

## Appendix: Case Update and Follow-Up

Case No.	Name	District	Case Summary	FIR Submitted	FIR Registered	Developments in 2008 - 2009	Progress as of 2020	NHRC's Findings
1	Raju Bishwakarma	Baglung	<p>Extrajudicial killing.</p> <p>Raju Bishwakarma was arrested on March 1, 2002 by a group of the RNA soldiers.<sup>154</sup> On March 4, his family was informed that he had been killed while trying to escape. The family was pressured to cremate the body immediately, and soldiers were also present at the funeral.</p>	March 18, 2007	Yes	<p>There was no investigation, even after registering the FIR.</p> <p>A writ petition was filed on June 18, 2009.</p>	<p>On November 11, 2009, the Baglung Appellate Court issued an order to police to initiate an investigation into the case without delay. Despite this order, Advocacy Forum lawyers have not been able to find any evidence of progress in police files.</p> <p>Update: As of May 2020, there has been no progress on the case.</p> <p>The family has also lodged the case at the TRC, but there is no progress recorded at the TRC</p>	<p>The NHRC concluded that Raju Bishwakarma was the victim of an extra-judicial killing. It recommended that the government identify the commander and security personnel involved in the incident, and take legal action against them under the prevailing law. It also, recommended that the government provide compensation of 300,000 Nepali rupees [USD 2,500] to the victim's family, and arrange a free education for the victim's children.</p> <p>Implementation Status of the Recommendations: Partial. The relief and rehabilitation unit stated that the family had been provided with the recommended compensation.</p>
2, 3	Ganga Gauchan and Pahalbir Bishwakarma (alias	Baglung	<p>Extrajudicial killings.</p> <p>On July 11, 2004, four soldiers from</p>	Feb. 15, 2007	Yes	<p>There was no investigation, even after registering the FIR.</p> <p>On June 18, 2009 the families filed</p>	<p>On November 11, 2009, the Appellate Court, Baglung issued identical orders to the police to initiate investigations without delay.</p>	<p>The NHRC recommended that the government identify the security personnel involved in the incident, and take legal action against them. It also, recommended</p>

<sup>154</sup> The name of the Royal Nepal Army (RNA) was later changed to Nepal Army (NA) after the end of constitutional monarchy.

	Pahal Singh)		Khadgadal Barracks beat Ganga Gauchan and Pahalbir Bishwakarma. According to several witnesses, the soldiers then shot and killed them. Families of the two victims were threatened by members of the army and forced to dispose of the bodies immediately.			separate petitions of mandamus at the Appellate Court, Baglung.	Update: Despite this order, Advocacy Forum lawyers have not been able to find any evidence of progress on the case as of May 2020.  A general circular was issued by the Home Ministry on June 12, 2006 stating that the government has decided to withdraw all cases that were filed under the Terrorist and Disruptive Activities Ordinance (TADO) and the Terrorist and the Disruptive Activities (Control and Punishment) Act, 2002 (TADA). <sup>155</sup> Although these two cases are not under TADO or TADA, the Baglung District Police Office appears to have interpreted this order as a political decision not to investigate and prosecute any cases from the conflict period. <sup>156</sup>	that the government provide compensation of 300,000 Nepali rupees [USD 2,500] to the victims' families and arrange free education for Pahalbir Bishwakarma's children. Implementation Status of the Recommendations: Partial. The relief and rehabilitation unit stated that the family had been provided with the recommended compensation.
4	Dilli Prasad Sapkota	Baglung	Extrajudicial killing (after torture).  A large group of security personnel arrested Dilli Prasad Sapkota on February 8, 2005. According to eyewitnesses, Dilli was tied to a tree, severely tortured, and finally shot dead.	Feb. 2008	No	The victim's family tried to register an FIR at the Baglung District Police Office, but instead of registering the complaint police officers threatened to kill the family.	The family has stated that they have lost hope and are no longer pursuing the case.  Update: The family said that they do not want to be re-victimized as a consequence of filing any petitions, which they fear will not bring any result.	The NHRC concluded that Sapkota had been the victim of an extra-judicial killing. It recommended that the government identify the security personnel involved in the incident, and take legal action against them under the prevailing law. It also, recommended that the government provide compensation of 300,000 Nepali rupees [USD 2,500] to the victim's family, and arrange free education for the victim's children.  Implementation Status of the Recommendations: Partial. The relief and rehabilitation unit stated that the family had been provided with the

<sup>155</sup> Copy on file with Advocacy Forum.

<sup>156</sup> This pattern appears in several cases below.

								recommended compensation.
5, 6	Dal Bahadur Thapa and Parbati Thapa	Banke	<p>Extrajudicial killings.</p> <p>On September 10, 2002, at around 8:40 pm, Dal Bahadur's family was woken by the sound of gunshots fired by a large group of security forces who had surrounded their house. The security forces fired persistently for 15 minutes, apparently suspecting that Maoists were hidden inside the building. Dal Bahadur and his wife Parbati Thapa were shot dead. The dead bodies were removed by the security forces and have not been returned to the family.</p>	July 15, 2007	Yes	<p>An investigation began in May 2008.</p> <p>On June 18, 2009, Dal's mother filed a petition of mandamus at the Nepalgunj Appellate Court.</p>	<p>On February 24, 2010, the Nepalgunj Appellate Court issued a writ of mandamus requiring authorities to proceed with the investigation. Advocacy Forum has repeatedly urged the authorities to implement the court order. In response, the police and public prosecutor maintain that the army does not respond to their letters.</p> <p>Update: The District Public Prosecutor's Office, on August 29, 2010, directed the Kohalpur Area Police Office and Banke District Police Office to proceed with the investigation within the time specified by law. On November 14, 2010, the Kohalpur Area Police Office wrote to the Shree Khadka Dal Battalion, Chisapani, to produce the suspects at the Kohalpur Area Police Office for further inquiry, but received no response. The police prepared an incident report, but no proper investigation has been carried out. The case was registered at Kohalpur Area Police Office. Some statements regarding details of the incident have been taken. Apart from that, no progress appears to have been made and the investigation remains "pending." On May 15, 2020, Advocacy Forum contacted DSP Kuldeep Chand of Kohalpur Area Police Office to collect information about the investigation. He said he had no information about the case. However, Assistant Sub-Inspector (ASI) Randhir Singh of the same office said that in the year 2010 police received an order from "the centre" (i.e. Police Headquarters) that investigations of these kinds of cases should "remain pending." Kohalpur Area Police Office</p>	<p>The NHRC recommended that the government identify the security personnel involved in the incident, and press criminal charges against them. It also, recommended the government provide compensation of 200,000 Nepali rupees [USD 1,700] to victims' family, as well as arrange free education for a minor (aged 9) injured in the incident.</p> <p>Implementation Status of the Recommendations: Partial. The Office of the Prime Minister and the Council of Ministers stated that the Ministry of Home Affairs directed action against the security personnel involved in the incident, agreed to provide compensation to the family, and requested the Ministry of Education to arrange free education for the injured minor.</p>

							transferred the case to Kohlapur District Police Office following this order. On May 15, 2020 sub-attorney general Nirajan Sharma of the Banke District Attorney's Office said there is no record of this case in his office. The family has also lodged the case at the TRC, but there is no progress recorded at the TRC .	
7, 8	Dhaniram Chaudhari and Jorilal Chaudhari	Banke	Extrajudicial killings.  On September 29, 2004, during Armed Police Force operations in Premnagar village of Khaskusma VDC ward no. 4, security personnel detained brothers Dhaniram and Jorilal Chaudhari, and then allegedly shot them while in custody. When the victims' wives tried to recover the bodies, security personnel threatened them.	Oct. 29, 2007	Yes	There was no investigation, even after registering the FIR.  On June 18, 2009 the family filed a writ petition at the Nepalgunj Appellate Court.	On January 13, 2010, the Nepalgunj Appellate Court ordered the authorities to proceed with the investigation. Advocacy Forum has repeatedly urged the authorities to implement the court order.  Update: A case was registered at Kohlapur Area Police Office. Apart from filing a report with details of incident, no effective investigation has been carried out. As stated above, on May 15, 2020, ASI Randhir Singh of the same office said that in 2010 police received an order from Police Headquarters that investigations of these cases "remain pending." The case was transferred to the District Police Office. On May 15, 2020, sub-attorney General Nirajan Sharma of the Banke District Attorney's Office told Advocacy Forum that there is no record of this case in his office. The families have also lodged the case at the TRC, but there is no progress recorded at the TRC.	The NHRC report uses Tharu for the victims' last name. It states that the two victims were killed while working in a field. The NHRC concluded that Dhaniram Tharu and Jorilal Tharu were victims of extra-judicial killing by the Armed Police Force deployed at Bageshwori Armed Police Basecamp, Kusum, Banke. It recommended that the government identify the security personnel involved in the incident, and take legal action against them.  Implementation Status of the Recommendations in both cases: Under Consideration. The Office of the Prime Minister and the Council of Ministers communicated to the Ministry of Home Affairs and the Ministry of Defence concerning the implementation of the recommendations.
9	Keshar Bahadur Basnet	Bardiya	Enforced disappearance and extrajudicial killing. <sup>157</sup>	Feb. 14, 2007	Yes	There was no investigation, even after registering the FIR.	On November 18, 2009, the Nepalgunj Appellate Court issued a mandamus order to the police and other authorities to promptly proceed with the investigation.	The NHRC recommended that the government identify the commander and security personnel involved in the incident, and take legal

<sup>157</sup> Although presumed dead, the remains have not been handed over to the family.

