

Excessive Use of Force by Police Kills a Person in Terai:

Bring those responsible to justice through a fair judicial probe and properly compensate victim

In yet another case of excessive use of force by police in Nepal, a Madhesi was shot dead on 30 June 2019. Saroj Narayan Singh alias 'Deban' lost his life and three persons were seriously injured when police fired shots at protesters.

THRD Alliance monitored and documented the incident (see the details below). Our monitoring found that the police used excessive force in this incident in response to the stone pelting by the protesters. Firing of tear gas canisters and firing of shots into the air had dispersed the protesters. Singh was shot from behind. Police neither issued warning that they could fire shots below the knee nor did they give them enough time to comply with the police's order. In this case, security personnel responded with unnecessary and disproportionate force in reaction to stone throwing by protesters.

We demand that the case be thoroughly investigated and guilty be punished. We also demand that the family of victim be duly compensated.

CASE DETAILS

Incident Site: East-West Highway, Sarlahi district, Ishwarpur Municipality 13, Banke section

Saroj Narayan Singh was killed in police firing when local demonstrators were protesting the death of a twelve-year-old boy Amit Ray (Yadav). Amit, son of Lali Ray, drowned in Banke River on 29 June 2019 while taking bath in the river. Family of the boy informed the villagers and police to look for him when he did not come out of the river. Police found the body of the boy the next day at around 11 am in a deep pit, which was illegally dug on the bank of the river in the course of extracting river materials such as sand and stones.

Angry locals demanded compensation from the concerned bodies and also demanded to discuss the matter with Ishwarpur Municipality's Mayor and Chief District Officer. Police Inspector of Area Police Office, Kesharjung had informed the locals that Chief District Officer and District Superintendent of Police were coming to discuss with them. But since these authorities did not show up, locals started protesting on the street. They staged a sit-in at the East-West Highway, which is 7 kilometers from the village.

Almost 30 people placed the body of the deceased boy on the road and blocked vehicular movement at the East-West Highway at around 2.30 pm. Before the protesters could gather at that place, 20-25 police personnel had already been deployed at the place. Police personnel warned the protesters not to stage sit-in on the East-West Highway but the angry protesters defied their order. After 5-10 minutes, the protesters staged sit-in at that place, almost 100 security personnel of Nepal Police and Armed Police Force gathered there under the command of DSP Pratit Singh Rathaur. The police started warning the protesters through microphone telling them not to block the vehicular movement but the angry protesters kept defying their order. Immediately after that, police baton charged the protesters and chased them away from the protest site. In response, protesters started pelting stones at security personnel. Police personnel fired tear gas canisters and live shots in the air after being

provoked by stone pelting by the demonstrators. While protestors were fleeing away from the incident site, one of the protestors, Saroj Narayan Singh was hit in his head with a bullet fired by police at the distance of 200 meters from the protest site.

Police took the body of Amit Ray under their control and they also brought Saroj Narayan to Primary Health Centre, Lalbandi where he died while undergoing treatment. Police brought both bodies at District Hospital and kept the bodies at the hospital's morgue till 6 pm.

In the incident, three people were seriously injured: (1) Ram Karan Mahato, 55 years old , who is also a Ward Chair, was injured in both legs and stomach by police; (2) Raj Kumar Mahara, 25-years-old, sustained bullet injuries in his thigh and is now undergoing treatment at Janakpur Zonal Hospital, and (3) Rekha Mandal was injured when police rained batons on the protestors. She is now undergoing treatment in Janakpur.

Reason for the protests

1. Locals protested at Banke East-West Highway because they were very angry that despite their pledge, Municipality Mayor, Chief District Officer and the DSP did not show up for negotiation/discussion about the incident.
2. Protesters also wanted to pressure the concerned bodies to pay a compensation to the victim's family
3. They wanted to ban on the illegal extraction of river materials from the river and to punish those responsible for the death of the child.

DSP Gopal Chandra Bhattarai said:

The body of the Amit Ray was found on June 30 at around 11 am. We tried to negotiate with the protestors at Gauri Shankar Police Post, which is in the same village but the protestors kept moving ahead with the body of the victim. They blocked vehicular movement at Banke East-West Highway. Police had to fire shots as protestors kept defying police's order to not block the movement on the road. Police made a human chain to remove the crowd. First the police fired tear gas canisters and they fired shots in the air only after the protestors pelted stones at security personnel. Saroj Narayan Singh, who was injured in the police firing died while undergoing treatment at Lalbandi. Raj Kumar Mahara who was hit with a bullet in his thigh is undergoing treatment in Janakpur. Eleven members of Nepal Police and eight members of APF were injured when protestors pelted stones at security personnel.

