prime Minister Upendra Yadav at a program. His family demanded an investigation on his death as they believe he died due to the torture he received from the police (see box 3).

20 See: [DNA Testing Starts for Suspended SP, Two Others](#)

21 See: [Probe Committee Submits Its Report](#)

22 See: [Victim's Parents Condemn PM Oli](#)

23 See: [PM Assure of Justice to Nirmala's Parents](#)

24 See: [Probe Committee Submits Report on Nirmala Panta's Case to MoHA](#)

25 See: [Protesters Demand Probe Report be made Public](#)

26 See: [Probe Panel Member Attacked](#)

27 [Ward Chairperson Beat Dalit Youth](#)

28 Dr. Govinda KC has been on a hunger strike demanding reforms in health sectors.

29 [Police Intervention in Tarun Dal Rally, More Than 48 Injured](#)

Box 2: False Encounter of Two Persons Accused of Abduction and Murder

On August 6, two persons accused of the abduction and murder of an 11 year old boy from Kandaghari, Kathmandu were killed in police encounter. According to the police, a police team who were out in search of the boy opened fire in retaliation after the abductors tried to attack the police at Doleshwor Jungle in Suryabinayak, Bhaktapur. The boy's body was buried in a pit dug for laying the foundation of an under construction house in Madhyapur Thimi.³¹ The families of the killed filed a complaint at the National Human Rights Commission (NHRC) on August 8 seeking a fact finding investigation into the incident.³² According to their families, the police had arrested them from their rented room and later took them to the forest to shoot them. The police claim that, they were killed in self-defense after they opened fire on the cops while trying to arrest them. According to NHRC director, a panel will be formed to investigate both the kidnapping and murder of the boy and the accused abductors.³³

Box 3: Custodial Death of Ram Manohar Yadav

On September 1, Ram Manohar Yadav, a free Madhes activist died in police custody after being arrested on August 23 for showing a black flag to Deputy Prime Minister Upendra Yadav at a program.³⁴ Two days after his death, his family demanded investigation into the incident suspecting torture as the leading cause of his death.³⁵

According to the Terai Human Rights Defenders Alliance, Yadav died due to the carelessness of police and delay in treatment.³⁶ Yadav died while undergoing treatment at Tribhuvan university Teaching Hospital, in Kathmandu. On September 5, lawmakers demanded that the government should form judicial and parliamentary investigation committees to investigate the death. On September 5, lawmakers demanded that the government should form a judicial and parliamentary investigation committee to investigate the custodial death.³⁷

The court's verdict on Rudra Acharya, the shooter who killed Krishna is still awaiting as he currently lives in the UK.

Transitional Justice: Ganga Maya's Case

On July 8, Chhabilal Poudel, the main accused in the murder of Ganga Maya Adhikari's³⁸ son Krishna Prasad Adhikari was sent to jail after he surrendered before the Supreme Court and was taken to Dillibazaar Prison.³⁹ Poudel surrendered after Ganga Maya staged fast unto death for over a month demanding justice. Despite the surrender of Poudel, Ganga Maya refused to end her hunger strike as other culprits were still free.⁴⁰

On July 13, 2018, Ganga Maya, ended her fast unto death. She ended her fast on the 46th day after the government pledged in writing to implement the past agreements reached with her.⁴¹ Despite government's pledge, on September 9, the Chitwan District Court acquitted 12 of the 13 suspects in the 2004 murder case of Krishna Prasad Adhikari including the main accused Chhabilal Poudel.⁴² The court's verdict on Rudra Acharya, the shooter who killed Krishna is still awaiting as he currently lives in the UK. The case filed at the District Court in April 2014, had been postponed 21 times before the announcement of verdict on September 9, 2018.⁴³

