

# article

2(3). Each State Party to the present Covenant undertakes:

- a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
- b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
- c) To ensure that the competent authorities shall enforce such remedies when granted.

**of the International Covenant on Civil and Political Rights**

## About *article 2*

*article 2* aims at the practical implementation of human rights. In this it recalls article 2 of the International Covenant on Civil and Political Rights (ICCPR), which reads,

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.
3. Each State Party to the present Covenant undertakes:
  - (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
  - (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
  - (c) To ensure that the competent authorities shall enforce such remedies when granted.

This is a neglected but integral article of the ICCPR. If a state signs up to an international treaty on human rights, it must implement those rights and ensure adequate remedies for persons whose rights have been violated. Mere talk of rights and formal ratification of international agreements has no meaning. Rights are given meaning when they are implemented locally.

Human rights are implemented via institutions of justice: the police, prosecutors and judiciary. If these are not functioning according to the rule of law, human rights cannot be realized. In most Asian countries, these institutions suffer from grave defects. These defects need to be studied carefully, as a means towards strategies for change.

Some persons may misunderstand this as legalism. Those from countries with developed democracies and functioning legal systems especially may be unable to grasp what it means to live in a society where 'institutions of justice' are in fact instruments to deny justice. As persons from such countries guide the global human rights movement, vital problems outside their experience do not receive necessary attention. For people in many countries, international human rights discourse then loses relevance.

After many years of work, the Asian Legal Resource Centre began publishing *article 2* to draw attention to this vital provision in international law, and to raise awareness of the need to implement human rights standards and provide effective remedies at the local level in Asia. Relevant submissions by interested persons and organisations are welcome.

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## SPECIAL REPORT: THE MATHEMATICS OF BARBARITY AND ZERO RULE OF LAW IN NEPAL

*Jointly published with Advocacy Forum, Kathmandu, Nepal*

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# Introduction: The mathematics of barbarity and zero rule of law in Nepal

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*Editorial board, article 2*

**T**he daily escalating disappearances, killings, torture and other gross abuses of human rights committed by the state security forces in Nepal are the subject of this latest special report published in *article 2*. Both the Asian Legal Resource Centre and its sister organisation, the Asian Human Rights Commission, have spoken out with increasing alarm at the unfolding tragedy in Nepal during the course of 2004. Although the Secretary-General of the United Nations recently expressed his alarm at the worsening conditions there, by and large the international community has remained oblivious to the impending disaster. To the extent that the problems already overwhelming the country have been given any attention, they have typically been reduced to a simple ‘government versus terrorists’ equation. When seen as two-dimensional, all of the country’s problems are then likewise reduced to finding a solution to the conflict. Reductive reasoning of this kind is attractive. It makes the problems manageable, and makes the government institutions approachable. Unfortunately, it also suggests possibilities where they do not exist, and blunts the search for alternatives.

This report is again raising the call for the international community to approach the problems in Nepal in terms of the almost zero functioning of the rule of law there. The non-functioning of agencies intended to uphold the rule of law and basic human rights is no accident. It has been achieved through deliberate steps taken by the government of Nepal in allowing the security forces a free hand in pursuing their counter-insurgency objectives. As the lessons of history demonstrate, the consequences of planned weakening of controls over the institutions for law and order and security—the army and police in particular—are inevitably far greater than anything envisaged by their architects, and far beyond their control. Nepal is today facing the emergence of such consequences.

The title of this report is taken from the opening commentary of

the Asian Human Rights Commission, that the grim equation upon which the actions of the security forces are premised

Is that as the Maoists do so must the military, as the only means to eliminate insurgency. This equation is not derived from law or any standards of civility. It is the mathematics of barbarity. The state cannot abdicate its obligations to its citizens simply because it is engaged in a fight with a formidable enemy who is not fighting according to the civilised rules. There is no legitimacy to the tenet that if the state's opponent engages in casual killings and bloodshed, the state is likewise free to do the same. Even when fighting an insurgency the role of the state is to protect the rights and interests of its citizens. In Nepal, however, all parts of the state apparatus—the king, parliament, judiciary, police and army—have abandoned this latter principle in favour of the former illegitimate one. In so doing the state in Nepal too has ceased to have any legitimacy.

The body of the report consists of 20 case studies of forced disappearance at the hands of the Nepalese security forces, involving 26 victims, and 20 case studies of torture, involving 38 victims. It also contains a short study of the highly flawed and virtually non-operational Torture Compensation Act.

A number of lengthy appendices expand upon the body of the report. The first contains summaries of forced disappearances at the hands of the security forces involving some 161 victims, and summaries of extrajudicial killings involving 116 victims. The second appendix contains over one thousand names of persons who are known to have disappeared. This is not even the total number of documented cases: the National Human Rights Commission alone has some 1600 cases on its books, which is but a fraction of the total number likely to have actually occurred in the country during recent years. Other contents include recent statements and appeals by the Asian Human Rights Commission on the situation in Nepal, extracts of pertinent legislation, and text of the online petition calling for an end to mass disappearances in Nepal.

Many of the cases raised speak to particular patterns of abuse and inaction, and in particular, the sheer unwillingness and inability of the now impotent Nepalese judicial system to prevent arbitrary and illegal detention and massive torture. The courts are increasingly unwilling to entertain habeas corpus writs on behalf of disappeared persons, as to do so challenges a wider policy approving of forced disappearances. Where court orders are in fact issued to have detainees released, they are flagrantly disregarded by the security forces, who either simply ignore the instructions, or—in a cynical exercise speaking to a brutal disregard for human rights and all basic norms—immediately rearrest a person as they are freed. However, in most cases of disappearance and extrajudicial killing, the facts never even enter the courts as the losses are recorded as the result of “encounters” with insurgents. Tragically, these “terrorists” taken down in combat include everyone from children as young

as their early teens, such as 12-year-old Rupa Chaudhary, to elderly persons like 80-year-old Sukmaya Dhalan. The agreed policies that drive these atrocities do not discriminate between victims.

The Asian Legal Resource Centre is publishing this special report jointly with Advocacy Forum, Kathmandu, Nepal, which is in fact responsible for most of its contents. Despite present and growing dangers, Advocacy Forum continues to investigate and take up cases of torture, disappearance, and other gross abuses, representing a powerful commitment to human rights values in some of the most extreme conditions for defenders of these rights anywhere in Asia. Its ongoing work, without which conditions of human rights in Nepal would be even worse than at present, has made this report possible. In turn, the work of Advocacy Forum is made possible by the courage of victims and their families, in the face of overwhelming adversities, to stand up for their rights. Our appreciation goes out to these persons above all others, and with them, the citizens of Nepal, with the strong hope and expectation that an end can be put to the madness which is at present gripping their country.

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**Surya Prasad Sharma**, a 39-year-old permanent resident of Baglung-2, Baglung District, was arrested at his house around 5am on 14 January 2002 by 10-12 Royal Nepalese Army soldiers from Kalidal Barracks, Baglung, after surrounding the house. He was tortured and taken to a local army barracks. His wife persistently visited the barracks throughout January, and filed a habeas corpus writ in the Supreme Court over his arrest in early February. His case is still under consideration by the court. [See full details in body of report.]

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**PRESS RELEASE**  
**AHRC-PL-96-2004**

**AHRC runs online signature campaign to stop Nepal's disappearances**

(Hong Kong, November 19, 2004) The Asian Human Rights Commission (AHRC) has launched an online signature campaign to pressure the Nepali authorities and the insurgent Maoists to take immediate and effective measures to end the massive disappearances and arbitrary killings in the country despite their ongoing conflict.

“The situation is so grave and urgent that by every passing hour human life is lost in Nepal either by military action or by opposing Maoist counteraction. The savage attack on innocent people must be stopped now,” said Basil Fernando, executive director of the AHRC, a Hong Kong-based regional human rights group.

Individuals and groups across the world are called on to urge His Majesty's Government of Nepal, as well as the good offices of the United Nations, to act by signing a petition posted on “Stop Disappearances in Nepal” at <http://nepal.disappearances.org>, a new Web site run by the AHRC for the campaign.

The Web site also contains a cyber memorial with information of 897 men, women and children as young as 13 years old, who have been forcibly disappeared in Nepal.

The actual number of the disappeared victims is unknown due to difficulties in gathering information within and outside the country. Many cases are unreported.

The AHRC believes that the exact figure of disappearances could be in thousands and is growing every day. The National Human Rights Commission of Nepal earlier documented more than 1,400 cases.

“The police and the military establishment refuse to admit that large scale disappearances are happening in the country. The domestic law enforcement agencies including the courts are not able to address this situation,” the rights group said in the petition.

“All government organs responsible for disappearances enjoy absolute impunity thereby creating a climate of complete fear, helplessness and silence. The situation in the Maoist-controlled region is equally bad since practically there is no civilian law enforcement agency working within this region at all,” the group said.

“Disappearances and arbitrary execution cannot be justified by any means and no cause could be held reasonable for summary killings,” the AHRC said.

Nepal has the responsibility to protect its people in accordance with the international humanitarian and human rights laws, particularly the International Convention on Civil and Political Rights, and the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment that the country has ratified, the group said.

The AHRC will send the petition and the signatures collected to the office of King Gyanendra and other high-ranking officials of the government.

The online appeal will also forward to the U.N., including its senior human rights adviser to Nepal, the special rapporteur on extrajudicial, summary or arbitrary executions, the Working Group on Enforced or Involuntary Disappearances, and the special rapporteur on the question of torture and disappearances.

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**Budani Chaudhary,**  
a 17-year-old labourer  
and permanent  
resident of  
Suryapatuwa-9,  
Bardiya District, was  
arrested at a farm by  
about 30 security  
force personnel  
around 9am on 30  
March 2002 while  
harvesting pulse with  
her friends and  
grandfather. She was  
arrested without  
being informed of a  
reason and her  
whereabouts since  
are unknown. A  
habeas corpus  
petition on her behalf  
is pending in the  
Supreme Court.

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# **Man-made tidal wave is the cause of Nepal's destruction**

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Asian Human Rights Commission, Hong Kong

**L**and-locked Nepal escaped the destruction of the massive tidal wave that swept away the coastlines of its neighbours this December 2004. Unfortunately, the country has instead been hit by a political tidal wave that has caused at least as much damage to the people living there. Yet, whereas the international community has commendably sprung into action to address the needs of the millions affected by the natural disaster that devastated the shores of the Indian Ocean, it has all but ignored the man-made disaster causing ruin to the small Himalayan country to the north.

The disaster in Nepal is doing far more than causing death and mayhem. It is also ruining all the institutions responsible for the basic functioning of a country: its courts, law-enforcement agencies, and bureaucracy. It is wreaking havoc on the economy and all areas of social life. Normal life in Nepal is a thing of the past. Trade in goods, including food, has been affected. Some reports have it that pregnant women are not even able to visit hospitals to give birth. Other than the security forces, state institutions outside Kathmandu have gradually ceased functioning altogether. And this disaster is ongoing; it does not pass and leave people to emerge and pick up the pieces. It is an ever-present catastrophe, and is daily intensifying.

It is a tragedy comprised of hundreds of thousands of small tragedies one upon the next. Over 10,000 lives have been lost by official figures, despite the lack of large engagements between the army and insurgents. The state media daily justifies the extrajudicial killings and disappearances of thousands more as the result of encounters between security personnel and terrorists. Outside Kathmandu, people know better. There, virtually not a single family has escaped some kind of family or financial loss, or the suffering of threats from one side or the other.

“Those inside the country responsible for the escalation in violence seem oblivious to the consequences”

Those inside the country responsible for the escalation in violence seem oblivious to the consequences. The king, parliament, political parties and insurgents all seem unable to grasp that they are bent on a course towards incalculable suffering. None seem in control, none is able or willing to deviate from this single-minded direction of the use of force as the sole means to obtain their objectives.

Those outside the country, including the United Nations, while at least alerted to what is happening there, seem to have little understanding of the nature and scale of the unfolding crisis, merely being vaguely apprehensive that something terrible is in the making. Powerful neighbours, particularly India, lack clear strategies to address the daily worsening events. Nor do they appear to be taking steps to develop any. Without a quick awakening, it is quite likely that the world will watch another tragedy of Cambodian proportions unfold in Nepal in the not too distant future. At that time it will not be possible to say “we didn’t know”.

The Asian Human Rights Commission has for some time made attempts to alert the global human rights community, wider international community, United Nations and regional neighbours of Nepal about what is happening there. Our first concern has been for the lives of the ordinary folk living within its borders. As the case studies and numerous appendices in this report testify, their collective right to life and wellbeing is very much under threat today. Flows of refugees and internally displaced people are growing. In the recent weeks, they are reported to have been on the move hourly. As usual, those worst affected at such times are women, children and other vulnerable groups in the poorer sections of society. Unable to continue their livelihoods, unable to obtain basic services such as schooling and health, these persons become the victims of all manner of deprivation.

This report documents how the basic civil rights of people in Nepal have been suspended as basic institutions for the rule of law—notably the judiciary and police—have virtually ceased to offer any protection to the people. In fact, the manner of their functioning is now conducive to the maintenance and growth of terror and uncertainty among the general population.

Of particular concern is the callous manner with which the courts in Nepal, including the highest courts, now deal with habeas corpus applications lodged on behalf of the ever-increasing numbers of forcibly disappeared persons. The courts’ failure to exercise authority on this vital legal principle epitomises the collapse of the country’s judiciary. No greater admission of failure can be made than to not even put on a show of legitimacy. Here we see lawyers doggedly taking cases to the courts on behalf of desperate family members, seeking some way, any way, to protect their loved ones. Yet we find that the courts are either unwilling or incapable of doing even this much. When habeas corpus writs

for disappeared persons reach a high court, its opening step is to call for records of arrest. In most cases the authorities reply that the records do not exist—for reasons discussed further below. The conclusion is that the person was not arrested. End of case. The court dismisses the application on the grounds that there is no evidence they are in custody. But even where the lawyers and family of the missing person make heroic efforts to prove that the person is in detention, the court does nothing to protect the evidence, the victim, the lawyer representing them or the family members. The unflagging efforts of some lawyers and rights groups to help their clients thereby puts them and others in grave peril before a system that has completely surrendered its independence by refusing to entertain any matter relating to the security forces and their operations.

“ A senior police officer is quoted as having said that ‘due process takes too long so we don’t follow it’ ”

Understanding of the extent to which human rights protection in Nepal has been completely undermined necessitates understanding of the extent to which its legal system has ceased to function. In terms of basic human rights protection, the practice of law in Nepal today is clearly a futile exercise. This is due mostly to the deliberate withdrawal of cooperation by the Royal Nepalese Army and other security agencies, and concomitant threats directed towards legal personnel alongside demonstrated disdain for the institution as a whole. Its contempt for the courts has recently been manifest in the repeated re-arrests of the few persons released from detention under court orders. Some, such as Jivan Shrestha have been rearrested two or three times: in his case, on the last occasion he was released this December, it was on condition that he return to the barracks with written proof that all writs issued against the authorities had been withdrawn. Catching the spirit, a senior police officer is quoted as having said to some UN consultants recently that ‘due process takes too long so we don’t follow it’. Such sentiments are hardly surprising, given that the civilian police and the Armed Police Force have been rendered little more than arms of the army under the Joint Command. The police too are now organised along military lines, which guarantees that they will cease to engage in ordinary law and order functions in accordance with the orders of the courts.

The irony that lies in this contempt for the courts on the part of the security forces is that it was the king of Nepal who precipitated the rot in the system in order to ensure that these same agencies enjoy impunity for their actions. The effect was both to destroy the possibility that institutions of justice may operate effectively, and guarantee continued insurgency. By dissolving parliament, he further removed literally all the checks and balances built into the constitution, in accordance with international law, intended to protect the rights of citizens.

The result of all this is that those citizens have been rendered powerless to stop abuses committed against them. Life for the ordinary citizen has become a nightmare, as the stories of forced disappearance, murder, rape and torture by the Nepalese

“ The UN Working Group on disappearances recently described Nepal as among the worst countries for human security in the world at present ”

security forces contained in this report attest. What is disturbing about these stories is the extent to which arrests, beatings, killings and kidnapping are carried out completely at random. Innocent civilians are assaulted, murdered and carried off often just to convey a message to the other side. What is even more shocking is how individual events are often motivated by trivial objectives: a bit of money, sex with a woman.

In a great many of the cases described in this report, and those known to human rights groups in Nepal, the pretext for arrest or detention is the broad accusation of “having links with Maoists”. As the security forces have been given the power to casually arrest anyone suspected of falling into this category, simply making this allegation allows anyone in the security forces to do what he likes to a victim and escape any responsibility.

What is the nature of record-keeping regarding persons who are arrested for “having links with Maoists”? Is there any central registry of arrests at Army Headquarters? Judging by the information coming daily from Nepal, no such thing appears to exist. The absence of records is convenient, as it allows things to be done without fear of consequences later. No one can look in from the outside and see what is going on, whether an international agency, human rights body, or other part of the government. Without documents, plausible denial of arrests, detention and disappearances is much easier. It may be that record keeping has been deliberately abandoned for these reasons, and it is likely that the pattern is repeated across the country.

Worldwide, mass planned disappearances of persons belonging to an ‘undesirable’ category in society have been made possible only by a policy that favours the erasing of records and non-registration of prisoners belonging to the targeted group. In Nepal, these are Maoists or those “having links with Maoists”. The stories in this report are but a few among thousands that clearly show such a policy is operative in Nepal today. Whereas in official reports disappearances number in the thousands, in reality these are only those cases where relatives of the missing had the courage to report their loss and found some avenue through which to register a complaint. There is at present no way to assess the true number of victims. However, the UN Working Group on enforced and involuntary disappearances recently described Nepal as among the worst countries for human security in the world at present. In response, the government made some symbolic gestures such as uncovering the whereabouts of a few hundred people, without any action to hold the perpetrators accountable and uphold the rule of law. The government instead persists in itself permitting the casual killings that occur after casual inquiries and casual arrests that the Nepalese security forces now contrive to employ daily.

It is also clear from international experience that a policy to

allow mass disappearances is accompanied by tacit approval at the highest levels of state for the use of massive torture. With planned widespread disappearances, new rules apply in all areas of business. In many instances, disappearances are a necessary consequence after torture. Either the person dies during torture or the wounds caused will incriminate the perpetrators if the person is released. Persons arrested by mistake cannot be released for fear of compromising some aspect of a security operation. They will not return home. From the stories narrated here it is evident that the Nepalese security forces understand this imperative very well and apply it without compromise. Nepal is now in a time of approved killing and torture from which no one in the country can escape.

“ Nepal is now in a time of approved killing and torture from which no one in the country can escape ”

Where tortured detainees are not killed, they are usually put through a few legal formalities to keep them under detention until the worst of their injuries pass and all evidence is lost. Those who have been kept in military barracks for extended periods—usually subjected to the most horrific forms of abuse—are sent to the police, to get an arrest on record. However, most are not released. The police readily obtain further detention orders, many times under draconian laws such as the Public Security Act and the Terrorists and Disruptive Activities (Control and Punishment) Ordinance, after which they may be kept under police custody, sent to prison, or handed back to the army. The government abolished the previous Terrorist and Disruptive Activities (Punishment and Control) Act on 12 October 2004, but immediately replaced it with a more severe version, the Terrorist and Disruptive Activities (Control and Punishment) Ordinance. Section 9 of this new regulation states that if a security official feels the need to prevent a person from carrying out any terrorist or disruptive activity, such a person can be kept under detention for a maximum period of one year. The first six months are at the official's discretion; the second six months after obtaining permission from the Home Ministry. This section provides security officials with the means to rearrest detainees immediately upon their release by court orders, and thereby weaken, threaten and humiliate the courts, lawyers, and the victims, so that they might refrain from challenging illegal detentions again. Such systematic rearrest practices under these and other provisions indicate the failure of the judicial system in Nepal to safeguard the authority of its decisions or stop the security forces from abusing legal process by rearresting individuals freed by the courts.

Among the most damning practices of the judiciary at present in Nepal, and one frequently reported, is the refusal of judicial officers to accept and record complaints of torture, even where victims brought forward for 'processing' have clear physical injuries that could only be explained by abuse while in custody. Although these officers are duty-bound to make enquiries and keep records on such abuses, they invariably deign to take up their responsibility. In other cases, the judicial officers may be prepared to take complaints, but it is the victim who fails to

“ ‘Do whatever is necessary to keep control’, is the only order that counts ”

speak out due to fear of the very real consequences. The immediate result is often that a person standing before a judge in dire need of medical attention does not get help. This is convenient for the perpetrators. For the same reason that persons are disappeared, those still detained cannot be given medical care, as it would mean unnecessarily involving the outside world, and again suggest the keeping of records. At every step, all basic principles of the rule of law—civilian oversight, judicial review, and constitutional and international norms—are abandoned.

Since 26 November 2001, when the Royal Nepalese Army was unleashed on the population under a one-year-long national state of emergency, it has unceasingly violated virtually every humanitarian and human rights norm. There is no evidence to suggest that it will be discouraged from continuing with this trend into the future. But internally it is suffering from deep fissures caused by a lack of professionalism, non-existent leadership, personality-driven orders, and a zero morality. Attempts to shore-up control by senior officers have only further undermined the internal command structure, deepening mistrust between different ranks and units. The only strategies available to deal with emerging problems are the cover-up and non-interference in the workings of field detachments. Confusion is permitted to reign free so long as the herds of soldiers are kept in check regardless of facilities, guidance and training. “Do whatever is necessary to keep control”, is the only order that counts.

The grim equation upon which all of this is premised is that as the Maoists do so must the military, as the only means to eliminate insurgency. This equation is not derived from law or any standards of civility. It is the mathematics of barbarity. The state cannot abdicate its obligations to its citizens simply because it is engaged in a fight with a formidable enemy who is not fighting according to the civilised rules. There is no legitimacy to the tenet that if the state’s opponent engages in casual killings and bloodshed, the state is likewise free to do the same. Even when fighting an insurgency the role of the state is to protect the rights and interests of its citizens. In Nepal, however, all parts of the state apparatus—the king, parliament, judiciary, police and army—have abandoned this latter principle in favour of the former illegitimate one. In so doing the state in Nepal too has ceased to have any legitimacy.

International agencies calling for peace in Nepal have sought quick negotiations between the government and rebels. In fact, things are moving in the opposite direction. Recent weeks indicate that any remaining feeling of a need for restraint on either side is being abandoned. As the few remaining obstacles to total war are removed, the country edges closer to anarchy. Signs are of much worse to come.

For so long as the government of Nepal continues with policies to perpetuate mass disappearances, killings and torture there can be no ethos conducive to negotiations and compromise. All persons of goodwill within Nepal and outside have a legitimate right to intervene in any way possible and demand that these practices come to an end. International organisations, and particularly strong neighbours like India, must bring all their influence towards ending the extreme violence enveloping the country. It is neither in the interests of the people of Nepal, nor the international community—and neighbouring countries in particular—that the United Nations and concerned governments maintain a disinterested silence on Nepal and expect that things will sort themselves out.

“ Serious initiatives must be directed towards ending the practices of large-scale disappearances, killings and torture ”

Nepal is rare among countries in Asia in that it is a party to most of the important international human rights conventions and their attendant bodies. Yet the number and intensity of violations within its borders now outstrip virtually all other territories in the region. Ironically, very few individual complaints are ever brought from Nepal to the United Nations bodies to which it is answerable.

The government of Nepal must be made to understand that it has no option other than to bring its security forces under control. The blanket of impunity covering the army and police must be removed without delay. The Torture Compensation Act must be amended and made into a working piece of legislation as envisaged by the UN Convention against Torture to which Nepal is a party, rather than the cruel parody that it is at present. Programmes for witness protection are also desperately needed.

It cannot be presumed that the government of Nepal is capable of making the necessary decisions to do all this of its own accord: every piece of evidence suggests the opposite. With the majority of the country already lawless, a king interested only in holding onto his seat and keeping all his own people in charge of everything else, the signs are not good. International intervention must amount to more than the posting of some advisers to the government. Serious initiatives must be directed towards ending the practices of large-scale disappearances, killings and torture, and ensuring thorough investigations of those atrocities that have already been committed. UN treaty bodies in particular cannot afford to sit idly by drafting finely worded statements arguing this point or that for further discussion in Geneva. In the face of overwhelming chaos, their means for effective monitoring and intervention must be put to the test. Attempts to legitimise the ongoing violence on the pretext of counter-insurgency operations will only bring more of the same onto all parties. The casualties, of course, will continue to be the innocents.

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**Jighu Tharu**, a 48-year-old farmer and permanent resident of Magadagadi-5, Bardiya District, was arrested at his house by 50-60 armed security force personnel from Rambapur Check Post, Bardiya, around 9pm on 11 August 2002. The reason for his arrest and whereabouts since are unknown. A habeas corpus petition on his behalf is pending in the Supreme Court.

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# **Missing and maimed: Case studies of forced disappearances and torture committed by the Nepalese security forces**

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Advocacy Forum, Kathmandu, Nepal &  
Asian Human Rights Commission, Hong Kong

**T**he following are a handful of the types of cases of forced disappearance and torture committed daily by the Nepalese security forces. The perpetrators include Royal Nepalese Army troops, Armed Police, regular police, and all three operating together as Joint Security Force units. They come in and out of uniform at any time of day or night, and they come to any place, as Pralahad Waiba found when he was taken out of his school classroom. They operate with total impunity.

While many of the arrests, torture and disappearances are ostensibly aimed at addressing the insurgency, these cases speak to the fact that in many instances people are taken at random, and—particularly in cases of torture in urban areas—often on accusation of involvement in conventional crimes. The victims are also taken without discrimination: they include children, elderly, women and the handicapped.

Some disappeared persons, like Jayakali Khatri and Hitkala Dangi, are believed to have been killed shortly after they were taken; however, their bodies have never been recovered. In other cases, no news emerges as to what has happened to them at all. Many disappeared persons are also believed to be tortured, some extremely brutally, like Maina Sunuwar.

Criminal suspects are routinely tortured. The methods of torture described by victims speak to the fact that they are totally institutionalised in policing in Nepal. Additionally, as the lines between various security agencies have been blurred, the army also engages in horrific torture of detainees who are accused of ordinary crimes, like Narayan Nepali, who was electrocuted on the forehead. The blurring is also evidenced by the fact that the police are reported to carry out arrests on instruction of the army,

without knowing for what purpose, such as in the case of Upendra Timilsena.

After each disappearance, killing, or act of torture, a cynical charade of some kind follows. Disappeared and killed persons in rural areas are described on radio as terrorists killed in encounters with troops. Torture victims taken before the courts are only sometimes asked if they were abused, but rarely given proper medical treatment in accordance with the requirements of the Torture Compensation Act. And despite evidence of forced confessions, they are invariably remanded in custody pending trial on the charges that the police have concocted against them. Another increasingly common pattern is rearrest of torture victims ordered released by the courts, such as Jhurri Teli, speaking to the total absence of any effective judicial authority over the actions of the security forces under the present administration in Nepal. Advocacy Forum and the Asian Human Rights Commission (AHRC) have reported on numerous rearrest cases in the latter part of 2004.

See appendix 1 and 2 of this report for details of more disappearances, torture and killings.

## **A. MISSING: FORCED DISAPPEARANCES**

### **1**

#### **VICTIM**

**Hari Bahadur Nepali**

#### **ALLEGED PERPETRATORS**

**Royal Nepalese Army troops**

#### **PLACE**

**Dhanwang-3, Salyan**

#### **DATE**

**11 December 2001**

### **1. Hari Bahadur Nepali: Last seen by the water tank**

At about 8am on 11 December 2001 a Royal Nepalese Army patrol arrested Hari Bahadur Nepali, 32, of Dhanwang-3, Salyan District. His 30-year-old wife, Amba Kumari Nepali, recalls that

I had gone to my parents' place in Siwang-4 that morning. As my husband was mentally retarded, he used to stay around home. Dundi Ram Sir, a teacher at the local school told me that the patrolling soldiers had arrested my husband at around 8 in the morning alongside the Kimchaur Water Tank.

Hari has been missing since he was taken, and his family has heard nothing about him. The family is suffering from his loss, as Hari used to take care of a vegetable garden to get income. As the other family members cannot take care of the garden well, life has been more difficult for them. Other villagers have also avoided the family since the arrest, causing them further distress.

### **2. Dhan Maya Chaudhary: Two sisters go, only one returns**

Around 11am of 14 January 2002 a large number of Royal Nepalese Army soldiers under a Captain Rameswor Suwar arrived and searched the house of 25-year-old social worker, Dhan Maya Chaudhary, in Nauwasta, Banke District. They instructed her not to work for the Kamaiya [bonded labourers] Freedom

Movement, after which they left. When Dhan Maya was returning home that same evening, the captain met her along the way and told her to report to the Chisapani Barracks the next morning for enquiries. After talking over it with her family, she went along with her sister. However, after two hours, her sister came home alone.

Dhan Maya's parents went to visit the army barracks in search of their daughter many times, but were repeatedly told that she was not there. Sati Ram Chaudhary, her father, the president of the Village Development Committee, was required to go again to the barracks after the Maoists set the committee building on fire the following month. There he again asked about his daughter but was given the same account. To comfort him, the officers said that they would search for her. However, one of the soldiers of the same barrack said that after Dhan Maya had been brought there she was released the same day.

### 3. Surya Prasad Sharma: Case left hanging before the Supreme Court

At around 5am on 14 January 2002, a group of 10-12 Royal Nepalese Army soldiers of the Kalidal Barracks, Baglung Distict, surrounded the house of Surya Prasad Sharma, 39, residing in Baglung-2. They awoke the occupants, and Surya's wife, Yasoda Sharma, opened the door. The soldiers asked for her husband, then the captain in charge and one of the soldiers entered and dragged Surya out, stating that interrogations had to be made and that he would have to accompany them to the army barrack. They searched everything and the soldiers threatened the neighbours to get back inside their houses while they gave Surya a severe beating.

Yasoda followed her husband to the local barracks and witnessed him being taken into the second gate, but she was not allowed to enter. The next day she took food and clothes for him, but the soldiers sent her back, saying that her husband was well and that the food and clothes could not be given to him. She returned to visit him once more on January 20 but was again not allowed to meet him. When a soldier arrived later at her house and said that her husband had asked for tobacco, Yasoda requested that he tell her the whereabouts of her husband. The soldier said he had been severely beaten, so Yasoda went again to the barracks on January 21. This time she was allowed to see Surya from a distance, but could not speak with him. On February 2 she again went, and this time met with Major Chandra Bahadur Pun, who informed her that Surya was out patrolling with troops in order to identify other Maoists. He assured her that her husband would be released after the completion of necessary investigations. On February 3 she contacted the Chief District Officer but was told that nothing could be done, as the country was under a state of emergency. On February 4 she tried to get information from the Baglung District Police Office, without success. She also

#### VICTIM

**Dhan Maya Chaudhary**

#### ALLEGED PERPETRATORS

**Royal Nepalese Army troops under Captain Rameswor Suwar**

#### PLACE

**Chisapani Barracks, Nauwasta, Banke**

#### DATE

**14 January 2002**

#### VICTIM

**Surya Prasad Sharma**

#### ALLEGED PERPETRATORS

**Royal Nepalese Army troops from Kalidal Barracks**

#### PLACE

**Baglung-2, Baglung**

#### DATE

**14 January 2002**

appealed to the National Human Rights Commission and other human rights groups, but could learn nothing of his whereabouts.

Meanwhile, on February 3, she filed a habeas corpus writ against the Home Ministry, the Ministry of Security, the Police Headquarters, the Royal Nepalese Army Headquarters, the Baglung District Administrative Office and the Kalidal Barracks of Baglung. The Supreme Court ordered that the file on Surya be shown the next day; however, all respondents except the Chief District Officer replied that Surya had never been arrested or detained illegally and was not at that time in custody.

However, the Baglung Chief District Officer's office replied on 2 April 2003 that on 21 January 2002 while troops from the Kalidal Barracks were patrolling with Surya Prasad Sharma at about 4pm along the Dovan way, the Maoists ambushed them and when they retaliated, two rebels jumped into the Kali Gandaki River. According to its version of events, Surya Prasad Sharma also jumped into the river in the confusion.

On 23 April 2003 the Joint Bench of Justice Hari Prasad Sharma and Min Bahadur Rayamajhi ordered that Yasoda Sharma appear in court, which she did on 2 May 2003. The court then ordered that Surya Sharma's arrest should be investigated further with the aid of the Office of the Attorney General. It noted that his wife claimed in her statement that she saw him dressed in military clothing travelling in an army jeep along with the troops of the Kalidal Barracks on 27 March 2003 at 11am. After inquiring into the case, the Office of the Attorney General reported that "the Kalidal Gulm [Barracks] had been already replaced by Khadgadal Gulm shortly after [Surya's arrest] and the latter had neither arrested nor received any information on Surya's case by the prior Barracks". On 12 November 2003, the Supreme Court again ordered the Chief District Officer to give details about Surya's arrest. The case is still pending before the court.

#### **4. Dukhiya Tharu: An unfinished cup of tea**

Dukhiya Tharu, a 45-year-old farmer residing in Katari-8 of Udayapur District, had gone to work at a mill with his family on 14 April 2002, but returned early and went to enjoy some tea in the market after a power failure caused them to stop work. His 45-year-old wife Ghorli recalls that

As there was a power failure, I came back home at around 3pm. My husband and son stayed in the market. But in the evening, my son came back alone and told me that the police had arrested my husband. I was not allowed to meet him when I visited the police station the next day. However, they accepted food I had brought for him. As they threatened me, I did not visit the place again.