			<p>On March 11, 2002, Keshar Bahadur Basnet was beaten by soldiers at his office and then arrested and allegedly taken to the Thakurdhwar a Army Barracks. His family was refused access to him. Another detainee told Basnet's relatives that he saw Basnet being driven away after over a month in illegal detention on April 16, 2002. He remains disappeared and is presumed dead.</p>			<p>On June 18, 2009, the victim's family filed a writ petition at the Nepalgunj Appellate Court.</p>	<p>However, there has been no progress. Police officers have informed the relatives informally that Police Headquarters has ordered that this and other similar cases would come under the purview of the TRC, and they have therefore put these cases on hold.</p> <p>Update: After the date for the respondent to appeal the appellate court order expired, the plaintiff petitioned the Bardiya District Police Office on June 26, 2010, requesting them to proceed with the investigation in view of the court order. A copy of the order was attached with the application. However, we are aware of no progress in the investigation into the case. The army did not respond to an Advocacy Forum letter requesting information on the case. Though the FIR was registered at Bardia District Police Office , no further investigation has been carried out. In an informal conversation senior police officers at the office told Advocacy Forum that these kinds of conflict related cases are linked with political issues and it is hard to investigate at present. On May 15, 2020, the public prosecutor in Bardiya told Advocacy Forum that his office has not yet received any files from the police. The family has also lodged the case at the TRC, but there is no progress recorded at the TRC. .</p>	<p>action against them under the prevailing law. It also recommended that the government provide compensation of 300,000 Nepali rupees [USD 2,500] to the victim's family.</p> <p>Implementation Status of the Recommendations: Partial. The relief and rehabilitation unit stated that the family had been provided with the recommended compensation.</p>
10	Bhauna Tharu (Bhauna Chaudhar y)	Bardiya	<p>Extrajudicial killing.</p> <p>On May 30, 2002, two soldiers shot Bhauna Tharu dead at his home, accusing him of being a Maoist.</p>	July 24, 2006	Yes	<p>There has been no investigation, even after registering the FIR.</p> <p>On June 18, 2009, a petition of mandamus was filed at the Nepalgunj Appellate Court by the victim's family.</p>	<p>On November 18, 2009, the Nepalgunj Appellate Court issued a mandamus order to the police to promptly proceed with the investigations.</p> <p>Update: Though the FIR was registered at Bardiya District Police Office, we are not aware of any further investigation having been carried out. As stated above, senior police officers in Bardiya told Advocacy Forum that cases</p>	<p>The NHRC recommended that the government identify the commander leading the patrol on that day from Wardal Company, and the security personnel who gave orders to shoot, and to take legal action against them. It also recommended the government provide compensation of 300,000 Nepali rupees [USD 2,500] to the victim's family.</p>

							<p>considered “political” will come under the jurisdiction of the TRC. The Bardiya district public prosecutor told Advocacy Forum in May 2020 that his office has not yet received any files from the police.</p> <p>The family has also lodged the case at the TRC, but there is no progress recorded at the TRC.</p>	<p>Implementation Status of the Recommendations: Partial. The Office of the Prime Minister and the Council of Ministers communicated to the Ministry of Home Affairs and the Ministry of Peace and Reconstruction concerning the implementation of the recommendations. The communications received from the OPMCM stated that a decision was taken by the Ministry of Home Affairs to provide compensation of the recommended amount to the victim’s family.</p>
11	Jaya Lal Dhami	Dadel-dhura	<p>Extrajudicial killing.</p> <p>On February 12, 2005, security forces killed Jaya Lal Dhami. Villagers later reported that soldiers marched Jaya Lal and three others to the scene and executed them. Jaya Lal’s uncle contacted the Bhagatpur army barracks, which told him that Jaya Lal had been “accidentally” killed in a confrontation with alleged terrorists.</p>	Sept. 10, 2007	Yes	<p>There has been no investigation, even after registering the FIR.</p> <p>On June 18, 2009, the family filed a petition of mandamus at the Mahendranagar Appellate Court, seeking an order to the police to conduct an investigation. On August 23, 2009, the court rejected the petition on the basis of police information that the FIR had already been filed and the investigation was ongoing.</p>	<p>On January 19, 2010 a case was filed in the Supreme Court, challenging the decision of the Mahendranagar Appellate Court on the grounds that, despite police claims, there was in fact no investigation of the case.</p> <p>Update: After hearing all parties, in February 2015 the Supreme Court ordered the Kanchanpur District Police Office to carry out an investigation. Although an FIR was then registered, we are aware of no evidence of subsequent progress in the case. The victim’s wife lodged the case before the TRC as well, but no progress has been recorded.</p>	Not Available

12, 13	Nar Bahadur Budhamagar and Ratan Bahadur Budhamagar	Dadel-dhura	Extrajudicial killings.  On August 17, 2004, soldiers picked up two brothers, Nar Bahadur and Ratan Bahadur Budhamagar, from their house, and later allegedly shot them dead not far from their home. Two of the soldiers took Ratan's wife to a nearby cowshed and raped her repeatedly. They also detained another brother, Man Bahadur Budhamagar, keeping him in illegal custody and torturing him for 17 days until he signed a statement saying that the soldiers did not rape his sister-in-law.	June 18, 2007	Yes	There has been no investigation, even after an FIR was registered following a successful mandamus petition.  On June 5, 2008, the relatives of the victims filed a second mandamus petition, as well as a contempt of court petition, to force the authorities to proceed with the investigations. On February 8, 2009, the contempt of court petition was rejected after the police informed the court that a preliminary report had been forwarded to the public prosecutor's office.	On August 18, 2009, a case was filed at the Supreme Court, challenging the decision of the Mahendranagar Appellate Court to reject the contempt of court petition.  Update: After hearing both sides on April 23, 2017, the Supreme Court issued a directive order to expedite the investigation with due diligence. It highlighted the importance of prompt investigation to restore faith in rule of law. In December 2019, Advocacy Forum sought information on the case from the Kanchanpur District Police Office. Sub-Inspector Narendra Bhandari said there were around 26 conflict-related FIRs, and these FIRs have a time limitation of 20 years. He further stated that investigation of these FIRs has not yet started, and that by 2027 when the time limit expires some sort of investigation will begin. The District Attorney's Office said that until the police send the file to the prosecutor the case remains under the control of the police. His office has not received any such cases from the police. The family has also lodged the case at the TRC, but there is no progress recorded at the TRC.	Not Available
14	Sarala Sapkota	Dhading	Extrajudicial execution  Soldiers arrested 15-year-old	June 28, 2006	Yes	In June 2006, Sarala's father filed an FIR at the Dhading District Police Office.	On May 31, 2010 the Supreme Court issued an order of mandamus to the District Police Office to promptly proceed with the investigation of the case. Despite this, no investigation has been done. On	The NHRC recommended that the government order the Dhading District Police Office to advance the legal proceedings on the FIR registered there. It said the

