



HUMAN
RIGHTS
WATCH

“Like We Are Not Nepali”

Protest and Police Crackdown in the Terai Region of Nepal



“Like We Are Not Nepali”

Protest and Police Crackdown in the Terai Region of Nepal

Copyright © 2015 Human Rights Watch

All rights reserved.

Printed in the United States of America

ISBN: 978-1-6231-32897

Cover design by Rafael Jimenez

Human Rights Watch defends the rights of people worldwide. We scrupulously investigate abuses, expose the facts widely, and pressure those with power to respect rights and secure justice. Human Rights Watch is an independent, international organization that works as part of a vibrant movement to uphold human dignity and advance the cause of human rights for all.

Human Rights Watch is an international organization with staff in more than 40 countries, and offices in Amsterdam, Beirut, Berlin, Brussels, Chicago, Geneva, Goma, Johannesburg, London, Los Angeles, Moscow, Nairobi, New York, Paris, San Francisco, Sydney, Tokyo, Toronto, Tunis, Washington DC, and Zurich.

For more information, please visit our website: <http://www.hrw.org>



“Like We Are Not Nepali”

Protest and Police Crackdown in the Terai Region of Nepal

- Map of Nepali**
- Summary 1**
 - A Controversial Constitution3
 - Key Recommendations 6
 - To the Government and Security Forces 6
 - To Protesters and Protest Leaders..... 6
- Methodology7**
- I. Context of the Violence8**
 - A History of Discrimination..... 8
 - Protests against Nepal’s New Constitution 10
- II. Lethal Violence in Kailali 13**
 - Background on Communal Relations in Kailali 13
 - Events Before August 24 14
 - Events in Tikapur on August 24 16
 - Events at Tikapur Hospital 18
 - Events in Tikapur on the Evening of August 24 and on August 25 19
 - The Police Investigation 20
 - Police Intimidation in Tharu Villages 21
- III. Rights Violations in the Eastern and Central Terai24**
 - Deadly Clashes in Birgunj on August 31.....25
 - Deadly Clashes in Birgunj on September 1 26
 - September 1 Shooting at Narayani Sub-regional Hospital in Birgunj 29
 - Bara District 29
 - The Killing of Hifajat Miya, 19, in Kalaiya on September 1 29
 - Mahottari District30
 - September 9 Incident.....30

The Killing of Assistant Sub-Inspector Thaman Bishwokarma on September 11.....	33
Two More Deaths in Mahottari on September 11.....	34
Janakpur.....	36
Events in Janakpur on September 11	36
Records of Injuries Treated at the Janakpur Zonal Hospital.....	40
IV. Recommendations	42
To the Government and Security Forces.....	42
To the Protesters and Protest Leaders	43
To the International Community	43
Acknowledgements.....	44

Map of Nepal



Summary

They fired teargas shells, scared the children. Everyone here is very scared, scared of the police. The women and children don't want to go out of the house. We are being treated inhumanely, like second-class citizens. Like we are not Nepalis, like we're criminals or terrorists.

–A witness of police violence in Mahottari district, September 2015

If an APF [Armed Police Force] personnel is obstructed from discharging his duties or is physically attacked, he may use necessary or final force in order to defend self, maintain law and order and to arrest the attacker.

–Section 8, article 58(3) of the Nepali government's July 7 Armed Police Force regulation

On September 11, 2015, police used teargas and opened fire on a group of protesters who were walking through the Mills Area neighborhood on their way toward the center of Janakpur, a town in southern Nepal. Bullet marks on the houses testify to the use of live ammunition. According to residents, police chased fleeing protesters into residential compounds and attacked them there, even opening fire inside one man's home.

Fourteen-year-old Nitu Yadav was among the protesters. He attempted to hide from the police in some bushes. Four separate eyewitnesses described what happened next. In front of onlookers he was dragged from his hiding place by police officers, thrown to the ground, and, while an officer stood on his legs, shot dead in the face at point-blank range. Doctors who subsequently examined Yadav's body confirmed that it bore injuries consistent with this account.

Another protester, Sanjay Chaudhari, was hiding nearby. According to witnesses, he was shot in the back moments later as he attempted to flee. He died shortly after reaching hospital.

Approximately 45 people were killed in the violent protests staged over Nepal's new constitution during the months of August and September, almost all of which took place in

Nepal's southern region known as the Terai. This report documents the killings of 25 people, including 9 police officers and 16 members of the public, in five Terai districts between August 24 and September 11, 2015. Human Rights Watch found no evidence that any of these victims, including the police, was posing a threat to another at the time he were killed.

The nine police officers were killed in two separate incidents, eight of them on August 24 in Tikapur, when an angry mob of protesters encircled and viciously attacked a small group of police with handmade weapons. That same day an unknown assailant, probably associated with the group that killed the eight police officers, shot and killed the 18-month-old child of another officer.

The remaining 15 victims were all shot dead by the police. They include six people who witnesses described as bystanders not participating in any protest. Two victims, Ram Bibek Yadav in Jaleswar and Hifajat Miya in Kalaiya, had already been injured when numerous witnesses state that they saw police deliberately kill them as they lay on the ground. In another disturbing case, 12-year-old Bikas Yadav was allegedly shot and wounded in Janakpur while he attempted to give water to an injured man.

In all five districts Human Rights Watch visited we heard allegations of police breaking into homes to beat the occupants, including women and elderly people; police using racial insults during violent incidents or threatening to kill members of the public; and police arbitrarily beating passers-by and harassing villagers belonging to communities which are seen as opposing the new constitution. In Birgunj, two eyewitnesses described how a police officer deliberately opened fire into a hospital. Both eyewitnesses sustained injuries during the incident.

There is, in short, compelling evidence of criminal attacks on defenseless police by protesters, and abundant evidence in several cases of serious crimes by police against protesters and bystanders, including disproportionate use of force and extrajudicial killings. In addition to the deaths, hundreds of people have been injured, some of them grievously.

Protesters also vandalized a number of vehicles and buildings. Meanwhile, strikes imposed by the protesters, in effect since mid-August, as well as curfew orders and

“prohibited zones” declared by the government, have had a crippling effect on normal life and caused intense economic hardship. Since late September the passage of goods across the border with India has been significantly curtailed, leading to severe shortages of fuel and other essentials across the country. The Nepali government has blamed India for the shortages, claiming that India is imposing an unofficial blockade in order to force the government to amend the constitution in line with the Madhesi demands. India has denied this charge, claiming that the shortages are due to protester blockades and a general lack of security for the trucks ferrying the goods.

A Controversial Constitution

The protests began in the final weeks of Nepal’s protracted constitution drafting process. Drafting a constitution through an elected Constituent Assembly was a central plank of the peace agreement signed in 2006 to end a decade-long Maoist insurgency and civil war. The first Constituent Assembly was elected in 2008, but it failed to complete the new charter, in large part due to differences over the delineation of federal provinces. A second Constituent Assembly elected in 2013 was also deadlocked for over a year. However, in the aftermath of the devastating earthquake which struck Nepal in April 2015, four major political parties reached an agreement to complete the charter by a “fast track” process.

However, marginalized groups in the Terai—the lowland region that stretches across southern Nepal between the Indian border and the foothills of the Himalayas—objected to this “fast track” process and the constitution which emerged from it. Once again, the delineation of federal provinces was the most contentious issue. In particular, protests against the new constitution involved two relatively large ethnic or social groups: Madhesis, concentrated in the eastern and central Terai; and Tharus, concentrated in the far western Terai. They objected to the new federal boundaries and to other aspects of the new constitution which they claim abrogate previous commitments made to their communities and create “second-class” citizens. Objections include the unequal distribution of parliamentary constituencies and restrictions on the right of women to pass citizenship to their children.

Underlying these grievances is a long-standing history of discrimination by successive governments, which remains dominated by traditional social elites from Nepal’s hilly regions, against marginalized groups including Madhesis and Tharus. Members of these

groups are underrepresented in government, public employment, and other influential institutions such as the media, and also on average have lower economic, health, and education indicators. While the government insists that the constitution guarantees “inclusion,” protesters believe that it fails to address their marginalization and may even deepen it.

As the protests spread in August and deadly violence repeatedly occurred, the major political parties backing the process argued that it was essential to urgently pass the charter. They urged dissatisfied groups to come to Kathmandu for talks, but declined to pause the drafting process in order to discuss their demands. Those leading the process argued that the constitution was endorsed by the overwhelming majority of elected Constituent Assembly members and could be amended later to address the demands of protesting groups. Some also argued that the protests were instigated by neighboring India.¹ According to the government, the extent of violence by protesters left police with no option but to resort to lethal force, although available evidence indicates this was not the case.²

Deadly violence has continued since the promulgation of the constitution on September 20. Much of the Terai, which is home to half of Nepal’s population, remains at a near standstill due to ongoing strikes and protests. The town of Tikapur, in Kailali district, has been under curfew since August 24.

Community leaders on both sides have used crude populist language which risks inflaming tensions. In Kailali district, communally-motivated attacks on property took place, most notably after protesters killed the eight police officers on August 24.

However, it is important to note that aside from events in Kailali where the property of the members of the Tharu community was attacked, there are, according to the authorities, no known instances of protesters attacking people or property with an evident ethnic, caste, or other discriminatory motive in the areas covered by this report. This is despite the fact that the political differences underlying these protests are largely polarized along

¹ Prateek Pradhan, “Wrong Advice,” *Republica*, September 16, 2015, <http://myrepublica.com/opinion/story/28261/wrong-advice.html> (accessed September 29, 2015). Written by the prime minister’s press advisor, this article represents many of the views put forward by the government and its supporters.

² “Unprecedented violence seen in Tarai protest: Gautam,” *Republica*, September 6, 2015, <http://www.myrepublica.com/feature-article/story/27680/unprecedented-violence-seen-in-taraiTerai-protest-gautam.html> (accessed September 29, 2015).

communal lines, and despite the contrary impression too often given in national media coverage of the events. At the same time, many people we spoke to in the affected areas said that police used insulting and derogatory language toward them. There has also been a worrying eruption in crude, prejudiced commentary on social media. There is a widespread fear among commentators in Nepal that the situation in some regions of the country could deteriorate into communal violence.

Local authorities have declared curfews and “restricted” or “prohibited” zones declared with the stated aim to contain public unrest and protests, some of which have been in effect for considerable periods. Some of these restrictions have severely constrained freedom of movement and economic activity.