After my eldest son had seen my husband being taken to the Taraghari Barracks, I went to meet him there. At that time, he

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VICTIM

**Dukhiya Tharu**

ALLEGED PERPETRATORS

**Security personnel  
connected to Taraghari  
Barracks**

PLACE

**Katari-8, Udayapur**

DATE

**14 April 2002**

told me that he would return home after five days. But he has not yet returned home. I don't know where he is, what he is doing, why he was arrested and even if he is still alive. He was not affiliated to any political party and did not receive any threats prior to his arrest. Sometime later, the radio announced that a man had been killed in an encounter with the army at Taraghari Barracks. The people there told me that the man killed in the camp was my husband.

A neighbor of Dukhiya, Kali Prasad Rijal, also remembers the events of that day.

I was also at the Katari Bazaar on the same day. Since it was raining I went in a teashop for tea at around 2:30pm. Dukhiya was already there and we were drinking tea together when a police van stopped near the teashop and the police called Dukhiya to get inside. On the day after his arrest, I went to the police station along with other villagers and asked for the cause of his arrest. The police failed to show the cause and responded that he would be released after a few days. Then we returned home. I don't know how and why he was taken to the Taraghari Barracks and because we were afraid we did not dare to visit him there. I am not aware of Dukhiya's present condition but I guess that he must have been killed by now.

## **5. Kaliram Tharu & two friends: Tortured and disappeared for playing games**

Fourteen-year-old Kaliram Tharu of Mohamadpur-8, Bardiya District, was minding cattle and playing with his friends at around 3pm on 25 April 2002 when a group of 50-60 uniformed and armed Joint Security Force personnel approached. The troops asked the boys if they had learnt martial arts. One of them boastfully replied that they had training and were paid Rs150 a month. The security officers then accused them of being Maoists. Despite the boys saying that they were students and not Maoists, the officers started beating them, and took them towards a nursery located on the eastern side of the village. As they were being taken, Munturi Tharu, Kaliram's mother, approached the troops: "When my son was brought with other boys along the way by my home, I asked them why they had arrested my small boy who was studying. They told me that my son was a Maoist."

At the nursery, the boys were tortured for a further 15 minutes, and Kaliram Tharu's tooth was broken due to the beatings. One villager, Subha Dayal Tharu, recalls seeing from a distance "some 10-15 boys being thrashed with sticks and boots in the nursery". From there, the boys were taken to Vici Barracks, where they were forced to strip to their underwear and lie on the dirt. Then they were taken to the District Police Office, where Kaliram could not eat the food provided due to the swelling of his face. At around 7pm, three of them, including Kaliram, were taken to the east of the village in a van. They did not come back. Only one person who had been taken to the police station, 27-year-old Bhikhu Tharu, was released. The next day, Radio Nepal

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VICTIMS

**Kaliram Tharu & two friends**

ALLEGED PERPETRATORS  
**Joint Security Force personnel connected to Vici Barracks**

PLACE

**Mohamadpur-8, Bardiya**

DATE

**25 April 2002**

## VICTIM

**Sharad Kumar Chaudhary**

## ALLEGED PERPETRATORS

**Royal Nepalese Army  
troops from Ghorahi**

## PLACE

**Bijauri-6, Dang**

## DATE

**25 May 2002**

announced that three Maoists had been killed in an encounter in Mohamadpur area, and bombs, pistols and other materials had been seized. The news did not give names.

## 6. Sharad Kumar Chaudhary: Bussed away after religious ceremony

Sharad Kumar Chaudhary, a 20-year-old married student residing at Hadami in Bijauri-6 of Dang District, was arrested by soldiers of the Royal Nepalese Army from Ghorahi on 25 May 2002. The village where he was staying, Pereni, in Hapure District, was surrounded by the troops at around 7am. He was arrested along with other persons in the village and was last seen being taken towards Ghorahi by bus.

According to Sharad's father, Hum Lal Chaudhary, "Sharad was arrested at his friend's house. He had gone there a day before to attend a religious ceremony. We did not receive any threats before his arrest. However, a year after Sharad's arrest, a few policemen came to my house and searched. They took 1100 rupees from my trousers. After that, they did not come to my home again."

After Sharad's arrest, the family visited the Barakh Barracks in Ghorahi twice, but could not find Sharad's name in the different lists of arrested, detained and killed persons kept there. When the family enquired at the District Administration Office, Ghorahi, the officers also said they knew nothing. Sharad has not been seen since.

## VICTIM

**Likha Ram Tharu**

## ALLEGED PERPETRATOR

**Captain Ramesh, Royal  
Nepalese Army, Pritana HQ**

## PLACE

**Kalika, Bardiya**

## DATE

**12 July 2002**

## 7. Likha Ram Tharu: Tortured and disappeared for quitting job

On 12 July 2002 21-year-old Likha Ram Tharu went to the Pritana Headquarters for a physical fitness checkup in order to be recruited into the Royal Nepalese Army. At the time he was a grade 9 student in Bidhyajyoti Secondary School, Kalika, Bardiya. As he was standing in queue, a Captain Ramesh, in whose house he had worked previously, pulled him out. Raj Kumar Tharu, of Mohamadpur-8, Bhainsahi, Bardiya, witnessed the event.

I was also in the same queue that day and Likha stood about 5-6 people ahead to me. It was around 2pm that a member of the selection panel pulled him out of the queue and took him away some distance. When he found out that I was also from Bhainsahi, he asked me, 'How far is your house from Likha's? Has Likha been involved with the Maoists?' I told him that Likha's house was just opposite to mine and that I failed to have knowledge about his involvement with the Maoists, having returned from India recently. I also told him that I had seen him at his home since I got back. But the captain accused me of lying to him and ordered me to leave the place.

Likha's 65-year-old father, Hari Ram Tharu, takes up the story.

My son worked in the house of Captain Ramesh at Nepalgunj for about six months until late September 2001 when he came back home as he could not bear the mental trauma caused by the captain's maltreatment of him on nights when he came back home drunk. I then enrolled him in school. When there was call for army recruitment, he also submitted an application and on July 12 he had gone to the Pritana Headquarters for his physical checkup when the same captain captured him and took him away.

When I went to the Pritana Headquarters, the soldiers on duty told me that the captain drove my son to the Chisapani Barracks at night. Raj Kumar Tharu and Prem Bahadur Tharu also said that they saw Likha being pulled out of the line by the captain. Dinesh Tharu also informed me that he stayed with Likha in the same room under army custody for three days, July 31 to August 3. With this information I went to the Bhimkali Barracks, Chisapani, but the same captain said, 'Who told you that he is here? He is not here.' But I know it is him who took my son as revenge because my son left his house.

Dinesh Tharu, 20, of Shorhawa-2, Jagatiya, Bardiya, talked about Likha after he was released from army custody on August 3.

Around 11am on July 21, after brutally shooting to death a 12-year-old girl, Rupa Tharu, about 300 soldiers of the joint military command arrested me. One of the soldiers beat my whole body for at least five minutes, except my head, with a rifle butt. They then blindfolded me and took me to the Bhimkali Barracks, Chisapani, where I was detained for 13 days blindfolded and with my hands bound behind my back. For eight days I was kept in solitary confinement. The plaster floor was cold, and neither was there any mat or blanket to cover myself. During the whole period I was beaten three times. The security officer who beat me on the fifth day of my detention accused me of providing shelter and food to the Maoists, and battered me at least 10-12 times on my thighs and arms with a baton. On the day of my release also, they beat me on my thighs and arms and threatened to kill me if ever I supported the Maoists.

Likha Ram, Radha Krishna Tharu and another man with the surname Sapkota were brought to the room where I was kept on the eighth day of my detention, and I remained with them until they released me on August 3. I never knew Likha before and they did not allow us to talk to each other. We used to talk at night in whispers, when all the soldiers slept. Likha told me his entire history from his gruelling days at the captain's house to the day he was brought to the barracks. Likha Ram was also blindfolded and his hands were shackled behind his back while in custody. The same security officer who had beaten me tortured Likha once. He roughed him up by asking questions, 'Didn't you try to sway that girl to quit working at my home? Didn't you say that you would kill me?' The captain then forced him to kneel down for at least five minutes and beat him on his thighs and arms with a baton. Later Likha told me that the officer was Captain Ramesh. Likha Ram developed swelling over his entire back due to the cruel beatings. He pleaded me to inform his family about everything as I was to be released.

A habeas corpus writ petition was filed in the Appeals Court, Nepalgunj, for Likha Ram Tharu, but the court rejected it in an order issued by a bench consisting of Justices Dhruva Nath Upahadhaya and Komal Nath Sharma on 3 June 2003. Since then, there has been no resolution of Likha Ram's disappearance.

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VICTIM

**Phul Raj Chaudhary**

ALLEGED PERPETRATORS

**Royal Nepalese Army troops connected to Chisapani Barracks**

PLACE

**Nauwasta-8, Banke**

DATE

**30 August 2002**

## **8. Phul Raj Chaudhary: 'Have sex with us or lose your husband'**

Around midnight on 30 August 2002, the sound of fighting could be heard in Nauwasta-8 in Banke District, spreading fear throughout the population. Then, at about 4am, 12-15 Royal Nepalese Army soldiers entered the house of Phul Raj Chaudhary and asked for him. When the 28-year-old Phul identified himself, they immediately grabbed him and started beating him. They kicked his whole body while he lay on the floor. They accused him of being a Maoist and then tied his hands and blindfolded him. However, they told his wife, Dhaniya Chaudhary, 24, that they would set her husband free on condition that she gave herself to them for sex. When she refused and cried, they verbally abused her, again claimed that her husband was a Maoist, searched the entire house, beat Phul's father and took him away.

Dhaniya Chaudhary later visited the Chisapani Barracks in search of her husband, but officers there denied his arrest. The family has not received any information about him since. However, at around midnight on September 27 three soldiers again came to the house, and tortured Phul's brother Gagan for about one hour, during which time they took him outside. One of the soldiers also tried to sexually assault Gagan's 17-year-old wife Shova; however, she managed to struggle free from him.

As a result of Phul going missing, the conditions of the family have worsened. Phul was a shopkeeper, and he took care of their family finances. Now Gagan is having to take care of the business, and has had to leave his studies. The children have also had to leave school, as the family cannot support their attendance any longer.

11-12

VICTIMS

**1. Dil Bahadur K C  
2. Bhim Bahadur K C**

ALLEGED PERPETRATORS

**Personnel connected to the District Police Office, Salyan**

PLACE

**Pipalneta-5, Salyan**

DATE

**26 December 2002**

## **9. Dil Bahadur K C & Bhim Bahadur K C: Surrender and vanish**

Dil Bahadur K C, 28, and Bhim Bahadur K C, 44, both residents of Pipalneta-5, Salyan District, were farmers and admitted Maoist supporters who went missing after they surrendered to the District Administration Office in the evening of 26 December 2002, following the declaration of the national emergency. They went to admit having involvement with the Maoists along with three other friends, Jeet Bahadur K C, Thal Bahadur K C, and Hurmat K C. They were kept for interrogation over five days, and were made to sign a paper together. They were then taken to the District Police Office, from where Hurmat, Thal and Jeet



were released. However, Dil and Bhim have not been seen after that date.

Dil's family has been given no information about his disappearance, but nor has his wife, 26-year-old Dambari K C, gone to ask anywhere as she is afraid of what might happen to her if she makes inquiries. As she has four children to look after without her husband, she is worried for them if she was also to go missing. As it is, the family is barely able to survive now with no property or means of living, and are dependent on the charity of other villagers. Dambari laments that, "Dil supported the Maoists for only six months and after that, having discussed with other villagers about whether to continue supporting them or not, he had gone with his friends to surrender to the District Administration Office. He never came back home."

Bhim's brother contacted the Chief District Officer about his disappearance, but was given different stories. Sometimes the officers said that Bhim had been taken to Dang, and the next moment to Nepaljung. Finally the family became frustrated and gave up the search. Bhim's wife, 43-year-old Deli K C, has suffered terrible anxiety and trauma since he was lost.

## 10. Hari Dangal: Chased across the fields

Forty-year-old teacher Hari Dangal, a member of the district executive committee of the Nepal Teachers' Association, was having a cup of tea in a local shop in Indrapur-6, Govindapur, Morang District, on 25 September 2003 when about 6-7 plain clothes security force officers arrived. One of the family who runs the shop, 16-year-old Bed Kumari Bhattarai, recalls what happened.

I had returned from the school and it was about lunchtime that Hari Sir came to our teashop and asked for a cup of tea. While he was sipping tea, a group of people in ordinary outfits also arrived and exchanged suspicious looks with him for a while. Then Hari Sir left the shop and walked off through the fields in front of our house. After covering about 100 meters distance, he started running, and then the group of people started chasing him.

After about half an hour, the group brought Hari Sir back to our shop and started questioning my family members and me. When my mentally weak father could not furnish them with answers, they started battering him. I pleaded them to beat me instead of my father but my voice went unheeded. Instead, I was labelled 'Maoist' and told to go along with them. Despite replying that I was not a Maoist but a student, they dragged me along with Hari Sir onto their vehicle and we were driven off to the Itahari Barracks.

Arriving at the barracks, I was instantly moved to a separate room and they let me go the next day after holding a daylong

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VICTIM

**Hari Dangal**

ALLEGED PERPETRATORS

**Security personnel  
connected to Itahari  
Barracks.**

PLACE

**Indrapur-6, Morang**

DATE

**25 September 2003**

interrogation with me. I don't know what they did with Hari Sir after that.

Hari Dangal has not been seen since. Inquiries by outside parties have also not revealed anything. The security forces have not admitted to his arrest.

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VICTIM

**Ram Prasad Acharya**

ALLEGED PERPETRATORS

**Security personnel  
connected to Baireni  
Barracks-6**

PLACE

**Nauvise-1, Dhading**

DATE

**11 November 2003**

### **11. Ram Prasad Acharya: Driven away in bedclothes**

Near 3:45am on 11 November 2003, 9-10 security personnel came into the house of Ram Prasad Acharya, 48, at Pandit Pauwa, Kegalpur, where he was running a rice mill and living with his wife, two sons and three daughters. In total, some 50-60 personnel from Number 6 Baireni Barracks came to the premises. Some of the men were in uniform and some were in plain clothes. They initially encountered the mill's mechanic, who they beat with a stick and demanded to know about the mill's owner. Then they knocked at the door of the room where Ram Prasad's wife, 45-year-old Ruku Acharya, was sleeping with her children. When she replied that she couldn't open the door since she was sleeping there with the children, they said that they had come to search the house for her husband. After that, they found Ram Prasad sleeping with his friend, a construction contractor. They hit the contractor on the head with a searchlight and he fell unconscious. Then they pulled Ram Prasad outside in his bedclothes, covered with a quilt. They pushed his wife back inside and locked the door from outside. Later Ram Prasad's brother, Yudhisthir Acharya, who stays across the road, opened the door. The security personnel had brought two vehicles and they took Ram Prasad away in a white van. They also took his RX100 Yamaha motorcycle with registration no. Ba-5 Pa-5963.

When Ruku went to the Baireni Barracks to find out about her husband's whereabouts the next day, she was told that they do not rearrest those released on condition of reporting regularly to the office. Earlier in 2003 Ram Prasad had already been held for a day, and was supposed to report weekly to the barracks for two months. He had also been detained for 13 days after being arrested on 25 January 2003. However, another soldier told her that her husband would be brought to the barracks after a month, at which time they would inform her.

Ruku Acharya reported the case to the National Human Rights Commission on 12 November 2003, as well as to other bodies and human rights groups. A person from the International Committee of the Red Cross came to collect information from their house one month after the incident. A habeas corpus petition on his behalf is pending in the Supreme Court.

## 12. Jayakali Khatri & Hitkala Dangi: Victims of a ruse

15-16

On 16 December 2003 some men dressed as Maoists arrived around 1am at the farm hut in which Jayakali Khatri, 32, and her sister-in-law Hitkala Dangi, 34 were sleeping with a group of others near Mahdevpuri-3, Banke District. Purna Bahadur Khadkha, who was present in the hut, recalls what happened next.

I was sleeping beside Hitkala when four people in civilian dress entered unexpectedly and asked for food, stating that they had come from Salyan to meet their local Maoist friends. They also asked if their comrades had passed through and for the names of local Maoists. As she was drunk she gave the names of Samar, Dammar Shahi, and Sushil. They then asked about Hari Shah, who was killed sometime before, and in response she promptly replied that the security forces killed him. In an attempt to please them further, Hitkala said that her husband was a ward head of the party.

In fact, Dhan Bahadur Dangi, 42, the husband of Hitkala, insists that he is not part of the insurgents, and that his wife had said this just because she was drunk and thinking the men to be Maoists, had wanted to impress them. In reality, the men were disguised Royal Nepalese Army soldiers. Purnakali Khatri, Jayakali's sister, who was also at the farm hut, says that, "When the disguised security forces did not get any clues about the Maoist forces from other people in the hut, they eventually showed their identity cards and announced that they were security officers. As drunken Hitkala had said she knew Maoists, she took my sister for company, and the security forces left with them."

The group that came to the hut was part of a larger force of about 200 troops from the Chisapani Barracks. After going off with the soldiers, the two victims were not seen again. The sound of gunshots around 11am the following morning caused locals to believe that the two were shot dead by the troops at that time. According to Prem Bahadur Dangi, Hitkala's 12-year-old son, who also saw his mother taken away, "The next day while I was on my way to deliver milk I saw them returning, but my mother was not with them." Other witnesses report seeing the security forces returning only with a 60-year-old man bleeding from gunshot injuries on his mouth and head, who was taken to Kohalpur by bus. Chandra Bahadur Khadka, 60, a resident of Mahadevpuri-2, remembers that,

Before the incident, the security forces had come to the village and confined seven villagers in a local school for about four hours in order to interrogate them about Maoist activities. They also took away innocent people like Hitkala and Jayakali. Then, on December 18, the radio broadcast news on the killing of three Maoists at Mahadevpuri during clashes there. However, we didn't hear about any such fighting. It was later revealed that one of

### VICTIMS

1. Jayakali Khatri
2. Hitkala Dangi

### ALLEGED PERPETRATORS

**Security personnel  
connected to Chisapani  
Barracks**

### PLACE

**Mahdevpuri-3, Banke**

### DATE

**16 December 2003**

them was Sherjung, alias Sushil Shahi, however the two others are still unknown

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VICTIM

**Raj Kumar Pariyar**

ALLEGED PERPETRATORS

**Royal Nepalese Army troops from Jagadal Barracks**

PLACE

**Macchapokhari Balaju, Kathmandu**

DATE

**11 January 2004**

### **13. Raj Kumar Pariyar: 'Bring large clothes'**

Around 9:30am on 11 January 2004 a group of Royal Nepalese Army soldiers deployed from Jagadal Barracks arrested 25-year-old Raj Kumar Pariyar at Macchapokhari Balaju, Kathmandu, while he was going to his work at a garment factory.

His father has said that generally his son came home to the family house at Jitpur-Phadi-4 on the weekend, but after Raj Kumar did not come back for 15 days he went to check at his son's rented room at Basundara. The house owner also informed him that Raj Kumar hadn't been back during that time. Then his father searched for him in many places and asked many people, finally he heard that he was in Jagadal Barracks. He went to the barracks over ten times, but the personnel there refused to allow him to meet Raj Kumar. However, they told him he could bring some large-sized clothing, because his son's body had swollen due to infection. He brought back some suitable clothes and money to give his son.

On 21 June 2003, Raj Kumar's father met 28-year-old Luxman Aryal, who was arrested by a group of security forces at his house in Jitpur-fadhi Municipality, Kathmandu during April 2004 and released from the Jagadal Barracks on the day of the meeting. Luxman told him that his son is in the barracks.

An application on the case has been made to the National Human Rights Commission, but no further information has been forthcoming. Meanwhile, a habeas corpus petition filed in the Supreme Court on his behalf was quashed on 16 November 2004.

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VICTIM

**Maina Sunuwar**

ALLEGED PERPETRATORS

**Royal Nepalese Army troops**

PLACE

**Kharelthok-6, Kavrepalanchok**

DATE

**17 February 2004**

### **14. Maina Sunuwar: If the wife isn't available, take the daughter**

[Note: This case was also reported in an article entitled 'My daughter killed thrice?' in *Human Rights SOLIDARITY*, vol. 14, no. 6, November 2004]

On 17 February 2004 about 15 soldiers of the Royal Nepalese Army came to the house of Devi Sunuwar, an eyewitness to the gang-rape and killing of Reena Rasaili, and the killing of Subhadra Chaulagain in Pokahari Chauri, Kharelthok-6, Kavrepalanchok District, in February 2004 by security personnel. [See summaries of cases in appendix 1.] When they discovered that Devi had gone to her maternal home in Pokahari Chauri, they arrested her 15-year-old daughter Maina Sunuwar instead. Maina's father, Purna Bahadur Sunuwar, begged the men not to arrest his daughter, but they merely ordered him to bring his wife to the Lamidada Barracks if he wanted his daughter back.

Purna Bahadur immediately went to Pokahari Chauri to get his wife, and reported the incident to other relatives and also to the teachers of Bhagawati Higher Secondary School, where Maina was studying in ninth grade.

The next day, February 18, Purna Bahadur and Devi went to Lamidada Barracks together with the school principal, Tika Datta Pokharel, the Village Development Committee chairman, and about 25 other people from the same village. However, the officers there denied having Maina. Devi Sunuwar describes what happened next.

On February 19 I called the Dhulikhel Police Office but the person who received my call asked me to dial 100. When I did so, the man receiving my call asked me to hold on for a while and then after some time asked me whether I could come to Dhulikhel that day. As it was already 4pm, I replied I could not. He then asked me to come the next day and meet the inspector there.

On February 20 I went to the office of the Dhulikhel Deputy Superintendent of Police accompanied by representatives [of the Village Development Committee]. However, there also they denied the arrest and detention of my daughter. On the same day we went to Shanti Gate [location of an army barracks in Dhulikhel] and they also denied the arrest of my daughter. However when we asked the people near the camp, they said that two girls had been brought to the camp on the morning of February 17 in a vehicle driven by Captain Niranjan.

On February 25 I again went to Shanti Gate along with some VDC representatives to make enquiries about Maina's whereabouts, saying that villagers near the army barracks had seen my daughter in a vehicle driven by Captain Niranjan going into the barracks. The officer there denied it and said that they would enquire as to why the villagers said that they saw the girls in the vehicle driven by the captain.

Independent enquiries found that the second girl seen in the car was Bimala B K, from the same village. Bimala is now in prison, but in an interview there she recalled what happened on February 17.

I was asked [by the soldiers] to show Maina Sunuwar's house and I did it. Then they arrested both of us. After arresting us they tied our hands at the back and took us to the vehicle parked near Maina's house. Then we were driven to Shanti Gate Barracks in Dhulikhel and were blindfolded as we were brought inside. For some hours, they tied both of us to separate trees in the barracks and beat us. I could hear Maina crying and she heard me. After some hours I was taken to another place.

On April 21 a national weekly published the following letter:

Maina has been killed. She was arrested and brought to Panchkhal Training Centre. On the day of her arrest she was beaten up severely by Captain Niranjan Basnet and JAMDAR

[officer-in-charge] Sher Bahadur Khadka. She was given electric shocks on her breasts, which resulted in her death. After her death, the Inspector of Dhulikhel was called and her body was buried. Since her death, the security has been tightened in the barracks and we are asked to say we have not arrested her if anybody comes to make any enquiry about her. As we could not tolerate the cruelty of some army officers, which ruins the image of the army as a whole, we as Hindus felt it our duty to inform this to the public... [signed] some army men.

After embassies and international organisations based in Kathmandu were informed about the case and made their own enquiries, the Royal Nepalese Army is reported to have written replies stating that “Maina was killed while she tried to escape from their custody on the way to army barracks”. The reply also claimed that the police had conducted a post mortem and the body had been handed over to the family. Despite these claims, there has been no evidence of a post mortem being done, and nor has the family received the body or any information about Maina.

Meanwhile, Devi Sunuwar continues to face serious threats. She has received news that the security forces have been searching for her, and the family has had to leave their village out of fears for her safety. She has been appealing for protection for herself and her family, and to be told of what has happened to her daughter.

19

VICTIM  
**Surendra Rai**

ALLEGED PERPETRATORS  
**Security personnel from  
Rajdal Barracks**

PLACE  
**Nakkhu-13, Lalitpur**

DATE  
**27 February 2004**

## 15. Surendra Rai: Repeated arrests

At about 3pm on 27 February 2004, 4–5 security personnel from the Rajdal Barracks, Lagankhel, came to the rented room of 40-year-old Surendra Rai, an employee of the Sigatse Carpet Industry in Nakkhu-13, Lalitpur, which he shares with his wife and daughter. They acted like they knew him. They asked him to come and talk about some matter, and took him away saying that they had some work with him. When he didn't return, his wife Shrijana Rai filed a report with the National Human Rights Commission and also appealed to other human rights groups to help.

Surendra was released after 13 days on the condition that he would report daily to the Rajdal Barracks. According to his wife he was beaten for two days during detention. He had bruises on his back and both arms. Nonetheless, he followed the condition of release, and went to the barracks each day.

Around 8pm on March 15 some plain clothed security personnel again came and said that Surendra was needed for an enquiry. They took him away in a white taxi. They released him around 7pm the next day from the Mahabirgan Barracks.

Finally, on March 18 when he went to the barracks as usual he was arrested again. He is since believed to be kept in the

Mahabirgan Barracks. A habeas corpus writ filed on his behalf is pending with the Supreme Court.

## **16. Pralahad Waiba: Plucked out of the classroom (AHRC UA-128-2004, 30 September 2004)**

Around 11:30am on 1 March 2004 an armed contingent of some 50-60 Royal Nepalese Army soldiers arrived on the road leading up to the Shri Krishna Secondary School, under the command of the lieutenant in charge of the Farping Check Post. Four of them in civilian dress and carrying bags on their backs sneaked towards the school. One remained at the school gate while the rest, among them the lieutenant, walked into the school office, to the surprise of the headmaster, Jagadish Prasad Singh, and his staff. The lieutenant unfolded a piece of paper that was in his pocket and after scanning it asked the headmaster, "Do you know Pralahad Waiba?" The headmaster replied that Pralahad was his student, after which the lieutenant asked, "What sort of student is Pralahad? Do you have any information on him?" The perplexed headmaster responded that Pralahad was a good student, after which he was asked to call Pralahad to come into the room.

The headmaster then went to get 18-year-old Pralahad from class 9, and bring him to the office. The soldiers took Pralahad some 15 metres away from the room, saying that they needed to talk privately with the boy. Over a quarter of an hour passed, after which the soldiers returned Pralahad's books and class attendance register to the office before taking the boy away from the school in full view of all his teachers and friends. When the headmaster asked why they were taking his student, he was told to learn to keep records of his students and staff, saying that Pralahad had been involved in a February 13 ambush on troops at Chaimale-3, Ghorti Khola, which had killed one soldier and injured three. They told him that they would release Pralahad within 2-3 days, after interrogation.

Prahalad's father, Chandra Bahadur Waiba, who has been working at the same school as an attendant for the last six years was shocked that the soldiers could take his son out of the school premises and before the eyes of hundreds of people without any warrant. He had to be repeatedly calmed by the headmaster, who tried to reassure him that his son would be released after a few days. However, he could not be consoled and kept asking why his son was seized. According to Prahalad's friends, teachers and parents, Pralahad is a naive, introverted and honest boy. He speaks only after his name is called a few times. He always helps with household chores and never left his home before his arrest.

On April 28, Prahalad's anxious mother Maili Waiba went to the Farping Check Post to meet her son, as he had still not returned to home, and she wanted to give him some clothes. However,

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VICTIM  
**Pralahad Waiba**

ALLEGED PERPETRATORS  
**Royal Nepalese Army  
soldiers under lieutenant  
in charge of Farping Check  
Post**

PLACE  
**Shri Krishna Secondary  
School, Kathmandu**

DATE  
**1 March 2004**

she was told that neither could she visit her son nor give him the clothes. She hasn't gone back since.

After two months of absence, Prahalad's father filed applications on his whereabouts with the International Committee of the Red Cross (ICRC) and other human rights organisations. The application was registered with the ICRC at No. 200847. He also filed an application with the National Human Rights Commission. However, to date there has been no news on his whereabouts.

### **17. Upendra Timilsena, Jivan Shrestha: Supreme Court release orders ignored**

**(AHRC UA-95-2004, 28 July 2004 & AHRC UP-44-2004, 3 August 2004; AHRC UA-159-2004, 22 November 2004 & AHRC UP-84-2004, 24 December 2004)**

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VICTIM

**Upendra Timilsena**

ALLEGED PERPETRATORS

**Security Personnel  
connected to Mahabir Guan  
Himalaya Barracks**

PLACE

**Maharajgunj, Kathmandu**

DATE

**8 June 2004**

Upendra Timilsena, a 30-year-old resident of Maharajgunj, Kathmandu, was arrested at his house at around 9pm on 8 June 2004 by about six soldiers in civilian clothes bearing pistols. At that time, Upendra was eating his dinner. As he broke his leg on May 17 in an automobile accident, he was wearing a plaster cast. His parents pleaded with the soldiers not to take their son, but the soldiers said they would just enquire about something and bring him back soon.

However, Upendra disappeared. His parents went to the District Police Office, Hanumandhoka, and the Balaju and Chauni Barracks to find him, but in every place the personnel denied knowledge of his arrest. Finally, on June 28, a person released from Mahabir Guan Himalaya Barracks told Upendra's parents that he had shared a cell with their son for many days in the same barracks. Upon getting this news, they rushed to the barracks and asked the guards to be allowed to meet their son. The guards made some phone calls, then said that Upendra was not detained there. However, the parents insisted that their son was there and that they should meet him. The guards asked them who gave them this information, and they replied that they had got it from a person released from the army barracks. Also, the ID cards of the arresting soldiers were of the same barracks. After two hours of fruitless argument, they gave up and returned home.

On July 1, Mel Kumari Timilsena, Upendra's mother, filed a habeas corpus writ petition on behalf of her son in the Supreme Court. On July 2, the Supreme Court issued a show cause notice that the respondents should state whether the person was detained or not and what the reason was for his arrest. The respondents included the Chief District Officer, Kathmandu, Army Headquarters, and the Himalaya Barracks. The first two denied the arrest and detention but the barracks submitted that Upendra had been detained under the Terrorist and Disruptive Activities (Control and Punishment) Ordinance 2001 under the order of the Chief District Officer, Kathmandu.



On July 23, the Supreme Court issued a release order stating that Upendra should report to the court after his release. However, Upendra was not released. On July 26, Advocacy Forum informed the National Human Rights Commission about the case and together sent a team of lawyers to Mahabir Guan Himalaya Barracks. At last, only the victim's mother was permitted to meet her son for a short time. He was finally released on the afternoon of July 28.

In another case where an order of the Supreme Court was ignored by the security forces, Jivan Shrestha, a 38-year-old permanent resident of Wana-1, Sankhuwasavha District, was arrested at his Kathmandu shop on 15 September 2004 by Royal Nepalese Army personnel deployed from Singhanath Barracks, Suryabinayak, Bhaktapur. When Jivan asked why he was being arrested and where they were taking him, the soldiers told him to shut up and did not respond to his questions. However, the army may have gone to his shop on the basis of information provided by a Kuber Rai of Panchthar District, who together with Bhola Limbu and others was accused of collecting donations for the Maoists. Bhola was also arrested at the time, as he was staying with Jivan. After searching the premises, the soldiers also took Jivan's mobile phone and 8000 rupees.

After the arrest, both Jivan and Bhola were kept at Singhanath Barracks for six days. Jivan was then produced before the Chief District Officer, Bhaktapur on September 22, who ordered him detained under the Terrorist and Disruptive Activities (Punishment and Control) Act. He was subsequently sent to the Bhadra Bandi Griha of the Central Jail, Kathmandu.

In prison, Jivan told lawyers from Advocacy Forum that he had been tortured while in the army barracks and forced to confess to being a Maoist and being involved in extortion. A habeas corpus writ was filed on his behalf on October 7. On November 16, the Supreme Court ordered that he be released. The same afternoon the jail authorities freed him in accordance with the order, but only after his wife had signed a document that his lawyer was not permitted to see. Immediately after his release at 4:45pm, Jivan was rearrested outside the prison compound by police from Bhaktapur. He was not given an opportunity to talk with his wife or lawyer, who were both present at the time, and was put straight into a police van (registration no. Ba-A. Jha-1656). Jivan was found the following day at the District Police Office in Bhaktapur. Police inspectors at the office said that he was arrested by order of the Royal Nepalese Army, and that they did not know what the army wanted to do with him next. He was subsequently transferred back to the Singhanath Barracks.

Another writ of habeas corpus was filed in the Supreme Court on November 18, and Jivan was at last released on November 24, but only on condition that he report back to the barracks on December 15. He dutifully went with his wife and another relative on the appointed date, and was taken inside while the others

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VICTIM  
**Jivan Shrestha**

ALLEGED PERPETRATORS  
**Royal Nepalese Army  
troops from Singhanath  
Barracks**

PLACE  
**Kathmandu**

DATE  
**15 September 2004**

## VICTIM

**Navaraj Bhardari**

## ALLEGED PERPETRATORS

**Security personnel from valley command**

## PLACE

**Mahabauddha, Kathmandu**

## DATE

**21 July 2004****18. Navaraj Bhandari: Two telephones can cost a life**

On 21 July 2004 soldiers from the valley command started coming to the offices of the Jugal Business Group in Mahabauddha, Kathmandu, and taking away staff for enquiries. They came first in the morning, and took five people, who were released at 1pm. Then, at 3:30pm a group of 6-7 soldiers came again and took away Navaraj Bhardari, 38, and his friend Shri Krishna Adhikary in a dark green Tata pick-up numbered 1428.

At the time of his arrest, Navaraj Bhandari had been working in the office for about one year, where he was also a shareholder. He had previously been the manager of the Tupche Cooperative, residing in Agutar, Bidur-9, Nuwakot District; however, he had left his native district along with his wife, son and three daughters because of insurgency.