			<p>Sarala Sapkota on July 15, 2004 from her grandfather's house. However, when her relatives went to Bairani Barracks and the Dhading District Police Office, the officers denied that the arrest had taken place. On January 11, 2006, an NHRC team exhumed her remains near her village.</p>			<p>There has been no investigation, even after registering the FIR.</p> <p>In November 2007, her father filed a mandamus petition at the Supreme Court.</p>	<p>July 14, 2008, the NHRC had recommended that the government provides Rs 300,000 to the victim's family. The NHRC received a letter from the Prime Minister's Office on October 27, 2009, stating that they have paid the recommended compensation following a decision by the Home Ministry on September 11, 2008.</p> <p>Update: In May 2020, Advocacy Forum contacted Police Inspector Saroj Rai of Dhading District Police Office to get an update on the case. The police said that there was no progress in the investigation. The family has also lodged the case at the TRC, but there is no progress recorded at the TRC.</p>	<p>forensic medicine department at Tribhuvan University Teaching Hospital, Maharajgunj, may allow the police access to the remains of Sapkota for investigation within 15 days of seeking such permission. It said that if the police didn't seek permission within the given period then the department may handover Sapkota's body to her family. It also recommended the government provide compensation of 300,000 Nepali rupees [USD 2,500] to the victim's family.</p> <p>Implementation Status of the Recommendations: Partial. The Office of the Prime Minister and the Council of Ministers stated that the Ministry of Home Affairs has decided to provide the recommended compensation.</p>
15, 16, 17, 18, 19	Sanjeev Kumar Karna, Durgesh Kumar Labh, Jitendra Jha, Shailendra Yadav, and Pramod Narayan Mandal	Dhanu sha	<p>Enforced disappearances and Extrajudicial Killings</p> <p>These five students were among 11 people arrested by the security forces on October 8, 2003. They were taken to the Regional Police Office in Janakpur. The next day, their families complained to the NHRC, which</p>	Feb. 2009	Yes (following an order by Supreme Court)	<p>In July 2006, the families showed police the site where the bodies of the five men were believed to be buried.</p> <p>The Supreme Court, in February 2009 issued an order to the police to proceed with investigations.</p>	<p>Responding to pressure from both national and international organisations, the NHRC took the lead in the exhumation of the victims' bodies.</p> <p>Update: Bodies of four victims were exhumed in mid-September 2010, and the fifth body in February 2011. The process of identification of the five exhumed bodies was concluded at the Teaching Hospital in Kathmandu, while advanced forensic tests were carried out at the University of Helsinki, Finland. Despite the recommendation of the NHRC to prosecute Kuber Singh Rana in connection with the killings, Rana was promoted to the post of assistant inspector general of police on June 23, 2011. On June 27, 2011, a group of human rights defenders challenged Rana's appointment by filing a public</p>	<p>The NHRC, in its investigation report, identified several people implicated in the case and recommended that the government conduct the necessary investigation and take legal action against them, and that the government provide compensation of 300,000 Nepali rupees [USD 2,500] to each victims' family.</p> <p>Implementation Status of the Recommendations: Partial. The relief and rehabilitation unit stated that the decision has been made to provide each family with the recommended compensation.</p>



			<p>initiated an investigation . Two years later, the NHRC received a letter from the Nepal Army Human Rights Cell stating that the five men had been killed in a “police operation.”</p>			<p>interest litigation suit (PIL) in the Supreme Court.</p> <p>In an interim ruling of July 13, 2011, the Supreme Court held that a recommendation by the NHRC is not a sufficient basis to suspend Rana’s promotion pending the outcome of criminal investigations. However, the court ordered the state to appoint an officer with powers equivalent to that of a deputy-superintendent (DSP) to take the investigation forward pursuant to Rule 4(1) of the State Cases Rules, 1998.</p> <p>The court directed that the government must ensure that Kuber Singh Rana does not intervene and influence the investigation. The court also ordered the Prime Minister’s Office, home minister, and Police Headquarters, to send a monthly progress report to the court and to the NHRC containing updates of progress on the case. A police officer with the rank of deputy superintendent of police was appointed to lead the investigation. However, the officer has not reported progress to the court, as required. The forensic tests identified the bodies. The remains were transferred to the victims’ relatives on July 23, 2014. The bodies were cremated on July 24, 2014, in Janakpur following an event organized by the families of all five victims. On July 24, 2015, the NHRC issued a press statement asking the authorities to take prompt action against the perpetrators, and warned that their names would be made public, affecting possible future appointments to public posts.<sup>158</sup></p>	
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<sup>158</sup> Section 7 of the NHRC ACT 2012 To Make Names Public and Keep their Record: “(1) The Commission may make public names of officials, persons or agencies that do not knowingly implement or observe the recommendations or orders or directives made by the Commission with regard to violations of human rights as Human Rights Violators; (2) Prior to making

							However, the Supreme Court has not received any updates on the case. The NHRC publicized the names of the accused in its report of October 2020. The victims' families have jointly registered their complaints at TRC. However, they alleged that the police investigation was side-lined after the formation of TRC. The police have refused to continue the investigation, saying it would be dealt with by the TRC.	
20, 21	Ram Chandra Lal Karna and Manoj Kumar Dutta	Dhanusha	Enforced disappearances and extrajudicial killings.  Security forces arrested Ram Chandra Lal Karna and Manoj Kumar Dutta on October 12, 2003, and beat Manoj severely. Both were taken to the Dhanusha District Police Office. Relatives went to several police	Oct. 19, 2006	Yes	There has been no investigation even after registering the FIRs. On June 18, 2009, the relatives of the victims filed separate writ petitions at the Appellate Court, Janakpur. In January 2008, the Dhanusha District Police Office informed Advocacy Forum that it would not act on any conflict-related FIRs	On December 1, 2009, the Janakpur Appellate Court issued an order to the Dhanusha District Police Office to register the FIR. The court also ordered the District Police Office to promptly proceed with the investigation.  Update: The Dhanusha District Police Office registered the FIR. However, to our knowledge no progress has been made in the investigation.  A complaint has been registered at the TRC, but no progress has been reported.	Not Available

public the names pursuant to Sub-section (1), the Commission shall have to write to officials, persons or agencies stating that they did not observe or implement the Commission's recommendations, orders or directives, giving a Fifteen-days timeline to such officials, persons or agencies to submit clarifications; (3) In case such officials, persons or agencies do not submit clarifications within the stipulated timeline after receiving in writing pursuant to Sub-section (2) or in case the clarifications do not seem to be reasonable, the Commission may make public the names of such officials, persons or agencies as referred to in Subsection (1); (4) The Commission shall keep the records of the names of such officials, persons or agencies whose names have been made public pursuant to Sub-section (1); (5) While recommending a person whose name has been made public pursuant to Sub-section (1) for appointment, promotion and career development in any public post, the concerned agency may take the records maintained pursuant to Sub-section (4) as a basis; (6) While assigning new responsibility to an official whose name has been made public pursuant to Sub-section (1), the concerned agency may take the records maintained pursuant to Subsection (4) as a basis in relation to his/her capability (competence).”

			stations and organizations but did not receive responses to their complaints. On June 7, 2005, the Human Rights Cell of the Nepal Army informed the NHRC that the two men had been killed in an "armed encounter."					
22, 23, 24, 25, 26	Lapten Yadav, Ram Nath Yadav, Shatru-ghan Yadav, Rajgir Yadav, and Ram Pukar Yadav	Dhanu sha	Extrajudicial killings.  On October 1, 2004, security personnel arrested these five men from their homes. According to eyewitnesses they were first beaten, and then around 5 a.m. security forces shot and killed them. People dressed in civilian clothing, but claiming to be security forces, later informed the families that the men had been killed because of	Oct. 2007	Yes	The family tried to register an FIR but police refused.	In December 2010, the families of the victims filed a writ of mandamus at the Janakpur Appellate Court, requesting an order to the Dhanusha District Police Office to initiate a prompt and effective investigation.  Update: On May 10, 2011, the Court ordered the Dhanusha District Police Office to carry out a prompt and effective investigation. The FIR was registered but it has not yielded any success in initiating a prosecution. On May 3, 2020, Advocacy Forum met with police officer Ramesh Basnet of Dhanusha District Police Office and inquired about any progress in the case. He said that he had been appointed to the position five months earlier. He said that he is not aware of anything being done on these cases. He also said that unless national policies are made to deal with conflict-cases, nothing can be done. A complaint has been registered at the TRC but no progress has been reported.	The NHRC report uses the name Wiltu Yadav whereas it doesn't speak of Lapten Yadav. The NHRC recommended that the government prosecute the security personnel involved in the incident under the prevailing law. It also recommended the government provide compensation of 150,000 Nepali rupees [USD 1,260] to each victim's family. Implementation Status of the Recommendations: Partial. The NHRC received a communication stating NRs 100,000 Nepali rupees [USD 840] was released for each victims' family. However, the names of Wiltu Yadav and Blrenjee Yadav were not included in the communication related to compensation.

			false information identifying them as Maoists.					
27	Ramadevi Adhikari	Jhapa	Extrajudicial killing.  On July 3, 2005, security forces arrested Ramadevi Adhikari and her husband from their home. Later, Ramadevi was shot and killed. The security forces did not allow the body to be sent for an autopsy.	Nov. 9, 2006	No	The family tried to register a FIR but police refused.	On October 12, 2009, the Ilam Appellate Court rejected a mandamus petition seeking an order to file an FIR, on the grounds that there was no post-mortem report and that relatives did not report the case immediately after the incident  On February 10, 2010 a writ of mandamus was filed in the Supreme Court, challenging the decision of the Appellate Court.  Update: The Supreme Court issued a mandamus order on June 16, 2014, saying that the police should register an FIR and promptly investigate the case. However, no progress has been made in the case. The victim's husband registered a complaint at the TRC in June 2016. He named alleged perpetrators, which makes him fearful. He has said that if there is a genuine investigation and perpetrators are held to account, he will be threatened.	The NHRC recommended that the government identify and prosecute the security personnel involved in the incident under the prevailing law. It also recommended the government provide compensation of 100,000 Nepali rupees [USD 840] to the victim's family. Implementation Status of the Recommendations: Partial. A communication from the Nepal Army <i>junggi adda</i> <sup>159</sup> stated that a second lieutenant was found to have exercised excessive use of force. Hence, he would face three months of imprisonment, freezing of promotion up to one year, and the victim's family would receive compensation of 25,000 Nepali rupees [USD 210]. The NHRC also received a communication stating 100,000 Nepali rupees [USD 840] had been released for the victim's family.
28	Hari Prasad Bolakhe	Kavre	Extrajudicial killing.  On December 27, 2003, police arrested Hari Prasad at a bus stop. When his father went to the District police Office to complain	Nov. 7, 2006	Yes (following a Supreme Court order)	The family filed a writ petition in the Supreme Court seeking a court order to the police to register an FIR.	The Supreme Court rejected the petition on November 15, 2009, on the grounds that the Kavre District Police Office provided a written reply to the Court that it had already registered the FIR and an investigation was ongoing.  Update: On July 21, 2011, Kavre District Police Office wrote to the Shyampati Police Post, Kavre, asking them to produce the complainant.	The NHRC concluded that Bolakhe was the victim of an extra-judicial killing. It recommended that the government prosecute three security forces members whom it named, as well as others involved in the incident. It also, recommended the government provide compensation to the victim's family; the amount to be similar to that provided by

<sup>159</sup> Junggi adda can mean either "army headquarters" or "court martial."