30 See: [2 Abductors Killed in police Encounter, Kidnapped boy Murdered](#)

31 See: Ibid

32 See: [Killed Kidnappers Kin Seek NHRC Probe](#)

33 See: Ibid

34 See: <https://setopati.net/political/129500>

35 Custody death: [Yadav's family suspects torture, demands probe](#)

36 See: Ibid

37 See: [Law Makers Seek Probe in Ram Manohar Yadav's Custodial Death](#)

38 See: [Lawmakers seek probe into Ram Manohar Yadav's custodial death](#)

39 See: [Main Accused in the Murder of Ganga Maya's Son](#)

40 See: [Ganga Maya Adhikari Ends Hunger Indefinite Hunger Strike](#)

41 See: <http://kathmandupost.ekantipur.com/news/2018-07-13/ganga-maya-adhikari-ends-her-hunger-strike-on-46th-day.html>

42 See: Ibid

43 See: Ibid

According to Ganga Maya, “in hope of getting justice, I have been on a fast unto death for seven years. But this time also, the government cheated on me. The government tricked me and acquitted the murderers in two months. However, I will fight for justice and appeal at the High Court”.⁴⁴ On July 24, Ganga Maya, agreed to open a bank account under her name and accept the relief amount of Rs. 10 million provided by the government.⁴⁵ Since she kept fighting for justice the Supreme Court issued an order to move the case which forced the district court to proceed with the case.⁴⁶

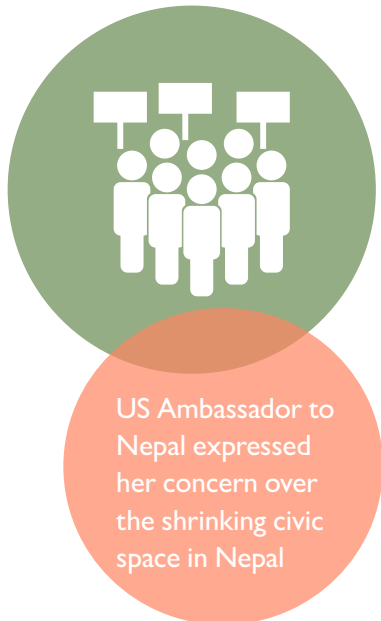


On September 12, a group of unidentified people threw acid on two sisters while they were asleep at their home in Chandrapur Municipality, Rautahat.

Acid Attacks

In recent years, attacks involving the splashing of corrosive acids on young girls have received much media attention. In this quarter there were a number of such attacks. On September 12, a group of unidentified people threw acid on two sisters while they were asleep at their home in Chandrapur Municipality, Rautahat.⁴⁷ According to the Rautahat District Police chief the crime was motivated by revenge.⁴⁸ Similarly, on September 18, an unidentified person poured corrosive a chemical substance similar to acid on a six month old baby while the infant’s parents were busy in chores at Chisi in Turmakhand Rural Municipality 4 in Achham district.⁴⁹ On September 20, the baby died while being rushed to Nepalgunj for further treatment.⁵⁰

Despite the criminalization of acid attacks in 2015,⁵¹ these attacks have continued. As per the new criminal code of Nepal which came into effect on August 17, 2018, culprits of acid attack will be sentenced to five to eight years of jail depending upon the offence and fined Rs. 100,000 to Rs. 300,000. In case of the death of the victim of acid attack, the culprit will be charged with murder.⁵²



US Ambassador to Nepal expressed her concern over the shrinking civic space in Nepal

Shrinking Civic Space in Nepal

The National Integrity Policy 2018 and Foreign Nationals Monitoring Directive 2018 places a strict control over the activities of Non-governmental organizations (NGO) and the directive provides close observation and intervention over foreign nationals residing in Nepal.⁵³ The policy was developed at a time when the Nepal Communist Party (NCP) has two third majority in the parliament which is enough to bring legislative changes and constitutional amendment. The NCP government also decided to shut down the United Nations Department of Political Affairs as the government does not wish to have international scrutiny of Nepali politics.