In many parts of the Terai, *bandhs* (closures or strikes, also affecting road transport) organized by Madhesi and Tharu groups dissatisfied with the new constitution began in early August, and have—at the time of writing—been in effect for almost two months. Some of the *bandhs*, seemingly supported by a significant portion of the Terai population, have resulted in serious economic disruption.

Many of the incidents described in this report are well known in the regions where the violence has occurred, but have not been reported in the rest of the country. While the media has consistently characterized the protesters as violent, it has also avoided reporting on the details of police violence, despite some illegal killings by the police having been witnessed and even filmed by numerous journalists. Newspaper editors explain these decisions as being made to “protect social harmony.”

The government needs to immediately ensure that security forces cease the use of disproportionate force against protesters, and in particular that they abide by the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. The security forces need to immediately stop using unlawful violence. Intimidation and abusive language toward members of the public should end. The government should immediately establish independent bodies to investigate the unlawful killing of protesters and prosecute perpetrators, while ensuring the due process and fair trial rights of all accused of crimes, including those accused of killing police officers.

Human Rights Watch urges protesters and protest leaders to take all feasible steps to ensure that all protests are peaceful, and fully cooperate with the authorities in ensuring those responsible for serious crimes are brought to justice. It is especially important that those on all sides of this political dispute, including protesters and the government, avoid any action which could incite communal tensions.

The international community should urgently press the Nepali government to uphold basic international human rights and allow a credible and timely independent investigation of the events described in this report and in credible reports of local media, nongovernmental organizations, and the National Human Rights Commission (NHRC), among others.

Key Recommendations

To the Government and Security Forces

- Ensure that all security forces abide by the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.
- Immediately establish an independent commission of inquiry to investigate the unlawful killings of protesters and police.
- Ensure that these findings are forwarded to the Attorney General's office for prosecution.
- Ensure that those accused of violence and other crimes during the protests are accorded full due process rights, including a fair trial, freedom from torture, and access to lawyers and family.

To Protesters and Protest Leaders

- Publicly call on all protesters to desist from violence and other crimes and fully cooperate with any criminal investigation into serious crimes.

Methodology

From September 10 to 19, 2015, Human Rights Watch conducted research in five districts affected by violence in the south and far west of Nepal—Kailali, Dhanusha, Mahottari, Bara, and Parsa. The team visited the sites of each of these incidents and interviewed eyewitnesses, medical staff who treated the wounded or performed autopsies, the families of victims, security personnel, government officials, journalists, human rights defenders, and other members of NGOs. Where available we also examined video and photographic evidence. We continued research by phone and email through the time of writing. No inducement, monetary or otherwise, was provided to any witness we spoke with. In some cases, actual costs for food and travel were provided.

All interviews in Nepali were conducted with the assistance of an independent translator. Where local languages were used, the interviews were recorded and later transcribed and translated with the assistance of a reliable local language interpreter.

I. Context of the Violence

A History of Discrimination

Nepal is a country of great caste and ethnic diversity. The events described in this report principally concern protests by members of two communities: Madhesis, a diverse group concentrated in the eastern and central Terai, and Tharus, an indigenous group especially concentrated in the western Terai. Both have long faced discrimination from Nepali state authorities in areas such as access to public sector employment and electoral representation, resulting in comparatively low access to education, healthcare, and other governmental benefits.³

Some parts of Nepali society regard Madhesis as “Indian” due to their community’s close cultural and linguistic ties with India and their frequent intermarriage with communities in neighboring regions across the border, and some have questioned Madhesis’ loyalty to the Nepali state.⁴ Some Tharus have been subject to forms of bonded labor in what are known as the *kamaiya* and *kamlari* systems.⁵

The Nepali state has for centuries been ruled by members of Pahadi (hill-origin) upper-castes, creating a sense of alienation among various other groups, including those living in the Terai.⁶ In spite of a decade-long civil war from 1996 to 2006 waged by Maoists partly to wrest power from these traditionally dominant groups, political power in the capital, Kathmandu, continues in large part to be exercised by members of upper-caste hill elites.

Madhesis, Tharus, and other disenfranchised groups have previously staged major street movements in the regions where they are most numerous, demanding federalism, “proportional representation” in public sector employment, and changes to electoral rules designed to end their communities’ underrepresentation. The Madhesi movements of 2007 and 2008 were largely peaceful but also involved some acts of arson and other

³ Arun K.L. Das and Magnus Hatlebakk, *Statistical Evidence on Social and Economic Exclusion in Nepal* (Kathmandu: Himal Books, 2010).

⁴ Prashant Jha, *Battles of the New Republic* (New Delhi: Aleph Books, 2014), pp. 161-277.

⁵ Jagannath Adhikari, *Land Reform in Nepal: Problems and Prospects* (Kathmandu: Nepal Institute of Development Studies, 2008).

⁶ Jha, *Battles of the New Republic*.

violence, while numerous protesters were shot dead by the security forces.⁷ These movements led to two agreements between the protesting groups and the government, and to the adoption of a commitment to institute federalism in Nepal. These are known as the “22 point” and “8 point” agreements, which Madhesi protesters claim have not been honored in the new constitution. Following comparable protests, an agreement was signed between the government and leaders of the Tharu community on March 14, 2009.⁸

These movements also gave rise to new Madhes-based political parties, which prospered in the 2008 Constituent Assembly election.⁹ However, these parties suffered multiple splits, resulting in their winning far fewer seats in the 2013 Constituent Assembly election.

In recent months Madhes-based political parties have coalesced into a small number of alliances to protest the draft constitution, which they claim abrogated previous agreements and failed to fulfill their demands for the delineation of federal provinces. Other prominent local individuals have also been involved in leading protests before and after the constitution was adopted; there has been some variation between different cities and districts as to which parties, groups, or individuals are most prominent in the current protest movement.¹⁰ The Tharu political movement is currently led by the Tharuwat Tharuwan Struggle Committee.

Leaders on all sides, including the government, have used populist rhetoric which may appeal to ethnic sensitivities. The Kathmandu-based media has sometimes represented the current protests as animated by Madhesi communal anger toward people of hill origin.¹¹ Commentators have noted an outpouring of racial hostility toward Madhesis in the

⁷ International Crisis Group, *Nepal's Troubled Tarai Region*, Asia Report No. 136, July 9, 2007.

⁸ Prawesh Gautam and Izumi Wakugama, *From Conflict to Peace on Nepal: Peace Agreements 2005-10* (Kathmandu: Asian Study Centre for Peace & Conflict Transformation, 2011).

⁹ Jha, *Battles of the New Republic*.

¹⁰ For example, agitating groups active in Janakpur include: the Samyukta Loktantrik Madhesi Morcha (SLMM, or United Democratic Madhesi Front), a coalition of three major Madhes-based parties including the Upendra Yadav-led Madhesi People's Rights Forum – Nepal (MPRF-N), the Rajendra Mahato-led Sadbhawana Party, and Mahanta Thakur's Terai Madhes Democratic Party (TMDP); MASS: the Madhes Adhikar Sangas Samittee or Madhes Rights Struggle Committee, a group of youth activists in Janakpur led by Saroj Mishra; the Brihat Loktantrik Madhesi Samaj, a group active in Janakpur led by prominent local figures including the engineer Ganga Prasad Sah, journalist Rajendra Karna, and Dr Bijaya Singh; and the Samyukta Madhesi Morcha led by Matrika Yadav, presently the leader of a minor Maoist splinter-group, and Anil Jha.

¹¹ Ameet Dhakal, “Is India losing sight of things in Nepal?,” *Setopati*, September 23, 2015, <http://setopati.net/opinion/9438/Is-India-losing-sight-of-things-in-Nepal?/>; Rajesh Adhiraj, “Madhesis' concerns remain unaddressed,” *Himalayan Times*, September 21, 2015, <http://thehimalayantimes.com/nepal/madhesis-concerns-remain->

Kathmandu-centric social media since September 2015, partly focusing on alleged anti-Pahadi communal violence in the Terai.¹² However, on September 18 and 19 senior Nepal Police officers or the Chief District Officer (CDO, the top administrative official in each district) in each of Dhanusha, Mahottari, and Parsa districts told Human Rights Watch that they were not aware of any ethnically motivated violence by protesters in their district. As the Parsa CDO put it: “There have been no incidents of communal violence. Actually the focus is more on the administration and police.”

There has been, however, a clear communal element in the abusive language and threats issued by the police to the public, as described at many points below.¹³

Protests against Nepal’s New Constitution

In 2006 Nepali political leaders signed a Comprehensive Peace Agreement to end the decade-long civil war. A central plank of the peace agreement was the election of a Constituent Assembly to draft a new democratic constitution. Following protests in Nepal’s southern plains, which claimed a number of lives in 2007 and 2008, it was further agreed that the new constitution would restructure Nepal from a unitary state into a federal one, with provinces which would have some legislative and policing powers, and the authority to levy taxes and disburse income from natural resources within the province. However, the number and delineation of the provinces remained to be negotiated. This was intended to address the historic and enduring marginalization of various communities, yet establishing provincial boundaries proved complex and controversial, and became the main reason for repeated delays in completing the constitution.

The first Constituent Assembly was elected in 2008. After it failed to complete the charter a second Constituent Assembly was elected in 2013. Following the massive April 2015 earthquake, four major parties signed an agreement on June 8 to complete the constitution

unaddressed/; Shiwani Neupane, “Letter to Madhesi Youth,” *Republica*, September 16, 2015, <http://www.myrepublica.com/opinion/story/28260/letter-to-madheshi-youth.html> (accessed September 29, 2015).

¹² Pranaya SJB Rana, “Don’t talk, just listen,” *Kathmandu Post*, September 20, 2015, <http://kathmandupost.ekantipur.com/news/2015-09-20/constitution-special-dont-talk-just-listen.html> (accessed September 29, 2015).

¹³ See, for example, pp. 26 and 41-2.

by a “fast track” process.¹⁴ The government hastily announced a one-week public consultation period. It claimed to have incorporated public feedback in a new draft which was passed by the Constituent Assembly on September 16.

On July 7 the government issued a new regulation governing the Armed Police Force (APF), possibly in anticipation of protests against the constitutional process. Under this regulation, the APF was given enhanced powers to use lethal force. APF officers were given impunity from complaints if anyone was killed by them in the course of their duties. Section 8, article 58(3) of the regulation states, “If an APF personnel is obstructed from discharging his duties or is physically attacked, he may use necessary or final force in order to defend self, maintain law and order and to arrest the attacker.” Article 58(4) states, “In the course of using force while discharging his duties, if a person is injured or killed, no case will be filed against the APF personnel without the consent of Government of Nepal.”¹⁵

The current protests in the southern plains of Nepal began in early August, during the final weeks of the “fast track” constitutional process, and have continued since the promulgation of the new constitution on September 20.