Shri Krishna Adhikary was released at 6pm the same day, and was told that his friend would also be released after some time. He recalls that they were blindfolded before arriving at the place where they were interrogated. However, it took about 10-15 minutes to reach the place from their office and he guesses that the place was somewhere near Bhadra Kali temple, as they could hear the sound of bells coming from a temple. They had to climb a wooden staircase after they walked 21 steps, he remembers. The floor in the interrogation room was also made of wood. During the interrogation, they were together asked about two mobile phones that Navaraj had issued in his name but had given to two other persons, and about a donation given to the Maoists. Later, Shri Krishna Adhikary was dropped off in front of the Dashrath Stadium.

At 6:30pm the same day 7-8 partly-uniformed army personnel came to Navaraj's residence at Bagdol, Lalitpur-4, one of them wearing a mask. One asked about Navaraj's room, and they told his wife that they wanted the mobile phone from under the bed. They entered the room and found a mobile phone and phone diary. They also asked about their photo album, but his wife denied having one in the room. Then they went away with the phone and book, and said that Navaraj would return after some time. However, he never did.

**19. Naniram Kafle: ‘He’ll be back after five days’  
(AHRC UA-174-2004, 15 December 2004)**

Naniram Kafle, a 23-year-old farmer residing in Nauvise-1, Thakre, Dhading District, was arrested at his house by about 50 personnel of the Joint Security Force at around 10:30am on 21 September 2004. When they arrived at the house, the troops kicked the door and shouted to open it. Some of them were in uniform while others were in plain clothes. When the scared family opened the door, they came into the house and arrested Naniram. When his family asked why he was arrested, they replied that they wanted to enquire about something from him and would release him after 4–5 days. Despite repeated queries of the family, they did not say where Naniram would be taken.

Naniram’s family waited for five days but he did not return home. They then went to various police stations and army barracks, where the officers completely denied his arrest. His father, Narayan Prasad Kafle, filed a complaint about his son’s disappearance at the National Human Rights Commission on October 4 (registration no. 1270). However, no serious action has been taken to investigate this matter. Naniram has not been seen since.

**20. Jhurri Teli, Chail Bihari Loniya: ‘Due process is too long so we don’t follow it’  
(AHRC UA-167-2004, 1 December 2004)**

Jhurri Teli, a 16-year-old resident of Belhiya-7, Banke District, was arrested by plain clothes security forces from Nepalgunj-16 at about 7am on 9 September 2004 while on his way to get a medical check-up and buy some medicine for a headache. One person approached Jhurri and asked his name, while another approached and tied both his hands behind his back and blindfolded him. They then interrogated him for half an hour about his involvement in Maoist activities. During the interrogation, Jhurri was severely beaten. After that, they put him into an army vehicle and took him to the Western Pritana Headquarters, Imamnagar, Ranjha, Banke District, where he was illegally detained for seven days. Jhurri said that he was blindfolded and his hands were tied back most of time that he was detained in the barracks, and nobody was allowed to visit him.

After one week, on September 15 the security forces brought Jhurri to the District Police Office, Banke where he was kept for a further night. There, the police officers forced him to sign a statement that he was not allowed to read. At 10am on September 16, Jhurri was taken to the Banke Prison and on the same day received a preventive detention order signed by the Deputy of the District Administration Office on behalf of the Chief District Officer, Banke, under the Public Security Act.

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VICTIM  
**Naniram Kafle**

ALLEGED PERPETRATORS  
**Joint Security Force  
personnel**

PLACE  
**Nauvise-1, Dhading**

DATE  
**21 September 2004**

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VICTIM  
**Jhurri Teli**

ALLEGED PERPETRATORS  
**Security personnel  
connected to Western  
Pritana HQ**

PLACE  
**Belhiya-7, Banke**

DATE  
**9 September 2004**

Jhurri's family filed a writ of habeas corpus at the Appeals Court, Nepalgunj on September 23. On November 28, the Appeals Court found that Jhurri's detention was illegal and issued a release order. The boy's family went to the Prison along with lawyers and human rights defenders on November 29, but a team of policemen led by police inspector Rajendra Prasad Bhatta from the District Police Office, Banke came in a van (no. Ma-1 Cha-116) and took Jhurri away again when he was released at 2pm. His whereabouts since are unknown.

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VICTIM

**Chail Bihari Loniya**

ALLEGED PERPETRATORS

**Policemen of District  
Police Office, Banke**

PLACE

**Hirminiya-1, Banke**

DATE

**1 August 2004**

In a similar case, Chail Bihari Loniya, a 40 year-old farmer residing in Hirminiya-1, Banke District, was arrested at his house by personnel from Banke District Police Office at around 6am on 1 August 2004, on charges of causing a public offence. On August 27, the District Administrative Office set bail for his release and he deposited the bail amount and was released accordingly. However, as soon as he stepped out from the office where he had paid his bail amount, he was rearrested by officers from the same District Police Office and taken away. On September 1, the Chief District Officer who had released him on bail issued a three-month preventive detention order under the Public Security Act. He was then sent to Banke Prison

Chail Bihari's family filed a writ of habeas corpus on October 5 before the Appeals Court in Nepalgunj, challenging his rearrest. On November 23, the court issued a release order. Nirmala Loniya, his wife, rushed to Banke Prison and waited for her husband outside the prison yard. However, he did not emerge. The next day, November 24, his wife went to the prison and waited outside again for the whole day. Around 3:30pm, about 10 police personnel in a van (no. Ba-1 Jha-5152) came to the prison. Some of the officers were in uniform, while others were in plain clothes. They then took Chail Bihari out of the prison and took him away, in full view of his wife. His whereabouts since remain unknown.

When a team of consultants working on an access to justice project for the United Nations Development Programme in Kathmandu—including Anjana Shakya, Govinda Bandi and Sushma Joshi—went to the Banke District Police Office to enquire about the case, Superintendent of Police Gyanodraj Baidya admitted rearresting the victim. However, he became angry and reportedly said, "This man is a bloody criminal... I will not let him out even if the court orders it." He accused human rights activists of always defending criminals. A member of the team pointed out that the police must have respect for the due process of law, even if the victim has committed a crime, however the senior officer replied that "the process is too long so we don't follow it".

## **B. MAIMED: TORTURE IN CUSTODY**

### **1. Deepal Thapa: Fight over a taxi fare leads to far worse (AHRC FA-37-2003, 2 October 2003)**

Deepal Thapa, a 20-year-old resident of Kathmandu, was arrested at around 9pm on 20 September 2003 while going by taxi to Koteswor, Kathmandu, to meet a relative. He and the taxi driver quarrelled about the payment and got into a fight. He ran away when a group gathered around them, and the police pursued and caught him. Two police officers in uniform proceeded to beat him on the back with the butts of their guns during the arrest. They also kicked him, forcing him to the ground. He was transported in a police van to the Wada Police Office in Koteswor. He was then taken to Hanumandhoka and to Kerkar for interrogation. There, he was beaten for 2–3 hours continuously. Two police officers beat him on his back, arms and thighs with a wooden stick and a plastic pipe. They rolled a heavy wooden pole up and down his legs and beat him with a plastic pipe on the soles of his feet. They questioned him about the theft of a watch and 700 rupees, following a claim made by the taxi driver.

Deepal was brought before a judge on 24 September 2003, but the judge did not ask him about his injuries. He did not receive any medical treatment.

### **2. Janaki & Chinki Chaudhary: Child rape victims (AHRC UA-66-2003, 27 October 2003)**

Janaki and Chinki Chaudhary, two 16 and 14-year-old girls of Mahadev village, Belawa-5, Bardiya District, were working as day labourers in the building construction site of the Armed Police Force in Rajhena, Banke District. On the night of 27 September 2003, both of the victims and one male worker named Sarju were sleeping in a dormitory room at the construction site when seven Armed Policemen came to their place and asked how many were in the room. The police were: Sub Inspector Judda Bahadur Shahi, Constable Upendra Khadka, Bhim Bahadur Chand, Ram Bahadur Sunar, Bhakta Bahadur Nepali, Mangit Oli and Hariji, all attached to the District Police Precinct Banke. After they found out there were two girls and one boy, the policemen entered the room, switched off the light, and threatened the male worker. Then they forced the girls to go outside with them.

The policemen took the girls to a nearby garden and gang-raped them. Three different policemen raped each of the two girls and one policeman raped both of them. All seven policemen were involved in the rape. While they were raping the girls, the policemen threatened them that they would kill both of them if they shouted or made any noise. After the rape, the policemen told the victims to go back to the dormitory and remain quiet and work as normal.

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VICTIM  
**Deepal Thapa**

ALLEGED PERPETRATORS  
**Policemen of District  
Police Office,  
Hanumandhoka**

PLACE  
**Koteswor, Kathmandu**

DATE  
**20 September 2003**

2-3

VICTIMS  
**1. Janaki Chaudhary  
2. Chinki Chaudhary**

ALLEGED PERPETRATORS  
**Seven Armed Police  
connected to District  
Police Precinct, Banke:**  
**1. Sub Inspector Judda  
Bahadur Shahi  
2. Constable Upendra  
Khadka  
3. Bhim Bahadur Chand  
4. Ram Bahadur Sunar  
5. Bhakta Bahadur Nepali  
6. Mangit Oli  
7. Hariji**

PLACE  
**Rajhena, Banke**

DATE  
**27 September 2003**

After they went back to the room, the girls explained to the male worker what had happened to them. The next morning, September 28, when the contractor came to the construction site, they explained the incident to him also. With his assistance, they reported the rape to the police station. The policemen interrogated them and recommended that they go to the District Police Precinct in Banke. On September 30, both victims went with Chinki's father, Miju Chaudhari, to the District Police Precinct, Banke, and made a complaint against the perpetrators. During their visit to Banke, the police paid for their stay in the hotel for one night and took the victims to the Kohalpur Medical College for examinations. After the complaint was made, the seven perpetrators were kept in police custody for investigation at the District Police Precinct, Banke.

On 25 October 2003, the accused men were remanded in custody. However, some police officers of the District Police Precinct suggested to the victims that they negotiate to settle the case. The perpetrators offered 5000 rupees to each girl to withdraw the complaint, and threatened that they would have some difficulties if they challenged the police. In addition, plain clothed police followed the lawyers who helped the victims to have medical examinations, and the whereabouts of the male worker who was in the dormitory with the two girls became unknown.

More seriously, the Superintendent of Police, Shri Bahadur Ghale, said that he thought the policemen had consensual sex with the girls, even though the perpetrators had at first admitted to the crime. They only denied it later, insisting that the contractor was using the two girls to make false accusations against them because of previous bad relations. However, they admitted that they visited the construction site on that day during their patrolling. Nonetheless, in a press release issued on 25 October 2003, the Armed Police Force denied that the police gang-raped the two girls. "No staff from the APF were involved in the reported rape case in Nepalgunj nor anyone of the force has been arrested on rape charges," it said.

Gang-rape by the security forces has also been increasingly reported during 2004. In another case from November in which the teenage victim cannot be identified for security reasons, five personnel out of a larger patrolling Joint Security Force unit raped a young girl as she went for a bath. After the incident they sent her back home and gave her a small amount of money and some instant noodles, telling her to not report what they did to anyone. However, when she arrived back at her house her younger brother saw blood all over her body, and informed the family. He recalls that after he heard his sister had been taken to the jungle he went to look, but when he went there the soldiers threatened him. Then

I came back out of fear, kept quiet for sometime and kept on watching the soldiers cooking food. When I came back home, after a while I saw my sister coming towards the house from the

jungle with her entire body spattered with blood. I realised that the soldiers did it to my sister. When I saw her condition, I was so angry and at the same time felt ashamed and afraid. Then she went inside and slept in a room. After sometime many people gathered at home and then I went to call my parents. The soldiers had gone out of the village by then.

Her father recalls what he saw when he and his wife came to the house.

All her clothes and body had been spattered with blood. I asked what had happened and who did it. She told me that a group of five soldiers took her to the jungle, gang-raped her and then sent her back home with threats that she would not reveal the incident to anyone. Her condition was so serious and we were so anxious. We then gave her some medicines that slowed down her bleeding... Many people came to my house and the crowd remained for the entire day. I wish no one had to go through this torment.

A human rights group has since given the victim protection. She is undergoing medical treatment, and has been referred for psychological counselling also. However, attempts to get the police onto the case have been futile.

### **3. Tej Narayan Sapkota: Five-month ordeal ends with murder charge**

Tej Narayan Sapkota, a 41-year-old reporter from Baglung-4, Baglung District, residing at Tinthana-6, Kathmandu for last 15 years was arrested at the Sarbottam Offset Printing Press at Bagbazar, Kathmandu around 12:30pm on 24 November 2003 by around eight plain clothes security personnel. The men blindfolded him and drove him around for about three hours before taking him to a room. He was forced to lie prone while still blindfolded and was continuously beaten with a bamboo stick on both soles of his feet for about five hours, during which time he fell unconscious three times. He was hung upside down by his feet and threatened with death, "like Krishna Sen", who died in custody. Finally he lost consciousness completely. When he came to he found himself in a gloomy room with his hands cuffed behind his back. His entire body felt numb from the torture.

After being confined to the room for three days, he was again tortured by being kicked with boots on his chest, legs and back. He was also starved for 13 days. He was then kept for five months. Nearing the end of this time, he was kept blindfolded for a further 22 days and tortured at an unknown place, which he guesses was Bhairav Nath Gun, near the Teaching Hospital. At the end of this ordeal he was taken to the District Police Office, Hanumandhoka, on 15 April 2004 and produced to the Appeal Court of Lalitpur on the same day and charged with murder under the Terrorist and Disruptive Activities (Punishment and Control) Act. His trial began on May 21 and he has since been kept in custody at the Nakkhu Prison.

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VICTIM  
**Tej Narayan Sapkota**

ALLEGED PERPETRATORS  
**Security personnel  
connected to District  
Police Office,  
Hanumandhoka**

PLACE  
**Bagbazar, Kathmandu**

DATE  
**24 November 2003**

## VICTIM

1. **Kumar Lama**
2. **Som Lama**

## ALLEGED PERPETRATORS

**Policemen of District  
Police Office,  
Hanumandhoka**

## PLACE

**Taku, Kathmandu**

## DATE

**29 December 2003**

Tej was also arrested earlier during the state of emergency on allegations of Maoist links. He was released after six months when the government and Maoists started negotiations.

#### 4. **Kumar Lama & Som Lama: 'Name your friends'**

Kumar Lama, a 15-year-old seller from Tistungpalung-4, Makwanpur District, residing at Lazimpath, Kathmandu, for over eight years, was arrested in Taku at 11am on 29 December 2003 and taken to the District Police Office of Hanumandhoka. According to Kumar, he was sitting in the shop where he works when two plain clothed policemen came and arrested him. He was brought to Hanumandhoka in a police van, and taken to the interrogation section, where he was beaten for half an hour. The police beat him with a wooden stick on his back, soles and chest. At 10pm that night he was taken to the interrogation section again and beaten for about two hours. Similar beatings continued over about four days, for half an hour each day. While beating him they told him to admit to committing theft, and to name his friends.

Som Lama, a 25-year-old driver and brother of Kumar, also residing at Lazimpath with his family for the last couple of years, was arrested at his house around midnight on 1 January 2004 by six plain clothed police who took him to the District Police Office, Hanumandhoka. At the interrogation section there he was tortured for about one-and-a-half hours. The police slapped him on his cheeks and beat him on his palms, soles and back with plastic pipes. He was made to squat and had both arms tied in front of his knees and his legs tied together with a pole inserted between the thigh and calves. After that, his body was turned so that he was feet-upwards, and his soles were severely beaten. He was asked to give the names of his brother's friends. The police stopped beating him when he told them that he had been undergoing Paralysis Treatment in the Teaching Hospital.

Both brothers were presented in court on 14 January 2004 on charges of robbery. The judge did not ask them about torture and nor were they provided any kind of medical treatment.

## VICTIM

**Bharat Lama**

## ALLEGED PERPETRATORS

**Policemen of Ward Police  
Office, Boudha**

## PLACE

**Boudha, Kathmandu**

## DATE

**3 January 2004**

#### 5. **Bharat Lama: Beaten all over**

Bharat Lama, a 36-year-old labourer from Boudha, Kathmandu was arrested by plain clothes police of the Ward Police Office, Boudha on 3 January 2004. According to Bharat,

On the day of my arrest I was working in the workshop situated in front of the Ward Police Office. A plain clothed police officer came and took me to the police office. There I was beaten for about 10-15 minutes. They beat and kicked me on my neck, thighs, soles and hands with a wooden stick and boots. They asked me the reason why I beat my wife. I still feel pain on my neck and have a fever.



Bharat was kept in the Ward Police Office for a day and then transferred to the District Police Office, Hanumandhoka. He was produced at the District Administrative Office, Kathmandu on 6 January 2004 on the charge of committing a public offence. He was not asked about torture when produced at the administration office, and did not receive medical treatment.

Another person detained at the District Police Office of Hanumandhoka in January who cannot be identified for security reasons described to a visiting lawyer how he was also beaten first at his residence and then at the office, by three plain clothed officers accusing him of petty crime. Like Bharat, he was beaten with a wooden stick on his back, arms, thighs and calves, in his case over a number of days, in order to have him implicate his friends. Like Bharat, there was no interest shown in his condition by other authorities, including the courts, nor was any medical attention given, despite provisions under the Torture Compensation Act that allow for it.

## **6. Prem Bahadur Tamang & two friends: Uninvited lunch guests**

Prem Bahadur Tamang is a 28-year-old businessman from Nagdaha-3 in Ramechhap District residing at Chabahil for over four years until he was arrested at around 4pm on 10 January 2004 while having lunch with his friends Krishna Khadka and Mahendra Thapa. According to Prem Bahadur, around eight plain clothes security personnel came and called them over, after which they were immediately pushed into a van and blindfolded. Around 45 minutes later they were thrown into a room and were beaten there for 2-3 hours, with hands tied behind their backs. They were beaten on their backs, thighs and soles with sticks. They were told to confess to involvement with the Maoists, but after they denied involvement continuously, the beatings stopped.

After 13 days, some representatives of the International Committee of the Red Cross came and their blindfolds were removed until the group left. Then they discovered that they were being detained at the Maharajgunj Barracks, Bhairab Nath Gan.

After 26 days, Prem Bahadur was taken to the District Police Office of Hanumandhoka, and produced before the Chief District Officer's office, Kathmandu on February 6.

## **7. Tikaram Khanal, Santosh Thapa, Umesh Ghimire: Assume the position**

Tikaram Khanal, a 32-year-old farmer from Dalanchaur-2, Gulmi District, who has been living at Gaushala, Kathmandu for over four years was arrested at around 3am on 14 February 2004 in Kusunti, Lalitpur District and taken to the Ward Police Office of Gaushala. According to Tikaram, an inspector there

**8-10**

VICTIM

**Prem Bahadur Tamang & two friends**

ALLEGED PERPETRATORS

**Security personnel connected to Maharajgunj Barracks**

PLACE

**Chabahil, Kathmandu**

DATE

**10 January 2004**

**11**

VICTIM

**Tikaram Khanal**

ALLEGED PERPETRATORS

**Policemen of Ward Police Office, Gaushala**

PLACE

**Kusunti, Lalitpur**

DATE

**14 February 2004**

slapped him when he denied that he had stolen money, causing him to fall down. Once on the ground, the inspector began kicking him repeatedly on his back with his boots. After that, he called three other policemen, who tied his hands and legs together on a pole, beat him with plastic pipes, and forced him to jump up and down while tied in the squatting position.

Tikaram was kept at the office for two days before being taken to the District Police Office, Hanumandhoka and being produced in the District Court of Kathmandu on February 16, charged with theft. When he was produced before the court he had serious physical injuries, and he was asked about the torture, but was not given any medical treatment until after February 27, due to legal intervention on his behalf.

12

VICTIM

**Santosh Thapa**

ALLEGED PERPETRATORS

**Policemen of Ward Police Office, Gaushala**

PLACE

**Koteswor, Kathmandu**

DATE

**9 March 2004**

The method of tying a person into a squatting position with a pole between the legs supported by the wrists is popular among police torturers in Nepal. Another person tortured similarly at the Gaushala Ward Police Office was Santosh Thapa, an 18-year-old welder from Hatbazar-8 of Butwal District residing in Koteswor, Kathmandu for over six years, who was arrested at his house by 10-15 ununiformed police at around 7am on 9 March 2004. While in police custody, his hands and legs were similarly tied together; he was beaten on his back, legs and soles for half an hour and he was also forced to jump repeatedly. He was taken to Hanumandhoka District Police Office on the same day and produced before the District Court of Kathmandu on March 10 on the charge of robbery. He was not asked anything about his torture by the judge, and received no medical treatment.

13

VICTIM

**Umesh Ghimire**

ALLEGED PERPETRATORS

**Policemen of Ward Police Office, Jan Sewa**

PLACE

**Tahachal, Kathmandu**

DATE

**6 June 2004**

At the Jan Sewa police station, Umesh Ghimire, a 21-year-old CD shop owner from Chandra Nighahapur, Rautahat District residing in Tinkune, Kathmandu also received the same kind of treatment. After being arrested by police officers in Tahachal on 6 June 2004 as he was returning home from a friend's house, four plain clothes officers took him to the Jan Sewa Ward Police Office. He was kept there for two days and beaten three times. Each time before they began the police bound his hands to his knees and inserted a bamboo rod under his knees, after which they beat him with bamboo on his feet, thighs, back and other body parts. During the torture they asked him if he was the one possessing a rifle. After two days he was sent to the District Police Office, Hanumandhoka and produced to the Chief District Officer on June 8 on charges illegal arms and ammunition possession. Other testimonies speak to the same practice.

14

VICTIM

**Gobinda Rawat**

ALLEGED PERPETRATORS

**Royal Nepalese Army troops from Narayanstan Barracks**

PLACE

**Bhaktapur**

DATE

**20 February 2004**

### **8. Gobinda Rawat, Dinesh Pandit: Waylaid at the bus stop**

Gobinda Rawat, a 20-year-old carpenter from Barabishe-6, Sindupalchok District, residing at Gattaghar, Bhaktapur for over three years, was arrested at 1pm on 20 February 2004 at a bus stop, where he was waiting to catch a bus to Gokad to meet his

friend. However, he did not know that the Royal Nepalese Army had already detained his friend and was searching for him and two others. He was captured and taken in handcuffs to the Narayanstan Barracks, where he was kept blindfolded and handcuffed for three days.

During that time, beginning from mid-day on February 21, he was beaten with a stick on his back, thighs and stomach for about half an hour continuously, while restrained and blindfolded. He was accused of being a Maoist and asked about the places from where he stole money. Finally, he was taken to the District Police Office of Hanumandhoka, Kathmandu in the evening of February 23, and produced in the District Court the next day. He was treated for injuries caused by the torture in Bir Hospital.

Dinesh Pandit, a 21-year-old student from Gongabu, Kathmandu was also arrested at a bus stop, at around 4pm on 3 August 2004, at the New Bus Park, by a group of plain clothed police. At the time he was taking a friend's broken motorbike for repairs. After his arrest he was taken to the Ward Police Office, Maharajgunj where about five policemen tortured him for half an hour. He was particularly beaten on his soles, back and hands with sticks and plastic pipes, and was not provided any food that day. After being illegally detained in the Ward Police Office for four days he was sent to the investigation section at Hanumandhoka on August 8, where again he was beaten on his soles, back, chest, stomach and head with sticks for about 15–20 minutes. While he was being beaten he was asked about a theft. He was produced to the District Court of Kathmandu on 9 August 2004 on the charge of the same.

## **9. Sabita Lama & other cases: Extraordinarily brutal torture of women**

Sabita Lama, an 18-year-old hostel warden is a permanent resident of Sunardavi-1, Nuwakot District, residing at Mahankal, Kathmandu for the last two years who was arrested at her house around 7pm on 14 March 2004 by five uniformed officers of the Ward Police Office, Boudha. There, she was beaten for two days with sticks on her soles, back, legs and thighs. She was beaten continuously each time over about four hours with 10–15 minute breaks every half an hour. During the beatings her hands were kept tied behind her back.

On March 26, Sabita was brought to the District Police Office, Hanumandhoka and produced before the District Court the following day to be remanded in custody on human trafficking charges. She was asked about torture when produced before the court, and the judge ordered medical treatment. Although the police took her to hospital, she was taken back without a proper medical examination. A lawyer visiting her in custody noted physical injuries on her body, and that she was weak and in poor health, suffering from dizziness, having difficulty walking, and fearful when faced by police. After further intervention, she

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VICTIM  
**Dinesh Pandit**

ALLEGED PERPETRATORS  
**Policemen of Ward Police Office, Maharajgunj**

PLACE  
**New Bus Park, Kathmandu**

DATE  
**3 August 2004**

**16**

VICTIM  
**Sabita Lama**

ALLEGED PERPETRATORS  
**Policemen of Ward Police Office, Boudha**

PLACE  
**Mahankal, Kathmandu**

DATE  
**14 March 2004**

was given medical treatment. However, after her first court hearing on April 21 she was ordered back into custody, and sent to the Sadarkhor Prison, Dillibazaar.

Extraordinary torture of women by the security forces in Nepal also appears commonplace. Advocacy Forum has details of numerous cases in which the victims cannot be identified for security reasons. In one such case from around February, the 20-year-old victim was taken to a barracks after being accused of being a Maoist, which she denied. The officer in charge of her interrogation then ordered his men to assault her, saying that, "She will not speak without a beating." After this, she had her head dunked into water, and had water poured on her head while being beaten on her back for about half an hour. When she did not speak, they began assaulting her with a plastic pipe. The torture continued twice per day over six days, once in the morning and once in the evening. On the third day, she recalls,

As I still did not speak, one soldier slit my knees and feet with a sharp blade and sprinkled salt and chilli powder on those lacerations on orders of the major. I wailed in pain but they turned their ears deaf. As I used to scream during the torture, they always fed me some sort of drug before beating me...

Starting on the fifth day, two soldiers took turns to rape me, which continued for 10-15 days. Before raping me, they would force me to take medicine. They tore all my clothes and used to play with my private parts often, while my eyes were blindfolded... They would plunge onto me and rape me in the night on my tired and tortured body.

After she was then used to secure the arrest of another girl, they were both brought back and beaten again, in separate rooms. Finally, she was handed over to the police, and then sent to prison.

In a similar case from around the same time, the victim was accused of being a Maoist with the security forces saying things like, "Tell us the places that you have bombed." She was ordered to stay in a room for three hours, after which she recalls that

They joined wires in my both ears and gave an electric shock every 10 minutes. I cut my tongue and lips due to the shock and I almost lost consciousness after 2-3 shocks. Then they again beat me for about an hour till 4-5 sticks went to pieces. I was then taken to another room where there were three girls at the side. We were not allowed to speak and they did not give me any food for that whole day.

After two days they repeated the torture.

I fell on the floor due to their kicks. As they thought I had died, one of them ordered, "Dump this dead body," and I was taken back to the room where I was sleeping. They periodically entered

my room to assess my state and assumed that I had died; however, when later they found me alive, they did not do anything.

After a few more days, she was driven to a relative's house and told not to disclose anything about what had happened to her.

### **10. Ruk Prasad Bhurtal: Glued to the floor due to nosebleed**

Ruk Prasad Bhurtal, a 40-year-old civil servant and permanent resident of Pargatinagar-6, Laxmipur, Nowalparasi District, residing in Ravibhawan, Kathmandu was arrested by ununiformed Royal Nepalese Army personnel at around 5pm on 16 March 2004, as he was walking back to his house. Ruk says he was coming along Soltimode Road from Kalimati, after buying some vegetables, when around eight soldiers in plain clothes forced him into a taxi. In the car, a soldier gripped him by the neck and forced his head between his knees. He was taken to a barracks, where he was blindfolded and led into a room where around four army personnel beat him with a plastic pipe and wooden stick, and kicked him with their boots on his legs, back and thighs regularly for about half an hour.

On March 21 they repeated the torture, when at around 7pm about six soldiers came into the room and surrounded him. They kicked him in turns for a period of one hour and the blows he received on the back of his head caused his nose to bleed. They also hit his back and stamped heavily on his thighs while he lay prone. He fell unconscious and woke the next day to find that the blood pouring from his nose had caused his face to stick to the carpet. A soldier came in and brutally tore his face from the coarse material. A barracks doctor came later that day to treat him.

Ruk was brought to the Hanumandhoka District Police Office in Kathmandu at around 9pm on April 15 and produced before the Appeals Court of Lalitpur the next day, charged with murder under the Terrorist and Disruptive Activities (Punishment and Control) Act. He was remanded in Nakkhu Prison after the hearing on his case on May 21.

The torture left scars all over Ruk's body, particularly his legs. The constant beatings to his head also means that he is having trouble remembering everything that happened to him in detention, and even thinking at all.

### **11. Ghana Shyam K C: Call for help leads to more trouble**

Ghana Shyam K C, a 26-year-old from Jyamire-6, Sindhupalchok who had been residing in Chabahil, Kathmandu for over two years, was an employee of the World Women's International Network Organization located at Sanepa, Lalitpur District. At around 8:30pm on 27 March 2004 he was unexpectedly assaulted

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VICTIM

**Ruk Prasad Bhurtal**

ALLEGED PERPETRATORS

**Royal Nepalese Army personnel**

PLACE

**Ravibhawan, Kathmandu**

DATE

**16 March 2004**

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VICTIM

**Ghana Shyam K C**

ALLEGED PERPETRATORS

**Area Police Office, Banepa**

PLACE

**Banepa**

DATE

**27 March 2004**

by about 15 unidentified persons while having his meal at a friend's house in Banepa. They beat him all over his body and accused him of cooperating with his boss in being corrupt while recruiting staff for the office. He was cut under his right eye and had a severe injury to his nose. He was bleeding all over. After beating him, the assailants took his official documents, bracelet, mobile phone and wallet. As it was dark, Ghana could not recognize them. However, after he managed to call the Area Police Office, Banepa to report the incident the police who arrived ten minutes later to his utter surprise took him into custody; he has concluded that the assailants were probably also police.

Ghana was kept at the Area Police Office for two days. There, he repeatedly requested medical treatment but was denied it. Then he was sent to the District Police Office, Hanumandhoka, on March 30, charged with fraud. He was remanded on 2 April 2004. During the hearing the judge asked whether or not the police had tortured him and he said yes. The judge immediately ordered the police to take him for medical treatment. On April 18, he was taken to hospital and given some general treatment. The doctor said that his nasal septum has been severely damaged and the surgery cost would come to at least 50,000 rupees. Meanwhile, he has continued to suffer respiratory problems and other physical pains while in custody.

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VICTIM

**Narayan Nepali**

ALLEGED PERPETRATORS

**Royal Nepalese Army  
personnel from Jagadal  
Barracks**

PLACE

**Challing-6, Bhaktapur**

DATE

**31 March 2004**

## **12. Narayan Nepali, Mandhwoj Jimba: Electrocuted in army barracks**

Narayan Nepali, a 24-year-old driver and permanent resident of Challing-6, Bhaktapur District, was arrested along with a friend by soldiers of the Royal Nepalese Army from Jagadal Barracks, Chauni at around 3am on 31 March 2004 while he was sleeping in a guesthouse in Thamel, Kathmandu. He was taken to the Jagadal Barracks, but his friend was taken elsewhere.

On the day following his arrest he was brought to a dark room where soldiers blindfolded him and tortured him with electric shocks on his forehead for half an hour. He cried from pain but the torture did not subside. Instead, about six soldiers handcuffed his hands behind his back and beat him with plastic pipes over his entire body, and especially on his back, for another half an hour, until he fell into unconsciousness. He was then taken to the army hospital and given four injections. After four days, two soldiers arrived in the evening and again beat his entire body with a plastic pipe and a bamboo stick for about half an hour.

He was taken to the District Police Office in Kathmandu at around 3pm on April 23, and produced to the District Court of Kathmandu on April 26 on drug charges. When produced before the court he was asked about torture, and the judge ordered that he be provided with medical treatment. The police took him to the hospital; however, he did not get proper care. Intervention by a lawyer resulted in getting him further medical assistance.

Another person electrocuted at the Jagadal Barracks was Mandhwoj Jimba, a 26-year-old company staff person from Kalpabriksha-6, Sindhuli District residing in Balaju for over two years who was arrested at around 7:30pm on 5 June 2004 at his rented room in Balaju by about six ununiformed soldiers from the Jagadal Barracks. According to Mandhwoj, he was brought blindfolded to the barracks and kept that way for the roughly 35 days he was illegally detained there. On the very first day, he was beaten on his thighs, back, calves and soles of his feet with batons and boots for about two hours. This was followed with a few rounds of electric shocks. The beatings continued routinely for the time he was in the barracks, and he was not fed until the third day. During the beatings he was asked about his involvement in robberies at Chhetrapati and other places. When he denied the charges, he was beaten again. Finally Mandhwoj was transferred to the District Police Office of Hanumandhoka on 9 July 2004 and subsequently produced to the Kathmandu District Court on a charge of robbery. Six other persons were charged over the same case.

VICTIM  
**Mandhwoj Jimba**

ALLEGED PERPETRATORS  
**Royal Nepalese Army  
personnel from Jagadal  
Barracks**

PLACE  
**Balaju, Kathmandu**

DATE  
**5 June 2004**

The use, or threat to use, electric torture is not confined to the Royal Nepalese Army personnel. A person detained at the Hanumandhoka District Police Office in May 2004, who for security reasons cannot be identified, alleges that while being beaten with plastic pipes he was threatened that if he did not confess he would be electrocuted until he became handicapped as a result. Others whose stories also cannot be told publicly have attested to the routine use of electric shocks interchanged with beatings over many days leading to intense physical and psychological damage.