Weapons fired from Nepal Police:

1. Fourteen tear gas shells
2. Ten bullets from shotgun
3. Six bullets from SLR

Weapons fired from APF:

1. Six shells of tear gas

Family and locals demanded that they would accept the body of the victims only if their demands were met. After the shooting death of Saroj Narayan Singh, protestors continued to protest against police's use of lethal force against protestors.

An all-party meeting was called on 1 July 2019 under the chairmanship of District Coordination Committee of Sarlahi. Lawmakers representing the district, representatives of political parties and civil society members attended the meeting. The meeting decided that the victims' family would accept the bodies only if their demands were fulfilled. They submitted a memorandum to the Chief District Officer and issued a press release. The following key points were discussed in the meeting:

1. The incident happened due to irresponsible act of the local administration.
2. Police officer who fired shot in the head of the victim should be punished.
3. Victims' families should be properly compensated,
4. Saroj Narayan Singh who was shot dead by the police should be declared a martyr and the medical expense of all those who were injured should be borne by the government,
5. A judicial probe must be launched.
6. Strong action should be taken against those indulging in the extraction of river materials and the river should be managed.
7. At least one member of the victim's family should be given a government job on compensation.
8. Government should provide free education to the deceased person's children and should take care of them.

On 3 July 2019, protesters organized a torch rally in Ishwarpur Municipality and the protest was led by lawmaker Pramod Shah and provincial assembly member Upendra Mahato. An agreement was signed on July 3 at the Ishwarpur Municipality office in a meeting coordinated by former minister Shambhu Lal Shrestha and it was attended by victims' family, Provincial Assembly member Upendra Mahato, representatives of political parties and chairpersons of Ishwarpur Municipality Ward 13 and 14. Following the agreement, victim's family accepted the body of Singh in the evening.

Here are the key decisions in the meeting:

1. A request shall be sent through local government to federal government to declare deceased Saroj Narayan Singh a martyr,
2. Saroj's wife Rangila Kumari shall be given a job of office assistant at Ishwarpur Municipality, Ward 13 office and their son will be entitled to free education up to higher level of education,
3. Requests will be made to Ishwarpur Municipality and Ward 13 office of Ishwarpur Municipality to build a statue of Saroj Narayan Singh at Banke Chowk.
4. Family of Amit Ray shall be given a compensation of Rs 500,000 after collaborating with all stakeholders,
5. Families of both deceased shall receive Rs 25,000 each as final rites,
6. Provincial government shall be requested to determine the boundary of Banke River,
7. Illegal extraction of river materials should be prohibited,
8. Ward office shall bear the cost of those people who were injured by the police during baton charge,
9. Raj Kumar Mahara who was shot at in the thigh will be provided Rs 50,000 for treatment.
10. Ditches in the Banke River shall be immediately filled.

CONCLUSION

In the incident mentioned above, our monitoring found that the law enforcement agencies did not comply with the national and international legal standards, including the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, which require police to use non-violent means in order to vacate an area before resorting to force and firearms. While using the force, security personnel should exercise restraint and act proportionately to the threat posed, and seek to minimize damage and injury. The basic principle is that lethal force is permissible only in response to a specific and imminent threat to life. However, our monitoring found no evidence of such threat in this incident.

On 9 July 2019, Home Minister Ram Bahadur Thapa made a ridiculous claim that the security personnel fired shots into the air but bullet hit his head since the victim was sitting on an elevated surface. This response by the Home Minister did not satisfy the opposition Nepali Congress and the Rastriya Janata Party-Nepal and they stalled the House proceedings. Despite opposition parties' demands, the government has been refusing to form a parliamentary probe committee to investigate the incident.

Such incident shows the repetition of the long-standing pattern of excessive use of force, resulting in the death of protestors. In 2015/16, [THRDA Alliance documented 37 cases of similar nature](#). A high level probe committee formed under the chairmanship of retired Supreme Court Justice Girish Chandra Lal investigated the cases and submitted its report to the Nepal government on 15 December 2017. Despite repeated demands by the victims and the parliamentarians, the government of Nepal has not made the report public. Without publishing reports of probe commission, guilty security personnel cannot be brought to justice.

To date, none of the security personnel responsible for the serious human rights violation of similar kind has been investigated and prosecuted. This once again reconfirms the deep-rooted problem of impunity in Nepal.

###

The Terai Human Rights Defenders Alliance (THRDA) is a non-governmental organization registered under Nepali law and is working to protect and promote human rights through research, legal intervention and advocacy. It works in close coordination with Nepal's National Human Rights Commission, and reports to international human rights organizations, including the UN Office of the High Commissioner for Human Rights. Phone: +977-1-5199352 | thrdalliance@gmail.com | Web: www.thrda.org