The catalyst for the violence in the Terai was the delineation of provincial boundaries. According to leaders of the Tharu community in the western Terai, the delineation of provinces in both the proposed and adopted versions of the constitution divides their community and thus violates previous agreements promising a Tharuwat State, which Tharus hoped would help end their political and economic marginalization. However, other residents of the region, especially those of hill origin backed by powerful leaders of the main political parties, opposed the Tharus’ demands, arguing that western plains districts such as Kailali should be joined with neighboring hill districts in a “United Far West” province.

In other parts of the Terai, especially in the central and eastern regions, many Madhesis made a similar objection, claiming that the provincial delineation disadvantages their already marginalized community.

¹⁴ The four parties backing the constitution were Nepali Congress (NC), Communist Party of Nepal – Unified Marxist Leninist (CPN-UML), Unified Communist Party of Nepal – Maoist (UCPN-M), and the Madhesi People’s Rights Forum – Democratic (MPRF-D, or MJF-L in Nepali). The MPRF-D later left this alliance.

¹⁵ See the full Nepali language text of the regulation, http://www.dop.gov.np/downloadfile/Sasastra%20Bal%2065_1437190075.pdf (accessed September 28, 2015).

Delineation is not the only objection that these groups make to the new constitution. They also claim that under the new charter they will be underrepresented in the national legislature, that many members of their communities will be given “second-class” citizenship status, and that previous agreements to provide “proportional representation” to members of different communities in the public sector have been unilaterally abrogated to their disadvantage.¹⁶

Protests against the draft constitution intensified in the Terai in late August. The constitution, which initially called for six provinces, was amended to include a seventh province, acceding to a demand raised by residents of Surkhet and Jumla districts in the hills. This response further angered the communities in the plains whose demands for a similar separate province for themselves remained unanswered. The refusal to delineate a further province in the plains was read as an attempt to deny the Madhesi population the legislative, policing, and budgetary autonomy which the constitution grants to the provinces.

In response to the growing protests, the Madhesi People’s Rights Forum – Democratic (MPRF-D), the only Terai-based party supporting the “fast track” constitutional process, left the 4-party alliance on September 8. Protests along the Terai escalated throughout September, with protesters blockading border crossing routes from India to Nepal in a concerted attempt to halt the flow of petrol, gas, and other goods into Nepal. Over the course of the month, as a direct result of these protests, the country was hit by a severe petrol and gas shortage. Politicians in Kathmandu sought to blame India, claiming that India was unofficially imposing an economic blockade on Nepal in order to force constitutional change in line with the Madhesi demands. The Indian government denied this charge.

¹⁶ Dipendra Jha, “Talk to the Tarai,” *Kathmandu Post*, September 20, 2015, <http://kathmandupost.ekantipur.com/news/2015-09-20/talk-to-the-tarai.html> (accessed 29 September 2015).

II. Lethal Violence in Kailali

Prior to the August 21 decision to increase the number of states from six to seven without addressing Tharu demands, protests in the Terai had been largely peaceful. The first serious violence occurred on August 24, when Tharu protesters in Kailali attacked and killed eight police officers. An eighteen-month-old child was also killed. Violence then spread east to Madhesi-dominated areas, but in that ensuing violence almost all of the victims were members of the public killed by police.

Background on Communal Relations in Kailali

The current tensions in the region have deep historical origins and have surfaced repeatedly in recent years, most recently in protests around the end of the first Constituent Assembly in 2012, including a 32-day *bandh* (closure or strike) imposed by Tharus to press the community's political demands. The government and Constituent Assembly did little to address those concerns, however, leading many to predict correctly that they would again flare up in the final stages of the second Constituent Assembly.

Members of the Tharu community who are indigenous to the plains and are loosely organized as the Tharuwat Tharuwan Struggle Committee first began protesting around August 6 to 7, 2015, when the six state federal delineation plan was being negotiated by the four major political parties, before its announcement on August 9. Tharu activists demanded that previous agreements with the government be honored, especially that a federal province be delineated to reflect their areas of settlement as a way to address their community's social, political, and economic marginalization. In particular they demanded that Kailali district, which has a large Tharu population, be included in this province.

The Tharus were opposed by the Akhanda Sudur Paschim (United Far West) movement, largely composed of people who live in Kailali and neighboring Kanchanpur district but whose origins lie in the hills to the north.¹⁷ The Akhanda movement opposes dividing the hills from the plains in separate federal provinces. It enjoys powerful support from individual leaders in the largest three political parties, the Nepali Congress (NC), the Communist Party of Nepal – Unified Marxist Leninist (CPN-UML), and the Unified

¹⁷ Adhikari, *Land Reform in Nepal: Problems and Prospects*.

Communist Party of Nepal – Maoist (UCPN-M) who come from the far west. Many leading members of the Akhanda movement are landlords, one of whom told Human Rights Watch that they are motivated by the fear that they may lose their property in Kailali if it is made part of a Tharu state.¹⁸ The same Akhanda member also advocated for the reintroduction of the *kamaiya* system of hereditary debt bondage, a system frequently compared to slavery, in which many Tharus were constrained as bonded agricultural laborers until it was legally abolished in 2001.

Most members of the local administration, as well as most journalists, human rights defenders, and other people in positions of influence, belong to hill-origin communities. The six state federal model proposed by the four parties favored the position of the Akhanda, putting the plains districts of Kanachanpur and Kailali, with significant Tharu populations, in a province otherwise composed of hill districts.

Events Before August 24

Rival protests and *bandhs* by the hill-origin and Tharu communities began on August 6 to 7. A national human rights organization, Informal Sector Service Center (INSEC), as well as the police, local administration officials, and rival political groups, agreed to a “code of conduct” for protests to minimize the risk of clashes. This held until about August 13.

On that day, three Madhesi political leaders from the eastern plains—Upendra Yadav, Rajendra Mahato, and Amresh Singh—made speeches at a rally in Tikapur, Kailali’s second largest town, which were widely said to have included inflammatory language, angering Akhanda supporters. Many observers, especially of hill-origin communities as well as the local administration, identify this as a turning point.

On August 17 a Tharu protest gathered at Campus Chowk of Dhangadhi, the district headquarters town of Kailali district. According to INSEC, Tharu leaders agreed to a request not to invite allegedly incendiary speakers again.¹⁹ Despite having gained prior permission for their program in a meeting with the Chief District Officer the day before, they were obliged to move the location from the center of Dhangadhi due to the intervention of Akhanda activists and the Nepal Police. According to INSEC, the group obstructing the

¹⁸ Human Rights Watch interview (name withheld), Tikapur Kailali district, September 12, 2015.

¹⁹ Human Rights Watch interview with Khadak Raj Joshi, Dhangadhi representative of INSEC, September 10, 2015.

Tharus included parliamentary candidates of the royalist Rastriya Prajatantra Party – Nepal (RPP-N) and youth wing members of the governing NC and CPN-UML parties. Tharus claim that stones were thrown at the protesters, reportedly numbering many thousands, by Akhanda activists. Many of the Tharus attending had come from Tikapur. According to a witness interviewed by Human Rights Watch, a clash that day between a group of Akhanda and Tharu supporters resulted in the police firing teargas to disperse the Tharus.²⁰

The events of August 13 and 17 left members of both communities angered. On August 19 a mediation meeting in Dhangadhi, including representatives of the security forces, the district administration, INSEC, the National Human Rights Commission (NHRC), and the rival political groups, failed to calm the tensions.

On August 21 national leaders revised their six province federal model to comprise seven provinces. This addressed the demands of some hill communities in western Nepal, who had objected to the plans for their region, but offered no concession to Tharu demands and therefore further inflamed Tharu sentiments.

On the same day, the Akhanda movement organized a 100 km motorcycle rally from Dhangadhi to Tikapur, with a planned protest in Tikapur on August 22. Five kilometers outside Tikapur a group of Tharu protesters blocked the road with stones. The police cleared the road obstruction while a Tharu crowd looked on, throwing stones. With the police looking on, Akhanda protesters allegedly burned around a dozen Tharu homes and vandalized property, including TVs and motorcycles. The planned Akhanda protest in Tikapur the next day was cancelled.

On August 22 the local administration issued orders prohibiting public gatherings in Tikapur. On August 23, in approximately seven villages near Tikapur, Tharu protesters painted over the words “Nepali Government” on government signboards and replaced them with “Tharuwat Autonomous State.” That night, Tharu leaders met with representatives of the local administration in Tikapur. According to local administration officials, the Tharus disclosed their plan to similarly paint over government signboards in Tikapur itself. Assurances were given and accepted that the protest would be peaceful, and permission was granted for the Tharu protest in Tikapur the following day.

²⁰ Human Rights Watch interview (name and location withheld), September 10, 2015.

Events in Tikapur on August 24

On the morning of August 24, large crowds of Tharus began approaching Tikapur from outlying villages in several directions. Tharu leaders, including *bargars* (Tharu village headmen), made a strong effort to encourage many people to join. It was later reported in the national press that people had been coerced to join with the threat of fines. While this is possible, villagers interviewed by Human Rights Watch, including a man who acted as a messenger for his village *bargar*, denied this, insisting that people were merely encouraged to join a peaceful protest demanding rights for their community. Thousands approached Tikapur from different directions, the largest groups coming from the north and northwest. Some witnesses estimate that as many as 20-30,000 people may have been walking toward Tikapur.

As the crowds approached from the north, Senior Superintendent of Police (SSP) Laxman Neupane was at an Armed Police Force (APF) camp. Apparently not fearing violence, he took a vehicle and drove 2.5 km to meet the protesters to negotiate with them. According to witnesses living at the clash site, he was accompanied by between 15 and 30 men, mostly members of the Nepal Police but also some members of the APF. They were primarily armed with batons but a few had guns and teargas launchers.²¹

The police and the advancing protesters met at a neighborhood on the margin of Tikapur municipality called Pasu Haatbazar, which consists of a ribbon of small houses along the roadside, surrounded by fields, principally inhabited by members of the Pahadi (hill-origin) community. Most of the residents were sheltered inside their houses, but some watched from windows or rooftops. According to witnesses, the police attempted to negotiate with the crowd but the crowd continued to advance for several hundred meters, the police retreating in front of them. Ultimately the relatively small group of police officers became almost surrounded by the much larger crowd. Some members of the crowd were armed with stones, catapults, and sticks. It is not fully clear, from what these witnesses saw, what might have been said or done and by whom that precipitated the violence, but two separate witnesses said that at approximately 1 p.m. teargas was fired before the situation fully disintegrated and the police attempted to flee.