### **13. Hyango Lama: Hung upside down and whipped**

Hyango Lama, the 50-year-old owner of the World Peace Hotel in Thamel, Kathmandu was arrested at his hotel by at least 70 soldiers of the Royal Nepalese Army from the Jagadal Barracks of Chauni, Kathmandu on the charge of drug trafficking at the start of April 2004. He recalls that

On the day of my arrest I was sitting in my restaurant along with my family members and guests when 70–80 armed soldiers in uniform arrived at my hotel around 10pm and started searching all the rooms. They eventually discovered 35kgs of hashish accumulated by Ashok Gurung, a regular customer of mine who had been staying at my hotel as a guest. After the drugs were seized, two soldiers came to my room and interrogated me. When I said I did not know anything, they instantly held me, my son Tashi, and five other hotel staff. We were then loaded onto a vehicle and driven to the Jagadal Barracks, where we were confined for 24 days.

After being blindfolded as soon as the vehicle reached the garrison, Hyango Lama was kicked all over his body with boots. Then he was forced to lie down on the floor and his hands and legs were bound. The soldiers then again started beating him

VICTIM  
**Hyango Lama**

ALLEGED PERPETRATORS  
**Royal Nepalese Army  
personnel from Jagadal  
Barracks**

PLACE  
**World Peace Hotel,  
Thamel, Kathmandu**

DATE  
**April 2004**

on his soles with a pipe or stick for about half an hour, occasionally crushing his genitals with their boots.

The following day, Hyango Lama was taken to a dark room, hung upside down and whipped for about two hours on his legs, chest and back. He was asked, "Where did you get the drugs from? How much did you earn from this business? We will kill you if you don't tell us the facts." During this time, the soldiers also seized his wallet, mobile phone and wristwatch. After getting a forced confession, the soldiers stopped torturing him and handed him over to the District Police Office, Hanumandhoka. In total, 24 days had passed. The police produced him in court on April 27 for remand.

When a lawyer visited Hyango Lama while he was in custody at Hanumandhoka, his health condition was critical as he had been beaten almost to death. Due to the beating on his pelvis and genitals he had not urinated for a week. His left cheek was so swollen that he was unable to open his mouth even to consume medicine.

The police took him to Bir Hospital for his medical treatment twice, from where he was referred to the Teaching Hospital. The x-rays conducted there revealed that his left thumb was fractured and he had a renal problem due to the urinary blockage.

**21-23**

**VICTIMS**

- 1. Jimdar Kewat**
- 2. Keshu Ram Kewat**

**ALLEGED PERPETRATORS**

**Royal Nepalese Army from  
Kali Dal Gana (Kalidal  
Battalion) No. 2 Field,  
Barracks Fultekra**

**PLACE**

**Betahani-5, Banke**

**DATE**

**15 April 2004**

**14. Jimdar & Keshu Ram Kewat: Out of one cell and into another  
(AHRC UA-127-2004, 28 September 2004)**

Jimdar Kewat, a 16-year-old resident of Betahani-5, Banke District was arrested by soldiers of the Royal Nepalese Army from Kali Dal Gana (Kalidal Battalion) No. 2 Field, Barracks Fultekra, Nepalgunj, Banke District along with his 50-year-old father Keshu Ram Kewat, at night on 15 April 2004. After their arrest they were blindfolded and loaded into an army vehicle and taken to the Fultekra Barracks. There they were kept blindfolded for four days and were beaten with wooden sticks and electricity cables on their backs and soles of their feet for about 10 minutes each day. The army personnel also poured water down their noses and told them to provide information related to the Maoists, about which they did not know anything. For one-and-a-half months they were kept in illegal detention at the army barracks without access to anyone or medical attention.

On May 31, the army handed the two over to the Banke District Police Office and they were given a three-month preventive detention order under the Public Security Act, signed by the Chief District Officer on the same day. The father and son were then taken to the Banke Central Prison where they have been detained since.



On July 1, a writ of habeas corpus was filed on their behalf in the Nepalgunj Appeals Court, and on September 19 the court ordered them released. However, when lawyers and the family went to the prison, the authorities refused to release them, saying that they had not received the court order. The group then waited in front of the jail until the end of office hours. Still the officials maintained that they had not received the court release order. When the lawyers and family came back the next day they learned that the boy and his father had been taken out of the prison and immediately rearrested by a team of security forces. One of the jail officials told them that the victims were taken by the Banke police, so they went to the Banke District Police Office but the officers on duty denied rearresting the two.

On September 20, lawyers from Advocacy Forum found the two in Wada Police Office, Nepalgunj. When they tried to intervene, another preventive detention order was issued to keep them in detention. Further efforts are under way to free the father and son.

### **15. Sahdev Gurung, Sudip Thapamagar: ‘Tell us about the theft’**

Sahdev Gurung, a 23-year-old painter from Nirmalbasti-8, Parsa District, was arrested when police stopped him while riding a motorbike in Koteswor, Kathmandu at around 11am on 25 April 2004. He was taken to the Ward Police Office where three policemen beat him for 3-4 hours with batons, iron rods and plastic-sheathed wire on his back, thighs, and legs. They also inserted a pin under the nails of his hands. They continued to beat him for six days, around 15 minutes each time, roughly once per day. During the torture he was asked about a theft that happened at Mahadevsthan. He admitted to buying a television that had been stolen, but said he knew nothing about the theft.

Sahdev was transferred to the District Police Office of Hanumandhoka on April 30 and produced to the court on May 17 charged with theft. He did not obtain any medical treatment after the abuse.

Sudip Thapamagar, a 17-year-old manual labourer from Mahaboudha, Kathmandu, was also arrested together with four friends on theft charges in May 2004 by ten plain clothes police and was kept in the Sorhakhutte Ward Police Office for five days. During the arrest, one officer beat him on his back for five minutes with his friend’s belt. During three days at the police station he was beaten with a wooden stick on his thighs, calves and palms of his hands for 10-15 minutes at a time, while being asked about a robbery that occurred in Thamel. When he tried to escape from the beatings, his head was cracked open with a baton.

He was later transferred to the Hanumandhoka District Police Office, and given treatment at the Bir Hospital on May 14, but the costs of treatment were deducted from his food allowance.

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VICTIM  
**Sahdev Gurung**

ALLEGED PERPETRATORS  
**Policemen of Ward Police Office**

PLACE  
**Koteswor, Kathmandu**

DATE  
**25 April 2004**

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VICTIM  
**Sudip Thapamagar**

ALLEGED PERPETRATORS  
**Policemen of Ward Police Office, Sorhakhutte**

PLACE  
**Mahaboudha, Kathmandu**

DATE  
**May 2004**

## VICTIM

**Aakash Lama**

## ALLEGED PERPETRATORS

**Policemen of Ward Police Office, Sorhakhutte**

## PLACE

**Balaju, Kathmandu**

## DATE

**27 April 2004****16. Aakash Lama, Ram Jeven Chaudhary: Hit with iron rods upon arrest**

Aakash Lama, an 18 year-old permanent resident of Kulekhani-7, Makwanpur District, residing in Nakhu Lalitpur, was arrested on the street in Balaju at around 9:30pm on 27 April 2004 by two or three plain clothes police who hit him on the head with an iron rod until he fell unconscious. When he came to, he was in the Sorhakhutte Ward Police Office, and the police again began attacking him, kicking his nose, mouth, chest, and back. They then covered his mouth and nose and continuously splashed water over his face for five minutes, nearly suffocating him. They also beat his back, legs and soles of his feet with bamboo. He was then not fed for three days, and when required to give a statement he was beaten on his hands and back.

After he was brought to the District Police Office in Hanumandhoka on May 6 the police took him to hospital but adequate treatment was not provided, and the police deducted six days from his food allowance ostensibly for the cost of his medical treatment. He was produced before the District Court to be remanded on a robbery charge on 7 May 2004. He obtained further medical treatment through intervention by a lawyer.

## VICTIM

**Ram Jeven Chaudhary**

## ALLEGED PERPETRATORS

**Policemen of Ward Police Office, Balaju**

## PLACE

**Balaju, Kathmandu**

## DATE

**17 May 2004**

Another person who was assaulted from the moment of arrest was Ram Jeven Chaudhary, a 35-year-old businessman and permanent resident of Jabdi-7, Sharlai District, residing for five years in Balaju, Kathmandu. Four police from the Balaju Ward Police Office attacked Ram Jeven in his shop at around 10am on 17 May 2004. They beat him with an iron rod on his right hand and left arm, back and legs, and kicked him on his back with their boots. Two policemen then kicked and hit his legs and thighs with their boots and batons and one policeman punched him in the mouth at least eight times.

Ram Jeven was taken to Hanumandhoka at around 8pm on the same day. He was produced before the District Court for a remand extension on the charge of robbery on 18 May 2004. After legal intervention to obtain medical treatment, the court ordered on May 25 that he be given the necessary attention within three days, after which he was taken to hospital.

## VICTIM

**Suresh Shrestha**

## ALLEGED PERPETRATORS

**Policemen of District Police Office, Hanumandhoka**

## PLACE

**Sanepa, Lalitpur**

## DATE

**29 June 2004****17. Suresh Shrestha, Bikash Tamang, Rajendra Balami: Victims of the interrogation section**

Many detainees of the investigation and interrogation sections at Hanumandhoka District Police Office have similar accounts of routine torture. One was Suresh Shrestha, an 18-year-old fruit seller from Sigarkathi, Nuwakot-6, Nuwakot District residing in Sanepa, Lalitpur. Nine plain clothed police arrested Suresh in his room at around 9pm on 29 June 2004, and took him for interrogation to Hanumandhoka. There he was beaten for about five days. On the first day, he was beaten and kicked only on his legs, torso, soles and arms for about 20–30 minutes.

Everytime he yelled out in pain a policeman would try to shove his boot inside his mouth saying that his cries would perturb his superior. After being illegally detained for 14 days, Suresh was produced in the court on 13 July 2004 on the charge of causing a public offence.

Bikash Tamang, a 22-year-old labourer and permanent resident of Palung-1, Makwanpur District, residing in Sitapaila, Kathmandu for over two months was also sent for interrogation at Hanumandhoka after arrest by over ten plain clothes police at around 11am on 30 July 2004 at Chikanmughal, Kathmandu. Bikash was picked up after a friend who had also been detained there gave his name while being tortured. Bikash was handcuffed, forced to sit on the floor and bound to a post in a squatting position. He was whirled around and beaten on both his soles for over ten minutes, then forced to lie face down on the floor and beaten on his buttocks and calves with a baton. His palms were also hit. After ten days in detention he was produced at the District Court of Kathmandu on August 9 on a charge of robbery. He was returned to detention at the District Police Office.

Similarly, Rajendra Balami (a.k.a.) Raju Shrestha, an 18-year-old cook from Chitlang, Makwanpur District, residing in Kathmandu for nine years was arrested at his rented room at around 9pm on 30 July 2004 by uniformed police who came from the Kalimati Ward Police Office by van. The police took him back to Kalimati where they beat him on his back, legs, soles and arms with sticks for about half an hour. He was asked whether he had committed any theft. He was not provided any food, and the next day was sent to the investigation section at Hanumandhoka where he was again beaten and kicked all over his body for at least 20 minutes with a plastic pipe and boots. He was held there illegally for four days, and produced in court only on 2 August 2004 on the charge of theft.

Another person detained at the station in January who cannot be identified for security reasons stated that he was beaten from the time of arrest, and that beatings with sticks and belts continued like clockwork for an hour per day over four days. During this time he was also not fed, and blindfolded throughout the torture in the interrogation section.

### **18. Ku Maya Tamang, Gnagaram Laghu: Drugs made them do it**

Ku Maya Tamang, a 36-year-old permanent resident of Sharatung-6, Dhading District, residing in Samakhusi, Kathmandu for the last six years, was arrested at her teashop around 8am on 4 August 2004 by police who found drugs under a table in her shop. According to Ku Maya, she was at her teashop with her daughter that morning when an unknown teenage girl came and asked for a cup of tea. As Ku Maya was making it, the girl disappeared and suddenly four police were there. They seized

**29**

VICTIM  
**Bikash Tamang**

ALLEGED PERPETRATORS  
**Policemen of District Police Office, Hanumandhoka**

PLACE  
**Chikanmughal, Kathmandu**

DATE  
**30 July 2004**

**30**

VICTIM  
**Rajendra Balami (a.k.a.) Raju Shrestha**

ALLEGED PERPETRATORS  
**Policemen of Ward Police Office, Kalimati & District Police Office, Hanumandhoka**

PLACE  
**Kathmandu**

DATE  
**30 July 2004**

**31**

VICTIM  
**Ku Maya Tamang**

ALLEGED PERPETRATORS  
**Policemen of Ward Police Office, Anamnagar**

PLACE  
**Samakhusi, Kathmandu**

DATE  
**4 August 2004**

a small bag containing drugs from underneath a table and asked her about the girl. When Ku Maya said she knew nothing about her, the police arrested her and took her to a place in Maharajgunj where they said, "Give us 400,000 rupees if you wish to be freed, or else you will be processed further". The amount was so high that Ku Maya promptly replied that she didn't have anything to give them. Two of the police then took her to the Anamnagar Ward Police Office. Inside, four police, including two female officers, rained blows on her with plastic pipes simultaneously all over her body for about 20 minutes. After the beatings, they tied her legs together, forced her to lie flat on the floor and dragged her outside the room by her feet, causing her to fall unconscious. After she came to, she was forced to walk into another room, and finally taken to the District Police Office, Hanumandhoka on the same day. She was produced to the Kathmandu District Court on 9 August 2004 after being illegally detained in Hanumandhoka for five days.

As a result of the torture, Ku Maya suffers from dizziness, burning soles, blurred vision, walking difficulty and sometimes loss of sensation in her feet. After legal intervention on August 9, she was able to get some medical attention. Meanwhile, her daughter reported that after her arrest two police came back to the teashop on the same day, broke a shelf and took 25,000 rupees.

32

VICTIM

**Gnagaram Laghu**

ALLEGED PERPETRATORS

**Policemen of Ward Police Office, Hanumandhoka**

PLACE

**Balaju, Kathmandu**

DATE

**8 August 2004**

Gnagaram Laghu, a 34-year-old construction materials trader from Bhaktapur-10, Bhaktapur District, was also arrested on drug charges. He was taken by police in Balaju at around 4pm on 8 August 2004 and sent to the Ward Police Office of Hanumandhoka the same night, before being produced in the district court of Kathmandu on August 10, a day after Ku Maya.

In Gnagaram's case, he was arrested after being called to the residence of a customer. When he arrived there, he found several policemen inside searching the house. The landlady was not there. Three uniformed police stopped him, and one punched him in the mouth. They put him in a van and took him to the investigation section at Hanumandhoka, where he was beaten over three days. On the first night he was beaten for one-and-a-half hours with belts, batons and plastic pipes on his back, buttocks and soles. His hands were tied to his lower legs while in a squatting position, and a baton kept locked between his legs and wrists, after which his whole body was revolved, causing vertigo. He was blindfolded while being tortured. On the third day a stick was pushed into his mouth. His chin was also pushed up with a stick, and his index finger and thumb were forced open with a stick in order to get his prints.

**19. Man, Nar & Ratna Bahadur Budhamagar & wife, & Tek Bahadur: Rape, torture, murder and rearrest for 'defaming the army' (AHRC UA-121-2004, 21 September 2004)**

Man Bahadur Budhamagar, his two brothers, Nar Bahadur Budhamagar and Ratna Bahadur Budhamagar, and Ratna's wife were arrested by a Joint Security Force team from the Majaha Gaon Barracks, Mahendra Nagar, Kanchanpur District that came to Basneuta-4, Dhadeldhura District at around 6:30am on 17 August 2004. The troops accused the brothers of being Maoists and assaulted them with sticks, fists, guns and boots. They beat Ratna's wife, dragged her out of her house and raped her near the cattle enclosure. They then killed Ratna and Nar Bahadur near the house, and took away Man Bahadur Budhamagar, Tek Bahadur Dhami and Tarami Thapa. The last of the three was released on the same day, but Man and Tek Bahadur were taken to the Majaha Gaon Barracks.

Man Bahadur Budhamagar was illegally detained at the barracks until September 2. According to him, army personnel severely assaulted him daily while inquiring about Maoist rebels and the whereabouts of Maoist leaders, of which he knew nothing. The army released him with an order to come to the District Administration Office of the barracks on September 12. After being released, Man Bahadur received medical treatment with the help of a human rights group that is taking care of his sister-in-law.

On September 12, Man Bahadur went to the District Administration Office as he was ordered and was told to come back on September 16. As he was on his way there at around 12:30pm on that day, army personnel stopped him and put him into a van. Then they blindfolded him and again took him to the Majaha Gaon Barracks. They accused him of defaming the Royal Nepalese Army by reporting what happened to him to human rights groups, and put him back into detention, denying access to his family and others.

**20. Ganesh Kshetri: 'He fell down' (AHRC UA-117-2004, 14 September 2004)**

Ganesh Kshetri, a 44-year-old resident of Kathmandu-16, Balaju was arrested at his house around 7pm on 27 August 2004 by assistant sub-inspector B Pande and one police constable from the Balaju Ward Police Office, both of whom were in plain clothes. When Ganesh's father asked the police the reason for his son's arrest, the police replied that they had a new chief at the police station and he wanted to ask some questions to him. They promised that they would send him back soon after the enquiry finished.

VICTIMS

1. Man Bahadur Budhamagar
2. Nar Bahadur Budhamagar
3. Ratna Bahadur Budhamagar
4. Wife of Ratna Bahadur Budhamagar
5. Tek Bahadur

ALLEGED PERPETRATORS

**Joint Security Force personnel from the Majaha Gaon Barracks**

PLACE

**Basneuta-4, Dhadeldhura**

DATE

**17 August 2004**

VICTIM

**Ganesh Kshetri**

ALLEGED PERPETRATORS

**Assistant sub-inspector B Pande and one police constable from Ward Police Office, Balaju**

PLACE

**Kathmandu-16, Balaju**

DATE

**27 August 2004**

The police first took Ganesh Kshetri to the Banasthali temporary police post where they kept him for ten minutes until ten more police came in a police pick-up van and brought him to the Balaju Ward Police Office. At the police station, the police gave him a blanket saying that he had to stay at the police station overnight, as the chief would come to the police station the next morning. There were six more persons in the room.

At 10:30am the next morning, Sub Inspector (SI) Uttam K C called Ganesh and started to beat him brutally with a pole and kicked him all over his body with his boots, without asking anything. Other officers joined in, and he soon fell unconscious. When he was woken up, Ganesh saw his blood around the room and he was still bleeding at the nose. The police came to the room several times to check whether he had stopped bleeding or not. They looked worried that he was continuously bleeding. At around 1pm they called his father to the station to take his son. When the father asked why his son was seriously injured, the police said that he fainted and fell down because of illness. However, Ganesh is a healthy man with no medical record of any serious illness.

The police released Ganesh on the condition of a 450 rupee fine. They said he was reported to be a drug addict so they wanted to investigate him. However, Ganesh claims that the police made up the story to justify their actions. The police also threatened him and his father not to report anything to the media otherwise they would torture him again in the same way. They have been checking up on his house since.

Ganesh was treated at the B & B Hospital at Gwarko, Lalitpur from August 29 to August 31. His nose and ribs were broken and he lost two teeth due to the beatings. The doctor put five stitches in his nose. Also, his face was so swollen that he could not recognise himself. He also had dried blood in his eyes, and is experiencing ongoing severe back pains. According to his relatives, Ganesh is also suffering serious mental problems because of the torture. He has strong headaches and sometimes suddenly forgets where he is and what he is doing. He always tries to hide himself because of fear; his face has been so damaged that he tries to avoid seeing himself.



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**Shri Ram Chaudhary,** a 25-year-old permanent resident of Daudhakala-3, Bardiya District, was arrested at his house in front of his entire family by a huge group of armed Royal Nepalese Army soldiers at around 1 am on 23 May 2002. He has not returned home since, and the family does not understand why he was taken away.

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# Legal measures for torture prevention in Nepal

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Rajendra Ghimire, Advocate, Supreme Court,  
Kathmandu, Nepal

**N**epal is passing through a difficult time in its history. The present conflict has affected our society, communities, the national economy, the quality of governance, and the basic human rights of the people.

Reports of groups working in the field help us to know the situation of human rights in the country. A recently published report of Amnesty International reads

During the last 6 years of armed conflict in Nepal has been characterized by wide spread arbitrary arrests, unacknowledged detentions and disappearances at the hand of security forces. Since 1998, 622 cases of disappearance have been reported... while local human rights groups have recorded 1264 disappearance since the conflict began in 1996. Hundreds of people have been abducted by the CPN (Maoist).

*[Amnesty International, "Nepal: Escalating disappearances amid a culture of impunity", ASA 31/155/2004, p. 3]*

In Nepal some of the most widely used forms of torture are: beating on soles of feet (*falanga*); random beating on the body; electric shocks; being hooded or blindfolded; rolling a weighed stick along the victim's thighs causing muscle damage (*belana*); burning with cigarettes; and, forcing the detainee to stay awake and in a painful posture (for example, the 'chicken posture'). Animals, insects and needles are also commonly used during torture. Other forms of torture applied to destroy the victim psychologically include threats, deprivation of food and drink, forcing the person to consume excreta, forcing upper-caste detainees to remove their sacred thread, long-term isolation, confinement in a dark room, and inflicting loud noise.

## **Nepal's international commitments against torture**

As a member of the United Nations and other international as well as regional organizations, Nepal is party to a large number



of international instruments concerning human rights, which draw heavily on the principles of the 1948 Universal Declaration of Human Rights.

Nepal has been a state party of the International Covenant on Civil and Political Rights, and its optional protocol, since 14 May 1991. Article 7 of the Covenant reads that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”. It also became a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1991. It submitted its initial report to the UN Committee against Torture in 1993, and a combined periodic report in 2004.

## **Legal measures at the national level**

The Constitution of the Kingdom of Nepal arose out of a popular movement in the country in 1990. It reinstated multi-party democracy, guaranteeing a parliament, independent judiciary, fundamental rights, sovereignty, and a constitutional monarchy. It has fully accepted the principles of the rule of law, basic human rights, and constitutional supremacy in the country.

According to article 1 of the constitution, it is the fundamental law of the land and all laws inconsistent with it are void. Article 14 guarantees criminal justice rights. Article 14(4) prohibits any form of torture. It reads

No person who is detained during investigation or for trial or for any other reason shall be subjected to physical or mental torture, nor shall be given any cruel, inhuman or degrading treatment. Any person so treated shall be compensated in a manner as determined by law.

The fundamental right to be free from torture cannot be abridged or restricted under any circumstances under either international or domestic law.

## **The Torture Compensation Act 1996**

The Torture Compensation Act of 1996 was promulgated to make appropriate legal provision for the effective implementation of article 14(4) of the constitution and the UN Convention against Torture. Its main objective is to compensate torture victims, not prosecute the perpetrators.

Following the constitution, the act prohibits torture and any other cruel, inhuman and degrading treatment outright. It has a provision for the mandatory check-up by medical personnel of the physical condition of an arrestee before putting the person under custody, as well as at the time of release. In the case such medical personnel are unavailable, the arresting authority itself can do the same. The commendable objective is to establish

whether or not torture may have been inflicted while the person was in custody, which would be fruitful if carried out as intended.

Section 5(1) provides a statutory limit of 35 days for filing torture compensation from the date of release from detention or from the date of infliction of torture. The act also permits a family member and legal representative of a victim to file a petition in the victim's name, thereby in principle allowing greater intervention by the courts, with the intention that the practice of torture be further mitigated.

Cases are heard in the district courts. If a court is satisfied with the claim, it may award up to one hundred thousand rupees in compensation, and order the concerned authority to take departmental action according to existing law against the government employee who committed the act.

Section 8 of the act has laid down some points that shall be taken into consideration while determining the amount of torture compensation. These are: physical or mental pain or suffering caused to the victim and its gravity; depreciation in income earning capability of the victim as result of torture; in case the physical or mental damage caused which cannot be treated, the victim's age and responsibility to the family; and, estimated expenses required for treatment if the damage can be treated. In the case of death due to torture, the number of family members dependent upon the victim's income and the minimum expenses needed for their livelihood should be considered, among other matters.

Section 9(1) of the act deals with the execution of decisions made by district courts. As per this section, after the decision to provide torture compensation to the victim is made, the victim or in case of his death, his nearest heir, shall submit an application to the Chief District Officer of the concerned district in which the victim was detained, accompanied by a copy of the court's decision within one year of receiving information of the decision. Likewise, section 9(2) of the act says that the Chief District Officer shall provide the amount of the compensation to the applicant within 35 days of the receipt of the application.

Section 10 of the act allows that the chief of the concerned office may request a government attorney to appear in court on behalf of the accused employee.

Section 13 provides power to His Majesty's Government of Nepal to make the necessary rules for the purpose of implementing the act.

### **Weaknesses in the Torture Compensation Act**

The definition of torture under section 2(a) of the Torture Compensation Act is not as wide as that contained in the UN

Convention against Torture. Whereas torture is considered a crime against humanity and the Convention has obliged all parties to define the act of torture as a crime, under the law as it stands in Nepal, torture is not defined as a criminal offence. This is one of the major flaws of the act. It means that the state commits itself in principle to paying compensation and providing medical treatment, but is not serious about eradicating torture because without it made a crime, the perpetrator does not have to think twice before acting. So until now torture is a prohibited act in Nepal, but not a crime.

As complaints under the act are treated as civil cases, whether or not a case is filed is up to the victim. This contravenes the principle enumerated in the Convention that torture is a criminal act, sufficiently serious to attract the sanctions and prosecution of the state. There is also no provision under the act for protection of the victim and other witnesses, essential for effective redress in torture cases.

The provision that a government attorney should provide legal services to the accused and not the victim also goes against the principle of criminal law established under the Convention.

Another problem is the statutory limit for filing claims established under section 5(1) of the act. It is scientifically proved that the effects of torture come even a long time after the actual abuse. For example, to diagnose Post Traumatic Stress Disorder properly means assessing the victim over a period of four to six weeks. The statutory limit is too short, and should be extended on the basis of scientific facts.

Regarding the amount that may be awarded as compensation, article 14 of the Convention against Torture obliges state parties to provide fair and adequate compensation to allow for full rehabilitation in cases of torture. Article 14(4) of Nepal's constitution has also provided that it is a fundamental right of a victim of torture while in detention to be compensated as prescribed by law. However, the upper limit on compensation that may be provided under the act is extremely low and inadequate. The act also does not mention a lower limit for compensation.

In light of all these problems, it is not surprising that the Centre for Victims of Torture in Nepal recently wrote that, "Conditions in Nepal are worsening, despite the introduction of special, but flawed, legislation to allow torture survivors to claim compensation." At the time of writing, in total only 16 cases have been decided by the courts awarding compensation to a torture victim under the act. Until now, none of those victims has received the money from the government. There is also nothing in place to assess whether or not departmental action was taken against the perpetrators in those cases or whether they were left to carry on with business as usual.

## **Conclusion and recommendations**

It is laudable that Nepal has prohibited any form of torture through its constitution and promulgated the Torture Compensation Act, but there are many things that need to be done to comply with the UN Convention against Torture and eradicate the practice from the country. Some of the necessary steps are to

1. Widen the definition of torture to meet with the requirements of the Convention against Torture.
2. Make all forms of torture, attempts to commit torture and acts through which any person constitutes complicity or participation in torture criminal offences by domestic law and lay down appropriate penalties for the perpetrators.
3. Extend the statutory limit on filing cases.
4. Increase the upper limit for monetary compensation, and establish a lower limit.
5. Remove the provision allowing a perpetrator to be defended by a government attorney and instead introduce a provision for the giving of legal services to victims.
6. Introduce a provision for the protection of victims and witnesses in torture cases.
7. Establish a provision for the prompt and impartial investigation of torture complaints by an independent authority as required by article 12 of the Convention against Torture.

## **Appendix: Torture Compensation Act 2053 B S (1996)**

An Act to provide for compensation to a person who has been tortured while in detention.

**Preamble:** Whereas it is essential to provide for compensation to a person for having been subjected to physical or mental torture or cruel, inhuman or degrading treatment while in detention for investigation or awaiting trial or for any other reason.

Be it enacted by parliament in the twenty-fifth year of reign of His Majesty the King Birendra Bir Bikram Shah Dev.

### **1. Short title and commencement**

- (1) This act may be called the "Torture Compensation Act 2053 [1996]"
- (2) This act shall enter into force immediately.

### **2. Definitions**

In this act, unless the subject or context otherwise requires;

- (a) The term 'torture' shall be understood as physical or mental

torture inflicted on a person who is in detention for investigation or awaiting trial or for any other reason, and this term includes cruel, inhuman or degrading treatment that person is subjected to.

- (b) The term 'victim' shall be understood as the person who has been subjected to torture.

### **3. Torture not to be inflicted**

- (1) Torture shall not be inflicted on any person who is in detention for investigation or awaiting trial or for any other reason.

**Explanation:** For the purpose of this sub-section, the term "in detention" shall include being taken into custody in accordance with the existing law.

- (2) The concerned officer at the time of detention and release of any person shall have that person's physical condition examined as far as possible by a doctor in government service, and when a doctor is not available by himself shall keep and maintain records thereof.

**Explanation:** For the purpose of this sub-section, the term "doctor" shall be understood as doctor, Kaviraj, (ayerbedic doctor) health assistant, auxiliary health worker or Baidhya in government service.

- (3) One copy of the report concerning the examination of the physical or mental condition referred to in sub-section (2) shall be submitted to the concerned District Court.

### **4. Compensation to be provided**

If it is held that any employee of His Majesty's Government has inflicted torture on any person the victim shall be provided compensation in accordance with this Act.

### **5. Complaints may be filed**

- (1) The victim may file a complaint claiming compensation in the District Court of the District in which he was detained within 35 days of having been subjected to torture or of release from detention.
- (2) Notwithstanding the provisos contained in sub-section (1) in case the victim has died or for any other reason cannot file a complaint himself, any other adult member from his family or his legal practitioner may, setting out the reason thereof, file the complaint pursuant to sub-section (1).
- (3) If it is suspected that a detainee has been subjected to

torture, any adult member from his family or his legal practitioner may file a petition in the concerned District Court. Upon receiving such petition the Court may order to have the detainee's physical or mental examination within three days. Upon examination, if treatment is deemed necessary it shall be undertaken by His Majesty's Government.

- (4) The complaint to be filed pursuant to sub-sections (1) and (2) shall, to the extent possible, indicate the following:
  - (a) The reason for detention and the time spent in detention,
  - (b) The details of torture inflicted while in detention,
  - (c) The details of damage caused by torture,
  - (d) The amount of compensation claimed,
  - (e) Any other matters that are contributory in substantiating the claim.

## **6. Proceeding in complaint and compensation**

- (1) Concerning the complaint filed pursuant to section 5, the District Court shall proceed with the complaint in accordance with the procedures set forth in the Summary Procedure Act, 2028 [1972] and if the matter of the complaint is found to be true, may make adjudication to have compensation in maxim of one hundred thousand rupees paid by His Majesty's Government to the victim.
- (2) While trying a complaint pursuant to sub-section (1) if it is found that the complaint was filed with malafide intention the District Court may impose a fine up to five thousand rupees on such complainant.

## **7. Action against the person involved in the act of committing torture**

If it is held that torture has been committed in accordance with this Act, the District Court shall order the concerned authority to take a departmental action according to existing law against the government employee who committed the act of torture.

## **8. Determination of the amount of compensation**

The following things shall be taken into consideration when determining the amount of compensation for the purpose of sub-section (1) of section 6:

- (a) The physical or mental pain or suffering caused to the victim and its gravity.
- (b) Depreciation in income-earning capability of the victim as a result of physical or mental damage.
- (c) In case the physical or mental damage caused cannot be treated, the victim's age and his responsibility to the family.

- (d) The estimated expenses required for treatment if the damage can be treated.
- (e) In case of death due to torture, the number of family members dependent upon the victim's income and the minimum expenses needed for their livelihood.
- (f) Among the matters claimed by the victim, those deemed reasonable and appropriate.

## **9. Execution of adjudication**

- (1) After the final adjudication made on providing compensation to the victim, the victim, or in case of his death, his nearest heir, shall submit an application to the Chief District Officer of the District in which he was detained, accompanied by a copy of the District Court's adjudication on the provision of compensation, within one year of receiving information of the adjudication.
- (2) The Chief District Officer shall provide the amount of compensation to the applicant within thirty-five days of the receipt of the application referred to in sub-section (1).
- (3) If the application is not submitted within the time limit referred to in sub-section (1), the compensation shall not be provided.

## **10. Defense may be made by Government Attorney**

Concerning the complaint in accordance with section 5, if the chief of the concerned office requests, the Government Attorney shall appear in the court on behalf of the employee and defend him.

## **11. Not considered an act of torture**

Notwithstanding any provisions elsewhere in this Act, for the purpose of this Act, any suffering inherently caused by detention pursuant to the existing law shall not be regarded as an act of torture.

## **12. No bar to institution of action pursuant to the existing law**

It shall not be deemed to bar the institution of a separate action on a matter deemed to be a crime pursuant to the existing law merely by virtue of the institution of action for compensation against the commission of torture under this Act or receipt of compensation therefore.

## **13. Power to make rules**

His Majesty's Government may make necessary rules for the purpose of implementation of the objectives of this Act.

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**Sanunlal Chaudhary,**  
a 52-year-old  
teacher at Jansewa  
Secondary School  
residing in Dhadhawar-9,  
Bardiya District, was  
arrested by 30-35 armed  
Royal Nepalese Army  
soldiers from Bhim Kali  
Dal Barracks, Chisapani,  
Banke District at around  
4pm on 27 December  
2001, while he was  
returning home from  
school. His 27-year-old  
son, Krishna Kumar  
Chaudhari, was also  
detained for five days in  
Bhimakali Barracks after  
being arrested on 6  
January 2002, and says  
that he saw his father  
there. But his family  
was given no information  
about him when they  
went to visit. A habeas  
corpus petition filed in  
the Supreme Court on  
his behalf was quashed  
on 29 February 2004.