In April 2018, the Prime Minister’s Office, drafted the National Integrity Policy (NIP) which was criticized by various stakeholders for its repressive measure and dominant mechanisms proposed in the draft specifically targeting I/NGOs and even constitutional bodies and some government entities.⁵⁴ On August 1, the US Ambassador to Nepal expressed her concern over the shrinking civic space in Nepal and urged the government to go for transformative changes instead of incremental changes in economic system to achieve middle income status by 2030.⁵⁵

44 See: [Ganga Maya Decide to Move to High Court](#)

45 See: [Ganga Maya Agrees to Accept Government Relief](#)

46 See: [Court Records Ganga Maya’s Statement](#)

47 See: [Two Sister Attacked with Acid at Midnight](#)

48 See: [Teen Girl’s Life Hangs by a Thread After Acid Attack](#)

49 See: [Unidentified Persons Pour Acid Like Corrosive on 6 month old Baby in Achham](#)

50 See: [Acid Attack Baby Dies, Police Suspect Aunt](#)

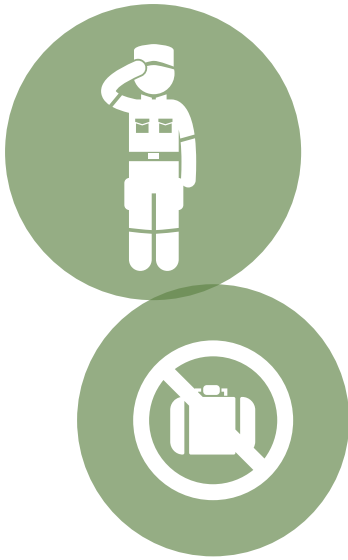
51 See: [New Law Criminalises Acid Attacks Passed](#)

52 See: [New Law Criminalises Acid Attacks](#)

53 See: [Communist Government Moves to Curtail Civil Liberties](#)

54 See: [OPMCM Drafts National Integrity Policy](#)

55 See: [Shrinking Civic Space in Nepal is Worrying: US Envoy](#)



Travel Restriction on Lenin Bista

On August 24, a former Maoist child soldier, Lenin Bista was stopped by immigration officers and restricted him from flying to Thailand “for not seeking permission from any government agency for his travel”. The case of former Child Soldier Lenin is still ongoing and poses pressing questions about the freedom of movement for members of civil society and for Nepali citizens in general.

A timeline of events thus far:

- August 24th: Former Child Soldier Lenin Bista was refused travel to Thailand, where he was attending a Youth Peacebuilding event. Officials claimed that the move was directed from a “higher authority”.⁵⁶ The letter issued to Bista by Immigration Office, TIA, states that he was stopped from flying to Thailand because he had not taken permission or recommendation from any government agency for the programme. Bista filed a complaint with the NHRC. NHRC member Mohna Ansari stated that prima facie it appeared that the government had violated Bista’s fundamental right to freedom of movement.
- August 28 PM KP Sharma Oli requested written clarification from the Ministry of Home Affairs as to the reason for the ban.⁵⁷
- August 31, Bista filed a case against Ministry of Home affairs and tribhuvan international airport immigration department. He claimed that the travel ban infringed his freedom of movement and was also intended to curb his freedom of expression.
- September 2 Justice Anada Mohan Bhattari, of the Supreme Court issued a show-cause notice to the government asking it to furnish the reasons behind the barring of Lenin Bista from travelling, ordering the Home Ministry to respond in writing within 15 days.⁵⁹



Media person staged a protest in New Baneshwor demanding amendment to anti-media provision stipulated in the new Civil Code Act and Right to Privacy Bill.

Protests by Journalists Demanding Amendment to Anti-Media Law

On September 7, media person staged a protest in New Baneshwor demanding amendment to anti-media provision stipulated in the new Civil Code Act and Right to Privacy Bill.⁶⁰ The journalists took to the street to protest against the law which they believe is intended to silence and incriminate journalists who dares to exercise their constitutional rights, freedom of expression, right to information and free press.

According to the International Federation of Journalists (IFJ), the Criminal Code Act 2018 curtails the freedom of expression and press. IFJ demanded an immediate amendment to ensure that they adhere to international standards and principles of freedom of expression and press freedom.⁶¹ In addition the federation also stated that, “such provision will be misused to harass journalists and media and obstruct independent as well as investigative journalism”.