			<p>the police denied having arrested him. After searching for months, his father complained to the NHRC. According to the NHRC's findings, Hari Prasad had been killed. The investigation led to the exhumation of Hari Prasad's body, and a post-mortem revealed the cause of death to be a "gunfire injury."</p>				<p>On September 11, 2011, the Kavre District Police Office wrote to the Kavre District Administration Office asking whether the complainant had been provided interim relief. Since then, although there has been some correspondence between criminal justice authorities in relation to the case, no real investigation has been carried out. On November 14, 2014, Gyan Devi Bolakhe submitted a communication on their case to the United Nations Human Rights Committee. On May 2, 2016, the government of Nepal submitted its observations on the admissibility and merits of the communication, contending that the author had not exhausted all domestic remedies and that the case was still under investigation. It also argued that the allegations made by the author fall under the jurisdiction of the TRC and that it had already provided the sum of Rs. 500,000 to the family as "interim relief."</p> <p>On August 25, 2016, Gyan Devi Bolakhe submitted her responses to the observations made by the government of Nepal. On September 4, 2018, the UN committee adopted and published its views on the communication, finding a number of violations under the ICCPR and recommending effective investigation and prosecution of those responsible. However, as of May 2020, no progress that we are aware of had been made in the case. The family has submitted the case to the TRC but has received no updates from the TRC.</p>	<p>the government to the families of the victims of other human rights violations.</p> <p>Implementation Status of the Recommendations: Partial. The Office of the Prime Minister and the Council of Ministers stated that the Ministry of Home Affairs decided to provide compensation of 100,000 Nepali rupees [USD 840] to the family.</p>
29	Reena Rasaili	Kavre	<p>Rape and extrajudicial killing.</p> <p>On February 12, 2004, armed</p>	May 25, 2006	Yes	<p>There is progress in investigation after registering the FIR.</p>	<p>In response to a writ of mandamus, on December 14, 2009, the Supreme Court issued an order to the Kavre District Police Office and the public prosecutor to proceed with the investigation.</p>	<p>The NHRC recommended that the government prosecute the security personnel involved in the incident under the prevailing law. It also recommended the Government to provide</p>

			<p>soldiers raped and killed 18-year-old Reena Rasaili at her family's home. The family heard three gunshots and found her body lying near the house with bullet injuries in the head, eye, and chest.</p>			<p>The Supreme Court also criticized police and prosecutors for not taking necessary and appropriate steps, and continuously showing indifference to fulfilling their duty to investigate and prosecute. Following to this order, statements of the complainant and four other witnesses were recorded by the Kavre District Police Office on April 21, 2010. The District Police Office also corresponded with other police offices to locate and arrest a former soldier (who deserted) Kaji Karki, and to hand him over to the Kavre police if he is found.</p> <p>Update: On September 9, 2010, former Junior Army Staff, Kaji Bahadur Karki, was arrested by the Kaski District Police Office and handed over to the Kavre police. On September 17, 2010, a charge of murder was filed against Karki at the Kavre District Court,. On September 19, 2010, the District Court Kavre ordered his detention awaiting trial. Then Lieutenant Saroj Basnet was also charged with murder in absentia, and the Kavre District Court issued an arrest warrant against him on October 28, 2010. He has not been arrested yet, despite the fact that he was still working for the army. Advocacy Forum received anecdotal information that he was promoted following the incident. In October 2010, Kaji Bahadur Karki filed an application before the Patan Appellate Court challenging the order of Kavre District Court. In December 2010 the appellate court upheld the decision of the district court to hold him in remand while awaiting trial. In January 2011, Karki filed an appeal in the Supreme Court against the decision of the Appellate Court. He also filed a petition of habeas corpus at the Supreme Court in February 2011, challenging his detention, claiming</p>	<p>compensation of 150,000 Nepali rupees [USD 1,260] to the victim's family.</p> <p>Implementation Status of the Recommendations: Partial. The Nepal Army determined that the victim died due to the "excessive use of force." Two officers were court martialled and imprisoned for four months. One of them, a major, also had promotion suspended for a year, and the other, a lieutenant, had promotion suspended for three years.</p> <p>The Office of the Prime Minister and the Council of Ministers stated that the compensation of 100,000 Nepali rupees [USD 840] was sent to the district for the victim's family.</p>
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						<p>his case fell under the jurisdiction of the TRC. In August 2011, the Supreme Court rejected the petitions. Kavre District Court recorded the statements of witnesses in the case, including the accused. No evidence was provided by any other Army personnel. Court martial documents were not made available to the Court.</p> <p>In December 2013, the court acquitted the defendant on the grounds that no subordinate would shoot unless he had been given an order to do so, and if he had done this the Army would have tried him by court martial. The court found (wrongly) that there was no mention of a court martial. The judgement also found that, as none of the prosecution witnesses could say that they had seen Kaji Karki shooting Reena, his guilt could not be established beyond reasonable doubt. Although the prosecution appealed the acquittal, the appeal court upheld the decision of the district court. The family submitted the case to the Human Rights Committee on December 10, 2015. In July 2017, the government of Nepal submitted its observations to the committee, arguing that conflict-era cases will be dealt by transitional justice mechanisms established under the Commission on Investigation of Disappeared Persons, Truth and Reconciliation Act, 2014. As of May 2020, the HRC had not published its views on the communication. Family members have filed the case before the TRC, but no progress has been made so far.</p>		
30	Subhadra Chaulagain	Kavre	Extrajudicial killing.  On February 13, 2004, soldiers shot and killed 17-	June 6, 2006	Yes	<p>There was no investigation, even after registering the FIR.</p> <p>In October 2007, the family filed a</p>	<p>On December 14, 2009, the Supreme Court issued an order to the police and public prosecutor to promptly proceed with investigation of the case. It criticised the police and prosecutor for not taking appropriate and effective steps to</p>	<p>The NHRC recommended that the government prosecute the security personnel involved in the incident under the prevailing law. It also recommended the government provide</p>