²¹ Human Rights Watch interviews (names withheld), Tikapur, September 11, 2015.

The police fled in several directions, but those who were killed, including SSP Neupane, fled down a narrow footpath which led behind a group of houses. Neupane attempted to lock himself inside a house approximately 100 meters from the spot from where the altercation took place, but a group of protesters was able to remove him. According to a witness, up to 100 people were present at this stage. Approximately five people were directly involved in killing Neupane as he lay on the ground. The killers had covered their faces with masks or were wearing motorcycle helmets. According to a witness, “They had spears and bamboo sticks. The sticks had nails in them.”²²

Another police officer, APF Constable Bihari Chaudhary, was beaten and then burned, probably while still alive, a few meters away. He pleaded for his life, pointing out that he was a member of the Tharu community. Altogether seven police officers were killed in an area ranging approximately less than 100 meters from the houses into the fields behind. The other officers who died on the spot were Inspector Balaram Bista, Inspector Keshav Bohara, Head Constable Laxman Khadka, and Constable Lokendra Chanda of the Nepal Police, and Lalit Saud of the APF. An eighth police officer, Head Constable Janak Negi of the Nepal Police, suffered grave injuries in the same area and later died. According to officials at Tikapur Hospital those who died had wounds from sharp implements such as spears, as well signs of severe beating including fractures; one had burn injuries. None had bullet wounds.

There has been much speculation on the question of whether the incident was planned. Based on the accounts of those we interviewed, it appears that some protesters came prepared for violence. The police clearly did not anticipate violence when a very senior officer went to meet the protesters accompanied by relatively few men.

The families of some of the arrested men, whom Human Rights Watch later interviewed, insisted that people were encouraged to attend on the understanding that the protest would be peaceful, and that they would not have allowed their relatives to go had they expected violence. On September 28 a parliamentary committee formed to investigate the killings concluded that they had been premeditated.²³

²² Human Rights Watch interview (name withheld), Tikapur, September 11, 2015

²³ Rastriya Samachar Samiti, “Political motives behind Tikapur Carnage, concludes house panel,” *Himalayan Times*, September 28, 2015, <http://thehimalayantimes.com/nepal/political-motives-behind-tikapur-carnage-concludes-parliamentary-probe-panel/> (accessed September 29, 2015).

Upon hearing of the incident, Netra Saud, a member of the APF whose house is roughly 100 to 150 meters from the scene of the massacre, returned home, out of uniform. He told Human Rights Watch that six or seven injured police officers were in a field nearby. He arranged for them to be put in the shade inside his compound. He also gave them water. These injured officers were later removed in a police van and, within an hour, according to Saud, the situation in the area appeared calm.²⁴

Saud was standing outside his house at between 3 and 3:30 p.m. speaking on his mobile phone when a single shot was fired. He believes it sounded like a pistol shot and that it came from a group of bushes on the edge of his compound about 15 meters from the house. According to Saud, two police pistols and a rifle had been lost in the earlier incident. The shot hit Saud's 18-month-old son, Tek Bahadur Saud, who was standing a few meters away, in the head, killing him instantly. Saud ran upstairs but was unable to see anyone who may have fired the shot. No one present reported seeing anyone fleeing the scene.

Events at Tikapur Hospital

Thirty-five police officers and three protesters were taken to Tikapur hospital after the violence, at about 2 p.m. The protesters were transported by the Nepal Red Cross and accompanied by two uninjured men who were friends from their village, one of them a relative by marriage. According to staff and witnesses at the hospital, the scene was very tense, especially due to the grieving families of the slain officers who were verbally attacking the police present, saying things such as, "You are so impotent that you cannot even take action against those who killed your own. The Tharus did this and you just stood there watching." This created a threatening atmosphere, especially for those Tharus present, including journalists.²⁵ A curfew was imposed by the local administration at 4 p.m. At approximately 6 p.m., a group of people set out to attack Tharu property in the nearby bazaar area, declaring, "If you won't do anything we will do it ourselves," and, "We will also kill them because they killed our people."

Between 9 and 10 p.m. that night the Nepal Army appeared at the hospital. This probably indicates roughly at what stage the army was "deployed" or "mobilized." The three injured Tharu protesters, who according to staff had only minor injuries, were arrested at the

²⁴ Human Rights Watch interview with Netra Saud, Tikapur, September 11, 2015.

²⁵ Human Rights Watch interviews with hospital staff and journalists (names withheld), Tikapur, September 11, 2015.

hospital. They were taken, along with their two uninjured companions, to Dhangadhi the following day, and held at the District Police Office. The three injured Tharus are Hari Narayan Kathariya, 22, of Manuwa ward 4; Sundar Lal Kathariya, 26, of Manuwa 1; and Raj Kumar Kathariya, 28, of Manuwa 1. The two uninjured men arrested at the hospital are Ram Kumar Kathariya and Dil Bahadur Kathariya. According to the relatives of Sundar Lal and Raj Kumar, each had gunshot injuries to the leg or buttocks.

According to a statement reportedly made later by the Tharu political leader Laxman Tharu, 12 other Tharus were also injured but were too afraid to go to hospital.

Events in Tikapur on the Evening of August 24 and on August 25

The group or groups of people who initially set out from the hospital to attack Tharu property burned a number of market stalls and approximately 10 to 12 homes, offices, and commercial properties around Tikapur on the evening of August 24 and through the afternoon of August 25, when the attacks ended. The first substantial property to be attacked was Niru Traders, an electrical goods store on the ground floor of a three-story residential building in the bazaar. The mob numbered about 35 to 40 people, prominently including women and some children, saying things such as, “This is a Tharu house, let them burn.” Neighbors from the Pahadi community told Human Rights Watch that they appealed to the attackers not to burn the Niru Traders building, but were threatened with being burned themselves.²⁶

The fire brigade building is only 500 meters away but the fire brigade refused to come without orders from the police. Neighbors therefore went to the hospital to alert the police, and help finally arrived about half an hour later. Because the fire truck soon ran out of water, neighbors assisted in dousing the flames. According to neighbors, the occupants of the building at the time of the attack included a pregnant woman, but they were able to escape through the back before the police attempted a rescue.

Other properties burned in Tikapur included:

- The home of Pradeep Chaudhari, a local leader of the Madhesi People’s Rights Forum – Democratic (MPRF-D). At this location a neighbor saw at least one police officer accompanying the attackers.²⁷

²⁶ Human Rights Watch interview (name withheld), Tikapur, September 11, 2015.

²⁷ Human Rights Watch Interview (name withheld), Tikapur, September 11, 2015.

- The office of the Kamaiya Development Forum, an NGO seeking to support former bonded laborers of the Tharu community.
- The Fulbari FM radio station and a hotel/restaurant, both belonging to Resham Chaudhari, a leader of the Tharu community who was involved in organizing the August 24 protest and has since fled the area.

The Police Investigation

As of September 30, according to the Dhangadhi District Police Office, 22 suspects were in custody and charged with murder. Altogether the police has identified 58 suspects but the remainder have “escaped.” On September 30, according to the police, no other prisoners were being held in connection with the case.

On September 10 Human Rights Watch interviewed a senior police officer in Dhangadhi who is closely involved in the investigation.²⁸ Media reports claimed that the attack on police was carried out by the radical Maoist splinter-group led by Netra Bikram Chand “Biplap,” but the senior police officer dismissed this theory. The officer pointed out that the Tharu movement includes members of every political party, including various Maoist factions, and though one or two of those in custody may have Maoist ties he did not deem this significant. It is possible that some of those involved in the killing were veterans of the Maoist conflict, even if they were not acting as part of a plan directed by any current Maoist leader. The most prominent political figure among those charged is Laxman Tharu, a well-known Tharu leader and central committee member of the Madhesi People’s Rights Forum – Democratic (MPRF-D), the fifth-largest political party in parliament.

The senior police officer said he did believe the attack was “premeditated,” but also that it was a “one-off incident.” On August 24 the home minister, Bam Dev Gautam, briefed parliament on the incident, stating that it was a premeditated attack.²⁹ The senior police officer told Human Rights Watch that the man responsible for shooting 18-month-old Tek Bahadur Saud had been identified but not yet found.

²⁸ Human Rights Watch interview (name withheld), Tikapur, September 10, 2015.

²⁹ “Policemen caught in premeditated attack: home minister,” *Kathmandu Post*, August 24, 2015, <http://kathmandupost.ekantipur.com/news/2015-08-24/policemen-caught-in-premeditated-attack-home-minister.html> (accessed September 30, 2015).

Police Intimidation in Tharu Villages

On September 12 Human Rights Watch visited Manuwa, the village where the three injured protesters who were taken to the hospital and their two companions live. Human Rights Watch interviewed the families of four of the men and several of their neighbors. The families had heard rumors of the arrests on the evening of the incident and received confirmation the following morning, but it took them 10 days to establish where the men were being held and arrange a visit. The detainees reportedly said that they were receiving medical treatment and that they had not been beaten since arriving in Dhangadhi, although they were beaten before they arrived there. One man reported that his body ached from the beatings. The meetings apparently lasted about five minutes or less and were in the presence of police, so the men could not speak freely.

On September 6 the security forces visited the village of Manuwa for the first time. This group principally consisted of the police, although villagers said soldiers were also present. At the home of each prisoner the police made family members sign a document that they were unable to read either because they were illiterate or, if they were literate, because police did not allow them to read the document. According to a relative of one of the arrested men, they were told, for example, “If you have not done anything wrong you should not be afraid to sign any document.”³⁰

“They didn’t allow me to read it,” said the wife of another one of the men. “I know how to read but they didn’t give me a chance.”

The police also searched each of these houses, serving a search warrant only as they left. Human Rights Watch obtained this document, which states that police were searching for police weapons and a radio set lost during the violence on August 24.

Each of the families insisted that their family member had no political affiliations and had attended voluntarily on the understanding that it was to be a peaceful protest. The village *bargar* (headman) had been involved in encouraging attendance. Like many other *bargars* in the region, he fled. Many other men are also reported to have fled the area since the incident, some to India.