56 See: [Former Maoist Child Combatant Lenin Bista Barred from Flying to Bangkok](#).

57 See: [Lenin Bista Filed Case Against MoHA, TIA's Immigration Dept in Supreme Court](#).

58 Ibid

59 See: [SC Issues Show Cause Over Bista's Case](#).

60 See: [Valley Journalists Take to Streets](#).

61 See: [Solidarity Against Press Freedom Curbs](#).

62 See: [Man Arrested Over Facebook Post Depicting Nepal PM as Monkey](#).

Police Arrests Man On The Charge Of Posting An Image Of Pm Oli's Head On An Image Of A Monkey's Body

On August 21, a man was arrested under the Electronic Transaction Act for sharing a photoshopped image of PM KP Sharma Oli's head on a monkey's body.⁶² The incident happened days after Nepal introduced a new criminal code in which the laws could be used to silence critics of the government.

The Nepal Peace Monitoring Project

The Nepal Peace Monitoring Project (PMP) is a joint initiative by Collective Campaign for Peace (COCAP) [NepalMonitor.org] and The Asia Foundation, with the support of Canada's International Development Research Center (IDRC). Building on the NepalMonitor.org platform, the PMP focuses on violence and contestation, with a view toward improving our understanding of, and response to, violence and conflict in Nepal. The PMP also provides an instrument to measure progress against Sustainable Development Goals (SDG) Targets 16.1 (reduction of all forms of violence and related death rates) and 5.2 (elimination of violence against women) in Nepal.

The PMP monitors:

Violence: any incident involving the intentional use of physical force against another person or group that results or has a high likelihood of resulting in injury, death, or other forms of physical harm to persons or damage to property.

Non-violent contestation: demonstrations, protests or other types of non-violent events that involve collective action and may be of potential significance to violence dynamics in Nepal. This includes strikes (bandh), hunger strikes, padlocking and other forms of political protest. Incidents involving intimidation and threats but no direct physical violence are also tracked.

The PMP uses a broad range of information sources, including national and district-level newspapers (from 25 districts), and reporting from police, human rights organizations, international agencies, civil society organizations, and citizens directly. For each incident, the PMP collects detailed information on the following variables: time and location of the incident, form of the incident, weapons used, reported cause/motive of the incident (political competition, land dispute, communal tensions, crime etc.), affiliations of perpetrators and victims, human impacts (broken down by gender and age) and damage to property.

¹ Collective Campaign for Peace (COCAP) is a national network of peace and human rights nongovernmental organizations in Nepal, registered since 2002 with the Government of Nepal as a nonprofit.

NepalMonitor.org is a COCAP protection and conflict prevention initiative, supported by pbi.

Collective Campaign for Peace (COCAP)