			<p>year-old Subhadra Chaulagain at her house, accusing her of being a Maoist. They beat her father severely.</p>		<p>case in the Supreme Court seeking an order for the authorities in Kavre to proceed with the investigation.</p>	<p>investigate. It also instructed the district attorney to play an active role in guiding the investigation of the case.</p> <p>In April 2010, the statements of three witnesses were recorded at the Kavre District Police Office. In September 2010, police also recorded the statement of Putali Chaulagain, Subhadra’s mother. Although the police dossier contains many letters submitted to different agencies, no other progress in the investigation was noted.</p> <p>Update: After nearly a year, in July 2011, the Kavre District Police Office wrote to the Mahottari District Police Office asking for details of the defendant. It sent the FIR to Police Headquarters, Naxal, seeking their advice on the case. It also wrote to Bagmati Zonal Police office asking for details of a third defendant. But there is no written reply from the Mahottari District Police Office or the Zonal Police Office. On December 7, 2010, Kedar Chaulagain submitted a communication to the HRC. On March 5, 2011, the government of Nepal submitted its observations, arguing that domestic remedies were not exhausted.</p> <p>After analysing the submissions made on different dates both by the complainant (represented by Advocacy Forum) and the government, the committee on December 15, 2014 adopted its views on the case. It recommended the government provide an effective remedy, including a complete investigation, prosecution and punishment of those responsible, reparations, and “appropriate measures of satisfaction.” However, despite these efforts, no we are not aware of any steps that</p>	<p>compensation of 150,000 Nepali rupees [USD 1,260] to the victim’s family.</p> <p>Implementation Status of the Recommendations: Partial. The Nepal Army found that the victim died due to the “excessive use of force.” Security personnel were court martialled and imprisoned for four months. One of them, a major, had promotion suspended for a year, and the other, a lieutenant, had promotions suspended for 3 years.</p> <p>The Office of the Prime Minister and the Council of Ministers stated that compensation of 100,000 Nepali rupees [USD 840] was sent to the district for the victim’s family.</p>
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							have been taken towards prosecution of those involved in the case. The case has been registered at the TRC, but no progress is recorded.	
31	Maina Sunuwar	Kavre	<p>Extrajudicial killing.</p> <p>On the morning of February 17, 2004 Soldiers picked up 15-year-old Maina Sunuwar from her home. When her friends and relatives went to the Lamidanda barracks the following day and demanded her release, the army denied having arrested her. In April 2004, the army told Maina's mother, Devi Sunwar, that her daughter had been killed. Maina's body was exhumed from inside the Panchkal Army Barracks in March 2007.</p> <p>Under pressure, the army</p>	Nov. 13, 2005	Yes (following a Supreme Court order)	<p>Between March and July 2008, subpoenas were served at the defendants' addresses requiring them to appear in court. In February 2009, the court re-issued the subpoena to Niranjana Basnet, which was duly served on April 27, 2009.</p> <p>On September 13, 2009, the District Court ordered the Nepal Army Headquarters to immediately proceed with the automatic suspension of Major Niranjana Basnet, and for all the files containing the statements of people interviewed by the Military Court of Inquiry to be produced.</p>	<p>The army provided the Kavre District Court with copies of the judgement and the court martial statements of the four accused. None of the other 34 documents listed in the court martial judgement have been provided. In November 2009, the statements of prosecution witnesses were recorded in the Kavre District Court.</p> <p>In December 2009 one of the accused, Captain Niranjana Basnet, was repatriated from UN peacekeeping duties in Chad. The Prime Minister directed the NA to produce Major Basnet at the court, but the NA did not respect the order. Instead, the military police collected Basnet from the airport and took him to army headquarters. In August 2010, the Kavre District Court sent an order letter to Dolakha District Court to prevent any sale or transfer of the property of Niranjana Basnet. Similar letters were sent in relation to the other accused.</p> <p>Update: Between 2010 and early 2011, the Kavre District Court wrote to different authorities and the Dolakha court seeking information, documents, and the order to prevent the sale of their property. Statements of 13 army personnel taken by the court martial were submitted to the Kavre District Court. In September 2013 the Kavre District Court decided to put the case on hold, as no accused could be arrested.</p> <p>On January 12, 2016, Devi Sunuwar filed an application at the Kavre District Court requesting an order to revive the case for legal</p>	<p>The NHRC learned that three security personnel were convicted at a court martial of "not following the due course of procedure during investigation," and "not handing over the body as per the rules." As a result the major's promotion was halted for two years, along with six months' imprisonment and a 50,000 Nepali rupees [USD 420] fine. The promotion of two Captains was halted for a year, with six months' imprisonment and a fine of 25,000 Nepali rupees [USD 210] for each.</p> <p>The NHRC recommended that the government provide compensation of 300,000 Nepali rupees [USD 2,500] to the victim's family. The NHRC requested the government to implement its previous recommendations on arresting those accused of serious human rights violations and taking legal action against them in an ordinary court of law, including advancing proceedings in cases of serious human rights violations where that had already been ordered by the Supreme Court.</p> <p>Although the Kavre District Court has released a warrant on Maina Sunuwar's extrajudicial killing, the NHRC was informed that a 'court of inquiry' has been constituted to look over the</p>

		<p>prosecuted three of the perpetrators in a military court. Although convicted, they were sentenced to only six months in prison which they did not serve as they were judged to have already spent that time confined to barracks during the investigation .</p> <p>On January 10, 2007, the family lodged a writ at the Supreme Court to force the police to proceed with the investigation . On September 18, 2007, the Supreme Court ordered the Kavre District Police Office to complete the investigation within three months.</p> <p>On February 3, 2008, murder charges were</p>			<p>proceedings. The court granted the order the same day. However, hearings were postponed several times. On October 21, 2016, Judge Lekhanath Dhakal issued an order to submit the original case file of the court martial.</p> <p>On December 3, 2016, the office of the Judge Advocate General replied to the court that it would present a copy of the court martial’s decision, along with the original case file, on the next hearing date.</p> <p>On April 16, 2017, Kavre District Court convicted three army officers, namely Babi Khatri, Sunil Prasad Adhikari, and Amit Pun, of the murder of Maina Sunuwar. Although the court’s original decision as posted on its webpage stated all four accused were convicted, this was altered later in the day,. Niranjan Basnet, the only officer still serving in the Nepal Army, was acquitted. According to information received by Advocacy Forum, the judges and the court officers held an “emergency meeting” after the decision convicting all four officers was made. The decision of the court made public in writing later that day gave the three defendants a sentence of 20 years in prison, but the judge used his discretionary power under the section 188 of Muluki Ain, 1964 to reduce their sentences to five years, on the grounds that the incident took place in the context of conflict. On April 30, 2017, Kavre District Court issued a notice to the Kavre district public prosecutors’ office to file an appeal at the Patan High Court, within 70 days, if it was not satisfied with the judgment. On May 8, 2017, the Kavre district public prosecutor’s office decided not to move forward with an appeal in the case, on the grounds that</p>	<p>accused Major Nirajan Basnet’s matter. The NHRC deemed that the concerned authority should bring the accused before an ordinary court, respecting the decision of the Supreme Court, Kavre District Court and the NHRC’s recommendations.</p> <p>Implementation Status of the Recommendations: The Office of the Prime Minister and the Council of Ministers stated that the Ministry of Home Affairs decided to provide compensation of 300,000 Nepali rupees [USD 2,500] to the victim’s family.</p>
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			<p>filed in the Kavre District Court, and summons for the arrest of the four accused were issued.</p>			<p>even if the appeal were made, there was no chance of success, and referred the decision to the appellate level prosecutor's office in Patan. On May 17, 2017, the appellate level prosecutor's office decided not to move forward with the appeal and referred the decision to the Office of the Attorney General.</p> <p>Witnessing a rapid move to prevent an appeal against the acquittal of Niranjana Basnet, Devi Sunuwar filed a petition on May 18, 2017, to the district office of the public prosecutors seeking a copy of the decision of the district prosecutor. However, the prosecutor's office denied her a copy of the decision. On May 18, 2017, Devi Sunuwar was told that the prosecutor at the appeal level had also decided not to appeal. However, Devi was denied a copy of the decision there too. On May 18, 2017, Devi Sunuwar submitted an application to the Office of the Attorney General, arguing that the decisions of the district and appeal level prosecutors not to appeal against Basnet's acquittal were erroneous. The Office of the Attorney General did not respond. Again on May 24, 2017, Devi submitted another application demanding immediate action. She did not receive any response. However, she came to know on June 28, 2017, that the Attorney General had also decided against an appeal. On August 11, 2017, Devi filed a writ application of certiorari/mandamus to nullify the decision of the prosecutor and to oblige them to appeal the case.</p> <p>Meanwhile, on September 1, 2017, the Office of the Judge Advocate General of the Nepal Army filed a writ of certiorari along with prohibition at the Supreme Court, seeking annulment of the decision</p>	
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							of the District Court convicting the three officers. It argued (1) that the principle of double jeopardy was violated, on the basis that the army had already prosecuted the three convicted officers, (2) that the case came under the purview of the transitional justice mechanisms rather than the criminal justice system, and (3) that as the incident took place during a military operation, military rules should be applied. The petition also argued that no other conflict era cases should be placed under the jurisdiction of the civilian courts. After repeated postponement, the case is still pending before the Supreme Court. No one has been arrested despite the convictions. On April 3, 2018, the Patan High Court rejected the writ application of certiorari/ mandamus filed by Devi Sunuwar, stating that it is the prerogative of the prosecutor and Attorney General's Office to take decisions on whether to appeal or not.	
32	Arjun Bahadur Lama	Kavre	Abduction and extrajudicial killing (by CPN-M).  Maoists abducted Arjun Bahadur, a secondary school management committee president, on April 19, 2005, from his school. According to witnesses, the abductors reportedly marched	August 11, 2008	Yes	The family first tried to file an FIR in June 2007, but the police refused. Following a Supreme Court order, the FIR was finally registered in August 2008.  An NHRC investigation concluded Arjun had been detained and deliberately killed.  On February 4, 2009, Kavre police told Advocacy Forum they had corresponded with the Sindhupalchowk	There has been no substantive investigation into the FIR, except for some correspondence between various police offices.  On January 22, 2010, Kavre District Police Office sent a letter to the Foksingtar Area Police Office with orders to carry out an investigation, if necessary, and to protect the site where Arjun Bahadur Lama is thought to have been illegally buried. On April 28, 2010, the complainant's statement was recorded at Kavre District Police Office. In May 2010, the Kavre District Police Office sent letters to Shyampati Deupur police post, and Sindhupalchowk District Police Office, asking them to arrest the defendants.  Update: On May 4, 2011, Agni Sapkota was appointed Information	The NHRC concluded that the killing was a violation of Article 3 of the Geneva Convention, 1949. It recommended that the government identify and initiate criminal proceedings against the perpetrator/s and inform the NHRC about the outcome. It also recommended compensation to the victim's family equal to the amount provided by the government to the families of the victims of other human rights violations.  Implementation Status of the Recommendations: Partial. The Ministry of Home Affairs stated that Purnimaya Lama had been provided with the