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# **Petition to urge His Majesty's Government of Nepal and the opposing Maoist groups to STOP disappearances in Nepal**

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Asian Human Rights Commission, Hong Kong

Stop disappearances in Nepal NOW:

**<http://nepal.disappearances.org>**

Dear friends

Ms. Kumari Damai and Kumari Nepali of Kailali District and Ms. Meera Adhikari from Nuwakot District, all aged 13, disappeared—allegedly during military action—in Nepal. Since then their whereabouts are not known and their families do not know whether they are alive or dead. Thousands of other children, men and women have disappeared in Nepal in recent years. By the time you read this appeal a few more names must have been added to the list.

Mass disappearances are a clear indicator of the exceptional collapse of the rule of law in a country. Those disappeared seldom return and those who return find it hard to live a normal life since by then they might have faced their darkest days. But most are later reported dead or declared killed in encounters with the military or Maoists, and their bodies are never returned to the relatives. The victims' families are never able to complain or protest. They live in total uncertainty, waiting and clinging on to the last bit of hope for those who have disappeared. This situation needs to end NOW.

The Asian Human Rights Commission (AHRC) has details regarding 897 cases of disappearances from Nepal. This figure has also been admitted by the National Human Rights Commission of Nepal, where they have registered complaints regarding the disappeared which are pending inquiry. The official list and the information of the AHRC regarding the exact number

of the disappeared is limited due to difficulty in gathering actual figures, since the reach of information within and outside the country is also limited and most cases are left unreported and forcefully hushed up by all sides. From information received, the AHRC has reason to believe that the actual number may be thousands and still rising. The available data is only the tip of the iceberg.

The police and the military establishment refuse to admit that large-scale disappearances are happening in the country. The domestic law enforcement agencies, including the courts, are not able to address this situation. It is often reported that the local police refuse to register complaints of disappearance and the Supreme Court of Nepal is reluctant to intervene on the ground of lack of evidence and authority. The military court is inaccessible to civilians and is far below the accepted standards of impartiality. All government organs responsible for disappearances enjoy absolute impunity, thereby creating a climate of complete fear, helplessness and silence. The situation in the Maoist-controlled region is equally bad since practically there is no civilian law enforcement agency working within this region at all.

The AHRC, an independent regional human rights organization based in Hong Kong, requests you to sign this on line petition to urge His Majesty's Government of Nepal and other groups, including the opposing Maoist groups, to put an immediate end to disappearances and arbitrary killings in Nepal.

The situation is so grave and urgent that by every passing hour human life is lost in Nepal either by military action or by opposing Maoist counteraction. By signing this on line petition a copy will be sent to:

1. Office of His Majesty King Gyanendra
2. The Home Minister, Government of Nepal
3. The Minister for Law, Justice and Parliamentary Affairs, Government of Nepal
4. The Prime Minister of Nepal
5. The Attorney General of Nepal
6. Chairman, The National Human Rights Commission, Nepal
7. The UN Senior Human Rights Adviser to the Government of Nepal
8. The UN Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions
9. Chairperson, The UN Working Group on Enforced or Involuntary Disappearances
10. The UN Special Rapporteur on the question of Torture.

Thank you  
Asian Human Rights Commission

# Appendix I: Taking and killing- Recent forced disappearances and extrajudicial killings committed by the Nepalese security forces

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Advocacy Forum, Kathmandu, Nepal

## A. Taking: Forced disappearances and quashed habeas corpus bids

1. **Anjan Kumar Rawat**, a 51-year-old farmer and permanent resident of Katari-8, Udayapur District, was arrested by security force personnel on 7 July 1998 while he was walking to Goal Bazaar of Siraha District. He was allegedly arrested for being a Maoist. His whereabouts are unknown.
2. **Antaram Tharu**, a 36-year-old farmer and permanent resident of Manpur, Tapara-1, Bardiya District, was arrested at around 3pm by Armed Police Force personnel while he was sleeping at his home on 14 October 2002. A habeas corpus petition filed on his behalf in the Supreme Court on 21 October 2003 was quashed.
3. **Arjun Maharjan**, a 33-year-old glassware shopkeeper at Kuleshwor, Nayabasti, for the last 13-14 years and resident of Kirtipur-5, Sagal Tole, Kathmandu, was arrested at the Vegetable Market of Kalimati by two plain clothes security personnel around midday on 29 October 2003 while buying vegetables. His arrest is believed to be due to political affiliations.
4. **Arjun Ojha**, a 32-year-old teacher and permanent resident of Goganpani-6, Dhading District, was arrested while walking on the road in Kalimati at around 2pm on 25 March 2004 by a group of security personnel from Kathmandu. His whereabouts are unknown.
5. **Ayodhya Prasad Godiya**, a 20-year-old school student and permanent resident of Gangapur-4, Banke District, was arrested by joint command troops of Sonbarsa base camp in Banke District at around 7am on 31 November 2003. His whereabouts are unknown. A habeas corpus writ petition filed on his behalf on 20 January 2004 is still under consideration of the Supreme Court.
6. **Babita (a.k.a.) Mina Chaudhary**, an 18-year-old permanent

resident of Hapure-7, Dang District, was arrested in the jungle by security force personnel on 23 February 2002 while searching for wood. Her whereabouts are unknown, as is the reason for her arrest.

7. **Bagha Ram Tharu**, a 23-year-old farmer and permanent resident of Pipaltari, Motipur-2, Bardiya District, was arrested and taken away from his house by Joint Security Force personnel at around 3am on 22 August 2002. The security force personnel numbered around 150 and laid siege to the house while around ten of them entered and searched. Bagha Ram was woken from his sleep and told to follow the soldiers to attend a meeting. When he refused, he was told that he would be released immediately and then two of them took his hands and forcibly removed him. His whereabouts are unknown since then.
8. **Baikuntha Bhujel**, a 25-year-old farmer and permanent resident of Jivanpur-9, Dharke of Dhading District, was taken from his house at around 1am on 3 November 2003 by four security personnel while he was engaged in a memorial ritual for his deceased uncle Ram Saran Thapa. They took him from his house after beating him. They did not charge him with anything. It was the second time he was arrested. Since then he has not returned to home. A habeas corpus writ on his behalf is pending before the Supreme Court.
9. **Balkishun Tharu**, a 37-year-old farmer and permanent resident of Magragadi-9 was arrested at his house by security personnel from Rambhapur Check Post, Bardiya District, at about 7am on 23 February 2002. A habeas corpus writ on his behalf was quashed by the Supreme Court on 25 June 2004.
10. **Basu Budhathoki**, a 40-year-old attendant at a government office of Achham District and permanent resident of Khalanga-5, Salyan District, never returned home after leaving his duties for the election of 1992. His family does not have any information about him and is not sure if he is alive. Due to family problems, his wife has been staying at her maternal home.
11. **Bhagiram Tharu**, a 26-year-old permanent resident of Kharichandanpur-4, Bardiya District, was arrested by a group of 50 armed and uniformed security force personnel from Tapara Barracks in Manpur at around 10am on 20 October 2002 while harvesting paddy with friends. The family does not know why he was arrested. His whereabouts have been unknown since then. A habeas corpus writ filed on his behalf was quashed on 25 August 2004.
12. **Bhaguti Tharu**, a 42-year-old labourer and permanent resident of Kharichandanpur-2, Bardiya District was arrested in front of his family members at around 3am on 11 April 2002 by about 40-50 armed security force personnel who surrounded and entered his house. His whereabouts are unknown since then. A habeas corpus writ filed on his behalf was quashed on 27 August 2004.
13. **Bharat Chaudhary**, a 19-year-old permanent resident of Suryapatuwa-9, Bardiya District was arrested by 20-25 armed security force personnel who came to his house from Thakurdhaur at around 9am on 30 March 2002 while he was chopping wood. He was arrested in front of his neighbours and taken away. The family does not know why he was arrested; he had recently returned home after working in India for a couple of years. He has been missing since. The habeas corpus writ filed on his behalf is still going on in the Supreme Court.

14. **Bharat Raj Poudel**, a 25-year-old schoolteacher and permanent resident of Lekhnath-11 was arrested by a group of six plain clothes security personnel around midday on 16 September 2004 at the New Light Boarding School, Ekantakuna Kaski, Lekhnath-8, allegedly for being a Maoist. Six plain clothed security personnel came to the school and told a staff member, Dhan Kumari, that they were looking for Bharat Poudel. When he came, they took him towards the school gate saying that they needed to ask him something. After that, they put him into a cream-coloured van parked about 50 metres away and drove towards Pokhara. When the School Principal and President of the Kaski District Private and Boarding School Organization went to see the Chief District Officer, Kaski about the case, the Acting CDO Mr. Krishna Prasad Lamsal told them that Bharat was being kept in Bijaypur Barracks, No.3 Bahini, Kaski District. The following day, September 17, the victim's wife, Sharada Devi Poudel, went to the District Administration Office with several others, but received the same reply. They then went to the Bijaypur Barracks on September 18 and September 21, but were not allowed to see Bharat. The reason of his arrest is unknown, however his brother is in hiding because of links with the Maoists, and the family believes that this may be the reason.
15. **Bhim Bahadur K C**, a 44-year-old permanent resident of Pipalneta-5, Salyan District is missing since he surrendered himself to the District Administration Office on 26 December 2002. He went missing together with Dil Bahadur K C, aged 28. [See full details in body of report.]
16. **Bhim Bahadur Tharu**, a 40-year-old permanent resident of Dhadhawar-3, Bardiya District, was arrested at his house by about 20 security force personnel who came by van from Rambapur Check Post at around 8:15pm on 17 April 2002. He was sleeping when the security force personnel entered his house after surrounding it. His family members do not know why he was arrested. His whereabouts since are unknown. A habeas corpus writ filed on his behalf was quashed on 26 August 2004.
17. **Bihari Lal Godiya**, a 60-year-old ex-civil servant and permanent resident of Gangapur-4, Banke District, was arrested at his house by a group of seven armed security force personnel who came from Sonbarsha Barracks at around 7am on 31 October 2003. He was arrested in front of his family, blindfolded and taken away. The reason for his arrest and whereabouts since are unknown. A habeas corpus writ filed on his behalf is pending before the Supreme Court.
18. **Binod Rai**, a member of a local human rights organisation and permanent resident of Dharan-11, Sunsari District was abducted by an unknown group of people from his house on 7 November 2003. He has been missing since.
19. **Bir Bahadur Budha**, a 38-year-old permanent resident of Binauna-4, Banke District, was arrested by Border Police Office personnel, Jayapur, Banke District on 19 July 2001 while walking on the road in search of his son, who had been missing for some days. Bir Bahadur has not returned home since then.
20. **Bir Bahadur Oli**, a 56-year-old farmer and resident of Gucchapur, Mahadevpur-2, Banke District, was arrested by uniformed Royal Nepalese Army soldiers at his house around midnight on 6 December 2002. The troops asked Bir Bahadur about Ashok and Dilaram, residents of his village who had

disappeared about 2-3 years earlier. When he said that he did not know anything about them, his hands were tied behind his back and he was taken away. On December 10, the family inquired about Bir Bahadur at the Chisapani Barracks and Kohalpur Area Police Office but obtained no information. When they inquired at the Armed Police Force office on December 18, again no information was provided. Nothing has been known of him since.

21. **Birendra Yadav**, a 36-year-old permanent resident of Biratnagar-18, Morang District, was arrested at his house by a group of plain clothes security force personnel of Rani Area Police Office, Morang District, at around 9am on 27 April 2003. The cause of his arrest was unknown to his family. He has been missing since then.
22. **Birju Chaudhary**, a 24-year-old permanent resident of Manpur-8, Bardiya District, was arrested around midday by armed security force personnel who came in a van from Radhasur Barracks, Ghorahi, Dang District on 1 April 2002, as he was walking to the Telephone Office. He was arrested for an unknown reason and he has been missing since. The habeas corpus petition filed on his behalf was quashed by the Supreme Court on 10 March 2004.
23. **Bishnu Prasad Subedi**, a permanent resident of Indrapur-7, Morang District, was arrested at his house by plain clothes security personnel who came by van from the Eastern Pritana Headquarters, Itahari District, on 6 November 2003. The reasons for his arrest and subsequent whereabouts are unknown.
24. **Bramadin Godiya**, a 14-year-old schoolboy and permanent resident of Phattepur-9 was captured by local people from Gangapur-4, Banke District, and handed over to the joint command base camp at Sonbarsa, Banke District, around midday on 9 November 2003. His whereabouts since are unknown. A habeas corpus petition on his behalf is pending in the Supreme Court.
25. **Budani Chaudhary**, a 17-year-old labourer and permanent resident of Suryapatuwa-9, Bardiya District, was arrested at a farm by about 30 security force personnel at around 9am on 30 March 2002 while harvesting pulses with her friends and grandfather. She was arrested without being informed of a reason and her whereabouts since are unknown. A habeas corpus petition on her behalf is pending in the Supreme Court.
26. **Chail Bihari Loniya**, a 40 year-old farmer residing in Hirminiya-1, Banke District, was arrested at his house by personnel from Banke District Police Office around 6am on 1 August 2004, on charges of causing a public offence. On August 27, the District Administrative Office set bail for his release and he deposited the bail amount and was released accordingly. However, as soon as he stepped out from the office where he had paid his bail amount, he was re-arrested by officers from the same District Police Office and taken away. On November 23, a court release order was issued, but he was not set free. His whereabouts remain unknown since. [See full details in body of report.]
27. **Chaitya Lal Chaudhary**, a 27-year-old permanent resident of Dhadhawar-8, Bardiya District, was arrested along with his 18-year-old wife Sita Janaki Chaudhary by security force personnel who came in two vans on 20 December 2001 while they were returning home from a cousin's house. Both husband and wife have gone missing since their arrest.

28. **Chillu Tharu**, an 18-year-old farmer and permanent resident of Manau-8, Bardiya District, was arrested at his house before his family members by 20-25 armed security force personnel around midnight on 11 April 2002. The family does not know his whereabouts or reason for arrest. A habeas corpus petition has been filed in the Supreme Court on his behalf.
29. **Chunawa Tharu**, a 36-year-old labourer and permanent resident of Kharichandanpur-8, Bardiya District, was arrested in front of his wife and daughter by about 50 armed and uniformed security force personnel from Tapara Barracks, Manpur District at around 9am on 20 October 2002, while ploughing his farm. He was accused of being a Maoist supporter and taken away from his house. His whereabouts are unknown since then. A habeas corpus petition in the Supreme Court on his behalf was quashed on 24 August 2004.
30. **Dataram Timsina**, vice president of the Progressive Writers Association of Morang and permanent resident of Sanischurre-9, Morang District, was seized by unknown people on 27 September 2003 while attending a meeting at Barghachhi, Biratnagar. He was arrested for an unknown reason and has gone missing since his arrest.
31. **Deepak Rokka Chhetri**, a 30-year-old a masters degree student and permanent resident of Taratal-7, Bardiya District, was arrested at Bandarghoria at about 1pm on 25 May 2002 by police deployed from the police post of Dhodhari. A habeas corpus petition on his behalf is pending in the Supreme Court.
32. **Devi Bahadur Rai**, a teacher at Panchakanya Secondary School and permanent resident of Dharan-11, Sunsari District, was abducted from his house by an unidentified group on 6 November 2003. He has been missing since his abduction.
33. **Devi Raj Karki**, a 21-year-old male permanent resident of Indrapur-7, Morang District, was arrested at his house by a group of 20-25 soldiers who came by van from Eastern Pritana Headquarters, Itahari District, on 6 November 2003. His whereabouts have been unknown since his arrest.
34. **Dhan Maya Chaudhary**, a 25-year-old social worker residing in Nauwasta, Banke District, disappeared after reporting to the Chisapani Barracks on the morning of 15 January 2002. She has not been seen since. [See full details in body of report.]
35. **Dhaniram Tharu**, a 22-year-old teacher and permanent resident of Dhadhwar-7, Bardiya District, was arrested at his house by four armed security force personnel from Rambapur Check Post at around 7am on 9 April 2002, allegedly for being a Maoist supporter. He has been missing since then. A habeas corpus petition filed on his behalf in the Supreme Court was quashed on 24 August 2004.
36. **Dhaniram Tharu**, a 17-year-old labourer and permanent resident of Manau-8, Bardiya District, was arrested at his house by 60-70 armed security force personnel at around 1am on 12 May 2001. The troops initially cordoned off his house from all sides and then entered to arrest him. The family members do not know the reason for his arrest nor his whereabouts since. A habeas corpus petition on his behalf is pending in the Supreme Court.
37. **Dharma Raj Maharjan**, a 19-year-old grade 9 student at Rudrayani Secondary School, Khokana, and permanent resident of Khokana-6, Lalitpur District, was arrested at the local Sikhali Temple by about 15 armed and uniformed Royal Nepalese Army

soldiers (two wearing black balaclavas) at around 4am on 23 September 2003. The troops said he would be freed after interrogation. His mother insists that he was not involved in any political activities and used to help his elder brother doing various jobs in his spare time. His whereabouts are unknown to the family.

38. **Diamond (a.k.a.) Promod Chaudhary**, a 29-year-old permanent resident of Madhali-5, Sunsari District, was arrested by armed security force personnel of the Eastern Pritana Headquarters at around 5am on 16 December 2003 while on a morning walk. His whereabouts have been unknown since his arrest.
39. **Dil Bahadur Baniya (a.k.a.) Bhimsen**, a 19-year-old shopkeeper and permanent resident of Lekhnath-11, Kaski District, was arrested by six plain clothes security personnel at around 12:15pm on 16 September 2004 at his shop by the Lekhnath-8 bus depot. When he came out of the shop in bare feet the security personnel told him to get his slippers, put him into a van without further discussion, and drove towards Pokara Municipality. The next day, his mother, Belmaya Baniya, went to the District Administration Office with some people to find out what had happened to her son. The Chief District Officer, Kaski told them that the army had taken him into custody, but he could not provide any further information. On September 21, she went to see him again along with 25-30 villagers, and this time was told that her son had been detained in the Bijaypur Barracks and would be released after investigations. However, the family was not able to meet him.
40. **Dil Bahadur KC**: see Bhim Bahadur K C.
41. **Dukhiya Tharu**, a 45-year-old farmer residing in Katari-8, Udayapur District, was arrested in the Katari Bazaar in the afternoon of 14 April 2002 by a group of police. He was later transferred to the Taraghari Barracks, but his family could not get contact with him and don't know why he was arrested. Some people have said that he has been killed already. [See full details in body of report.]
42. **Durgaraj Gautam**, a 30-year-old farmer and permanent resident of Deurali-2, Kolia, Nawalparasi District, was arrested at his house by about 25-26 troops of the First Rifle Battalion, Kawasoti, Nawalparasi, at about midnight on 20 February 2004. He is still missing. A habeas corpus petition on his behalf is pending in the Supreme Court.
43. **Gagan Bahadur Gharti**, a 21-year-old farmer and permanent resident of Kohalpur-6, Banke District, was arrested along with his three brothers at about 5am on 10 May 2002 at their home by about 15 police from the police post of Kohalpur Banke. The policemen returned the dead body of one brother to the family on June 27, claiming that he had died of illness. Two others were released from Nepalgunj Prison on August 30, but Gagan is still missing. A habeas corpus petition filed on his behalf in the Supreme Court was quashed on 18 June 2003.
44. **Gangaram Limbu**, a 20-year-old permanent resident of Itahari-6, Morang District, was arrested by a group of plain clothed security force personnel from Eastern Pritana Headquarters, Itahari on 8 November 2003. He has gone missing since his arrest.
45. **Gita Thapamagar**, residing in Gherun, Gorkha District, was arrested by the police on 1 January 1999 and has not been seen since. Her mother did not complain because she was



worried that if she did then she also would be taken into custody and perhaps disappeared.

46. **Govinda Ghimire**, a 21-year-old intermediate student studying at the Pashupati Campus, Chabahil, and permanent resident of Bethan-1, Ramechhap District, was arrested at his house in Chabahil, Kahtmandu, at about 9am of 30 August 2003 by three out-of-uniform soldiers. A habeas corpus petition on his behalf is pending in the Supreme Court; meanwhile, he was recently reported to be in Sundarijal Prison.
47. **Gopal Dangal**, a 25-year-old permanent resident of Govindapur-1, Morang District, was taken by an unknown group on 16 October 2003 and has been missing ever since.
48. **Hari Bahadur Nepali**, a 32-year-old mentally retarded permanent resident of Dhanwang-3, Salyan District, was arrested alongside the Kimchaur Water Tank at about 8am on 11 December 2001 by an army patrol. His whereabouts are still unknown. [See full details in body of report.]
49. **Hari Dangal**, a 40-year-old teacher and resident of Indrapur-6, Govindapur, Morang District, was arrested on 25 September 2003 by 6-7 plain clothes security force personnel who gave chase after he left a tea shop hurriedly. His whereabouts are still unknown. [See full details in body of report.]
50. **Hari Saran Thapa**, a 38-year-old farmer and permanent resident of Jivanpur-9, Dharke, Dhading District, was arrested in his house on 30 January 2004 by two soldiers and has been missing since. During the arrest, others cordoned off the house from outside. The reason of his arrest is unknown. Mr. Thapa survives by his wife Sarada Thapa, four children and his parents. A habeas corpus petition on his behalf is pending in the Supreme Court.
51. **Hariram Chaudhary**, a 25-year-old permanent resident of Magadagadi-5, Bardiya District, was arrested by 40-50 armed security force personnel under the command of Mahendra Thapa from the Rambapur Check Post at his house around 3am on 9 August 2002. The security force personnel initially cordoned off his house and then nabbed him and took him away. The family does not know the reason for his arrest or his whereabouts since. A habeas corpus petition on his behalf is pending in the Supreme Court.
52. **Harka Lal Thapa**, a 41-year-old farmer and permanent resident of Liwang-1, Harighatani, Rolpa District, was arrested at his house by Joint Security Force personnel at around 2pm on 25 March 2002. After arresting him, the security force personnel took him with them and severely tortured him along the way. Harka has not returned home since. The family thinks he has been already killed.
53. **Hikmat Bista**, a 21-year-old grocer, was arrested by about eight police under Inspector Govinda Thapalia from the police post of Kohalpur, Banke District, at about 11pm on 26 April 2003, while at his in-laws' house in the same village. He is still missing. A habeas corpus petition on his behalf is pending in the Supreme Court.
54. **Hira Singh Bhatta Magar**, a 22-year-old farmer and permanent resident of Daudhakala-3, Bardiya District, was arrested at his house by 40-50 uniformed security force personnel at around 1am on 23 May 2002. Before taking him away, the security force personnel tortured Hira Singh severely in front of his family. He has gone missing since then. A habeas corpus petition on his behalf is pending in the Supreme Court.

55. **Hitkala Dangi**, a 34-year-old farm labourer was sleeping in a barn near Mahdevpuri-3, Banke District with her sister-in-law 32-year-old Jayakali Khatri on the night of 16 December 2003 when some security personnel from Chisapani Barracks disguised as Maoists took them away. They were not seen again, and are believed to have been killed the following morning, but their bodies have never been recovered. [See full details in body of report.]
56. **Indra Bahadur Aryal**, a 38-year-old shopkeeper and permanent resident of Tasarpu-5, Dhading District, was residing in Dhakre-3 of the same district with his wife and children when he was arrested because of Maoist political affiliations by 50-60 security force personnel at around 12:30pm on 11 November 2003. A habeas corpus petition on his behalf is pending in the Supreme Court.
57. **Jagana Tharu**, a 33-year-old farmer and permanent resident of Magadagadi-5, Bardiya District, was arrested at his house by 50-55 security force personnel under the command of Mahendra Thapa from Rambapur Check Post at around 9pm on 11 August 2002, for allegedly providing food to the Maoists. He has been missing since his arrest. A habeas corpus petition on his behalf is pending in the Supreme Court.
58. **Jagatram Tharu**, a 35-year-old farmer and permanent resident of Magadagadi-5, Bardiya District, was arrested at his house by 20-25 armed Royal Nepalese Army soldiers around 9pm on 11 July 2002. He has been missing since then. A habeas corpus petition on his behalf is pending in the Supreme Court.
59. **Jahir Ali Sai**, a 30-year-old farmer and resident of Bankattee-4, Banke District, was arrested by about 100 uniformed army personnel who surrounded his house at around 5am on 21 August 2004. They searched the house but they did not find anything. Finally, they arrested both Jahid Ali and 40-year-old Madan Kurdi, who was also in the house, and took them to the south side of the village. Jahid has been missing since.
60. **Jayakali Khatri**: see Hitkala Dangi.
61. **Jimdar Kewat**, a 16-year-old resident of Betahani-5, Banke District, was arrested by soldiers of the Royal Nepalese Army from Kali Dal Gana (Kalidal Battalion) No. 2 Field, Barracks Fultekra, Nepalgunj, Banke District, along with his 50-year-old father Keshu Ram Kewat, in the night of 15 April 2004. After their arrest they were blindfolded and loaded into an army vehicle and taken to the Fultekra Barracks. A habeas corpus writ in the Appeals Court, Nepalgunj, resulted in the court ordering their release. However, both were rearrested immediately after their release, and another writ has been filed in the same court on their behalf. [See full details of case in body of report.]
62. **Jighu Tharu**, a 48-year-old farmer and permanent resident of Magadagadi-5, Bardiya District, was arrested at his house by 50-60 armed security force personnel from Rambapur Check Post, Bardiya, at around 9pm on 11 August 2002. The reason for his arrest and whereabouts since are unknown. A habeas corpus petition on his behalf is pending in the Supreme Court.
63. **Jhurri Teli**, a 16-year-old resident of Belhiya-7, Banke District, was arrested by the plain clothes security forces from Nepalgunj-16 at about 7am on 9 September 2004 while on his way to get a medical check-up and buy some medicines for a headache. He was released under an order from the Appeals Court on

November 28, but immediately rearrested. His whereabouts since are unknown.

64. **Kaliram Tharu**, a 14-year-old resident of Mohamadpur-8, Bardiya District, was minding cattle and playing with his friends at around 3pm on 25 April 2002 when they were taken by 50-60 uniformed and armed Joint Security Force personnel on accusation of being Maoists. They were tortured on one side of the village, before being taken to the district police office. At around 7pm, three of them, including Kaliram, were taken to the east of the village in a van. They did not come back. [See full details in body of report.]
65. **Kalpati Tharu**, a 28-year-old permanent resident of Motipur-2, Bardiya District, was arrested by 50-60 Joint Security Force personnel at around 3am on 22 August 2002, after they surrounded her house and told her to follow them to attend a meeting at Pipalbot, dragging her out when she refused. Her whereabouts since are unknown. She was reportedly charged for being a Maoist supporter.
66. **Kaluram Tharu**, a 22-year-old permanent resident of Motipur-2, Bardiya District, was arrested by about 150 Joint Security Force personnel who surrounded his house at about 3am on 22 August 2002, whereupon roughly eight soldiers entered and started investigating. They asked Kaluram his name and told him to go with them to attend a meeting, after which he would be released. When he said that he didn't want to go with them, two officers took his hands and forced him to go. His whereabouts since are unknown. The family and villagers are unaware of why he was taken.
67. **Kamal Rijal**, a 21-year-old permanent resident of Pathari-5, Morang District, was arrested by security force personnel at around 1pm of 17 October 2003 at Pathari-2, Lama Tole in Morang. He was reportedly arrested for being a Maoist. His whereabouts are still unknown.
68. **Kamala Chaudhary**, a 16-year-old student and permanent resident of Manau-8, Bardiya District, was arrested by 40-50 armed security force personnel who surrounded her house close to 1am on 12 May 2001. About seven of them then entered the house and dragged her away. Her parents do not know why their daughter was arrested, or her whereabouts since. A habeas corpus petition on her behalf is pending in the Supreme Court.
69. **Karna Bahadur Tharu**, a 20-year-old farmer and permanent resident of Nauwasta-8, Banke District, was arrested by armed security force personnel at around 5:30pm on 14 August 2002 while returning to his house from the market. He was reportedly arrested for being a Maoist supporter. His whereabouts remain unknown since his arrest.
70. **Kedarnath Rupakhati**, a 19-year-old student and permanent resident of Kawalpur-4, Dhading District, was arrested by a group of four armed security personnel in plain clothes at around 4pm on 30 November 2003 while drinking tea in his sister's room at Kuleshor, Kathmandu. His whereabouts are still unknown. A habeas corpus petition on his behalf is pending in the Supreme Court.
71. **Keshav Bahadur Basnet**, a 31-year-old nursing home manager in Neulapur-4, Sonpur, Bardiya District, was arrested at about 4pm on 11 March 2002 by Royal Nepalese Army soldiers from Barakh Gan, Thakurdwara, Bardiya. He was beaten with firewood and blindfolded while being arrested. His whereabouts are since

unknown. A habeas corpus petition on his behalf is pending in the Supreme Court.

72. **Keshav Kumar Chaudhary**, a 17-year-old grade 7 student and permanent resident of Harichandapur-2, Bardiya District, was arrested at around 3am on 11 April 2002 by 100-150 soldiers of the joint command, while sleeping in his grandfather's house. One of his cousins was also taken some distance, but she was released; Keshav is still missing. A habeas corpus petition on his behalf is pending in the Supreme Court.
73. **Keshu Ram Kewat**: see Jimdar Kewat.
74. **Khadga Bahadur Pun**, a 48-year-old farmer and permanent resident of Aaot-1, Rolpa District, was arrested while shaving his beard at his house by security force personnel on 10 December 2001. Before taking him away, the security force personnel roughed him up before the entire family. The family is unaware of the reason for his arrest and his whereabouts since.
75. **Khim Lal Chaudhary**, a 23-year-old student of Mahendra Multiple Campus, Nepalgunj and permanent resident of Khairichandanpur-6, Bardiya District, was arrested by armed security force personnel on 15 April 2001 at the Nepalgunj Bazaar, while returning to his house. He has been missing since.
76. **Khim Lal Gaire**, a 35-year-old permanent resident of Pavannagar-3, Ghamake, Dang District, was arrested at his house by 10-12 armed Royal Nepalese Army soldiers at around 6am on 19 November 2002, on accusations of being a Maoist. The following day, Radio Nepal announced that a terrorist had lost his life in an encounter with the army. Khim Lal is still missing; it remains unclear as to whether he was the person referred to in the radio broadcast or not.
77. **Kiran Maharjan**, a 28-year-old occasional mechanic and mason residing in Kirtipur-14, Chobhar, Kathmandu, was arrested at the ground floor of his house by 4-5 security personnel in civilian dress at around 6:30am on 15 November 2003. The men said that he was needed for some enquiries before taking him away; his whereabouts since are unknown.
78. **Kishwor (a.k.a.) Phaluram Tharu**, a 24-year-old farmer and permanent resident of Nauwasta, Baniabhar, Banke District, was arrested while guarding the rice barn near his house by armed uniformed soldiers of the Royal Nepalese Army from Chisapani Barracks around midnight on 18 November 2003. His whereabouts since are unknown, and his family does not know why he was arrested. A habeas corpus petition on his behalf is pending in the Supreme Court.
79. **Krishna Bahadur Budhathoki**, a driver and permanent resident of Pokahari Chauri-9, Kavrepalanchok District, was arrested by three out-of-uniform armed security force personnel around midnight on 7 May 2004. His whereabouts have been unknown since his arrest.
80. **Kuber Aapaghain**, a 23-year-old permanent resident of Uralabahari-2, Morang District, was seized by unknown people on 16 October 2003 and has gone missing since then. The reason for his arrest is unknown.
81. **Lalbihari Tharu**, a 24-year-old farmer and permanent resident of Motipur-2, Pipaltari, Nevada, Bardiya District, was arrested at around 3am on 22 August 2002 by security personnel who surrounded his house and ordered the door to be opened

immediately. They searched his house, arrested him and took him away. Since then, no information has been available on his whereabouts.

- 82. Lauti Chaudhary**, a 20-year-old permanent resident of Manau-8, Bardiya District, was taken from her uncle's house by 12-15 armed security force personnel around midnight on 12 May 2001. The family does not know why she was arrested or where she is now. A habeas corpus petition filed on her behalf in the Supreme Court was quashed on 25 August 2004.
- 83. Laxman Tharu**, a 26-year-old carpenter and permanent resident of Shivapur-9, Bardiya District, was arrested at his house by about 25 armed security force personnel from Thakurdhwar Barracks at around 2pm on 8 March 2002, as he was making a bed to give as a present for his sister's marriage. He was accused of being a Maoist and taken away. He has not been seen since. A habeas corpus petition on his behalf is pending in the Supreme Court.
- 84. Likha Ram Tharu**, a 21-year-old grade 9 student and resident of Mohamadpur-8, Bhainsahi, Bardiya District, was taken from the Pritana Headquarters, Imamnagar Ranjha, Banke District by one Captain Ramesh, a former employer. He was detained and tortured in the Chisapani Barracks before disappearing. [See full details in body of report.]
- 85. Lochan Dhamala**, a student at the Shri Sukuna Campus residing in Dangihat, Morang District, was arrested by security force personnel on 7 October 2003 while in the Itahari Bazaar. Although many people witnessed the incident, no one could say where he was taken. He has gone missing since his arrest. The cause of his arrest is also not known.
- 86. Magaram Tharu**, a 23-year-old farmer and permanent resident of Motipur-2, Pipaltari, Nevada, Bardiya District, was arrested at his house by about seven security force personnel at around 3am on 22 August 2002. They also searched his house before taking him away. No information has been made available on his whereabouts.
- 87. Mahendra Oli**, a 16-year-old student of Trivuan School, Kohalpur-2, Banke District, and permanent resident of Khara-8, Rukum District, was arrested by security force personnel of the Jamuna Police Office, Nepalgunj, while returning from India on 27 April 2002. His whereabouts since have been unknown. A habeas corpus petition filed on his behalf in the Supreme Court was quashed on 28 January 2003.
- 88. Maina Sunuwar**, a 15-year-old student at the Bhagawati Higher Secondary School and permanent resident of Kharelthok-6, Kavrepalanchok District, was taken from her house by about 15 soldiers of the Royal Nepalese Army instead of her mother, whom the soldiers had come looking for at around 6am on 17 February 2004. Despite repeated interventions by her family and teachers, Maina was taken into the Shanti Gate army barracks at Dhulikhel with another girl. According to some reports, she was tortured to death; however, her body has never been returned to her family. [See full details in body of report.]
- 89. Mangru Tharu**, a 30-year-old farmer and permanent resident of Badalpur-4, Bardiya District, was arrested at his house in front of his wife by armed security force personnel from Manpur Barracks, Bardiya District, at around 1pm on 22 October 2002. The family does not know why he was arrested or what has

happened since. A habeas corpus petition on his behalf is pending in the Supreme Court.