³⁰ Human Rights Watch interview (name withheld), Manuwa, September 12, 2015.

All of the families alleged that the police behaved roughly and issued threats. For example, a neighbor reported that the police said,

“We’ll come back at night and get your daughter-in-law.”... We were so scared that we locked the door and went to the toilet indoors all night [the family toilet is outside the main building]. They threatened to take away the children if we didn’t produce my husband, but he has gone to India to work.

“They beat my mother-in-law,” said the wife of another one of the arrested men.³¹ According to another woman,

The police came and beat my husband. They were shouting, “We feel like shooting all of you. You bloody illiterate Tharus, all you know is playing with your mobile phones.” ... [At first] they asked about our husbands and when we said they had gone to India [for work] they said, “Since you are not speaking the truth we will come back at midnight and if we find them we will shoot them.” We were scared that if we said anything they would shoot us. They made four or five people sign documents.³²

Another woman said,

We were standing in front of our shop. They called us over then started beating my husband. Any woman they saw in the village they would call her over and ask about her husband. They said, “You are all criminals. You are all murderers.”³³

The security forces visited the village on three or four further occasions. Although they did not conduct more searches or make people sign documents, these visits contributed to the continuing fear of the villagers. Villagers told Human Rights Watch they wanted police to “stop terrifying” them.

³¹ Human Rights Watch interview (name withheld), Manuwa, September 12, 2015.

³² Ibid.

³³ Human Rights Watch interview (name withheld), Manuwa, September 12, 2015.

The Tikapur area has been under curfew since August 24. At the time of writing, the curfew was in force from 5 a.m. to 6 p.m.

Two Tharu journalists working for national media organizations alleged that on August 25 they were threatened by police on the streets of Tikapur, in separate incidents.³⁴ In one case, members of a group made up of uniformed police officers as well as others not in uniform said, “Bring petrol, let’s burn this bastard.”

There were limited attempts to take steps to prevent further violence. A visiting NHRC commissioner organized a meeting in Dhangadhi on August 26 attended by officials as well as community and civil society leaders. A government administrative officer responsible for the Tikapur municipal area told Human Rights Watch that since August 24 he had organized at least two initiatives to promote trust and communal harmony, participated in by members of both communities as well as the security forces.³⁵ These included promptly rebuilding burnt stalls in the bazaar area and digging an irrigation canal. However, the officer said that there was only so much the local administration could do, since the grievances were political in nature and therefore beyond his power to address. He also called on others including civil society to do more:

There is a real need for mediation and bringing down the tensions. As the administration we have taken these initiatives but it might not be enough. Village people are afraid to go to the town and town people are afraid to go to the villages.

³⁴ Human Rights Watch interview (names withheld), Tikapur, September 11, 2015.

³⁵ Human Rights Watch interview with Suman Dhital, administrative officer, Tikapur, September 11, 2015.

III. Rights Violations in the Eastern and Central Terai

Located on the Indian border, Birgunj is the main entry point for goods arriving to Nepal.³⁶ These imports are vital in sustaining the capital, Kathmandu, in particular with food and fuel. According to Kesab Raj Ghimire, the Chief District Officer (CDO) of Parsa, when protests broke out in August in the Terai the government gave “a strict instruction that this supply line must be kept open at all times.” For the first 16 days the protests remained peaceful. “To avoid clashes with the protesters we ensured that the protests happened by day and the goods were transported at night,” said Ghimire.³⁷

According to members of civil society in Burgunj, the protests—which had begun in early August—escalated in intensity late in the month, partly due to a rivalry between Pradeep Yadav, a local leader of the Bijaya Gachhadar-led Madhesi People’s Rights Forum – Nepal (MPRF-N) party, and Rajesh Man Singh of the Sharad Singh Bhandari-led Rastriya Madhesh Samajwadi Party. During the last two weeks of August, Yadav’s group was imposing a daily *bandh* in effect until 5 p.m. Singh’s group, however, demanded that the passage of goods be stopped altogether.³⁸

According to local residents, there were also rising feelings among sections of the public that while the town was suffering under a *bandh* then lasting over two weeks, it was having no political impact due to the free passage of goods by night to Kathmandu. In the last days of August, attempts to block the road even at night, with stones and other obstacles, intensified. According to the local administration, a stone thrown by a protester broke the hand of a police superintendent who was escorting vehicles at night, while petrol bombs were also thrown, although these did not hit their target.

On August 26 the local administration declared a “prohibited zone” from 8 p.m. to 6 a.m. along the freight routes through the area. (There at least two possible freight routes through town; one is known as Main Road or “Highway,” while the other, the “Bypass,” passes a residential area called Naguwa.)

³⁶ “Trade & Commerce,” *Consulate General of India, Birgunj*, <http://www.cgibirgunj.org/page/detail/194> (accessed September 29, 2015).

³⁷ Human Rights Watch Interview with Kesab Raj Ghimire, Chief District Officer of Parsa, Burgunj, September 19, 2015.

³⁸ Human Rights Watch interviews in Birgunj, September 18 2015.

Local residents told Human Rights Watch that on August 30, at about 5 p.m., a group of police attacked protesters of the Upendra Yadav-led Samyukta Loktantric Madhes Morcha, a Madhes-based political party, while they were sitting beneath a canopy at Naguwa Chowk, allegedly injuring a dozen people.³⁹ There is no evidence that the protesters were engaging in violence.

Deadly Clashes in Birgunj on August 31

On August 31 police and protesters clashed at both Main Road and near Naguwa. According to the local administration, protesters threatened to burn police posts (small steel huts which are distributed throughout the city), and vandalized about 10 to 12 vehicles, burning one of them. Protesters threw stones and police fired teargas at several locations, including Naguwa, Ghanta Ghar, Murli Chowk, and Radhemai. In the Radhemai area, protesters attempted to burn or vandalize government offices, although the police were largely successful in preventing this. A curfew was declared with indefinite effect from 4 p.m.

According to a witness, within minutes of the curfew coming into force police severely beat a pedestrian and a cyclist as they headed home near the Naguwa area. No protest was occurring within sight at the time.⁴⁰

According to the CDO, the activities of protesters in Radhemai continued after the curfew was imposed. According to numerous witnesses, protesters had been blocking the road and burning tires on the evening of August 31 when the police arrived and fired bullets and teargas, causing the protesters to flee.⁴¹ Dilip Chaurasiya, a student at the Birgunj Institute of Technology, was among a few protesters who reappeared on the street. According to a witness, a police officer who was walking away from the scene turned around and shot him without warning, killing Chaurasiya. The witness said, “When the police raised the gun, he started running. He turned around and started running and caught a bullet in the back.” Another man was seen by witnesses to be injured by a bullet in the leg.⁴²

³⁹ Human Rights Watch interview (name withheld), Birgunj, September 18, 2015.

⁴⁰ Human Rights Watch interview (name withheld), Birgunj, September 18, 2015.

⁴¹ Human Rights Watch interviews (names withheld), Birgunj, September 18, 2015.

⁴² Human Rights Watch interview (name withheld), Birgunj, September 18, 2015.

The police then moved through the Radhemai area firing somewhat indiscriminately, according to numerous witnesses. Human Rights Watch observed numerous houses marked with bullet holes in this neighborhood. One man showed us a hole made by a bullet that he said narrowly missed him, apparently fired by a police officer standing about 100 meters away at the entrance to a narrow alley, while the victim said he stood standing still watching from the front step of a house where he rents a room. According to another witness to this rampage, “The shots were being fired like firecrackers on Diwali.” While they were shooting, the police were allegedly shouting such things as, “Come, Madhesi motherfuckers. Come outside now. [*Au au Madhesi machikni. Bahira au abha.*]⁴³

No vehicles loaded with goods were able to leave Birgunj for Kathmandu on the night of August 31. That day the local administration received reinforcements of about 200 extra Nepal Police and APF members from nearby Patlaya, Hetauda, and Chitwan.

Deadly Clashes in Birgunj on September 1

The curfew imposed on August 31 remained in force around the clock for several days in core areas of Birgunj and areas around the freight routes. The hours during which the curfew was enforced were gradually reduced and it was finally lifted on September 20.

On September 1 there were at least three separate police firing incidents in which a total of four people were killed. In the first incident described below, at Laxmannath Chowk, an altercation between members of the public and police developed after the police were seen beating a man and a woman who were traveling on motorbike. This situation led to the fatal shooting of two other bystanders. Another man was shot dead by police in a separate incident in the Radhemai district of the city, and a fourth man was shot dead in Naguwa.

The first incident occurred at Laxmannath Chowk, at the edge of the curfew area, where a road from neighboring Bara district comes into town. According to a school principal who witnessed the incident, a small number of APF personnel and approximately half a dozen members of the public were present at about 6 a.m. when the police started beating a man and a woman who had attempted to pass on a motorcycle.⁴⁴ The principal recounted:

⁴³ Human Rights Watch interview (name withheld), Birgunj, September 18, 2015.

⁴⁴ Human Rights Watch interview (name withheld), Birgunj September 18, 2015.

People started gathering there on both sides. There was a lot of noise from both sides. I think the APF personnel were scared that people would surround them so they slowly moved back. People started coming from both sides. People started throwing stones. After that, a lot of teargas was used and the crowd dispersed. The police came in a large number and chased people to both sides. It was quiet for a while. Then, after a while, the same thing started again. I can't tell you where exactly the shot was fired from.... I saw two people fall on the ground there, get up, walk a bit, and fall again. Those two were coming from Nautan on a cycle.

He continued:

They were not protesters. They just came to see what had happened. It was quiet on this side [where the victims were shot]. There was a group of 25 to 30 people. They were not throwing stones. They [the victims] were on their cycle. On the way, they tried to escape and were shot from behind.... After they fell, it was very quiet. Everyone went inside their houses. The ambulance came only after 30 to 45 minutes. Their bodies were just lying there. People were screaming.⁴⁵

The two dead men were Dinnath Sah Karna and Jayaprakash Sah Karna, also known as "Teli." Hospital records stated they were both 25 years old.

The CDO gave Human Rights Watch a different version of events, claiming the men were killed while attempting to force their way into the curfew area.

On September 1 various protests took place against the curfew in areas outside the curfew area such as Maniyari and Jaganathpur. Protesters vandalized government buildings. According to the CDO, two vehicles were also vandalized.