			<p>Arjun Bahadur through several villages before killing him. Following protests by his wife, the CPN-M claimed that Arjun was killed during a Nepal Army aerial strike.</p>		<p>District Police Office on June 19, 2008, to search for and arrest the defendants from that district. The police said that they received a letter from Sindhupalchowk District Police Office on July 25 stating that one of the suspects, Agni Sapkota, had not been found in their district. Agni Sapkota was elected as a member of Constituent Assembly in April 2008.</p> <p>On April 28, 2009, Kavre police told Advocacy Forum, OHCHR-Nepal, and a member of the victim's family, that they had taken no further action, but after two hours of dialogue they agreed to write a letter to the NHRC requesting help to locate the exact place of burial of Arjun Lama and try to identify witnesses, with technical support from OHCHR if required.</p> <p>The police questioned witnesses in May, 2009. On May 4, 2009, the Kavre</p>	<p>and Communication minister. On May 27, 2011, a group of human rights defenders filed a public interest litigation (PIL) at the Supreme Court challenging the appointment, and seeking an interim order to suspend him from the post.</p> <p>Responding to the PIL, in July 2011, the Supreme Court refrained from issuing an interim order for the suspension of Agni Sapkota's appointment as a minister. However, the Court ordered the police and prosecutors to conduct an impartial investigation into the murder and submit a progress report every 15 days via the Attorney General's Office. The Court stated there is no law to remove Sapkota, and it is a matter for his conscience whether to remain in office or leave while allegations against him are pending.</p> <p>The Council of Ministers decided on July 27, 2012, to cancel the FIR filed against Agni Sapkota and another Maoist member of parliament, Suryaman Dong.</p> <p>On November 22, 2012, Purnimaya Lama, the wife of the victim, filed a writ at the Supreme Court asking that the government decision be overturned, as it would effectively stop all investigations into the case. On November 26, 2012, the Supreme Court issued a stay order on the execution of the government's decision to cancel the FIR. Since then, the case has been postponed more than a dozen times. On April 4, 2016, the Court decided that the case would be adjudicated by a constitutional bench. However, the hearing has been repeatedly postponed. On January 27, 2020, Agni Sapkota was elected speaker of parliament. On January 28, 2020, the Supreme</p>	<p>recommended compensation.</p>
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						District Police Office wrote to the police post at Foksingtar asking them to prepare a report about the incident.	Court refused to issue a stay order in a writ petition brought by senior lawyer Dinesh Tripathi against Sapkota's appointment as speaker. Nevertheless, the court asked the government to provide details regarding the investigation within 30 days. On March 13, 2020, the hearing was postponed. The next hearing date was fixed for April 17, 2020, but was again postponed due to the Covid-19 lockdown.	
33, 34	Chot Nath Ghimire and Shekhar Nath Ghimire	Lamjung	Extrajudicial killing.  Soldiers detained Chot Nath Ghimire, on February 2, 2002 at Bhorletar Unified Command Base Camp. His cousin, Shekhar Nath, was summoned to the camp on February 7, 2002, and also detained. Acting on information from other detainees, Chota Nath's family discovered that he had been detained at Bhorletar army camp. In November 2006 the NHRC exhumed the	Nov. 19, 2006	Yes	There was no investigation, even after registering the FIR.	On June 18, 2009, the families filed separate petitions of mandamus at the Kaski Appellate Court, seeking orders to the District Police Office and Public Prosecutor's Office to promptly investigate the FIR. The writ petition was rejected in October 2009 on the grounds that the District Police Office had responded to the court stating that the investigation was ongoing in the case.  As there was no progress on investigation, on March 9, 2010 an appeal was filed in the Supreme Court, challenging the decision of the Appellate Court and seeking order against the police and prosecutor.  Update: On December 15, 2011 the Supreme Court issued the mandamus order as requested by the applicant, and directed the Lamjung District Police Office to promptly initiate the investigation.  In January 2020, when Advocacy Forum contacted DSP Basanta Bahadur Rana Magar, the officer in charge of the Lamjung District Police Office, about the case, he said that he could not find any record of it, let alone facts about subsequent developments. According to him, the investigation had not proceeded any further as the District Police Office was told to	The NHRC recommended that the government initiate criminal proceedings against named senior army officers. It also recommended compensation of 300,000 Nepali rupees [USD 2,500] to the families of the victims, and free education for their children  Implementation Status of the Recommendations: Partial. The relief and rehabilitation unit stated that the families had been provided with the recommended compensation.

			bodies of both men.				stall the case by the district attorney's office. In the meantime, on July 15, 2011, the NHRC issued a decision finding a violation of the right to life and recommending prosecution and compensation of 300,000 Nepali rupees [USD 2,500] to the victims' families, as well as free education for their children. The family has submitted the case at the TRC but no progress has been reported.	
35	Prem Bahadur Susling Magar	Morang	Extrajudicial killing.  Security forces arrested Prem Bahadur Susling Magar, an affiliate of the CPN-M, on June 29, 2002, and allegedly killed him the next day. His family learned of his death via radio reports and located his decomposing body on the streets after a few days.	July 6, 2007	No	According to officials in the district administration office, the copy of the FIR which was submitted to the Chief District Officer has gone missing.	Update: The victim's son has filed a complaint at TRC. However, the family has not received any information.  Advocacy Forum contacted the district public prosecutor in May 2020, who reported having no knowledge about the case.	Not Available
36	Data Ram Timsina	Morang	Extrajudicial killing.  On September 28, 2003, officers of the Eastern Regional Army Headquarters in Itahari, and security	June 7, 2007	No	After both the District Police Office and Chief District Officer refused to register the FIR, in August 2007 the family appealed to the Biratnagar Appellate Court. The court rejected the petition, accepting	On October 28, 2010, the Supreme Court issued an order to the Morang District Police Office to register the FIR and to promptly proceed with the investigation.  Update: Despite the court order, no investigation has been conducted. For a long period of time police officers at the District Police Office claimed that they had not yet received the decision of the Supreme Court. Later, they argued	Not Available

			<p>personnel from Morang District Police Office, arrested school teacher Data Ram Timsina. An eyewitness saw him being beaten and removed from the headquarters, and heard that he was to be killed. The Human Rights Cell of the Nepal Army later confirmed that Data Ram was “killed in a security operation at Kerabari VDC-5, in Morang District, on October 14, 2003.” However, the family has not received his body for last rituals.</p>			<p>arguments by the District Police Office and other authorities that incidents such as the killing of Data Ram will be addressed by the TRC.</p> <p>The family subsequently filed an appeal to the Supreme Court against the decision of Biratnagar Appellate Court.</p>	<p>that the TRC would look into the case. The victim’s family has filed a complaint at the TRC via a Local Peace Committee. However, they have not received any updates from the TRC so far.</p> <p>The family has lost hope of getting justice. In February 2010, they conducted the last rituals on the assumption that the victim is dead, so that his soul can rest in peace. In May 2020, when Advocacy Forum asked the District Public Prosecutor about progress in the investigation, he said he had no knowledge about the case.</p>	
37, 38, 39	Bishwanath Parajuli, Tom Nath Poudel, and Dhan Bahadur Tamang	Morang	<p>Torture and extrajudicial killing.</p> <p>A group of 50 security personnel arrested Tom Nath Poudel, Bishwanath Parajuli, and Dhan Bahadur</p>	Nov. 1, 2004	No (2) Yes (1)	<p>On October 15, 2008, all of the victims’ families attempted to file FIRs but only the FIR relating to the killing of Dhan Bahadur Tamang was accepted and filed that day. On June 18, 2009, his family filed a petition of</p>	<p>On October 26, 2009, the Biratnagar Appellate Court issued a mandamus order in relation to Dhan Bahadur Tamang. It ordered the Morang District Police Office to start an investigation into the FIR promptly. The court reminded the police of its duties under the law. However, as far as we are aware no progress has since been made.</p> <p>Update: The families of Bishwanath Parajuli and Tom Nath Poudel</p>	<p>In the NHRC report Bishwanath Parajuli appears as Nagendra Parajuli. The NHRC recommended that the government take legal action against the security personnel involved in the incident. It also recommended compensation of 150,000 Nepali rupees [USD 1,250] to each of the victims’ families.</p>