90. **Manju (a.k.a.) Dauni Chaudhary**, an 18-year-old permanent resident of Narayanpur-2, Dang District, was arrested by security force personnel of the Ghorahi Barracks on 15 December 2002 while she was sleeping in Padam Pandey's house with her friend 19-year-old Sita Chaudhary. Both girls have gone missing since their arrest.
91. **Manoj Kumar Dutta**, a 40-year-old pharmacy owner and permanent resident of Janakpur-9, Dhanusa District, was arrested at his house by a huge group of out-of-uniform police at around 9am on 3 October 2003. His friend Ram Chandra Karna was also nabbed from his house along with him. Before the police took them, they were severely beaten. They were accused of being Maoists and have not been seen since.
92. **Mohammad Zakhir Sheikh**, a 38-year-old permanent resident of Sohanpur-9, Banke District, was arrested by 4-5 armed and uniformed Royal Nepalese Army soldiers at his shop in the Bhurigaon Bazaar of Neulapur, Bardiya District, at around 4:30pm on 13 April 2002. His wife Ati Ul Sheikh and his brother Abdul Kadir Sheikh have said that inside the army van the soldiers tore off Mohammad's clothes and blindfolded him. He was taken away in the van and has not been seen since.
93. **Mohan Chaudhary**, a 20-year-old farmer and permanent resident of Manau-8, Bardiya District, was arrested by 40-50 armed security force personnel who surrounded and entered his house at around 1am on 12 May 2001. His family does not know why he was taken or what has happened to him. A habeas corpus petition filed on his behalf in the Supreme Court was quashed on 26 August 2004.
94. **Moti Lal Tharu**, a 40-year-old farmer and permanent resident of Badalpur-3, Bardiya District, was arrested in the field where he was working with his neighbours by around 25 armed security force personnel from Manpur, Tapara Barracks, at around 4:30pm on 22 October 2002. He was accused of being a Maoist supporter. His whereabouts since are unknown. A habeas corpus petition on his behalf is pending in the Supreme Court.
95. **Mukunda Sedhai**, a 35-year-old businessman and permanent resident of Jivanpur-6, Dhading District, was arrested by three armed security personnel in plain clothes at around 3pm on 30 November 2003, while drinking tea in a shop at Bhamshen Sthan, Kathmandu. He is now believed to be held in an army barracks, as one of the personnel there gave a letter with his handwriting to his wife on 17 January 2004. But his family has not been allowed to meet him and his real circumstances are still unknown.
96. **Nabin Gurung**, a resident of Rupakot-6, Kaski District, was arrested at his fish shop at around 7am on 13 September 2004 by security force personnel who had randomly fired in the area. They accused him of being a Maoist supporter, and he has not been seen since.
97. **Naniram Kafle**, a 23-year-old farmer residing in Nauvise-1, Tharke, Dhading District, was arrested at his house by about 50 personnel of the Joint Security Force at around 10:30am on 21 September 2004, who said he would be returned after five days. He has not been seen since. [See full details in body of report.]
98. **Nar Bahadur Budha**, a 22-year-old farmer and permanent

resident of Kohalpur-6, Banke District, was arrested at his house in front of his whole family by around 15 armed security force personnel of Kohalpur Area Police Office, Banke at about 5am on 10 June 2002. He was accused of being a Maoist supporter and has not been seen since. A habeas corpus petition filed in the Supreme Court on his behalf was quashed on 10 October 2003.

99. **Navaraj Bhandari**, a 38-year-old businessman and permanent resident of Bidur-9, Agutar, Nuwakot District, was taken from the office of Jugal Business Group by 6-7 soldiers of the Royal Nepalese Army at about 3:30pm on 21 July 2004. He has not been seen since. [See full details in body of report.]
100. **Navaraj Thapa**, a 30-year-old grocery shopkeeper and permanent resident of Thakre-2, Charkilo, Dhading District, was arrested at his neighbour's house by a small group of Royal Nepalese Army soldiers on 11 November 2003. He has not returned home since then. The reason for his arrest is not known.
101. **Navaraj Thapa**, a 34-year-old Maoist and permanent resident of Rampur-2, Udayapur District, was arrested by security force personnel on 28 March 2002 while sheltering in Triyuga School at Gaigat, after three years underground. His whereabouts since are unknown. A habeas corpus petition on his behalf is pending in the Supreme Court.
102. **Nepali Tharu**, a 15-year-old permanent resident of Bhimapur-7, Bardiya District, was arrested by 60-70 security personnel of joint command deployed from a temporary camp at Manpur, Bardiya District on 7 January 2003. His whereabouts since are unknown. A habeas corpus petition on his behalf is pending in the Supreme Court.
103. **Nirmal Chaudhary**, a 19-year-old agricultural labourer and permanent resident of Manau-9, Bardiya District, was arrested at his house by about 100 Royal Nepalese Army soldiers from Thakurdwara Barracks at around 5am on 25 February 2002. His whereabouts since are unknown. A habeas corpus petition filed on his behalf in the Supreme Court was quashed on 29 November 2004.
104. **Palchang Lama**, a 30 year-old driver and permanent resident of Hoksha-5, Kavrepalanchok District, was arrested by security force personnel at around 8am on 16 May 1999 while he was walking in Kathmandu Bagbazar area. His whereabouts and the reason for his arrest remain unknown.
105. **Patiram Tharu**, a 39-year-old male permanent resident of Kharichandanpur-2, Bardiya District, was arrested at his house by 20-25 armed security force personnel who surrounded it at around 3:30am on 11 April 2002. He was forcefully taken away and his whereabouts have been unknown since then. A habeas corpus petition on his behalf is pending in the Supreme Court.
106. **Phul Raj Chaudhary**, a 28-year-old resident of Nauwasta-8, Banke District, was arrested and beaten at his house by 12-15 Royal Nepalese Army soldiers at around 4am of 30 August 2002, who accused him of being a Maoist. They told his wife, 24-year-old Dhaniya Chaudhary, that they would set her husband free if she gave herself to them for sex. When she refused, they took her husband away. Staff at the Chisapani Barracks later denied his arrest. The family has not received any information about him since. [See full details in body of report.]
107. **Phularam Tharu**, a 26-year-old permanent resident of Manpur, Tapara-8, Bardiya District, was taken from his house by troops

of the Royal Nepalese Army after they surrounded it and pulled him from his bed on 20 October 2002. The soldiers said he was a Maoist and took him away. According to the family, he was taken to Tapara Barracks for four days. He is still missing. A habeas corpus petition on his behalf is pending in the Supreme Court.

- 108. Pralahad Waiba**, an 18-year-old grade 9 student at the Shri Krishna Secondary School, was marched away before his classmates and teachers by about 50-60 soldiers from the Farping Check Post at around 11:30am on 1 March 2004. He has not been seen since. [See full details in body of report.]
- 109. Pratik Shrestha**, a permanent resident of Madumalla-5, Morang District, was arrested by plain clothes security force personnel on the morning of 1 November 2003 after he let the Maoists build a Martyr's Gate memorial in his field. He has gone missing since his arrest.
- 110. Pratima Gautam**, a 23-year-old resident of Sitapur-7, Banke District, was arrested at the house of Mangal Prasad Teli in Udharapur-2 by 10-12 police from the Area Police Office of Dhanauli, Banke District, under command of Inspector Khemraj Rawat, on 1 December 2002. Before arresting her they surrounded the house and fired indiscriminately, at which time Pratima was wounded in her leg. Her whereabouts since are unknown. A habeas corpus petition filed in the Supreme Court on her behalf was quashed on 31 October 2003.
- 111. Prem Prakash Chaudhary**, a 25-year-old driver and permanent resident of Manau-8, Banke District, was arrested in front of his family by 40-50 armed security force personnel who surrounded and then entered his house at around 1am on 12 May 2001. The family does not know why he was arrested or his whereabouts since. A habeas corpus petition filed on his behalf in the Supreme Court was quashed on 25 August 2004.
- 112. Purushotam Chudal**, a 22-year-old student and permanent resident of Shurunga-9, Jhapa District, was arrested by a large group of armed security personnel in plain clothes who surrounded the house of a friend where he was staying at around 9am on 23 December 2003. Five personnel came in and took him away in the direction of the Charali Barracks. A habeas corpus petition on his behalf is pending in the Supreme Court; meanwhile, family members have recently been allowed to meet him in the barracks after he was found to be there.
- 113. Radhu Lal Tharu**, a 19-year-old labourer and permanent resident of Manau-8, Bardiya District, was arrested at his house by 60-70 armed security force personnel at around 1am on 12 May 2001 after they had cordoned off the house from all sides. His family knows nothing about why he was arrested or where he is now. A habeas corpus petition filed in the Supreme Court on his behalf was quashed on 27 August 2004.
- 114. Raj Bahadur Tharu (a.k.a.) Chaudhary**, a 19-year-old carpenter and permanent resident of Nauwasta-8, Banke District, was arrested at his house by about ten armed Royal Nepalese Army soldiers from Chisapani Barracks at around 4am on 30 August 2002. After arresting Raj Bahadur, the soldiers kicked him with their boots over his entire body, blindfolded him, tied his hands at his back and then took him away. They also beat his frail father with rifle butts, causing him to fall sick for several days. His 21-year-old wife Rupa Tharu was verbally abused. Raj Bahadur has not returned home since his arrest. The family is



unaware of his whereabouts. A habeas corpus petition filed in the Supreme Court on his behalf was quashed on 31 October 2004.

- 115. Raj Kumar Pariyar**, a 25-year-old garment worker and permanent resident of Jitpur-Phadi-4, Kathmandu, was arrested by security force personnel from the Jagadal Barracks while he was walking on the road in Macchapokhari Balaju. The reason for his arrest and his whereabouts remain unknown to his family and friends. A habeas corpus petition filed in the Supreme Court on his behalf was quashed on 16 November 2004. [See full details in body of report.]
- 116. Raj Kumar Tharu**, a 23-year-old permanent resident of Badalpur-1, Bardiya District, was arrested by 30-40 armed security force personnel on 17 July 2002 while returning home from the market after repairing his CD Player. The family is unaware of the reason for his arrest, and his whereabouts since.
- 117. Rajan Kumar Chaudhary**, a 22-year-old permanent resident of Dhadhwar-8, Bardiya District, was arrested by armed security force personnel from Bhimkali Barracks, Chisapani Barracks at around 6am on 20 December 2002 while taking part in a marriage ceremony. His family knows nothing about why he was arrested or where he is now. A habeas corpus petition has been filed in the Supreme Court on his behalf.
- 118. Rajani Chaudhary**, a 16-year-old permanent resident of Suryapatuwa-4, Bardiya District, was arrested at her house by five security force personnel around midday on 16 April 2002, on accusations of being a Maoist supporter. She has gone missing since her arrest.
- 119. Rajaram Tharu**, a 39-year-old farmer and permanent resident of Sitapur-7, Banke District, was arrested by 15-17 Royal Nepalese Army troops deployed from Bhimkali Barracks, Eastern Chisapani, Banke District, after he was shot in the leg by the soldiers while irrigating a field at around 10pm on 3 July 2002. A habeas corpus petition filed in the Supreme Court on his behalf was quashed on 1 December 2004.
- 120. Rajdev Mandal**, a 46-year-old teacher and permanent resident of Magadagadi-1, Bardiya District, was arrested at his house by about 20 armed security force personnel at around 1am on 30 October 2002. Rajdev has gone missing since then. His family does not know why he was taken.
- 121. Rajendra Lamichhane**, a 25-year-old farmer and permanent resident of Bhadratar-3, Nuwakot District, was arrested by 50-60 armed uniformed soldiers from Adhikari Tole at around 10am on 14 October 2003, while he was returning home with his uncle and about seven other villagers from Furkashalla-4 in the same district. His arrest is believed to be due to his political affiliations.
- 122. Rajeshyam Tharu**, a 30-year-old permanent resident of Manpur-8, Bardiya District, was arrested at his house by a large group of armed Royal Nepalese Army soldiers from Manpur Tapara Barracks at around 2am on 21 October 2002. His family knows nothing about why he was arrested or where he is now. A habeas corpus petition filed in the Supreme Court on his behalf was quashed on 26 August 2004.
- 123. Raju Tharu**, a 26-year-old farmer and resident of Magadagadi-4, Bardiya District, was arrested by five armed security force personnel while sleeping at his home around 6am on 17 August 2002. His fate is unknown since his arrest. A habeas corpus

petition filed in the Supreme Court on his behalf was quashed on 25 June 2004.

124. **Ram Bahadur Basnet**, a 26-year-old male attendant at the Shri Shanti School, Patan, Bhaldhoka Lalitpur, and permanent resident of Shahchok-1, Thulo Shirbari, Sindhupalchok District, was arrested at his quarters at the school by about 15 armed and uniformed security force personnel at around 8:30pm on 3 October 2003. He was taken in front of his family and has been missing since.
125. **Ram Bharosha Tharu**, a 30-year-old permanent resident of Magadagadi-5, Bardiya District, was arrested by 12-15 armed and uniformed security force personnel at his house and in front of his family at around 9pm on 11 August 2002. The family is unaware of the reason for his arrest and his whereabouts since.
126. **Ram Chandra Karna**: see Manoj Kumar Dutta.
127. **Ram Karan Chaudhary**, a 21-year-old farmer and resident of Manpur-8, Bardiya District, was arrested at his home by 30-35 members of the joint command deployed from the temporary camp at Manpur Tapara, Bardiya District, around midnight on 20 October 2002, after they broke open the door. His whereabouts since are unknown. A habeas corpus petition on his behalf is pending in the Supreme Court.
128. **Ram Karan Tharu**, a 17-year-old student at the Manpur Tapara Secondary School residing in Manpur, Tapara-8, was arrested by Royal Nepalese Army soldiers at 11pm on 20 October 2002. The soldiers assured his father that they would release his son the next day, and told the family to stay inside, locking the door from outside. They took away Ram Karan without saying why. The next day his mother went to the Manpur Tapara Barracks but the soldiers shouted at her to go back home, saying they would send her son the following day. However, Ram Karan never returned.
129. **Ram Kishan Tharu**, a 23-year-old permanent resident of Magadagadi-1, Bardiya District, was arrested by Royal Nepalese Army soldiers at around 1am on 30 September 2002, while sleeping on the verandah of his house. His family was not told the reason for his arrest, even when they asked. Another person released from custody of the Bhimkali Dal Barracks, Chisapani, claims that Ram Kishan was detained together with him there, but the soldiers deny this. His whereabouts have remained uncertain since the date of his arrest. A habeas corpus petition on his behalf is pending in the Supreme Court.
130. **Ram Prasad Acharya**, a 48-year-old farmer and permanent resident of Nauvise-1, Dhading District, was arrested at his house by 50-60 security force personnel from No. 6 Baireni Barracks at around 3:45am on 11 November 2003. His whereabouts are still unknown. A habeas corpus petition on his behalf is pending in the Supreme Court. [See full details in body of report.]
131. **Ram Prasad Chaudhary**, a 26-year-old labourer and permanent resident of Magadagadi-1, Bardiya District, was arrested at his house by about 20-25 armed security force personnel at around 3am on 2 September 2002. He was accused of being a Maoist supporter. His whereabouts since his arrest are unknown.
132. **Resham Gharti**, a 34-year-old permanent resident of Bijauri-6, Dodhare, Dang District was arrested by Joint Security Force personnel at his house around midday on 31 May 2002, allegedly

for being a Maoist supporter. He has been missing since his arrest and no information has been made available regarding his whereabouts.

- 133. Resham Karki**, a 35-year-old attendant at the Bal Binod School of Natole-20, Lalitpur, Patan, a permanent resident of Thulo Shirbari, Shahchok-1, Sindhupalchok District, was arrested at his quarters on the school premises by about ten armed and uniformed security force personnel at around 7:30pm on 3 October 2003, while having a meal with his family. His whereabouts since are unknown.
- 134. Runcha Tharu**, a 29-year-old permanent resident of Manpur-8, Bardiya District, was arrested at his house by about 12-13 armed security force personnel from the temporary camp of Manpur Tapara at around 11pm on 21 October 2002. He was dressed only in undergarments when arrested and was not allowed to wear any other dress. When his family went to ask about him at the temporary camp, the staff gave no information. His whereabouts are still unknown. A habeas corpus writ on his behalf is pending in the Supreme Court.
- 135. Ruplal Chaudhary**, a 49-year-old teacher and resident of Dhadhwar-7, Bardiya District, was arrested and assaulted at his house around 7pm on 5 January 2002 by seven armed Royal Nepalese Army soldiers from Bhimkali Barracks, Eastern Chisapani, Banke District. His sister Urmila Chaudhary was also taken with him but was released after some distance. Ruplal is still missing. A habeas corpus petition on his behalf is pending in the Supreme Court.
- 136. Sagunlal Chaudhary**, a 52-year-old teacher at Jansewa Secondary School residing in Dhadhwar-9, Bardiya District, was arrested by 30-35 armed Royal Nepalese Army soldiers from Bhim Kali Dal Barracks, Chisapani, Banke District at around 4pm on 27 December 2001, while he was returning home from school. His 27-year-old son, Krishna Kumar Chaudhari, was also detained for five days in Bhimkali Barracks after being arrested on 6 January 2002, and says that he saw his father there. But his family was given no information about him when they went to visit. A habeas corpus petition filed in the Supreme Court on his behalf was quashed on 29 February 2004.
- 137. Satya Narayan Parjapati**, a 38-year-old lawyer and permanent resident of Jela-2, Bhaktapur District, was arrested by security force personnel on 26 April 2002 while drinking tea in the Banepa Bazaar, Kavrepalanchok District. His family members are unaware of his whereabouts and the reason for his arrest.
- 138. Sharad Kumar Chaudhary**, a 20-year-old student residing at Hadami, Bijauri-6, Dang District, was arrested by soldiers of the Royal Nepalese Army from Ghorahi at the village of Pereni, in Hapure District, at 7am on 25 May 2002. He was arrested along with other persons in the village and was last seen being taken towards Ghorahi by bus. His family visited the barracks in Ghorahi twice, but could not find Sharad's name in the different lists of arrested, detained and killed persons kept there. When the family inquired at the District Administration Office, Ghorahi, the officers also said they knew nothing. Sharad has not been seen since. [See full details in body of report.]
- 139. Shova Ram Chaudhary**, a 20-year-old permanent resident of Dhodari-8, Bardiya District, was arrested by personnel of the Area Police Office, Dhodari, Bardiya District, at around midday on 25 May 2002, while he had gone to the market to buy some things. His whereabouts have been unknown since his arrest.

- 140. Shri Ram Chaudhary**, a 25-year-old permanent resident of Daudhakala-3, Bardiya District, was arrested at his house in front of his entire family by a huge group of armed Royal Nepalese Army soldiers at around 1am on 23 May 2002. He has not returned home since, and the family does not understand why he was taken away.
- 141. Shyam Chaudhary**, a 35-year-old permanent resident of Duruwa-7, Dang District, was arrested at his mill at around 3:30pm on 6 September 2002 by Royal Nepalese Army soldiers accusing him of being a Maoist supporter. He has gone missing since then.
- 142. Sita Chaudhary**: see Manju (a.k.a.) Dauni Chaudhary.
- 143. Sita Janaki Chaudhary**: see Chaitya Lal Chaudhary.
- 144. Sita Ram Tharu**, a 35-year-old permanent resident of Magadagadi-4, Bardiya District, was arrested near his house by security force personnel from the Chisapani Barracks at around 5pm on 16 December 2001. His whereabouts since are unknown.
- 145. Sohan Lal Chaudhary**, a 35-year-old farmer and resident of Duruwa-5, Paharuwa, Dang District, was arrested at Chauwa Khola by Royal Nepalese Army soldiers on 6 September 2002. On September 11, Swargadhari FM broadcast news that he had been killed in an encounter with insurgents on September 10; however, the family has not yet received his body.
- 146. Soniram Chaudhary**, a 15-year-old permanent resident of Manau-8, Bardiya District, was arrested in front of his parents by about four armed security force personnel who came into the house at 1am on 12 May 2001, as part of a larger group surrounding the outside. The parents do not know why their son was taken or what has happened to him.
- 147. Sujindra Maharjan**, a 29-year-old lawyer living in Kirtipur-14, Takarcha Tole, Chobhar, Kathmandu, where he had been working for the last 7-8 years, was taken away from his house at around 11:30pm on 15 November 2003 by seven plain clothes security force personnel. The men said that they needed him to identify the house of Dev Bahadur Maharjan, but never took him there. In fact, the security force personnel had already raided Sujindra's house twice looking for his brother, Pancha Lal, who is also a lawyer. After failing on the third attempt, they took the brother. Sujindra was known to have political views and connections with human rights groups. He has not been seen since the arrest. Though his wife has reportedly received a letter written by her husband and a phone call that mentioned him being in the Jagadal Barracks, no one has seen his face since he was arrested.
- 148. Suman Rai**, an 18-year-old permanent resident of Damak-18, Jhapa District, was arrested by an unknown group of people at around 6am on 15 October 2003 nearby his house. The family has guessed that his captors may be security personnel; however, no one knows why he was arrested or where he is now.
- 149. Surendra Rai**, a 40-year-old garment worker and permanent resident of Limba-4, Paththar District temporarily residing in Nakkhu-13, Lalitpur, was arrested while reporting to the Rajdal Barracks, Lagankhel, on 18 March 2004. It was the third time he was arrested in a month. He had already been held and beaten in February and earlier in March. A habeas corpus writ filed on his behalf is pending with the Supreme Court. [See full details in body of report.]

- 150. Surya Man Maharjan**, a 34-year-old resident of Lalitpur-3, Lalitpur, was arrested at his house by 20–30 armed Royal Nepalese Army soldiers at about 1:15am on 29 September 2003. They also searched the house and found nothing. They made his father sign a prepared document, without informing him of the contents. The told his wife that her husband would be released after 4–5 days, but his whereabouts are still unknown. A habeas corpus petition on his behalf is pending in the Supreme Court.
- 151. Surya Prasad Sharma**, a 39-year-old permanent resident of Baglung-2, Baglung District, was arrested at his house around 5am on 14 January 2002 by 10–12 Royal Nepalese Army soldiers from Kalidal Barracks, Baglung, after surrounding the house. He was tortured and taken to a local army barracks. His wife persistently visited the barracks throughout January, and filed a habeas corpus writ in the Supreme Court over his arrest in early February. His case is still under consideration by the court. [See full details in body of report.]
- 152. Tanka Lama**, a 31-year-old permanent resident of Govindapur-1, Morang District, was arrested at his house by plain clothed security force personnel on 19 October 2003, suffering from fever and diarrhoea. He was blindfolded and taken away. His whereabouts since are unknown, as was the reason for his arrest.
- 153. Tarkishwor Shah**, a 29-year-old permanent resident of Bahuni-6, Morang District, was arrested at his house by plain clothed security personnel of Ilaka Police Office, Belbari, Morang, on 2 November 2003. He has since gone missing.
- 154. Tate-Ram Tharu**, a 39-year-old farmer and permanent resident of Magadagadi-5, Bardiya District, was arrested at his house in front of his family by 40-50 armed security force personnel from Rambapur Check Post at around 3am on 9 August 2002. He was accused of providing food to the Maoists. He has been missing since then.
- 155. Tilak K C**, a 22-year-old student at Mahendra Morang District Campus and permanent resident of Itahara-6, Morang District, was arrested by security force personnel from the District Police Office, Morang, on 27 September 2003. His whereabouts have since been unknown.
- 156. Titha Bahadur Thapa**, a 22-year-old permanent resident of Daudakala-3, Bardiya District, was arrested by about 100 armed Royal Nepalese Army soldiers from Rambapur Check Post who surrounded his house at about 1am on 23 May 2002. The soldiers kicked him hard at the time of arrest. Five others were arrested in the village on the same day. His whereabouts are since unknown. A habeas corpus writ filed on his behalf was quashed on 30 November 2004.
- 157. Tulshi Ram Simkhada**, a 41-year-old permanent resident of Dulari-5, Morang District, was arrested by an unknown group on 1 November 2003. The reason for his arrest and his whereabouts since are unknown.
- 158. Upendra Rai**, a 25-year-old college student of Shri Sukuna Campus and permanent resident of Dandihat-6, Morang District, was arrested by the police at around 2pm on 12 September 2003 in the Itahari Bazaar. He was taken to the District Police Office, Morang, where he was kept for three days, during which time he was allowed to meet his family and relatives. However, on the fourth day he went missing, and his whereabouts have been unknown since.

159. **Yagha Bahadur B K**, a 19-year-old labourer and permanent resident of Kohalpur-3, Banke District, was arrested by three police from the Area Police Office, Kohalpur, Banke, around midday on 26 April 2002. His family members were not given any information about him since. A habeas corpus writ filed on his behalf in the Supreme Court was quashed on 25 June 2004.
160. **Yagya Bahadur Budha**, a 25-year-old farmer and permanent resident of Kohalpur-6, Banke District, was arrested at his house in front of his whole family by around 15 personnel of the Area Police Office, Kohalpur, Banke District at around 5am on 10 June 2002. He was accused of being a Maoist supporter and has not been seen since.

## **B. Killing: Extrajudicial executions and faked encounters**

1. **Amrica Maurya (a.k.a.) Tharu**, 27, was shot dead together with Chiddu Tharu (a.k.a.) Parsu Ram, 29, by disguised security forces for wearing star-printed bandannas around their heads at around 10am on 24 February 2002 at Dhaliya Nursery, Fattepur-1 Banke District, while they were en route to Fattepur from Binauna. The two were reportedly shot dead when they tried to run away. Chiddu Tharu was shot in his leg, shoulder and stomach. Although not completely dead, the group forced some people (Man Prasad Budha, Ram Dayal Tharu and Ram Sharan Tharu) to thrust him inside a sack. The security forces then dumped both bodies into the Rapti River.
2. **Amrita Chaudhary**, 22, was shot dead by an Armed Police Force unit that surrounded her as she was walking on a field path in Tulshipur-8, Dang District, at around 3pm on 12 October 2002. She was unarmed when she was killed. Chandri Bhattarai of Pawan Nagar, Mamake, Dang was also reportedly shot dead in the same incident. The bodies were not handed over to family members, and whether a post mortem was done or not is unknown.
3. **Asha Ram Chaudhary**, a farmer in Bargaddhi village, Trivuan-3, Dang District, was shot dead by soldiers of the Royal Nepalese Army from Ghorahi along with ten other farmers at around 2:30pm on 28 November 2001. The soldiers captured the farmers as they were working in the barn of Krishna Regmi. They forced the men to lie face down on the ground and shot each at least four or five times. Then they collected the bodies, loaded them on a vehicle and took them to the Mahendra Hospital. The bodies were handed over to the families only six days later. The incident occurred three days after a state of emergency had been declared, so Radio Nepal broadcast that the men had been terrorists, not ordinary farmers. The other ten killed were Som Lal Chaudhary, Sit Lal Chaudhary, Rickman Chaudhary, Ram Bahadur Chaudhary, Rup Lal Chaudhary, Krishna Chaudhary, Prasad Chaudhary, Jagaman Chaudhary, Khushi Ram Chaudhary and Jogi Chaudhary.
4. **Ashok Rai**, Bharat Shrestha and Tanka Bahadur Thapa, of Sundarpur-6, 3 and 1 respectively, were arrested between 11–11:30am on 8 December 2001 and taken from their houses by policemen who entered their village in Morang District in two vans. After searching for them for a month, family and friends—including local political party leaders—found that they had been killed in a fake encounter.

5. **Asuri Chaudhary**, 24, was arrested, tortured and shot dead by Royal Nepalese Army (RNA) soldiers from Ghorahi while on his way back home after attending a dinner at his relative's house in Laxmipur-4, Dang District, at around 7pm on 4 December 2002. The reason remains unknown.
6. **Badri Khadka (a.k.a.) Deep**, 29, was captured, tortured and killed by around 15 security personnel of the joint command from the Area Police Office in Rangeli, about five of them in plain clothes, in Jaljala-7, Sankhuwasava District, on 29 August 2004. They later disposed of his body.
7. **Bagawata Dahal (a.k.a.) Bandana**, 19, was arrested in Baguwa village, Sijuwa-4, Morang District, by 35-40 armed security force troops at around 8am on 17 April 2004 on allegations of being a Maoist. After arresting her, the security forces covered her face with a piece of cloth and took her towards Patnali village, through the jungle, where she was beaten until she bled from her entire body. She was finally slain after they took her to the bed of the Sardu River situated near the Patnali jungle at around 12pm.
8. **Bandara (a.k.a.) Ram Prasad Dhobi**, a 15-year-old student in grade 5, was killed along with four men, Munabber Khan, 25, Mohammad Khan, 30, Rajjab Khan, 25 and Mahendra Barma, 30, by security forces at around 6am on 3 April 2004. The group of about 12 personnel from the joint command came on bicycles and captured all five, of Sonpur-1, Banke District, while they were sleeping on the roof of the Ram Janaki Temple of Sonbarsha village. They tied the hands of the five behind their backs, forced them to lie on the road and beat them with batons and kicked them with their boots. They then told each of the men to run towards the fields in turn, and shot them in the head. Initially they spared Ram Prasad, but an officer from one of the two vehicles that arrived later shot him too. After that, they loaded the bodies into one vehicle and drove in the direction of Nepalgunj.
9. **Bankaji Gurung** and his 19-year-old brother Suresh Baral were shot by the security forces while coming back to their home in Pokhara, Kaski District at around 9:30pm on 12 December 2003. They had been to deliver a meal to their sister, who was being treated in a hospital, and were returning on a bike when they were shot near the Rastra Bank, at Bank Circle. Suresh died on the spot, and Bankaji died as a result of gunshot injuries. The sound of the gunshots caused the security forces stationed at surrounding government offices and residences to indiscriminately open fire for about an hour, thinking that the Maoists were attacking, causing damage to at least two dozen neighbouring houses.
10. **Bharat Shrestha**: see Ashok Rai.
11. **Bir Bahadur Basnet** and four other Maoists were shot in cold blood by Joint Security Force personnel under Royal Nepalese Army leadership in Ghahalu-5, Morang District, at 7pm on 30 December 2003, who then buried them in a common grave. One of the four was brutally tortured and shot dead, while the others were all shot and killed while sleeping. The other four persons were Menuka Chemjong, Mitra Prasad Bhattra, Nagendra Pokharel and Rajendra Gautam.
12. **Bir Kumar Singh**, 32, was killed by police at around 7am on 2 September 2003 near the Dhangadhi Police Office in Siraha District. A post mortem was carried out in Lahan Hospital and the dead body was handed over to the family after they signed a

paper. When the family members visited the office of the local Superintendent of Police regarding the matter they were told to file an application against the Maoists for Bir's murder, otherwise they wouldn't get any compensation. The family refused to comply.

13. **Biraj Gurung**, 22, and his two friends Sunil Gurung, 14, and Tirke Pragya, 18, were killed by soldiers of the Royal Nepalese Army at around 5am of 18 February 2004 while collecting alms from passing drivers to rebuild a damaged local temple in Kawilash-1, Jugedi Bazaar, Chitwan District. Two others, Anju Gurung, 18 and Khem Gurung, 21 were severely wounded.
14. **Birendra Yadav**, Ram Prakash Yadav and Ram Sagar Swornakar were suspected drug dealers arrested by three plain clothed police on 24 July 2002 a few metres from Ram Prakash's house in Keshaha-6, while on their way to Dhangadi Bazaar. When the police stopped the men, one pulled out a pistol and aimed it at the officers. About a dozen other police came as reinforcements and tied the hands of the men behind their backs with towels. They also beat and punched them while arresting them. Then they took the three to Kashahachok, a kilometre north from where they were arrested. After that they were taken towards Dhangadi in a truck. However, the police took them out of the truck along the way to Dhangadi, at a place called Gahabar, where a temple of the goddess Devi is situated. They were offloaded from the vehicle, told to run, and when they did so, the police opened fire from their pistols. Two of them were killed near the temple and one near a maize field. Their bodies were not given to their families.
15. **Bhishal Chaudhary** and Jwala were shot dead by troops of around 50 armed security force personnel of the joint command deployed out of Sonbarsa Base Camp, Gangapur, patrolling in Fattepur-7, Banke District, at around 8am on 7 November 2004. At the time they had gone to the sweet shop, but when the troops approached from the south of the village, Jwala left his bicycle and hurriedly ran towards the fields located on the western side of the village. Bishal ran after him. Then the security personnel fired their guns and chased them, shooting them down near Vulkauwa Pond.
16. **Bishwanath (a.k.a.) Nagendra Parajuli**, Tomnath Poudel and Dhan Bahadur Tamang of Hasandaha, Morang District, were shot dead by security forces under the command of the Eastern Pritana Headquarters, Itahari, on 28 September 2004. They were arrested among about 16 young men in total the day before, after a search of the village. The men were interrogated and beaten in the schoolyard overnight. The three victims were shot on the roadside the next morning. Four other persons, namely Ramesh Neupane, Purushottam Acharya, Raju Paswan and Mitthu Paswan, were taken away by the troops. After the executions, Radio Nepal reported that the men were Maoist terrorists who were killed in an encounter. However, the Maoists and families reported that only one of the three had any connection with them. The families of the dead were even too afraid to remove the bodies due to threats by the security forces; the evening after the killings some persons claiming to be Maoists came and removed them for burial.
17. **Bouyalal Mura Kawari**, a 40-year-old resident of Pateharwa-3, Pateharwa, Dhanusha District, was killed by security personnel after being arrested at his house around 3am on 17 October 2004, on charges of being a Maoist and providing food



to Maoists. Although he tried to convince the security personnel that he had been a migrant worker in Arab countries for the last few years, they ignored him and took him to a place near Prasaitol, about one-and-a-half kilometres from his village. Then they shot him dead, took away his body and cremated it.