The CDO told Human Rights Watch that Dharmaraj Singh, 20, who had previously been a member of the APF himself, was shot dead that day by police while attacking a police station in the Radhemai area. However, local witnesses accompanied Human Rights Watch

⁴⁵ Human Rights Watch interview (name withheld), Birgunj, September 18, 2015.

to the place where they say Dharmaraj Singh fell, and it is not close to any police station. They also identified a spot around 200 meters away, across a swampy open ground, from which they believe the fatal shot was fired. They described the police opening fire at about 2 p.m. without warning, scattering people, many of whom were not involved in any protest. According to a witness,

I was there. A bullet missed me by a few meters. We were on a motorcycle and they started shooting. I nearly caught [a bullet] myself. One person from Manyari was shot in the head. Another boy from this neighborhood was shot near his face. I was right behind them.⁴⁶

According to a local resident, a man named Prajwal Tiwari was shot in the face or neck while standing beside Dharmaraj Singh. He was taken to Kathmandu for treatment. Three others were also reportedly injured by gunfire in the same incident.

A fourth man, Soham Sah Kalwar, 25, was killed that day in the Naguwa neighborhood. According to the CDO he died while trying to snatch a gun from a police officer, although the CDO said it was not clear whether the weapon discharged accidentally or was deliberately fired. According to numerous witnesses at the scene interviewed by Human Rights Watch, between 100 and 200 protesters were fleeing as about a dozen police advanced down an alley.⁴⁷ According to local residents who watched from inside their homes, Soham Sah Kalwar was shot by a member of the APF who was steadying himself while taking aim by standing against an electricity pole. The victim was about 40 meters away, watching the advancing police while attempting to take cover at a corner of the lane, behind which other protesters were also hiding. He was shot in the forehead. Photographs of his body lying in the street appear to corroborate this version of events.⁴⁸

⁴⁶ Human Rights Watch interview (name withheld), Birgunj, September 18, 2015.

⁴⁷ Human Rights Watch interviews (names withheld), Birgunj, September 19, 2015.

⁴⁸ “Birgunj protest: Four killed in police firing, dozen injured,” *Kathmandu Post*, September 1, 2015,

<http://kathmandupost.ekantipur.com/news/2015-09-01/police-fires-at-protesters-after-curfew-defied-in-birgunj.html>; Ram Sarraf, “Birgunj protester killed as police open fire for defying curfew,” *Himalayan Times*, September 1, 2015,

<http://thehimalayantimes.com/nepal/birgunj-protester-killed-as-police-open-fire-for-defying-curfew/>; Fred Lambert, “Nepalese police shoot and kill five protesters of draft constitution,” *United Press International*, September 1, 2015,

http://www.upi.com/Top_News/World-News/2015/09/01/Nepalese-police-shoot-and-kill-five-protesters-of-draft-constitution/7601441138240/ (accessed September 29, 2015). It is important to note that due to the limited scope and quality of media coverage, relatively few media items covering the incidents described in this report are available, and most contain several inaccuracies.

September 1 Shooting at Narayani Sub-regional Hospital in Birgunj

Sudip Lama is a member of the hospital board at Narayani sub-regional hospital in Birgunj.⁴⁹ On September 2 he was standing outside the hospital building but inside the perimeter wall, discussing with colleagues how to feed people who were trapped at the hospital due to the curfew. According to Lama, a group of protesters was on the street about 200 meters away. The police arrived and charged at the protesters. According to Lama, a police officer set his shotgun on the top of the hospital wall and deliberately fired one shot into the compound. Buckshot hit Lama, who was standing six to seven meters away, and three other people. The three other victims were a female patient, a member of hospital administrative staff, and a plainclothes policeman who was assigned to the hospital. None of their injuries were life threatening. Hospital staff believe they know the identity of the shooter, because that evening a police officer seeking treatment at the same hospital for a high fever admitted that he had fired the shot.

According to the CDO, the two most serious injuries suffered by the police in the district were broken fingers caused by stones thrown by protesters. Hospital records show a single police patient—the officer who was shot by another officer while he was posted at the hospital.

Bara District

The Killing of Hifajat Miya, 19, in Kalaiya on September 1

On September 1 about 100 to 150 protesters gathered at the *Ghanta Ghar* (clock tower) in the center of Kalaiya, the district headquarters of Bara, for what organizers claim was intended to be a peaceful demonstration. Similar protests involving speeches had been held on previous days. According to numerous witnesses, 60 to 70 members of the Nepal Police arrived at about 2 p.m. and attempted to disperse the gathering with teargas.⁵⁰ According to a witness,

There was a clash and they started firing. After firing started, people started running. Hifajat Miya got a bullet in his arm. He ran [approximately 10 meters further down the road] and fell down.

⁴⁹ Human Rights Watch interview with Sudip Lama, Birgunj, September 18, 2015.

⁵⁰ Human Rights Watch interviews (names withheld), Kalaiya, Bara district, September 19, 2015.

According to some witnesses, before he fell he was hit by another bullet, although not everyone who claimed to have seen the event could verify this. Numerous witnesses agree, however, on what happened next. With many people reportedly looking on, the police surrounded Hifajat Miya, who was lying injured on the ground, and a senior officer, who has been publicly named in the region, took a gun from a subordinate and shot the injured man in the chest.

This allegation appears to be supported by a video filmed through the window of a neighboring building.⁵¹ The video shows Hifajat Miya lying on the ground moving slightly. Police can be seen on the road around him, making obscene pelvic gestures, apparently toward the protesters, who are not visible in the frame. A journalist in a fluorescent yellow jacket can be seen among the police, taking photographs. A group of police then forms a circle around Hifajat Miya, who is lying on his back, obscuring him from the camera's view. Three gunshots are then heard. When Hifajat Miya is next visible he is not moving. Shortly afterward an ambulance appears and Hifajat Miya's now limp body is picked up and placed inside, then driven away.

Around the same time as the incident in which Hifajat Miya died, members of the police entered a number of houses in the *Ghanta Ghar* area and attacked residents inside their own homes. One victim was Hira Das Baniya, 82, who was sleeping in the downstairs passage of his house when he was beaten on the head with the butt of a gun. He says he sustained a three-inch gash in his scalp, which required eight stitches.⁵²

Mahottari District

September 9 Incident

On September 9 protesters gathered in the Mahendra Chowk area in the center of Jaleswar, the headquarters town of Mahottari district. Four people were shot dead by the police.

According to journalists residing in the town, representatives of the protesters had met with the police earlier to assure them that the protest would not be violent. However,

⁵¹ "Excessive use of force in Kalaiya," video clip, YouTube, September 10, 2015, <https://www.youtube.com/watch?v=SxlmTiFWb5w> (accessed September 29, 2015). Human Rights Watch showed this video to eyewitnesses who corroborated it.

⁵² Human Rights Watch interview with Hira Das Baniya, Kalaiya, September 19, 2015.

some protesters threw stones at the police. At about 2 p.m., police responded by firing teargas from inside the district police office, located at the end of a short lane close to Mahendra Chowk.

The lane leading to the police station is also connected to the main road by another smaller alley, so that when the police later advanced on the protesters they emerged onto the main road at two points. According to a witness:

People were throwing stones [*dhunga muda*]. There have been bigger protests before this. They didn't feel the need to fire bullets then. But here they directly fired bullets. The crowd had already been controlled with teargas.⁵³

Several people in Jaleswar similarly pointed out that previous protests, including during the 2007 Madhesi Movement and those earlier in 2015 over the proposed relocation of local government offices, had been larger and more violent, yet the police had not resorted to lethal force on those occasions.

As the police attacked, initially with *lathis* (sticks) and later with ammunition, the crowd scattered in several directions. One group ran down a lane which runs to the east, passing the official residence of the district judge. Rohan Chaudhari, a 17-year-old secondary school student, was shot dead in front of this building. In media reports published at the time, the authorities claimed that the police had resorted to live ammunition because a mob was attacking the judge's residence.⁵⁴ At the time of his death, Rohan Chaudhari was returning from a private tuition class, carrying a bag of school books.

A young man who was a few year's senior to Rohan Chaudhari at the same school saw him shortly before he died: "The last time I talked to him he said he was just coming back from tuition, and I told him not to go home now but to stay in my house."⁵⁵ Chaudhari at first accepted the offer, but then decided to continue home by what was deemed to be a safe

⁵³ Human Rights Watch interview (name withheld), Jameswar, Mahottari district, September 17, 2015.

⁵⁴ "Four Killed in Tarai," *Nepali Times*, September 9, 2015, <http://www.nepalitimes.com/blogs/thebrief/2015/09/09/four-killed-in-tarai/> (accessed September 29, 2015).

⁵⁵ Human Rights Watch interview (name withheld), Jameswar, Mahottari district, September 17, 2015.

route. He was shot dead shortly after he left the house. According to doctors at the district hospital, he was shot from the front in the right side of his chest.⁵⁶

Meanwhile, other protesters fled north from Mahendra Chowk along Hospital Road. Four witnesses described seeing a group of 20 to 25 people they presumed to be police officers, armed with “SLRs” (7.62 caliber Self Loading Rifles), run down the narrow alley leading to Hospital Road from the police station lane. All of these witnesses allege that some of these men, who emerged from the police stations carrying guns but not wearing uniforms, opened fire without warning or justification. It is therefore unclear what branch of the security forces they in fact belonged to.

Among those running away was Bikas Misra, a local radio journalist and president of the Reporters Club of Mahottari. He was wearing a high-visibility fluorescent yellow jacket of the sort Nepali journalists often wear while covering protests. As he ran away Misra was shot in the upper arm. At almost the same moment a man who was running beside him, Birendra Bichha, 30, was shot in the head. He was transported to Kathmandu but died two days later. Another man named Ram Bibek Yadav, 22, was shot in the side and arm; he too subsequently died. According to a witness,

They [the police] chased me too. One of them said, “Get hold of that guy and shoot him.” One of my friends held my hand and got me inside a house. I went inside the house. I didn’t know then about what had happened [outside]. But I saw it with my own eyes. The police were in civilian dress.⁵⁷

According to another witness:

I saw three people fall down when the police shot at the crowd. The police went over to them and began beating them with guns, kicked them with their boots and beat the injured with their hands. When we started shouting and making some noise, they stepped aside. We picked up the dead bodies

⁵⁶ Human Rights Watch interview (name withheld), Jameswar, Mahottari district, September 17, 2015.