			<p>Tamang at Bhatgauda, on September 27, 2004. They detained them overnight at a nearby school. Other individuals detained at the school later reported hearing gunshots at around 4:45 a.m. that night. The victims' families visited the school and found that the men had been shot and killed.</p> <p>An NHRC investigation found they had been extrajudicially executed.</p>			<p>mandamus at the Biratnagar Appellate Court seeking an order to the police to promptly start an investigation into the FIR.</p>	<p>also attempted to file an FIR, but police refused to do so, saying that the TRC will look into these cases.</p> <p>Relatives of the victims, and conflict victims' organisations, had a number of meetings with the District Police Office, seeking information on the progress of the investigation, but to no avail. Relatives have registered the case at the TRC. However, they have not received any updates.</p>	<p>Implementation Status of the Recommendations: Partial. The Office of the Prime Minister and Council of Ministers stated that the families have been provided with the recommended compensation, and that it has also given directions to take legal action against the accused security personnel.</p>
40, 41, 42, 43	Jag Prasad Rai, Dhananjaya Giri, Madhuram Gautam, and Ratna Bahadur Karki	Morang	<p>Extrajudicial killings.</p> <p>According to witnesses, on December 18, 2004, security forces arrested and killed these four men in four separate incidents in Morang District. The</p>	June 5, 2007	No (2) Yes (2) (following a court order)	<p>The relatives of all four victims appealed to the Biratnagar Appellate Court, but only in Madhuram Gautam's case did the court order the police to register an FIR. The writ petitions filed by the relatives of the other three men were rejected on the basis that</p>	<p>In November 2009, In Madhuram Gautam's case, the Biratnagar Appellate Court issued a mandamus order directing the Morang District Police Office to start an investigation.</p> <p>Update: In Dhananjaya Giri's case, the Supreme Court issued an order of mandamus in April 2010. Until 2016, the police reported that they had not received the Supreme Court's order. After that, they argued the case would be investigated by the TRC.</p>	Not Available

			Area Police Office in Uurlabari notified the victims' families of the deaths. Relatives found evidence of beatings and torture on the bodies. Their belongings were missing.			these cases will be investigated by the TRC.  The FIR relating to Madhuram Gautam was accepted in October 2008 following the court's order. In June 2009, his family filed another petition to obtain an order for the police to proceed with the investigation.  The family of Dhanan-jaya Giri appealed to the Supreme Court against the decision of the appellate court.	The family of Jag Prasad Rai is considering filing a mandamus petition to obtain a court order to register an FIR, but have not done so to date, dissuaded in part by other cases where FIRs were not registered even after families obtained a mandamus order.  In Ratna Bahadur Karki's case, the victim's family filed a mandamus petition at the Biratnagar Appellate Court on January 18, 2011. On April 12, 2011, the court issued an order to the Morang District Police Office to register an FIR. The FIR was registered by the Morang DPO on July 10, 2012. However, as far as we are aware there has been no progress in the investigation of the case so far. All family members have registered cases at the TRC, but they have not received any updates.	
44	Chandra Bahadur Basnet ("Manoj Basnet")	Morang	Extrajudicial killing.  On August 24, 2005, a group of Armed Police Force personnel arrested Chandra Bahadur Basnet at Dhankute Hotel. The next day, the Morang District Police Office informed Manoj's family that he had been killed while trying to run away from a	August 30, 2005	Yes	The Supreme Court rejected Advocacy Forum's petition not to allow the withdrawal of the case in the public interest on May 4, 2009.	There has been no progress in the case after the Supreme Court rejected Advocacy Forum's petition. The family no longer wants to pursue the case. The OHCHR has closed its file after meeting with the family. Update: Goma Basnet, the victim's wife, has filed a complaint at TRC via her Local Peace Committee. However, she has not been informed of any progress.	The NHRC recommended that the government identify and take legal action against the perpetrators. It also recommended compensation of 100,000 Nepali rupees [USD 840] to the family of the victim.  Implementation Status of the Recommendations: Partial. The Ministry of Home Affairs stated that the family has been provided the recommended compensation.

			“security cordon.” His body, with all valuables removed, was handed over to his family the next day. A post-mortem revealed that he had been shot in the chest and neck.					
45, 46	Purna Shrestha and Bidur Bhattarai	Morang	<p>Torture and extrajudicial killing.</p> <p>On October 15, 2005, army personnel tricked Purna Shrestha and Bidur Bhattarai into meeting with them, and arrested them. They then tortured them, and shot them dead at around 9:30 am. The army then informed family members that the men had been killed during an army operation. The families and other villagers found torture-related</p>	June and July 2007	Yes (following a court order)	<p>In mid-2007, the Biratnagar Appellate Court ordered the District Police Office to register a FIR in the case of Shrestha, but refused a petition on behalf of Bhattarai. However, the police initially refused to register the FIR even in Shrestha’s case. On October 15, 2008, the victims’ families once again attempted to file FIRs. The police only accepted the FIR relating to Shrestha. On June 18, 2009, Shrestha’s family filed a petition of mandamus at the Biratnagar Appellate Court, seeking an order to the police to promptly start an investigation into the FIR.</p>	<p>In Shrestha’s case, the Biratnagar Appellate Court issued a mandamus order in November 2009 requiring the District to promptly start an investigation into the FIR. Update: As far as we are aware, no investigation has been initiated by the police. The victims’ family and Advocacy Forum lawyers have made an inquiry about the progress made in the case, but no updates have been received.</p> <p>In Bidur Bhattarai’s case, the Supreme Court overturned the decision of the Biratnagar Appellate Court on December 18 2012, and directed the Morang District Police Office to promptly register the FIR and to carry out investigation into the case. Update: As of November 2016 the District Police Office claimed it had not received the order from the Court. In May 2020, when Advocacy Forum inquired about progress in the case, the district public prosecutor reported having no knowledge about the matter. The police had not submitted the case to the prosecutor’s office. Both families have registered their cases at the TRC, but have not received any updates.</p>	<p>The NHRC recommended that the government identify and take legal action against the security personnel involved in the incident. It also recommended compensation of 150,000 Nepali rupees [USD 1,250] to the family of each victim.</p> <p>Implementation Status of the Recommendations: Partial. The Office of the Prime Minister and Council of Ministers stated that the families have been provided with the recommended compensation.</p>

			wounds on the bodies, but they were not able to obtain copies of the post-mortem reports.			The family of Bidur Bhattarai has appealed to the Supreme Court against the decision of the Appellate Court.		
47	Sapana Gurung	Morang	Rape and murder.  Fifteen security personnel under the command of army Captain Prahlad Thapa Magar arrested 22-year-old Sapana Gurung at her home on April 25, 2006. The men took her to a nearby Nepal Telecommunications Office and raped her. About an hour after the arrest, villagers heard a gunshot. Sapana was later found dead. A medical report stated that she had been raped and killed. The case was investigated by a Parliamentary Probe	May 15, 2006	Yes		There has been no further progress on the case. In May 2010, the police claimed that the file submitted to Parliamentary Probe Committee has not yet been returned.  Update: Sapana Gurung's mother told Advocacy Forum that she had received 1,000,000 Nepali rupees [USD 8,400] as interim relief. She reported her case to the Local Peace Committee, hoping that it would reach to the TRC. However, the family had received no information on the progress of the case from any authority as of May 2020.	The NHRC recommended that the government identify and take legal action against the security personnel involved in the incident. The NHRC was aware that the legislative committee of the Interim legislature-parliament had already recommended compensation of 1,000,000 Nepali rupees [USD 8,400] to the victim's family, so it made no further recommendation of compensation.  Implementation Status of the Recommendations: Under Consideration. The Office of the Prime Minister and Council of Ministers stated that the family have been provided with the recommended compensation.

			Committee which recommended that criminal investigations be initiated. It also awarded 1,000,000 Nepali rupees [USD8,400] compensation to her family.					
48, 49, 50, 51, 52, 53	Chhatra Bahadur Pariyar, Phurwa Sherpa, Prabhunath Bhattarai, Prasad Gurung, Tanka Lal Chaudhari and Sunita Risidev	Morang	<p>Extrajudicial killings.</p> <p>On April 26, 2006, a group of security personnel at Belbari in Morang district opened fire on people demonstrating against the killing of Sapana Gurung (described above). These six people were killed, and dozens were injured.</p> <p>These killings were also investigated by the Parliamentary Probe Committee (see above, Sapana</p>	May 2006	Yes		<p>There has been no further progress in the case. In May 2010, the police claimed that the file submitted to the Parliamentary Probe Committee has not yet been returned.</p> <p>Update: Surjalal Musahar, brother of Sunita Risidev, told Advocacy Forum that the families had filed a complaint at the Local Peace Committee, Morang, to be sent to the TRC or any other relevant mechanisms. He said that all the victims of the Belbari incident have registered their complaints. They were neither approached for further information or evidence, nor provided with any updates on progress made in the investigation.</p> <p>They have received 1,000,000 Nepali rupees [USD 8,400] as the interim relief, and 60,000 Nepali rupees [USD 500] to conduct the last rituals.</p>	<p>The NHRC report uses the name Dhana Bahadur Pariyar while he appears as Chhatra Bahadur Pariyar in Advocacy Forum's documentation.</p> <p>The NHRC recommended that the government identify the perpetrator(s) and initiate criminal proceedings. It also recommended compensation of 300,000 Nepali rupees [USD 2,500] to the families of the victims.</p> <p>Implementation Status of the Recommendations: Partial. The Office of Prime Minister and Council of Ministers stated that the families been provided with compensation of 100,000 Nepali rupees [USD 840] and that the procedure to provide the remaining amount was ongoing.</p>