18. **Chandi Bhattarai**, an 18-year-old grade 8 student, was shot dead after being surrounded and captured by a unit from the Armed Police Force at around 3pm on 12 October 2002, while she was walking on a trail in the Chulesidamar area of Tulshipur, Dang District. Chandi had joined a revolutionary student group a month earlier, but was unarmed when she was shot dead.
19. **Chandra Bahadur Kambang**, a 16-year-old student and Chhatra Bahadur, a 17-year-old farmer, were brothers from Oyam-9, Likhyang who were shot dead by security personnel of the joint command deployed from Batukdal Gaon of Panchthar Jurpokhari as they were walking along Banduke Danda, Tharpu, on 20 August 2004.
20. **Chandri Bhattarai**: see Amrita Chaudhary.
21. **Chhatra Bahadur**: see Chandra Bahadur Kambang.
22. **Chiddu Tharu**: see Amrica Maurya.
23. **Dal Bahadur Thapa**, 35, and his wife Parvati Thapa, 30 were shot dead at their home in Kohalpur-6, Neulpur, Banke District, by around five soldiers at about 8:30pm on 10 September 2002 while they were sleeping. Their 10-month-old daughter also sustained bullet injuries in her stomach. They were accused of being Maoists because Dal's brother Bir Bahadur Thapa, 25, and his sister, Tila Thapa, 21, had joined the rebels a month earlier.
24. **Dambar Bahadur Oli**, a 27-year-old farmer, was shot dead at Dhanwang near Khara Kholo in Garpa-6, Salyan District, by soldiers at around 1am on 10 December 2002, on accusation of being a Maoist supporter. His 25-year-old wife Indrakala Oli died in February 2003 due to a pregnancy complication. The paternal grandparents of the two children are taking care of them.
25. **Damber Bahadur Majhi**, a permanent resident of Tribeni-6, Udayapur, was arrested along with his 22-year-old wife Harka Maya Majhi on the night of 21 October 1998 from a house owned by Magar in Sarai Ambasi by about 35 Armed Police. The police surrounded the house and arrested Damber Bahadur, Harka Maya and the landlord. All of them were shackled and taken in two different directions. Harka Maya and the landlord were taken to the Siraha District Police Office via the hills while Damber was taken towards Katari. The landlord was severely beaten on the way to Siraha. Harka Maya was released after four days upon signing a document. She did not know its contents. When she came back to her house she was shocked to learn that her husband had been killed after his arrest.
26. **Dayanidhi Burma (a.k.a.) Ramesh**, a 28-year-old resident of Khaskarkado-1, Bhujaigaon, Banke District, was killed by troops of the Royal Nepalese Army deployed from Western Pritana Headquarters, Imamnagar, Ranjha, Banke on 29 October 2004. About 50-60 armed security personnel, some of them in plain dress, took him from his house about 800 metres west, into paddy fields beyond a canal. At about 1am firing could be heard in the village coming from that direction, and after some time a group of security personnel came to Dayanidhi's house. As there was nobody inside, they went to Radheshyam Burma's house

and told him that they had shot Dayanidhi Burma dead while he tried to escape near the canal.

27. **Dev Kumar Acharya** was shot dead after the security forces captured him at around 10am on 23 July 2002 in a field where farmers were planting rice in Khudunabari-3, Jhapa District, on suspicion of being an active Maoist. The soldiers surrounded the village and came for him alleging that he was supposedly meeting with another Maoist named Arjun. However, Dev was known in the village as opposing the physical punishments carried out by the Maoists.
28. **Devi B K (a.k.a.) Jharna**: see Dhalindra Basnet.
29. **Devraj Regmi**, a 37-year-old resident of Rampur-4, Shahipur, Dang District, was shot dead in Laxmipur-7 by Royal Nepalese Army troops at around 3pm on 26 March 2002 along with his friend. The men were killed as they tried to run away when a bomb exploded while they were going to buy an ox in the market. A third person was also shot dead in the incident.
30. **Dhalindra Basnet**, a 39-year-old permanent resident of Tara-4, Asmukhe, Baglung District, was killed by Royal Nepalese Army troops along with Devi B K (a.k.a.) Jharna, a Maoist activist, on 30 April 2004. Dhalindra, who was earlier the ward chairperson after running as an independent candidate in 1997, was arrested at a teashop on the morning of April 28 by four security personnel. At the time he was waiting for his breakfast with Saraswati Niure, with whom he was travelling to Bhima Pokara to decide his nephew's marriage. Dhalindra was kept in the army camp at Bhat Khane Danda in Argal. The next day the security personnel took Dhalindra nearby his house and about five soldiers went inside and searched, but did not find anything. They also had Devi B K with them. The day after, they were taken to the forest of Rambuwa in Pandavkhani, via Hil, where they were shot dead, thrown into a ditch and covered with some leaves. Radio Nepal broadcast their names on 1 May 2004, saying that two Maoists, a man and a woman, were killed in Mahesh Khola, Baglung.
31. **Dhan Bahadur Tamang**: see Bishwanath (a.k.a.) Nagendra Parajuli.
32. **Dhaniram Tharu**, a 33-year-old resident of Baijapur-2, Belaspur village of Banke District, and his friend Jorilal Tharu, 30, of the same village, were killed by an Armed Police Force unit from Bageshwori Gaon and Kushum base camp on 29 September 2004. At the time the men were just doing their work as agricultural labourers on the farm of 70-year-old Dila Ram Dangi in Khaskusma-4, Premnagar, Banke.
33. **Dharmendra Shah**, a 24-year-old farmer and resident of Ghodaghawn-5, Rolpa District, was shot dead near a school some distance from his house by a Joint Security Force unit from Sangdobato Camp at around 5am on 22 October 2002. The troops took him from his house while he was sleeping, accused him of being a Maoist, and lynched him from a tree.
34. **Dinesh Mahato**, a 22-year-old resident of Ujjawlpur-3, Dhanusa District, was arrested at his house by 25-30 plain clothed security force personnel who surrounded the premises at around 2am on 9 January 2004. Dinesh was told to put on clothes, and his hands were tied behind his back. He was taken some 50 meters on the pretext of conducting an interrogation, before being shot dead on accusation of being a Maoist. The security forces took his body with them after killing him.

35. **Ganesh Jarga**, a 47-year-old resident of Bengadawor-3, Jamuniwas, Dhanusa District, was killed together with Rohit Kaphle, 35, in a field behind his house as they tried to flee from a large group of armed Royal Nepal Army soldiers who arrived in a truck at around 10am on 17 September 2003. Ganesh was accused of being a Maoist area commander while Rohit was accused of being an ordinary member. The soldiers took the bodies with them.
36. **Ganga Gauchan**, a carpenter living with his elder brother Dhan Bahadur Gauchan in Ratmata-9, Baglung District, was shot and killed with Pahalbir B K (a.k.a.) Pahalsingh, a 29-year-old local businessman and resident of Tara-5, Sangukot, Baglung, by four armed security personnel who came to Pahalbir's shop on 13 September 2003. The group accused Pahalbir of associating with the Maoists, and pulled both men out of the shop while beating them. They took them west of the shop about 20-25 metres and killed them on the spot.
37. **Ghan Shyam Kamat**, a resident of Dadarbairiya-3, Morang District, was killed along with Sankar Sardar of Thalaha-5 and Holai Rajbansi, a former vice-chairperson of Katahari who had since become chief of the Morang District People's Government (Maoist), by six armed ununiformed security personnel who entered Thalaha-2 on 2 April 2004. All three were unarmed, and were shot dead after being captured. Two others managed to escape. A few days later, official sources said that the Maoists were killed in security actions carried out in the area.
38. **Govinda**, aged 28, and two other men, Jagat, 25 and Manoj, 30, were captured and killed while sleeping at the house of Mata Prasad Burma, the former head of the Betahani Village Development Committee, by a Joint Security Force unit comprised of about 150 personnel at around 4am on 17 July 2004. The troops opened fire as they entered the house, injuring Govinda. Manoj and Jagat were killed as they attempted to flee. The security personnel prepared a statement from Govinda and forced him to put his thumbprint on it before shooting him in the head and chest. They also prepared a document that the three men were killed in an encounter with the army and forced some scared villagers to sign it.
39. **Hari Shah**, an 18-year-old student and resident of Mahadevpuri-2, Banke District, was shot dead nearby the Khas Udhyan Primary School by members of the Royal Nepalese Army from Bhimkali Barracks, Chisapani, on 2 October 2003, on suspicion of being a Maoist.
40. **Helu Ram Chaudhary**, a 20-year-old resident of Laxmipur-3, Belwa, Dang District, was shot dead along with seven friends by a group of Royal Nepalese Army soldiers at around 7:25pm on 4 December 2002 while celebrating the annual Harvest Feast after curfew.
41. **Hem Raj K C**, a 33-year-old resident of Tharmara-4, Salyan District and former village head was shot dead by police on 26 February 1998 at a mass meeting organised by the Revolutionary Student Group in Baghchaur Community Hall. He was killed when he raised his voice against the police as they began assaulting people in the crowd who had come to attend the programme.
42. **Holai Rajbansi**: see Ghan Shyam Kamat.
43. **Jagaman Chaudhary**: see Asha Ram Chaudhary.
44. **Jagat**: see Govinda.

45. **Jogi Chaudhary:** see Asha Ram Chaudhary.
46. **Jorilal Tharu:** see Dhaniram Tharu.
47. **Jwala:** see Bhishal Chaudhary.
48. **Kabiram Damai**, an 18-year-old permanent resident of Phachawang-2, Rolpa District, was shot dead by a group of plain clothed Royal Nepalese Army troops around 6:15am on 8 May 2001 as he was going shopping, on accusation of being a Maoist.
49. **Karuna Woli 'Bishesata'**, a 21-year-old Maoist and resident of Chaukhawang, Rukum District was killed after being captured by a Joint Security Force unit from Khadga Dal, Baglung District on 28 July 2004.
50. **Khidiya Tharuni**, aged 20, and **Khusi Ram Tharu**, 22, were both shot dead by policemen around 10am on 9 July 2002 after being taken from a farm some 500 metres from where a bomb had exploded. The next day Radio Nepal reported that they were killed in an encounter.
51. **Khusi Ram Tharu:** see Khidiya Tharuni.
52. **Kosh Narayan Joshi** of Katari-8, Udayapur District, was arrested by the police along with his colleagues from Kathmandu on 31 July 1998 and was killed later over alleged involvement with the Maoists.
53. **Krishna Chaudhary:** see Asha Ram Chaudhary.
54. **Krishna Kumar Yadav (a.k.a.) Biranchi**, a 31-year-old resident of Bala Bakhar-2, Sundarpur, Chiraiya, Dhanusha District, was killed by security personnel along with five other residents of the village who were all taken from their houses between midnight and 2am on 1 October 2004. The other five men were **Lapten Yadav**, 45, of Bala Bakhar-2; **Raj Gir Yadav** (a.k.a.) **Phulgen**, 45, of Chorakoyalpur-6; **Ram Nath Yadav**, 43, of Bala Bakhar-2; **Ram Pukar Yadav**, 40, of Chorakoyalpur-6; and, **Shatrughan Yadav**, 30, of Bala Bakhar-5. In each case, around 3-5 security personnel came into the house, searched, kicked and beat the arrestee, ignoring desperate pleas from relatives. Some family members also were beaten while trying to intervene. The dead bodies of the men were seen the next day in Keutani village, before being taken to Janakpur for cremation. Villagers asked the security personnel to return the bodies, but they refused to comply. The security forces later claimed the men were killed in an encounter with Maoists.
55. **Kushi Ram Chaudhary:** see Asha Ram Chaudhary.
56. **Lapten Yadav:** see Krishna Kumar Yadav (a.k.a.) Biranchi.
57. **Laxman Khatik (a.k.a.) Suraj**, a 19-year-old farmer and permanent resident of Kamdi-6 in Banke District was taken by about 100 security personnel deployed from different places in Banke District and killed along with **Ram Awatar Chaudhary** of Halkarapur, Bankatti-9, and **Nirdali Shesh** of Babagaon, Betahani-5 on 25 August 2004. The three men were walked to Jafarpuruwa, Behtahani-2, and shot dead there.
58. **Mahendra Barma:** see Bandara (a.k.a.) Ram Prasad.
59. **Man Kumar Budha**, a 15-year-old student in class 5 at Shri Dhivya Jyoti High School and resident of Phachawang-2, Rolpa District, was brutally hacked to death by Royal Nepalese Army troops on 28 April 1998 while returning home from collecting cattle feed in the forest. They accused him of going to the jungle early in the morning to send food to the Maoists.
60. **Mani Raj Mudbhari**, a 28-year-old resident of Kumari-1,

Nuwakot District, was shot dead by a group of Royal Nepalese Army soldiers while returning home from a cattle shed on 22 January 2004. Mani's father begged the soldiers to kill him rather than his son, saying he had done nothing wrong, but the determined soldiers did not listen to him.

61. **Manoj**: see Govinda.
62. **Menuka Chemjong**: see Bir Bahadur Basnet.
63. **Mitra Prasad Bhattra**: see Bir Bahadur Basnet.
64. **Mohammad Khan**: see Bandara (a.k.a.) Ram Prasad.
65. **Munabber Khan**: see Bandara (a.k.a.) Ram Prasad.
66. **Nagendra Pokharel**: see Bir Bahadur Basnet.
67. **Nar Bahadur Budhamagar** and Ratna Bahadur Budhamagar, two brothers, were killed by a Joint Security Force team from the Majaha Gaon Barracks, Mahendra Nagar, Kanchanpur District, that came to their village in Basneuta-4, Dhadedhura District, at around 6:30am on 17 August 2004, after being accused of being Maoists. [See full details in body of report.]
68. **Nirdali Shesh**: see Laxman Khatik (a.k.a.) Suraj.
69. **Pahalbir B K**: see Ganga Gauchan.
70. **Parsuram Khanal (a.k.a.) Nabin** was shot dead by security forces at around 4pm on 2 February 2004 as he came out to surrender from the house of Dukha Ram Tharu in Gulleria-6, Balapur, Bardiya District, where he was taking refuge. The next day, Radio Nepal and TV broadcast that a Maoist was shot dead in the area of the Babai River of Gulleria, Banke, and the security forces had seized a pistol, socket bomb and 60,000 rupees cash and other items. However, eyewitnesses claim that Parsuram had neither a pistol nor bombs, and had only a little money and a few papers.
71. **Parvati Thapa**: see Dal Bahadur Thapa.
72. **Phul Bahadur Gharti**, a 28-year-old farmer and resident of Aaot, Rolpa District, was shot dead by Royal Nepalese Army troops at around 6:30am on 6 April 2002 after he was taken some distance from his house and accused of being a Maoist. The soldiers had surrounded the village at around 4am and searched house to house before leading Phul Bahadur to his death.
73. **Prasad Chaudhary**: see Asha Ram Chaudhary.
74. **Prem Bahadur Budha**, a 45-year-old farmer and permanent resident of Bageshwori-9, Banke District, was shot to death at his house by Royal Nepalese Army soldiers around 9:30pm on 2 June 2002, after an encounter with some Maoists in which one escaped. Entering Prem Bahadur's house to search, they saw him hiding out of fear and shot him, then removed his body. They also tortured Prem Bahadur's 15-year-old son before leaving, after which the boy had to go to India for medical treatment when the wounds from the torture became infected.
75. **Radha Krishna Chaudhary** and his father, 51-year-old Sohal Lal Chaudhary, were taken from their house in Kharichandanpur-6, Bardiya District, and shot dead by about five armed Joint Security Force personnel at around 3am on 2 November 2002. They were killed without any reason being given.
76. **Raj Gir Yadav**: see Krishna Kumar Yadav (a.k.a.) Biranchi.
77. **Raj Kumar Dhalan**, a 30-year-old resident of Hanikhola-4, Makwanpur District, was shot dead by Royal Nepalese Army soldiers as he opened the door of his house on their orders at

around 1am on 5 February 2004. That night, the soldiers shot 16 Maoists sleeping in houses around Hanikhola. Raj Kumar's grandmother, 80-year-old Sukmaya Dhalan, was also killed by gunfire. Most of the victims were killed after being captured.

78. **Raj Lal Yadav**, a 27-year-old resident of Hakpara-4, Siraha District, was killed after being arrested by plain clothes police alongside the Bangthiya pond on 19 April 2002 and accused of sticking posters for the Maoists. His beheaded body was recovered from the bed of the Ghurmi River on April 21, and was identified by the clothes.
79. **Rajan Pudasaini**, a 24-year-old resident of Kumari-7, Jhayaling, Nuwakot District, was shot dead together with Yadu Mudbhari, 26, resident of Kumari-1 by Royal Nepalese Army soldiers on 22 January 2004 while in Kumari and on their way to their father-in-law's house in Duduwa village, Dui Pipal. The soldiers took them from the house of Bidhur Mudbhari, where they were having tea, to some distance away and shot them. They handed the bodies to Bidhur after forcing him to sign a document.
80. **Rajendra Gautam**: see Bir Bahadur Basnet.
81. **Rajendra Rawat**, a 22-year-old resident of Katari-8, Udayapur District, was arrested by two policemen armed with pistols who entered the kitchen of his father-in-law's house in Dudhauri-3, Sindhuli District, where he was sitting at around 6pm on 1 July 1997. They took him some distance away from the house and shot him three times in his stomach and once in his forehead. The reason for his killing is unknown.
82. **Rajjab Khan**: see Bandara (a.k.a.) Ram Prasad.
83. **Raju B K**, a 29-year-old resident of Dundunga, Baglung-10, Baglung District, was taken from his house by Royal Nepalese Army soldiers from the Kalidal Barracks in Baglung on 30 March 2002 and kept incommunicado for two days. On the third day after his arrest, a soldier from the Kalidal Barracks came to Raju's house and told his father that the army had handed his son over to the police and asked him to go to visit him in the District Police Office, Baglung. There, a police officer told his father that Raju was shot dead while trying to escape from custody. After a post mortem in Baglung Hospital, the body was handed over to the father once he signed a document.
84. **Ram Awatar Chaudhary**: see Laxman Khatik (a.k.a.) Suraj.
85. **Ram Bahadur Chaudhary**: see Asha Ram Chaudhary.
86. **Ram Narayan Sada**, a 45-year-old resident of Pateharwa-3, Kothiya, Dhanusha District, was shot and killed while sleeping under a tree at around 4am on 17 October 2004. They took his body away and had it cremated in Janakpur. As the villagers live in fear of the security forces in the area, they did not become involved in the case.
87. **Ram Nath Yadav**: see Krishna Kumar Yadav (a.k.a.) Biranchi.
88. **Ram Prakash Yadav**: see Birendra Yadav.
89. **Ram Pukar Yadav**: see Krishna Kumar Yadav (a.k.a.) Biranchi.
90. **Ram Sagar Swornakar**: see Birendra Yadav.
91. **Ratna Bahadur Budhamagar**: see Nar Bahadur Budhamagar.
92. **Reena Rasaili**, an 18-year-old grade 7 student, and Subhadra Chaulagain, 17, of Pokahari Chauri-4, Kavrepalanchok District, were shot and killed separately by a group of security personnel after midnight on 13 February 2004. [See case of Subhadra Chaulagain.] According to Karna Bahadur Rasaili, the 53-year-

old father of Reena, around ten plain clothes armed security personnel came to his house at midnight and called for him to open the door, saying that they were friends of Comrade Deepak, his son, a Maoist party member. He did not open the door because of fear, so they broke the door and entered the house. After searching it, they pulled his daughter out from her bed and took her to the cowshed. Her aunt, 37-year-old Devi Sunuwar, said, "I did not hear any conversation between Reena and the security personnel. I only heard her painful cry and moaning from inside. It continued for almost five hours." At around 5am the security personnel took Reena out from the cattle shed and took her 100 metres away, after which they shot her three or four times. After the security personnel left, the family found Reena's dead body totally naked to the west of their house, with bullet injuries to her head, breasts and eyes. She also had injuries and scratches on her stomach and chest. The security personnel also took Murali, the brother-in-law of Devi Sunuwar, who was sleeping at the same house, and assaulted him elsewhere. [See case of Maina Sunuwar in body of report.] It was also reported that a young boy named Tasi Lama was killed during the same night. A national radio broadcast on February 13 named Reena among the three dead victims of the night and said they were terrorists who were killed in an encounter with security forces.

93. **Rickman Chaudhary**: see Asha Ram Chaudhary.
94. **Rohit Kaphle**: see Ganesh Jarga.
95. **Roshan Lal Budhathoki**, a 24-year-old government driver and permanent resident of Kajhari, Salyan District, was shot dead by the security forces at around 2pm as he was driving food supplies along with other government staff to Tharmare on 27 November 2001. The others in the vehicle managed to flee, but the confused Roshan was shot dead as he climbed down from the vehicle.
96. **Rup Lal Chaudhary**: see Asha Ram Chaudhary.
97. **Rupa Chaudhary**, a 12-year-old resident of Shorahana-2, Bardiya District, was shot dead by a Joint Security Force unit that arrived at her house at around 11pm on 21 July 2002, while she was sleeping. They pulled her to a well nearby the house and accused her of cooking food for the Maoists, before shooting her in front of her parents, who were beaten for attempting to stop the murder.
98. **Sankar Sardar**: see Ghan Shyam Kamat.
99. **Shatrughan Yadav**: see Krishna Kumar Yadav (a.k.a.) Biranchi.
100. **Shiva Prasad Chaudhary** was tortured and then shot dead by troops of about 100 Royal Nepalese Army personnel deployed from Thakurdwara Camp searching for Maoists in the Bagnaha-3 community forest, where Shiva Prasad served as watchman, on 11 July 2004. As the troops could not find any Maoists, they tortured and killed Shiva Prasad instead.
101. **Sit Lal Chaudhary**: see Asha Ram Chaudhary.
102. **Sohal Lal Chaudhary**: see Radha Krishna Chaudhary.
103. **Som Lal Chaudhary**: see Asha Ram Chaudhary.
104. **Sone Lal Mandal**, a 42-year-old farmer and Maoist was shot dead by a group of plain clothes policemen while on his way to buy chicken with his friend Arun just a few hundred metres from his house in Shivanagar village, Mohanpur-9, Siraha District, on 2 August 2002.

- 105. Subhadra Chaulagain**, a 17-year-old grade 9 student at Prava Secondary School and resident of Pokahari Chauri-3, Kavrepalanchok District, was detained by security forces after they had taken and gang-raped Reena Rasaili [see case above] on 13 February 2004. When several personnel came to her house around midnight, a friend who was sleeping upstairs reportedly jumped out and ran away out of fear. The security forces fired on him but could not capture him, so they went and dragged Subhadra from bed and took her outside. She cried, saying that she had not done anything wrong, and begged them to take her to the district headquarters instead of killing her. However, the personnel started to beat her brutally and pulled her along. The family, which was forced back inside, then heard around nine gunshots. After that, four security personnel severely beat up Kedar Nath Chaulagain, 45, Subhadra's father. They punched him in his face, stomach and chest, blaming him for supporting the Maoists. He finally lost consciousness from the assault. Although he was severely wounded, he could not go to hospital because of threats by the security forces. After the incident, Subhadra's 14-year-old brother, Ram Kumar Chaulagain, went into shock, refusing to eat or drink, and going to offer food to the dead body of his sister instead.
- 106. Suk Lal Bhandari**, a 48-year-old resident of DadaGuan-7, Salyan District, was shot dead as he tried to run from Royal Nepalese Army soldiers at around 3pm on 27 November 2001, while in Chakli Ghat.
- 107. Sukmaya Dhalan**: see Raj Kumar Dhalan.
- 108. Sunil Gurung**: see Biraj Gurung.
- 109. Suresh Baral**: see Bankaji Gurung.
- 110. Surya Lal Tharu**, a 30-year-old ice cream manufacturer residing in Kharichandanpur-6, Bardiya District, was taken from his house by around five armed and uniformed Joint Security Force personnel at around 3am on 2 November 2002, before being shot at a nursery about one kilometre away. The reason for his killing is unknown.
- 111. Tanka Bahadur Thapa**: see Ashok Rai.
- 112. Tasi Lama**: see Reena Rasaili.
- 113. Thagga Tharu**, a 32-year-old farmer residing in Motipur-5, Bardiya District, was shot dead a few metres from his house at midnight on 2 November 2002 by around nine uniformed Joint Security Force personnel who accused him of being a Maoist. His brother was also arrested at the same time and has been missing since.
- 114. Tirke Pragya**: see Biraj Gurung.
- 115. Tomnath Poudel**: see Bishwanath (a.k.a.) Nagendra Parajuli.
- 116. Yadu Mudbhari**: see Rajan Pudasaini.



## Appendix II: List of some known forced disappearances in Nepal 1999-2004

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NAME	DISTRICT	SUB-DISTRICT
1. Aaite Muktan	Kathmandu	Lapsephadi-7
2. Aakash Lama	Sindhupalchok	Sindhupalchok
3. Aalaram Pun	Rolpa	Harjang-1
4. Aasta Raj Bajracharya	Lalitpur	Bhichhu Bahal
5. Abdual Gumar	Kathmandu	Kalikasthan
6. Achut K C	Dhading	Jivanpur-7
7. Achyut Khatiwada	Nuwakot	Bhadratar-3
8. Adaan Singh Thapa	Humla	Shinagar-6
9. Ajaya Jha	Sarlahi	Kabilashi- 9
10. Alexender Grabhenicraya	Kathmandu	Kalikasthan
11. Ambika Mudbhari	Chitwan	Gungnagar-2
12. Amir Shakya	Lalitpur	Bagmati-3
13. Amrit Maharjan	Kathmandu	Kirtipur, Panga-9
14. Amrit Man Shrestha	Lalitpur	Bagmati-3
15. Amrita Shrestha	Rolpa	Jekot-7
16. Anarul Miya	Bara	Bhawanipur, Jitpur
17. Anil Maharjan	Kathmandu	Dachhinkali-4
18. Anjan Kumar Rawat	Udayapur	Katari-8
19. Antaram Tharu	Bardiya	Manpur, Tapara- 1
20. Anu Shai	Bhaktapur	Bhaktapur-17
21. Anuman Shrestha	Lalitpur	Bagmati-3
22. Arjun Khatiwada	Nuwakot	Balkumari-6, Kamchok
23. Arjun Kumar Adhikari	Dang	Sisiniya-6
24. Arjun Maharjan	Kathmandu	Kirtipur-5
25. Arjun Ojha	Dhading	Goganpani-6
26. Arjun Pokharel	Nuwakot	Thanapani-9
27. Arjun Thapaliya	Kathmandu	Kapan
28. Arjun Thapamagar	Gorkha	Gorkha
29. Arun Maharjan	Kathmandu	Dachhinkali-4
30. Auruna Badal	Kathmandu	Chabahil-7
31. Asagar Ali	India	Motihaar
32. Ashok Lama	Kathmandu	Gonga-5
33. Ashok Tamang	Kavrepalanchok	Madankudanti-9
34. Atindra Neupane	Tanahu	Byas
35. Ayodhya Prasad Godiya	Banke	Gangapur-4
36. Babita Chaudhary	Dang	Hapure-7
37. Babu Ram Tharu	Bardiya	Motipur-5
38. Badhu Tharu	Bardiya	Motipur-5
39. Badri Bahadur Pandey	Gorkha	Gorkha
40. Badri Khadka	Ramechhap	Dolakha
41. Badri Koirala	Shankhuwashava	Thupu-4
42. Badri Thapamagar	Siraha	Govindapur-5
43. Badri Kumar Thapa Magar	Siraha	Govindapur-5
44. Badri Rai	Khotang	Kahale-7
45. Badrilal Tamang	Dhading	Dhuwakot-1
46. Bagha Ram Tharu	Bardiya	Motipur-2

This list is compiled by the National Human Rights Commission of Nepal and other human rights groups.

47.	Baikuntha Bhujel	Dhading	Jivanpur-9
48.	Bal Krishna Shrestha	Lamjung	Beshisahar
49.	Bal Krishna Shrestha	Parsa	Bagwana-Pasupatinagar-4
50.	Bal Krishna Shrestha	Parsa	Bagbaya-4, Chhaiban
51.	Balkishun Tharu	Bardiya	Magragadi-9
52.	Bandhu Pandy	Kathmandu	Naradevi
53.	Basanta Pande	Nuwakot	Madanpur-2
54.	Basanta Rai	Morang	Shanischare-3
55.	Basistha Koirala	Sindhuli	Bageshowri-1
56.	Basu Budhathoki	Salyan	Khalanga-5
57.	Basu Shakya	Sankhuwasabha	Chayanpur-3
58.	Basudev Aryal	Kathmandu	Dhumbarahi
59.	Basudev Banskota	Dhading	Jivanpur-9
60.	Basudev Khanal	Kathmandu	Balaju-16
61.	Basudev Sigdel	Tanahu	Arunodaya-5
62.	Basundhara Shrestha	Sindhupalchok	NC Treasurer
63.	Bed B Bhohara	Salyan	Sinbau-6
64.	Begam Rana	Rolpa	Homa-1
65.	Bhabnath Dhamala	Syangja	Sisaikot-7
66.	Bhagati Mandol	Dhanusa	Balakhari-1
67.	Bhaghi Damai Pariyar	Achham	Sodhasadekhi-2
68.	Bhagilal Pun	Rolpa	Harjang-3
69.	Bhagiman Budha	Rolpa	Mirul-6
70.	Bhagiram Tharu	Bardiya	Kharichandanpur-4
71.	Bhaguti Tharu	Bardiya	Kharichandanpur-2
72.	Bhaikaji Ghimire	Chitwan	Ratanagar-1
73.	Bhangi Tharu	Banke	Ranjhana-6
74.	Bharat Bahadur Thapa	Bajura	Kaldevmandu-4
75.	Bharat Burjamagar	Sindhuli	Bastipur
76.	Bharat Chaudhary	Bardiya	Suryapatuwa-9
77.	Bharat Karki	Bhojpur	Daurali-4
78.	Bharat Raj Poudel	Kaski	Lekhnath-11
79.	Bhasu Lal Shrestha	Kathmandu	Naya Bazaar
80.	Bhata Ram Lamichhne	Kathmandu	Kavaisthali-12
81.	Bhim B Chaudhary	Dang	Bela-2
82.	Bhim Bahadur K C	Salyan	Pipalneta-5
83.	Bhim Bahadur Tamang	Kavrepalanchok	Bhumidanga
84.	Bhim Bahadur Tharu	Bardiya	Dhadhawa-3
85.	Bhim Chand	Banke	Fatepur-6, Lalpur
86.	Bhim Giri	Kailali	Phulbari-7, B Gaoun
87.	Bhim Prasad Chaulagain	Kavrepalanchok	Pokhari Chauri-7
88.	Bhim Raj Marjan	Kathmandu	Gongabu-3
89.	Bhishnu Shrestha	Bhojpur	Boya
90.	Bhiv P Gautam	Kathmandu	Bir Hospital
91.	Bhola Guragain	Bara	Pipara-5
92.	Bhudhi Tharu	Bardiya	Beluwa-7
93.	Bhuvan Kumar Chaudhary	Bardiya	Beluwa-7
94.	Bhwani Pathak	Nuwakot	Thansingh-8
95.	Bidur Regmi	Dhading	Jivanpur-2
96.	Bihari Lal Godiya	Banke	Gangapur-4
97.	Bijaya Chaudhary	Morang	Morang
98.	Bijaya Gharti	Rolpa	Ghartigaon
99.	Bijula Kuwar	Parvat	Ranipokhari Rati
100.	Bikash Chaulagain (Jhamka)	Bara	Nijgadh-2
101.	Bikash Sharma	Dang	Sonapur
102.	Bikau Lal Koiri	Banke	Nairnapur-4
103.	Bimal Gyawali	Gulmi	Guwadi-4
104.	Bimal Kaji Karki	Okhaldhunga	Okhaldhunga
105.	Bimal P Ghimire	Parsa	Bhagwan-4
106.	Bindhu Pandey	Kathmandu	Balaju-16
107.	Binod Chaudhary	Kailali	Udashipur-7
108.	Binod Dahal	Sindhuli	Old Jhangajholi-4
109.	Binod Dhakal	Gorkha	Harmi-8
110.	Binod K Khadka	Ramechhap	Dolakha
111.	Binod Rai	Sunsari	Dharan-11
112.	Bipin Bhandari	Kathmandu	Goldhunga
113.	Bir B Thapa	Dang	Bijaori-8
114.	Bir Bahadur B K	Surkhet	Latikoili-9
115.	Bir Bahadur Budha	Banke	Binauna-4
116.	Bir Bahadur Oli	Banke	Mahadevpur-2
117.	Birendra Basnet	Jhapa	Damak-1
118.	Birendra Yadav	Morang	Biratnagar-18
119.	Birju Chaudhary	Bardiya	Manpur-8
120.	Bishnu Bhusal (People's Front)		
121.	Bishnu Kanta Panta	Morang	Biratnagar-15, Gitamarg