⁵⁷ Human Rights Watch interview (name withheld), Jameswar, Mahottari district, September 17, 2015.

and sent them to the hospital on motorcycles. The police neither attended to the casualties nor called an ambulance.⁵⁸

According to doctors at the Mahottari district hospital, the body of Ram Bibek Yadav had a non-fatal gunshot wound in the right side, but severe wounds all over the rest of the body, including smashed fingers, crushed and mutilated feet with exposed flesh, *lathi* marks across the back, and marks from beating on the head, including a small amount of blood, which they interpreted as the likely result of kicking.⁵⁹

A fourth victim, Amar Kapar, 35, died after being shot from the front by two bullets in the right shoulder at the entrance to the principal lane leading from Mahendra Chowk to the police station.

In the aftermath of these shootings, the police also allegedly entered houses and beat people inside. According to another witness,

They beat up people inhumanely saying things like, “You want rights for Madhesi?” They entered the houses and beat up women. They fired teargas shells, scared the children. Everyone here is very scared, scared of the police. The women and children don’t want to go out of the house. We are being treated inhumanely, like second-class citizens. Like we are not Nepalis, like we’re criminals or terrorists.⁶⁰

The Killing of Assistant Sub-Inspector Thaman Bishwokarma on September 11

According to staff at the district hospital, ASI Thaman Bishwokarma was brought to the hospital on the morning of September 11, out of uniform, with two lacerated head wounds that required 18 stitches. He told hospital staff that he had been riding pillion on a motorcycle driven by a civilian and that they had been heading from Banauta village to Jaleswar when they were stopped by a group of people he called “agitators” at Shankar Chowk. The group demanded to see ASI Bishwokarma’s ID. Having identified him as a police officer they started beating him over the head, while he tried to defend himself with

⁵⁸ Human Rights Watch interview (name withheld), Jameswar, Mahottari district, September 17, 2015.

⁵⁹ Human Rights Watch interviews (names withheld), Jameswar, Mahottari district, September 17, 2015.

⁶⁰ Human Rights Watch interview (name withheld), Jameswar, Mahottari district, September 17, 2015.

his hands. Following this attack, Bishwokarma was brought to hospital. Despite two severe cuts in his scalp, consistent with a *lathi* beating, the hospital found no sign of a concussion and advised that Bishwokarma be kept for a 24-hour observation period. The police, however, insisted on removing him, and he was taken by ambulance in the direction of Janakpur, normally a drive of approximately 40 minutes.

Seemingly due to obstructions or protests on the main road, the ambulance took village back roads, narrow dirt tracks passing mainly through rice fields. At a point between the villages of Sanukhara and Bagwanpur, the ambulance reached unfinished road works and could go no further. The area is surrounded by fields, with houses in sight only in the far distance. Human Rights Watch spoke to an elderly man who claimed to have seen what happened:

Here the vehicle stopped. Then a group of people on motorbikes, some four-wheelers, and cycles, and some children who were on foot were chasing the van. A man opened the door of that van and ran away from there. I saw a group of people chasing someone. I didn't see their faces and I also didn't see that someone was beaten there, but I saw them chasing someone. Later I saw the group of people come back and set the ambulance on fire.⁶¹

Bishwokarma's body was found later that day in a field approximately 400 meters down the road from where the ambulance had stopped and around 50 meters from the road.⁶²

Two More Deaths in Mahottari on September 11

Ramshila Mandal, a 41-year-old woman who was a local leader of the royalist Rastriya Prajatantra Party – Nepal (RPP-N), was shot dead by police between 3 and 4 p.m. as she took shelter from the rain outside the Julie Beauty Parlor, watching a clash between police and protesters taking place about 20 meters away, on the main road in front of the Jaleswar Temple.⁶³ According to hospital doctors, she was killed by a single shot between the eyes.

⁶¹ Human Rights Watch interview (name withheld), near Bagwanpur, Mahottari district, September 17, 2015.

⁶² "Mahottari Protest: injured APF ASI dragged out of ambulance and Killed," *Kathmandu Post*, September 11, 2015 <http://kathmandupost.ekantipur.com/news/2015-09-11/protesters-kill-injured-apf-asi-in-mahottari.html> (accessed September 30, 2015); Brij Kumar Yadav, "Protesters seize ambulance, kill injured APF official in Mahottari," *Himalayan Times*, September 11, 2015, <http://thehimalayantimes.com/nepal/armed-police-force-official-killed-by-protesters-in-mahottari/> (accessed September 29, 2015).

⁶³ Human Rights Watch interviews (names withheld), Jameswar, Mahottari district, September 17, 2015.

Ganesh Chaudhari, 71 or 72, was also killed by the APF that day. He was the grandfather of Rohan Chaudhari, the 17-year-old killed while returning from class two days earlier.⁶⁴ Ganesh Chaudhari was a noted local social worker who had been decorated by the former king. According to his son, Ganesh Chaudhari had gone on his bicycle to buy vegetables and tobacco. Due to the disturbances in town he had headed to a rural market at Bajarahi (also known as Raniratwada), surrounded by fields, a few kilometers from the outskirts of Jaleswar. The market is in an area of open fields, with no building in sight apart from two or three huts used by traders. According to two local witnesses, between 100 and 150 people were attending a roadside market at about 4 to 5 p.m. that day when three or four vehicles carrying members of the APF, including two large trucks, approached and began firing in the air.⁶⁵ The crowd scattered. Ganesh Chaudhari was riding his bicycle along a footpath away from the road and was about 30 meters from the road when he was shot. He may have been looking over his shoulder, because according to doctors the bullet entered through his left eye and exited through the back of his head. According to witnesses, the police vehicles did not stop driving.

The same APF convoy next reached ward 7 of Damhaimadai village, a few kilometers further along the road. According to a local man,

We heard the sound of gunfire for at least an hour but we didn't get any information that anyone [else] was shot. When the police entered the village they stood there for a few minutes. I think they were inspecting the people's mood here. Later they headed toward the bazaar. Altogether three people were beaten by the police. Among them one had his hand fractured and two others were beaten mercilessly.⁶⁶

According to witnesses, this killing occurred shortly after members of the same APF convoy had killed Ganesh Chaudhari in Bajarahi, a few kilometers down the road.⁶⁷ The incidents occurred only a few hours after the murder of ASI Bishwokarma.

⁶⁴ Mahesh Kumar Das and Suresh Yadav, "5 protestors killed in Jaleswar, Janakpur," *Republica*, September 12, 2015, <http://www.myrepublica.com/feature-article/story/27992/5-protesters-killed-in-jaleswar-janakpur.html> (accessed September 29, 2015).

⁶⁵ Human Rights Watch interviews (names withheld), Bajarahi, Mahottari district, September 17, 2015.

⁶⁶ Human Rights Watch interview (name withheld), Damhaimadai, Mahottari district, September 17, 2015.

⁶⁷ Human Rights Watch interviews (names withheld), Mahottari district, September 17, 2015.

Between September 9 and 11 the district hospital in Jaleswar treated 31 protesters or members of the public injured by police violence (not including those who were killed), including 11 with gunshot injuries. ASI Biswokarma was the only police officer treated at the hospital.

Dipak Kafle, the Chief District Officer (CDO) of Mahottari, told Human Rights Watch,

The administration has to apply force to prevent things from getting out of control, in what proportion is a matter of perspective. It was during this application of force a few people lost their lives, which is regrettable. I have directed the police to follow prescribed guidelines and as far as I can see they have done so.

Janakpur

Events in Janakpur on September 11

On September 11 a large protest attracting people from neighboring villages was planned by the coalition of protesting parties known as the Samyukta Loktantrik Madhesi Morcha (United Democratic Madhesi Front) under the slogan, “Let’s go to Janakpur. Let’s fill Janakpur.” In order to thwart the protest the administration issued a curfew order in the city for the first time.

That day live ammunition was used at Kadam Chowk on the eastern side of the city. According to an eyewitness, about 20 to 25 police, both Nepal Police and APF, confronted a crowd of “thousands” who were attempting to enter the city.⁶⁸ The police were soon reinforced to number about 60 to 75 men. Teargas was fired and the crowd was dispersed but gathered again after washing their faces. The same witnesses told us that police then opened fire with live ammunition without any verbal warning, some taking up kneeling positions and others standing at full height. Two people reportedly received bullet wounds but there were no reported fatalities in this incident.

A similar incident occurred shortly afterward at Pilari Chowk, on the western side of Janakpur. Again, according to a witness, teargas was fired and the crowd briefly

⁶⁸ Human Rights Watch interview with Kiran Karna of the human rights group THRD alliance, Janakpur, September 16, 2015

dispersed but when they regrouped live ammunition was used.⁶⁹ A second witness described how Dilip Yadav, 13, was killed on a footpath by the side of a pond near the Bisworkarma Temple:

He was like a child going toward his home. On the way he saw a mass of people coming from another side.... The police were in a moving van.... When the boy was hit a part of bone from his head flew and reached the top floor of that house [about 20 meters away].⁷⁰

According to the same witness, at the time of his death Dilip Yadav was using his mobile phone. He died about 60 meters from the main road on which the police van was driving, the witness said. Hospital doctors who conducted the autopsy described his injury as a “bursting fracture of the skull.” A local radio presenter told Human Rights Watch that a caller identifying himself as an officer of the ward-level local government office had claimed on his live radio show that Dilip Yadav was shot by police from a moving vehicle.

The worst violence of the day occurred in the Mills Area neighborhood of Janakpur. Residents on the main road there watched at least one thousand protesters pass in front of their houses, heading south toward central Janakpur at about 2 p.m. Approximately 15 members of the APF arrived and fired teargas, dispersing the crowd. Around this point, according to residents, some stones were thrown at the police. The police were soon joined by about 15 more members of the APF. More teargas was used and gunshots were heard. The protesters began to scatter and flee to the north and east, and several local residents began giving them water from inside their compounds.⁷¹

According to one witness, “The police were shouting ‘*Tok! Tok!*’ [Shoot! Shoot!] and ‘*Tok Bihariharulai!*’ [‘Shoot the Biharis,’ i.e., people from the neighboring Indian state of Bihar]. These words *tok tok* clearly send a message of hate,” the witness said. The fleeing protesters were seeking places to hide, including inside nearby houses and residential compounds. He said,

⁶⁹ Human Rights Watch interview (name withheld), Janakpur, September 16, 2015

⁷⁰ Human Rights Watch interview (name withheld), Janakpur, September 16, 2015

⁷¹ Human Rights Watch interview (name withheld), Janakpur, September 16, 2015.