			Gurung) which recommended action against 28 security forces personnel and the Chief District Officer. It also awarded 1,000,000 Nepali rupees (USD 8,400)) compensation to each family.					
54	Khagendra Buddhathoki	Myagdi	<p>Extrajudicial killing.</p> <p>A team of patrolling soldiers arrested Khagendra Buddhathoki on the Tatopani Jalkuni Bridge, on January 6, 2002. According to villagers, they took him to a temporary army camp at Alkachaur and shot him dead the following day. When family members approached the Myagdi District Police Office they refused</p>	April 12, 2007	Yes	<p>Police told Advocacy Forum that they had corresponded with the Ministry of Defence regarding the deployment of Raju Nepali, who was apparently in charge of the brigade which had been stationed in Myagdi at the time. The Ministry has reportedly confirmed his deployment.</p> <p>The family filed a writ petition on June 18, 2009. In its response, the District Police Office argued that it was not bound to investigate as the FIR had not been properly filed. It also argued that the civilian court had no jurisdiction over such killings</p>	<p>On November 11, 2009 the Baglung Appellate Court issued an order of mandamus to the police to promptly investigate the FIR. Even after the order of the court, no effective investigation has been undertaken.</p> <p>Update: As of May 2020, there has been no known progress. The family has registered the case at the TRC, but no progress has been reported so far.</p>	<p>The NHRC recommended that the government identify the commander and security personnel involved in the incident, and prosecute them under the prevailing law. It also recommended compensation of 300,000 Nepali rupees [USD 2,500] to the family of the victim.</p> <p>Implementation Status of the Recommendations: Partial. The Ministry of Defence stated that the Human Rights Cell of Nepal Army confirmed that the victim's wife was provided with the recommended compensation.</p>

			to investigate. Once the battalion moved from the temporary camp, Khagendra's family tried to excavate the area where they thought the dead body was buried. The police stopped them from doing so. The corpse is yet to be exhumed.			from the conflict period.		
55	Chandra Bahadur Bishwakarma	Myagdi	<p>Possible torture and extrajudicial killing.</p> <p>Soldiers arrested 17-year-old Chandra Bahadur Bishwakarma at his home, on January 8, 2003. Three days later, Radio Nepal reported that Chandra had been killed in an "encounter". His family was allowed to recover his body from within the army base, but they were</p>	April 12, 2007	Yes	The family filed a writ petition on June 18, 2009. The District Police Office provided the same response as in Case 54 above, claiming that the case was improperly filed and asserting that the civilian court lacked jurisdiction.	<p>On November 11, 2009, the Baglung Appellate Court issued an order of mandamus to promptly investigate the FIR.</p> <p>Even after the order of the court, no effective investigation has been undertaken.</p> <p>Update: As of May 2020, there has been no known progress. The family has registered the case at the TRC, but no progress had been reported.</p>	<p>The NHRC recommended that the government take legal action against the commander and soldiers deployed from the then Kaliprasad Engineering Unit. It also recommended compensation of 300,000 Nepali rupees [USD 2,500] to the victim's family.</p> <p>Implementation Status of the Recommendations: Partial. The relief and rehabilitation unit stated that the victim's family has been provided with the recommended compensation.</p>

			compelled to bury him almost immediately.					
56, 57, 58	Dal Bahadur Darlami, Narayan Prasad Kanuje, and Tek Bahadur Gaha	Palpa	<p>Extrajudicial killings.</p> <p>According to eye-witnesses, on February 20, 2005, soldiers indiscriminately fired upon and killed the three boys, aged 15, 16, and 15, respectively.</p>	Dec. 31, 2006	Yes	<p>After the District Police Office had repeatedly refused to register an FIR, suggesting the killings had been an accident, in late 2006 the public prosecutor ordered the District Police Office to proceed with a murder investigation. On February 7, 2009, Butwal Appellate Court reminded Palpa District Police Office, Palpa District Administration Office, and the District Office of the Government Attorney to complete the investigation within one month, and decide whether to prosecute or not. The relatives filed a writ petition in June 2009 seeking a court order for police to proceed with the investigations.</p>	<p>On October 7, 2009, the Butwal Appellate Court issued an order of mandamus to investigate the FIR within three months.</p> <p>Despite court order, no effective investigation was undertaken.</p> <p>Update: Advocacy Forum found that while an FIR had been registered, no investigation has been carried out so far. Families have registered the case at the TRC, but no progress had been reported.</p>	Not Available
59	Man Bahadur Karki	Surkhet	<p>Abduction, torture and extrajudicial killing (by CPN-M).</p> <p>Two Maoists, named Lal Bahadur Ramjali and Dilip,</p>	Sept. 2006	No	<p>Investigations started from May 2008.</p>	<p>The victim's family no longer wants to pursue the case. The suspects named in the FIR have been working as local level leaders in the Maoist party and the family feels intimidated.</p> <p>Update: After the family agreed not to pursue the case, the Local Peace Committee recommended their name for interim relief.</p>	Not Available



			<p>abducted Karki from his house, on June 10, 2006. The next day, his body was found hanging outside the house of another villager, Ratan Bahadur Gautam. The Maoists claimed that he had committed suicide. Reports in the media and information from two witnesses suggested that Kul Bahadur Sijali, another local resident, had a feud with Karki and had participated in his beating and killing. Witnesses stated that Karki had actually been beaten to death by Kul Bahadur, Ratan Bahadur, Meghraj Gautam, and</p>				
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			Yam Bahadur Gharti.					
60, 61	Ganga Bahadur Nepali and Shyam Sundar Kaini	Tanahun	<p>Extrajudicial killings.</p> <p>Army personnel arrested Ganga Bahadur Nepali and Shyam Sundar Kaini from their homes on April 29, 2002. The next morning, Radio Nepal reported that the two men were terrorists who had been planning to ambush security forces and had been killed as they were attempting to execute this plan. Army Major Baburam Shrestha initially refused to hand over the bodies, only doing so after being pressured by the CPN-UML general secretary. The general</p>	April 6, 2007	Yes	<p>There was no investigation, even after registering the FIR.</p> <p>On June 18, 2009, both families lodged writ petitions to seek an order for the District Police Office and Public Prosecutor's Office to investigate the killings.</p>	<p>On December 23, 2009, the Kaski Appellate Court rejected the petitions on the basis of a written reply by the District Police Office that the investigation was underway. On March 28, 2010, an appeal was filed at the Supreme Court challenging this decision, as there was no progress in the investigation despite registering the FIR.</p> <p>Update: The Supreme Court issued a writ of mandamus in 2011 directing the Tanahun District Police Office to complete the investigation into the case within three months and to register the charge sheet at the district court. On June 1, 2013, the District Police Office sent a progress report to the Attorney General's Office in Kathmandu, stating that a board had been formed to carry out the investigation. However, as far as we are aware no progress has been made on the case since then. On December 27, 2019, Advocacy Forum contacted the district attorney of Tanahun regarding the progress of the case. He said the investigation is ongoing, but also said it is not clear yet as to how the authorities will deal with cases from the conflict. Advocacy Forum also contacted Inspector Shiva Raj Chhetri of Tanahun District Police Office on December 27, 2019, who stated that an investigation officer for the case was appointed on February 21, 2016. He also confirmed that no further progress has been made and police will take action only if the District Police Office receives an order from the government to initiate an investigation. On January 19, 2020, the NHRC reported that it had sent</p>	<p>The NHRC recommended that the government present a named soldier to the commission to record a statement, because the team deployed from Damauli Barrack which was involved in the incident was under his command. It also recommended compensation of 300,000 Nepali rupees [USD 2,500] to the victims' families.</p> <p>Implementation Status of the Recommendations: Partial. The Office of Prime Minister and Council of Ministers stated that each victims' family has been provided with compensation of 100,000 Nepali rupees [USD 840].</p>

			secretary released a statement indicating that he had heard testimony from soldiers at the barracks to the effect that the two men were arrested and executed.				recommendations to the government after completing its investigation. It has not received any information from the government regarding the decision. As of May 2020, there had been no progress in the investigation or any prosecution. Families have registered the case at the TRC, but no progress has been reported so far.	
62	Dhan Kumari Tumbahamphe	Udayapur	Rape and extrajudicial killing.  Soldiers arrested Dhan Kumari Tumbahamphe after she attempted to escape an army cordon on April 24, 2005. The soldiers found CPN-M documents in her bag. According to witnesses, the following morning a group of soldiers marched her out to a hill, possibly raped her, mutilated her, and killed her.	August 27, 2009	Yes (after a court order)	The family tried to file an FIR in April 2005.  Though police conducted some investigation, they refused to register an FIR until 2009.	The police registered the FIR on August 27, 2009, following an order issued by the Rajbiraj Appellate Court in August 2009. The statements of seven witnesses were taken. Since then no significant progress has been made.  Update: The husband of the victim, Dambar Bahadur Tumbahamphe, has registered a complaint at the TRC via the Local Peace Committee. He has not received any update from the TRC.	Not Available