National Secretariat

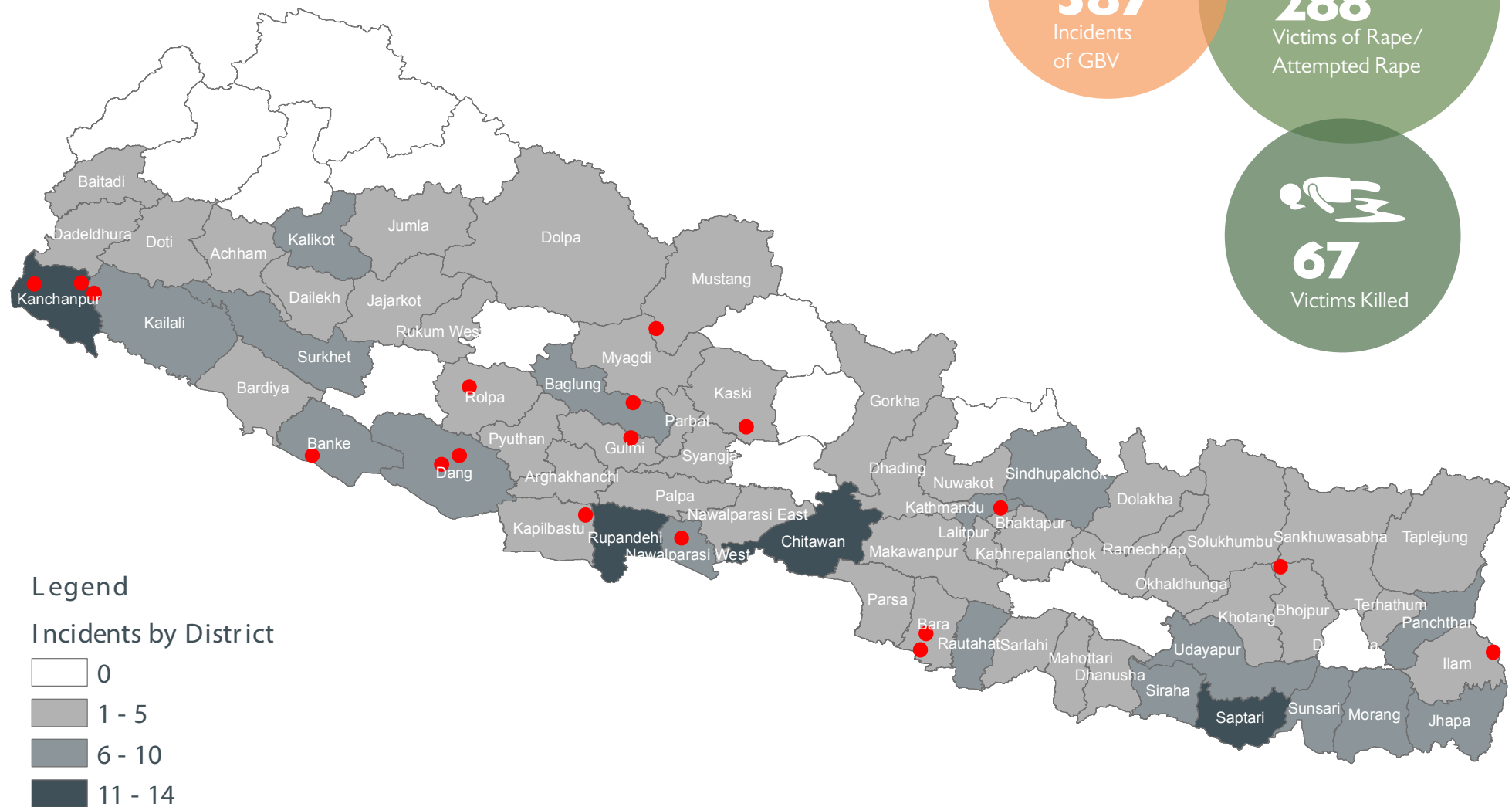
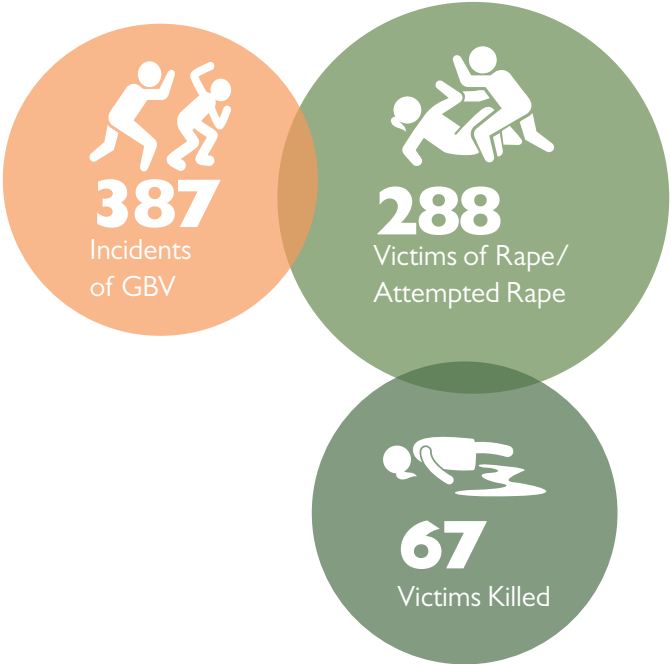
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Incidents of Gender Based Violence, Jul-Sep 2018



Based on number of cases documented by NepalMonitor.org from sources in the public record. Actual figures likely to be higher.

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