They [the protesters] were everywhere. They [the police] were chasing them just to grab and kill. There was no public announcement that, “We are going to shoot.” No public warning at all.⁷²

According to another Madhesi man who witnessed these events,

The police only call us Indians, Biharis. [They say,] “They are Bihari, shoot them.” The police were only talking like this. Yes, there are some Bihars residing and working in this place, and the police always say, “Shoot the Biharis.”⁷³

Another witness described sheltering protesters inside his house. The police then entered and opened fire in a passage inside the building. As he described it:

The police lobbed teargas and the protesters were rubbing their eyes. I was throwing water on the protesters. People from all the houses were supporting the protesters by throwing water. A group of police came from that side [the south]. I think the group was led by a DSP [Deputy Superintendent of Police]. Just when the DSP arrived he ordered the police to fire on the protesters. The mass scattered and ran away. Many even came in my house. In this narrow passage there is a toilet where at least 9 to 10 protesters hid for protection. The police chased them inside but didn’t find anyone. As the police turned to leave [my house] the protesters thought it was safe to leave the toilet. The police thought they were trapped and opened fire [inside my house]. One protester was hit by a rubber bullet in the backside and one was hit by a bullet in the stomach. We picked out the rubber bullet upstairs [shows photograph]. This man [displaying another photograph, the victim identified as Ganesh Yadav] received a live bullet. We sent him to hospital. This man [displaying a third photograph] was injured in the leg. We tied the fracture with a stick and a towel and sent him to hospital.⁷⁴

⁷² Human Rights Watch interview (name withheld), Janakpur, September 16, 2015.

⁷³ Human Rights Watch interview (name withheld), Janakpur, September 16, 2015.

⁷⁴ Human Rights Watch interview (name withheld), Janakpur, September 16, 2015.

Many of the houses in this area, as well as the Monastic Higher Secondary English Boarding School, show bullet marks. According to numerous witnesses, the police fired at the houses where residents were giving water to the protesters. Two witnesses alleged to Human Rights Watch that a man giving water to the protesters from inside his own compound was shot and injured.

Some protesters fled into a three-hectare grassy open space behind this row of houses, which is a disused rice mill. The elderly priest of a small temple in a walled compound in the area described attempting to shelter protesters and being beaten by the police.

I was in the temple with both doors shut. There are two doors, one on the south and one on the north. Three boys jumped inside the temple compound. I said to them, “Why did you come here. The police can catch you here. Better go to the eastern side. There you will see some bushes where you can hide.” Two boys jumped to that side. They sat under a *bakash* tree. The police came there and searched for those boys but didn’t find them. The police came to the temple. They asked me to open the door. I said, “Why should I open the door?” The police said, “Some people are hiding here. Quickly open the door otherwise I will break it down.” I was scared and opened the door, after which the police hit me with a *lathi* on my head. One boy was in the temple. The police took him away. They were APF. The boy was 12 to 13. He was called Dharmanath Sah.

According to four separate eyewitnesses, police shot and killed another boy, Nitu Yadav, 14, who was attempting to hide in some bushes on the western edge of the Mills Area open ground. In the words of one witness,

We saw a child chased by police. That child hid behind some bushes. The police caught him by his hands, put him on the ground, and shot a bullet in his head. When police put the child on the ground the child didn’t speak a word. They shot him in the head, kicked him, and the police went back. The police had masked their faces. They were wearing black armor. [When they shot him] the police put a foot on the child’s thigh. The police were saying, “Shoot this motherfucker [*Tok machiknilai*].”

According to another witness who spoke to Human Rights Watch,

The police caught him very tightly by the arms. It was like his arms were broken, and they put him on the ground. The police were saying, “Shoot him, shoot him, the motherfucker.” The police shot him in the head. There was a big sound like his skull was shattered. Another boy was hiding on this side. When he saw the police shoot the other boy he ran away from the bush where he was hiding, after which police shot him too.

A man who witnessed Nitu Yadav’s murder, Sanjay Chaudhari, a member of the Sadbhawana Party, was himself shot and killed as he attempted to flee. According to hospital doctors who examined the two bodies, Nitu Yadav had a small entry wound beside his nose and an exit wound in the back of his head.⁷⁵ A photograph of his body shows what the doctors say are powder marks and burning on his face, consistent with having been shot at point blank range. Doctors also believe his injuries are consistent with the allegation that he was lying on the ground at the time he was shot. Sanjay Chaudhari was still alive when he reached the hospital but died half an hour later. He had an entry wound in the right scapular region of his back and an exit wound in his right upper chest.

According to witnesses, a few meters away around a corner, another child named Bikas Yadav, 12, was shot in the buttocks while giving water to an injured man. Bikas (or Bikash) Yadav was later referred to Kathmandu for treatment. According to residents of the area he was originally from Bihar, India, and was working at a *lassi* (yogurt drink) shop in the city.

According to the Ministry of Education’s 2011 guidelines on “Schools as Zones of Peace,” there should be no armed activities within the premises or periphery of schools.⁷⁶

Records of Injuries Treated at the Janakpur Zonal Hospital

Doctors at the hospital say that in addition to the three who were killed on September 11, 12 to 14 others were admitted on that day with injuries from live bullets, of which five were

⁷⁵ Human Rights Watch interview with hospital staff (names withheld), Janakpur, September 16, 2015.

⁷⁶ “Schools as Zones of Peace National Framework and Implementation Guideline,” *Ministry of Education*, promulgated under rule no. 192(3) of Education Regulation (2002), 2011, http://www.protectingeducation.org/sites/default/files/documents/nepal_ministry_of_education_guidelines_on_schools_as_zones_of_peace.pdf.

referred to Kathmandu. As no helicopter was sent for them, they were taken by ambulance, a drive of approximately seven hours. Altogether 40 people were admitted with injuries sustained that day, including five children: Dilip Yadav, 13, and Nitu Yadav, 14, both shot and killed; Sikandar Pandit, 17, with a gunshot in the neck; Bikas (or Bikesh) Yadav, 12, shot in the buttocks; and Surendra Yadav, struck by a rubber bullet in the chest.

From September 7 to 14 the Zonal Hospital in Janakpur treated 102 protesters or members of the public injured during clashes with the police, including for gunshot injuries, plastic bullet injuries, and injuries caused by beatings, such as fractures. At least one private hospital in the town was treating casualties free of charge, so this figure does not represent the full total of people injured. No injuries to police are recorded at the Zonal Hospital, but according to the police at least two police officers suffered significant injuries in Janakpur, one a leg injury and the other a facial injury caused by a catapult.

IV. Recommendations

To the Government and Security Forces

- Ensure that all security forces abide by the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.
- Immediately end the indiscriminate and excessive use of force, and ensure the intentional use of lethal force only occurs where strictly necessary to protect life.
- Immediately establish an independent commission of inquiry to investigate the unlawful killings of protesters and police.
- Ensure that these findings are forwarded to the Attorney General’s office for prosecution.
- Ensure that those accused of violence and other crimes during the protests are accorded full due process rights, including a fair trial, freedom from torture, and access to lawyers and family. Ensure that any statements given by the accused under duress are not introduced as evidence in court.
- Immediately end the harassment and intimidation of members of the public belonging to the Tharu and Madhesi communities, including beatings, threats, and the use of racial slurs by members of the security forces.
- Ensure full protection of political rights, including freedom of assembly, association, and speech.
- Undertake a broad consultation with all aggrieved communities and stakeholders to redress rights violations.
- Take immediate steps to address any systematic discrimination suffered by minority communities, including providing effective judicial remedies to afford redress and accountability for rights violations.
- Issue clear instructions that anyone holding public office at any level who engages in hateful speech or incitement of serious crimes will face significant consequences, including investigations and dismissal from public office, and possible criminal prosecution if found to have incited crimes.

- Ensure all security forces comply with the Ministry of Education’s 2011 “Schools as Zones of Peace National Framework and Implementation Guideline.”

To the Protesters and Protest Leaders

- Publicly call on all protesters to desist from violence and other crimes.
- Fully cooperate with the police and others in any criminal investigation into serious crimes.

To the International Community

- Urgently press the Nepali government to abide by its international obligations not to use excessive force in policing demonstrations and to abide by the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.
- Press the Nepali government for timely and credible investigations of alleged human rights abuses, and for perpetrators among both the security forces and agitating groups to be prosecuted.
- Strengthen the capacity of international human rights monitoring inside Nepal, including by pressing for access by the Office of the High Commissioner for Human Rights (OHCHR).
- Be alert to activities or rhetoric which may contribute to human rights abuses, and strenuously dissuade any actor from taking this course.

Acknowledgements

This report was researched and written by consultants with the Asia division of Human Rights Watch. It was edited by Tejshree Thapa, senior Asia researcher; Brad Adams, Asia director; Joseph Saunders, deputy program director; and Clive Baldwin, senior legal advisor. Bede Sheppard, Children’s Rights Division deputy director, provided additional review.

Production assistance was provided by Shayna Bauchner, associate with the Asia division; Kathy Mills, publications specialist; and Jose Martinez, senior publications coordinator.

We are deeply grateful to the local NGOs, activists, and journalists who assisted in our research. Above all we thank the victims and witnesses, whether civilian or police, who spoke to us about their experiences. We regret that due to the sensitive nature of the research we have had to withhold the names of many without whom this report would not have been possible.

“Like We Are Not Nepali”

Protest and Police Crackdown in the Terai Region of Nepal

Starting in late August 2015, protests over Nepal’s new constitution in the southern Terai region turned violent, with protesters in some instances attacking defenseless police, and police in many instances using excessive force. Some 45 people were killed. The protesters, from long-marginalized Tharu and Madhesi communities, objected to the proposed new constitution, notably its delineation of federal provinces that many believed would further entrench their marginalization.

“Like We Are Not Nepali” documents 25 of the killings, including of 9 police officers and 16 members of the public, in five Terai districts between August 24 and September 11, 2015. Human Rights Watch found no evidence that any of the victims was posing a threat to another at the time he was killed, indicating that the authorities violated international standards on the use of force in policing.

Human Rights Watch calls on Nepali officials to ensure that security forces immediately cease the use of disproportionate force against protesters and establish an independent mechanism for investigating the killings. It urges protesters and protest leaders to take all feasible steps to ensure that all protests are peaceful, and fully cooperate with the authorities in ensuring those responsible for serious crimes are brought to justice. All sides to the underlying political dispute, including protesters and the government, should avoid any action which could incite communal tensions.



A police officer faces protesters in Nepal’s Terai region in September 2015.

© 2015 Private