122.	Bishnu Khatri	Sindhupalchok	
123.	Bishnu Kumar Aryal	Banke	Rajhena-3
124.	Bishnu Prasad Gawali	Kailali	Phulbari
125.	Bishnu Prasad Subedi	Morang	Indrapur-7
126.	Bishnu Prasad Tiwari	Lamjung	Dhwardanda-2
127.	Bishow Raj Acharya	Dang	Swonpur-8
128.	Bishowendra Passwan	Siraha	Lahaan
129.	Bramadin Godiya	Banke	Phattepur-9
130.	Budani Chaudhary	Bardiya	Suryapatuwa-9
131.	Buddi Lama (All Nepal Traders' Union Federation Treasurer)		
132.	Buddi Narayan Tyaadhana	Bhaktapur	Bhaktapur-4
133.	Budhi Silpakar	Gorkha	Hansha-3
134.	Budhi Tharu	Bardiya	Motipur-8
135.	Budhiram B K	Rolpa	Tewang-3
136.	Bum B Shai	Bardiya	Deudhakal-3
137.	Bupendra Upreti	Banke	Nepalganj-1
138.	Chabilal Yadav	Mahottari	Orahi-1
139.	Chail Bihari Loniya	Banke	Hirminiya-1
140.	Chaitya Lal Chaudhary	Bardiya	Dhadhawaar-8
141.	Chakra Bahadur Katuwal	Okhaldhunga	Kuhibhir-5
142.	Chakrapane Poudel (People's Front)		
143.	Chandeshwor Chaudhary	Mahottari	Orahi-1
144.	Chandra B Pradhan	Khotang	Chisapani-2
145.	Chandra B Rana (People's Front)		
146.	Chandra Bahadur Poudyal	Dhading	Kebalpur-4
147.	Chandra P Khanal	Gorkha	Hansapur-2
148.	Chandrakanta Poudel	Lamjung	Jita-3
149.	Charan Das Dhobi	Banke	Nairnapur-4
150.	Chetnath Dangal	Kathmandu	Nanglebhre-5
151.	Chatu Man Gurung	Dhading	Khalchhe-7
152.	Chetnath Ghimire	Lamjung	Imashowr
153.	Chet Bahadur Thakuri	Dhading	Jivanpur-1, Chapgaun
154.	Chetnath Dhungana	Sunsari	Shijiya-9
155.	Chhabilal Gautam	Kathmandu	Dhumbarai-4
156.	Chhaka Bahadur Lama	Humla	Simikot
157.	Chhatra B Shrestha	Kathmandu	Thamel
158.	Chillu Tharu	Bardiya	Manau-8
159.	Chiranjivi Gajurel	Sindhupalchok	Ichok-5
160.	Chiranjivi Gautam	Sunsari	Jhumka-5
161.	Chola Prasad Dhakal	Nuwakot	Kumari-6
162.	Chunawa Tharu	Bardiya	Kharichandanpur-8
163.	Churam Lama	Kavrepalanchok	Gathpani-5
164.	Dal Bahadur Dhami	Dadeldhura	Jogbud-7
165.	Dalak Bahadur Tamang	Kathmandu	Bhimdhunga-8
166.	Dambar Bahadur Gurung	Chitwan	Sharda Nagar-9
167.	Damodar Gautam (Atmaa Nirval BM)		
168.	Dan Bahadur Bohora	Dadeldhura	Jogbud-7
169.	Dan Shinga Thapa	Kanchanpur	Rampur, Bilasipur-1
170.	Danda Pani Neupane	Kathmandu	Baneshwor
171.	Darwari Tharu	Bardiya	Motipur-5
172.	Dataram Timilsena	Morang	Sanischurre-9
173.	Deepa Rokka	Kathmandu	Thamel
174.	Deepak Sendhain	Dhading	Jivanpur-6
175.	Deepak Amatya	Kathmandu	Kathmandu
176.	Deepak Bishowkarma	Sunsari	Baklauri-4
177.	Deepak Budhathoki	Jhapa	Dharampur-5
178.	Deepak Raj Acharya	Jhapa	Shurunga-5
179.	Deepak Kumar Chaudhary	Dang	Sishaniya-4, Pipari, Daurali
180.	Deepak Lamichhane	Gorkha	Namjung-8
181.	Deepak Pokharel	Kathmandu	Basbari
182.	Deepak Pokharel	Okhaldhunga	New Kathmandu
183.	Deepak Pokharel	Okhaldhunga	Bilindu-5
184.	Deepak Rai	Bhojpur	Boya
185.	Deepak Raj Sitaula	Nuwakot	Bhadratar-4
186.	Deepak Rokka	Rolpa	Kureli-7
187.	Deepak Rokka Chhetri	Bardiya	Taratal-7
188.	Deewakar Luitail	Dhading	Chhake Deurali-5
189.	Denesh Chaulagain	Ramechhap	Gunshi Bhudare-3
190.	Denesh Kuwar	Darchula	Huti-8
191.	Denesh Nepali	Nuwakot	Madanpur-2
192.	Dependra Karki	Bara	Nijgadh-7
193.	Dependra Kumar Singh	Siraha	Kumwaha
194.	Dev Bahadur Maharjan	Kathmandu	Kirtipur-15
195.	Devhari Rijal	Sunsari	Madhesa-5
196.	Devi Poudel	Sindhuli	Maduaanpurgadhi-2,

197.	Devi Bahadur Rai	Sunsari	Danda
198.	Devi Lal Khadka	Rukum	Dharan-11
199.	Devi Prasad Adhikari	Banke	Phokhara
200.	Devi Prasad Bajgain	Kavrepalanchok	Kohalpur-3
201.	Devi Prasad Dhungel	Nuwakot	Bhumidanga-7
202.	Devi Raj Karki	Morang	Kumari-5
203.	Devrag Gurung	Sangkhuwasabha	Indrapur-7
204.	Dhan Bahadur Magar		Makalu-7
205.	Dhan Bahadur Roka		
206.	Dhan Bahadur B K	Banke	Kohalpur-3
207.	Dhan Bahadur Chhetri	Banke	Bankatawa- 4, G-Gaon
208.	Dhan Bahadur Limbu	Sunsari	Dharan-12
209.	Dhan Bahadur Magar	Tanahu	Aabukhairini-7, Bhange
210.	Dhan Kumari Chaudhary	Banke	Nebasta-7
211.	Dhan Maya Chaudhary	Banke	Nauwasta
212.	Dhaniram Chaudhary	Dang	Bela-2
213.	Dhaniram Tharu	Bardiya	Dhadhawa-7
214.	Dhaniram Tharu	Bardiya	Manau-8
215.	Dhanshyam Adhikari	Dhading	Naubishe-1, Thakre
216.	Dharma Raj Maharjan	Lalitpur	Khokana-6
217.	Dhirendra Bahadur Rawal	Dailekh	Bindhasaini-6
218.	Dhirendra Kumar Malla	Mugu	Shrinagar-3
219.	Dhro Prasad Bhattra	Okhaldhunga	Gamangtar-3
220.	Dhruba Kumar Adhikari	Dang	Sisiniya-6
221.	Dhruva Bahadur Karkee	Bhaktapur	Madhyapur
222.	Dhruva Prasad Mishra	Nuwakot	Panchakanya-9
223.	Dhwarika Timalisina	Saptari	Phatepur-9
224.	Dil Bahadur Adhikari	Chitwan	Piduwa-7
225.	Dil Bahadur	Salyan	Pipalmeta-5
226.	Dil Bahadur Baniya	Kaski	Lekhnath-11
227.	Dil Bahadur Bhudhathoki	Dolakha	Nagdu-1
228.	Dil Bahadur Jagri	Dadeldhura	Jogbud-7
229.	Dil Bahadur K C	Kaski	Lekhnath-11
230.	Dil Bahadur Rai	Kathmandu	Kathmandu
231.	Dil Bahadur Rai	Kathmandu	Chabel
232.	Dil Bahadur Shah (Shital)	Achham	Thati Hal
233.	Dil Bahadur Taj	Bhaktapur	Kakunje-3
234.	Dilli Bahadur K C	Rukum	Vakikot-6
235.	Dilli Bahadur K C	Rukum	Bhaphikot-6
236.	Dilli Prasad Dangal	Morang	Govindapur-1
237.	Dinesh Nepali	Nuwakot	Madanpur-2
238.	Dipendra Pathak	Makawanpur	Budhachaur-3
239.	Dipendra Nepal	Nuwakot	Tuche-2
240.	Dipendra Panta	Gorkha	Gaikhur-5, Kamaltaar
241.	Diwakar Luitail	Dhading	Chatre Daurali-5
242.	Dor Bahadur Wali	Rolpa	Dhawang-8, Bhanbhane
243.	Dr Rishi Raj Adhikari	Lalitpur (Child First Organization)	
244.	Dukhiya Tharu	Udayapur	Katari-8
245.	Durga Bhattarai	Jhapa	Satasidham-6
246.	Durga Bahadur Nepali	Nawalparasi	Ghairing-9
247.	Durga Prasai	Jhapa	Jhapa
248.	Durgaraj Gautam	Nawalparasi	Deurali-2
249.	Durgash K Lama	Dhanusa	Janakpur-10
250.	Gagan Bahadur Gharti	Banke	Kohalpur-6
251.	Gagan Singh Kuwar	Darchula	Huti-9
252.	Gajaman Kunwar	Rolpa	Mighing-5
253.	Ganesh Adhikari	Taplejung	Hangdeba-1
254.	Ganesh Dhakal	Terahthum	Otbare-2
255.	Ganesh Thapa	Dang	Tribhuvan -11
256.	Ganga Prasad Tiwari	Kathmandu	Kathmandu
257.	Gangaram Limbu	Morang	Itahari-6
258.	Gangaram Shrestha	Bhaktapur	Bhaktapur -17
259.	Gauri Shah	Siraha	Phalvariya-9
260.	Gaya Rajbanshi	Jhapa	Gherawari-7
261.	Ghahendra Hamal	Rolpa	Liwang
262.	Ghamvira Shah Kanu	Rautahat	Hathiyahi-1
263.	Ghed B Basnet	Sindhupalchok	Balashhe-4
264.	Gita Thapamagar	Gorkha	Gherun
265.	Govinda Bahadur Karki	Sindhupalchok	Batase-7, Kitene
266.	Govinda Ghimire,	Ramechhap	Bethan-1
267.	Gopal Budhathoki	Sarlahi	Haripur-1 Jutpani
268.	Gopal Dangal	Morang	Govindapur-1
269.	Gopal Dhakal	Jhapa	Kerabari-6
270.	Gopal K C	Rukum	Bhaphikot-6

271.	Gopal Karki	Morang	Bhahuni-6
272.	Gopal Nagarkoti	Lalitpur	Lalitpur
273.	Gopal Thama Chhetri	Banke	Kohalpur-4, Chappargaudi
274.	Gopi Bahadur Bhandari	Kathmandu	Balaju-16
275.	Gopi Krishna Thapaliya	Kathmandu	Koteswor-35
276.	Gorakh Bahadur Bista	Rolpa	Mighing-5
277.	Goverdarn Rawot	Rukum	Shyal Phakha -9
278.	Govinda Ghimire	Ramechhap	Bethan-1, Pashupati Barek Chabahil Belawa-4
279.	Govra Tharu	Bardiya	Mighing-5
280.	Gyan Bahadur Bista	Rolpa	Bamtibhandar-1
281.	Gyan Bahadur Chhetri	Ramechhap	Kirtipur, Panga-9
282.	Gyan Bahadur Maharjan	Kathmandu	Langghalel
283.	Gyan Bahadur Koirala	Kaski	Koteswor
284.	Gyanandra Nepal	Kathmandu	Ratnanagar-12, Tandi
285.	Gyanandra Tripathi	Chitwan	Manahari-4
286.	Gyanendra Kalakheti	Makawanpur	Thakre-3, Ranibari
287.	Gyanendra Prasad Bidari	Dhading	Manhari-4
288.	Gynendra Kanlakhati	Makawanpur	Gamnang-3
289.	Haran Bhatara	Okhaldhunga	Rajhena-4 Shurkhet Road
290.	Hari B Khatri	Banke	Bardahawa Pipla-6
291.	Hari B Tamang	Chitwan	Sijuwa-5
292.	Hari Bahadur Karki	Morang	Dhanwang-3
293.	Hari Bahadur Nepali	Salyan	Indrapur-4, Govindapur
294.	Hari Dangal	Morang	Bela-2
295.	Hari Lal Chaudhri	Dang	Jhyamkhang-3
296.	Hari Lamsal	Dhading	Naubishe-1
297.	Hari Prasad Acharya	Dhading	Kathmandu-10, Baneshowr
298.	Hari Prasad Gautam	Kathmandu	Pakbadi
299.	Hari Prasad Khanal	Shyanga	Kohalpur, Buspark
300.	Hari Prasad Subedi	Banke	Bhaktapur-10
301.	Hari Prasad Suwal	Bhaktapur	Kathmandu-19, Pyaphal
302.	Hari Saran Shrestha	Kathmandu	Jivanpur-9
303.	Hari Saran Thapa	Dhading	Malung-5, Khadkachowk
304.	Hari Shankar Bhandari	Dholakha	Janakpurdham
305.	Hari Dev Mandal	Dhanusa	Mulpani-4
306.	Haridwaar Kuwar	Kathmandu	Magaragadi-5
307.	Hariram Chaudhary	Bardiya	Bhatakatiya High School
308.	Harka Bahadur Saud	Achham	Liwang-1
309.	Harka Lal Thapa	Rolpa	Kirtipur, Deuda-2
310.	Harsha Man Maharjan	Kathmandu	Kohalpur-3
311.	Hikmat Bista	Banke	Beluka-8
312.	Him B Bista	Bardiya	Kalanki Khasibazaar
313.	Him Prasad Ghimire	Kathmandu	Bhadaure-2
314.	Himal Kaji Karki	Okhaldhunga	Kakani-5
315.	Hira Bahadur Karki	Nuwakot	Daudhakala-3
316.	Hira Singh Bhatta Magar	Bardiya	Nuwakot-4, Kathari
317.	Hit B Sudedi	Nuwakot	Mahdevpuri-3
318.	Hitkala Dangi	Banke	Nepalgunj
319.	Hom Bahadur Bhandari	Banke	Thumi
320.	Hom Bahadur Thapa	Gorkha	Pokali-2
321.	Hom Prasad Gautam	Okhaldhunga	Kamdi-9, Ladiyaghat
322.	Hukum Bahadur K C	Banke	Bara Banjariya
323.	Hukum miya Ansari	Bara	
324.	Indra B Khadka (People's Front)		
325.	Indra Bahadur Aryal	Dhading	Tasarpu-3
326.	Indra Kanta Jha	Dhanusa	Mithileshwor-5
327.	Irsad Hussan Ansari	Bara	Patawanipur
328.	Ishwor Lal Budha	Rolpa	Homa-8
329.	Ishwora Paudyal	Udayapur	Hadiya-7
330.	Ishwori Prasad Regmi	Dhading	Jivanpur-4
331.	Iswor Rai	Bhojpur	Boya
332.	Jagadish Mahato	Mahottari	Laximiniya-7
333.	Jagan Nath Nepal	Parsa	Bagwana Pasupatinagar
334.	Jagana Tharu	Bardiya	Magaragadi-5
335.	Jagat Krishna Pokhrel	Bhaktapur	Kaushaltar
336.	Jagatram Tharu	Bardiya	Magaragadi-5
337.	Jahir Ali Sai	Banke	Bankatee-4
338.	Jahir Kha	Banke	Nairnapur-5
339.	Jamil Ahamad	Kathmandu	Jorpati, Skiest Krist
340.	Janak Bahadur Bista	Achham	Muli-4, Kamal Bazaar
341.	Janak Lamichhane	Dhading	Jivanpur-9
342.	Janak Oli	Rolpa	Jugar-3
343.	Janak Prasad Adhikari	Kathmandu	Goldhunga

344.	Janak Prasad Adhikari	Nuwakot	Thansingh-4
345.	Janaki Chaudhary	Bardiya	Bhari, Mahammadpur-9, Mikri Goan
346.	Jang Bahadur Raut	Sunsari	Singiya-6
347.	Janki Chaudhary	Kailali	Narayanpur-8
348.	Jayakali Khatri	Banke	Mahdevpuri-3
349.	Jayanti Thapa	Kathmandu	Shangla-5
350.	Jeet Bahadur Chaudhary	Bardiya	Mangaragadi-8, Rammapur
351.	Jeev Nath Gautam	Ramechhap	Gunshi Bhaduri-1
352.	Jetendra Jha	Dhanusa	Janakpur-10
353.	Jhuma Kumari Sen Wali	Dang	Manpur-4, Lalalauta
354.	Jhurri Teli	Banke	Belhiya-7
355.	Jilla Sandesh Tharu	Bardiya	Magargadhi-1
356.	Jighu Tharu	Bardiya	Magaragadi-5
357.	Jimdar Kewat	Banke	Betahani-5
358.	Jogman Lama	Kavrepalanchok	Kavrepalanchok-1
359.	Jokendra Kushait (Yadav)	Siraha	Radhepur-6, Thakre Chisopani
360.	Judda BahadurDaugee	Rolpa	Libang-8
361.	Judda Bir Rokka	Rolpa	Harjang-3
362.	Juhariya Lal Tharu	Banke	Phatapur-7
363.	Jyoti Guragain	Bara	Pipara-5
364.	Kabir Kumar Shrestha	Kathmandu	Shamakhushi
365.	Kadar Kumar Dhakal	Sangkhuwasabha	Vana-4
366.	Kaji Gurung	Sindhupalchok	Sindhupalchok-1
367.	Kaji Nepal (Krishna Nepal)	Kathmandu	Lapsiphadi, Narsingh Pouwa-7
368.	Kalag Miyan	Bara	Bhawanipur, Jitpur
369.	Kale Budha	Rolpa	Mirul-6
370.	Kali Bista	Bardiya	Beluka-7
371.	Kaliram Tharu	Bardiya	Mohamadpur-8
372.	Kalpana Bista	Morang	Bhahuni-9, Rachhanagar
373.	Kalpati Tharu	Bardiya	Motipur-2
374.	Kaluram Tharu	Bardiya	Motipur-2
375.	Kamal K C	Kathmandu	Kirtipur-15, Taudaha
376.	Kamal Pun	Rolpa	Vabang-5
377.	Kamal Rijal	Morang	Pathari-5
378.	Kamala Chaudhary	Bardiya	Manau-8
379.	Kamala Dhahal	Morang	Shijuwa-4
380.	Kamala Guragain	Bara	Pipara-5
381.	Kamala Kumar Lamichhane	Bardiya	Kharichandanpur-9
382.	Kaman Singh Kanal	Banke	Mahadevpuri-6
383.	Karan Singh Gartimagar	Kailali	Mohanyala
384.	Karma B Tamang	Chitwan	Pipla-6
385.	Karmawal Tamang	Kathmandu	Lapsephadi-7
386.	Karna Bahadur Nepali	Rukum	Phokhara
387.	Karna Bahadur Tharu	Banke	Nauwasta-8
388.	Kaser Bahadur Basnet	Bardiya	Naulapur
389.	Kausala Pun	Rolpa	Harjang-3
390.	Kebhab Chaulagani	Kavrepalanchok	Chauri Phokhari-7
391.	Kedar Kunwar	Dhading	Jivanpur-4
392.	Kedar Prasad Gautam	Kathmandu	Kathmandu-35, Aishorya Marg
393.	Kedarnath Chaudhary	Dang	Bela-2
394.	Kedarnath Rupakhati	Dhading	Kawalpur-4
395.	Kemav Man Dangol	Rasuwa	Hampali-1
396.	Kemar B Nepali	Gorkha	Choprak-6
397.	Keshav B Magar	Solukhumbu	Juming-1
398.	Keshav Bahadur Basnet	Bardiya	Neulapur-4
399.	Keshav Kumar Chaudhary	Bardiya	Harichandapur-2
400.	Keshav Prasad Bhatta	Nuwakot	Giling-7
401.	Keshav Sing Thakuri	Tanahu	Barpanch-6
402.	Keshu Ram Kewat	Banke	Betahani-5
403.	Khadga B Ghartimagar	Lalitpur	Kusunti-13
404.	Khadga Bahadur Pun	Rolpa	Aaot-
405.	Khadga Bahadur Thapa	Kailali	Baliya-4, Kouwapur
406.	Khadga Singh Tamang	Kavrepalanchok	Pokhari, Narayansthan-6
407.	Khagendra Dahal	Jhapa	Shantinagar-9
408.	Khagendra Prakash Malla	Rolpa	Pakhapani-4
409.	Khamba Lal Gautam	Jajarkot	Laiha-4
410.	Khemraj Dahal	Udayapur	Rupatar, Kataharegaun
411.	Khil Prasad Bhusal	Banke	Rajena
412.	Khim B Nepali	Dang	Bela-2
413.	Khim Bahadur Giri	Rolpa	Harjang-3
414.	Khim Bahadur Khani	Rolpa	Golpokhari-5

415.	Khim Lal Chaudhary	Bardiya	Kharichandanpur-6
416.	Khim Lal Gaire	Dang	Pavannagar-3
417.	Khim Lal Tharu	Bardiya	Beluwa-7
418.	Khuwa P Acharya	Rasuwa	Laharpokahal Gangak
419.	Kiran Gurung	Kathmandu	Lainchor
420.	Kiran Maharajan	Kathmandu	Kirtipur-14
421.	Kishan Lal Chadhary	Morang	Morang
422.	Kishori Raya Yadav	Mahottari	Gaushala
423.	Kousalya Pokharel	Nuwakot	Thanapani-9
424.	Kripram Murai	Banke	Nairnapur-4
425.	Krishna Bahadur Budhathoki	Kavrepalanchok	Pokahari Chauri-9
426.	Krishna Bahadur Limbu	Jhapa	Guridaha
427.	Krishna Bahadur Tharu	Banke	Nauwasta-8
428.	Krishna Bahadur Thapa	Rautahat	Chandranighapur-1
429.	Krishna Bhakta Maharjan	Lalitpur	Sunakothe
430.	Krishna Dahal	Lalitpur	Maruwashi-7
431.	Krishna K C	Kathmandu	Kathmandu
432.	Krishna K C	Chitwan	Bharatpur-10
433.	Krishna Kumar Regmi	Dhading	Jivanpur-9
434.	Krishna Man Shrestha	Lalitpur	Bagmati-3
435.	Krishna Neupane	Lamjung	Sunder Bazaar
436.	Krishna Prasad Kandel	Sholukhumbu	Sholukhumbu
437.	Krishna Prasad Chaudhary	Bardiya	Motipur-7
438.	Krishna Prasad Haishi	Achham	Achham
439.	Krishna Prasad Kandel	Solukhumbu	Solukhumbu
440.	Krishna Prasad Phokharel	Lamjung	Chakra Tirtha
441.	Krishna Sen Iechhuk	Kathmandu	Kathmandu
442.	Krishna Shrestha (People's Front)		
443.	Kuber Aapaghain	Morang	Uralabahari-2
444.	Kuber Rijal	Banke	Banktuwa-4
445.	Kuiera Chaudhary (Ram)	Dang	Duruwa-5
446.	Kul Bahadur Dangi	Rolpa	Pakhapani-4
447.	Kul Bahadur Khanal	Sunsari	Randevi Secondary School-1, Pancha Kanya Ugrachandi, Nala-7
448.	Kul Prasad Humagain	Kavrepalanchok	Badaldare-9
449.	Kulman Shai	'Kalikot	Baguwa-7
450.	Kumar Dhakal	Gorkha	Makawanpur-6, Tokhel
451.	Kumar Karki	Makawanpur	Bitta Deurali-5
452.	Kumar Prasad Panta	Kavrepalanchok	Mansuliya-1
453.	Kumari Damai	Kailali	Bhasareya-1
454.	Kumari Nepali	Kailali	Bhejeni- 8
455.	Kusum Kumari Chaudhary	Kailali	Beluwa-7
456.	Lahanu Chaudhary	Bardiya	Motipur-7
457.	Lahanu Chaudhary	Bardiya	Ramshikharghala
458.	Lahuram Chaudhary	Kailali	Kanchanpur-1 Agaicha
459.	Lal B Dangi	Banke	Shyal Phakha -9
460.	Lal Bahadur BK	Rukum	Jogbud-7
461.	Lal Bahadur Bohora	Dadeldhura	Motipur-2
462.	Lalbihari Tharu	Bardiya	Balhari-2
463.	Lalluram Barma	Banke	Khotang
464.	Lasman Pradhan	Khotang	Shivapur-9
465.	Lasman Tharu	Bardiya	Jitpurfed-4
466.	Lasman Prasad Aryal	Kathmandu	Manau-8
467.	Lauti Chaudhary	Bardiya	Kumari-2
468.	Laxman Neupane	Nuwakot	Hasha Daha-5
469.	Laxman Prasad Ghimire	Morang	Shivapur-9
470.	Laxman Tharu	Bardiya	Pipara-5
471.	Laxmi Dhakal	Bara	Phokhara
472.	Laxmi Garti	Rukum	Motipur-5
473.	Laxmi Ram Tharu	Bardiya	Mohamadpur-8
474.	Likha Ram Tharu	Bardiya	Virkot-5
475.	Likhanath Sapkota	Gorkha	NC Office
476.	Lila Dahal (Nep)	Sindhupalchok	Bukot
477.	Lila Yadav	Gorkha	Chaklatirtha-6
478.	Lilaraj Kadal	Lamjung	Dangihat
479.	Lochan Dhamala	Morang	Chaurjahari
480.	Lok Bahadur Bista	Rukum	Bhumidanga
481.	Lok Prasad Bajgain	Kavrepalanchok	Rupakot-3
482.	Lok Raj Joshi (Arjun)	Tanahu	Beluwa-7
483.	Lok Ram Tharu	Bardiya	Dadigurash-1
484.	Loknath Adhikari (Ranu)	Sindhuli	Kathmandu-6, Kumarigaal
485.	Loknath Chaulagain	Kathmandu	Bagmati-3
486.	Machhe Narayan Shrestha	Lalitpur	Adarsha Yoghari High School
487.	Madav B Ghimire	Kathmandu	Chabahil-7
488.	Madav Dahal	Kathmandu	

489.	Mahadav Nepal	Sindhupalchok	RR Campus
490.	Madhav Prasad Neupane	Bhojpur	Nepalgung-3, Achashedhara
491.	Madhu Kumar Chaulagain	Kavrepalanchok	Pokahari Chauri-3
492.	Madkali Khadka	Rolpa	Jugar-7
493.	Magaram Tharu	Bardiya	Motipur-2
494.	Maha Prasad Amgain	Kathmandu	Padamchakra
495.	Mahandra Bikram Oli	Banke	Kohalpur-2
496.	Mahendra Pun Magar	Rolpa	Harjang-1
497.	Mahesh Kafle	Syangja	Waling
498.	Maheshwor Katuwal	Kathmandu	Airport Healthy MM Center
499.	Maheshwor Pahari	Kaski	Pokhara, Pasyang
500.	Maina Sunuwar	Kavrepalanchok	Kharelthok-6
501.	Makunda Prasad Dhakal	Kavrepalanchok	Majhifewa, Pokahari Chauri
502.	Makunda Sendayee	Dhading	Jivanpur 6
503.	Malika Shrestha	Nuwakot	Kamurataar-3
504.	Mamaraj Agrawal	Kathmandu	Dilli Bazaar
505.	Man Bahadur Budhathoki	Rolpa	Seram-7
506.	Man Bahadur Tamang	Kavrepalanchok	Machhai-7
507.	Manbahadur Shrestha	Gorkha	Baguwa-4
508.	Manesh Pokharel	Rautahat	Masedwa-3
509.	Mangru Tharu	Bardiya	Badalpur-4
510.	Manju Chaudhary	Dang	Narayanpur-2
511.	Manoj Kumar Dutta	Dhanusa	Janakpur-9
512.	Manoj Kumar Shah	Mahottari	Sarpallo-6
513.	Manoj Rai	Sholukhumbu	Jubing-2
514.	Manoj Regmi	Lamjung	Sunder Bazaar
515.	Matrika Timsina	Shankhuwasava	Khadbari
516.	Maya Lama	Kathmandu	Lapsiphadi, Narsingh Pouwa-6
517.	Meera Adhikari	Nuwakot	Tarang-2
518.	Megnath Sharma	Chitwan	Bharatpur -10
519.	Menuka Sapkota	Rautahat	Dumaria-2
520.	Milan Khadka	Jhapa	Damak-1
521.	Milan Nepali	(Janadesh Magazine)	
522.	Mishri Lal Bhudhathoki	Banke	Phatapur-7
523.	Mitra Lal Chhartimagar	Rolpa	Judhar-3
524.	Mohammad Yunus Ansari	Kathmandu	Maharajganj
525.	Mohammad Zakhir Shiek	Banke	Sohanpur-9
526.	Mohan Bikram Aryal	Banke	Nauwasta
527.	Mohan Chaudhary	Bardiya	Manau-8
528.	Mohan Lal Oli	Banke	Banke
529.	Mohan Luitel	Okhaldhunga	Phulbari-5
530.	Mohan Prasad Guragain	Shankhuwashava	Dhupu-9
531.	Mohan Tharu	Bardiya	Manau-8
532.	Mohanlal B K	Rukum	Shova
533.	Mohanmad Husaen Miya	Bara	Bhawanipur, Jitpur
534.	Moti Lal Tharu	Bardiya	Badalpur-3
535.	Mukh Lal Tharu	Bardiya	Beluwa-7
536.	Mukunda Prasad Panta	Dhading	Thakre-8, Juge Khola
537.	Mukunda Prasad Phuyal	Kathmandu	Kavaisthali-12
538.	Mukunda Sedhai	Dhading	Jivanpur-6
539.	Mukunda Singh Bali (Ajit)	Banke	Nauwasta-9
540.	Nab Raj K C	Nuwakot	Nuwakot, Rahutebashi-4
541.	Nabaraj Dhakal	Kathmandu	Baneshwor ,Shankhamul
542.	Nabin Bivash (Pun Magar) (Editor of Yugbhod Daily Paper)		
543.	Nabin Gurung	Kaski	Rupakot-6
544.	Nabin Rai	Bhojpur	Dilpanagi-6
545.	Nabin Rai	Khotang	Chhitapokhari
546.	Nabin Rana Bhat	Gorkha	Palungtar-7
547.	Nagmal Bista	Dailekh	Rawalkot-5
548.	Nanda Prasad Tiwari	Kathmandu	Teku
549.	Nanda Rishi Joshi	Valmikee Campus	
550.	Nanha K Ansari	Banke	Nairnapur-4
551.	Nani Maiya Maharjan	Kathmandu	Kathmandu
552.	Naniram Kafle	Dhading	Nauvise-1
553.	Nar Bahadur Budha	Banke	Kohalpur-6
554.	Nar Bahadur Thapa	Ramechhap	Goathgaoun-4
555.	Nar Singh Prasad Chaudhary	Saptari,	Khojpur-5
556.	Narayan Adhikari	Kathmandu	Dallu
557.	Narayan B Thapa	Kathmandu	Shangla-5
558.	Narayan Khadka	Kathmandu	Kathmandu-9, Sinamangal
559.	Narayan Pathak	Ramechhap	Tokapur-2
560.	Narayan Prasad Acharya	Banke	Kohalpur-3
561.	Narayan Prasad Chaudhary	Kailali	Ramshikhar Kala-1
562.	Narayan Yadav	Siraha	Laxminirya, Tarapatti



563.	Narbir B K	Rukum	Khalanga-9
564.	Naresh Bhuda Magar	Rolpa	Mirul-6
565.	Naresh Maharjan	Kathmandu	Kirtipur, Panga-9
566.	Navaraj Bhandari	Nuwakot	Bidur-9
567.	Navaraj Dulal	Bhaktapur	Kutunje-6
568.	Navaraj Thapa	Dhading	Thakre-2
569.	Navaraj Thapa	Udayapur	Rampur-2
570.	Navin Kumar Rai	Bhojpur	Bhojpur
571.	Navindra Sapkota	Sindhupalchok	Bataje 1
572.	Neema Dorje Lama	Kavrepalanchok	Ryale-3
573.	Nepali Tharu	Bardiya	Bhimapur-7
574.	Netra Narayan Bhandari	Syangja	Chapakot-6
575.	Netra Phadera	Humla	Shinagar-4
576.	Nil Kantha Tiwari (NTC Staff)		
577.	Nim Prakash Tharu	Bardiya	Beluwa-7
578.	Nirmal Chaudhary	Bardiya	Manau-9
579.	Nirmal Khumbu	Sansari	Dharan-12
580.	Nirmal Kumari Meenu (Bhudathoki) Kapilvastu		Kopawa-6
581.	Nirmal Pathak	Ramechhap	Tokapur-2
582.	Nirmala Bhaihata	Gorkha	Aapipal
583.	Nirmala Bhandari	Kathmandu	Balaju
584.	Nischal Nakarmi	Kathmandu	Mahadevsthan-5, Thankot
585.	Nobraj Dahal	Makawanpur	Ammbanjyang
586.	Nobraj Nap	Baitadi	Gokuleshowr-8
587.	Nokhraj Gautam	Ramechhap	Gunshi Bhaduri-1
588.	Nuwa (Dhani Ram) Tharu	Bardiya	Manau-8
589.	Obiraj Dagi	Dang	Udahari-4, Hamnagar Jashpur
590.	Om B Thapa	Okhaldhunga	Gamangn- 8
591.	Om Kumar Shrestha	Bhojpur	Boya
592.	Om Prakash Pun	Rolpa	Harjang-3
593.	Om Prakash shrestha	Jhapa	Garamuni-2
594.	Padam B Magar	Solukhumbu	Juming-1
595.	Padam Bahadur Rana	Tanahu	Majhkot-2
596.	Padam Bahadur Malla	Rolpa	Pakhapani-4
597.	Padam Narayan Nakarmi	Lalitpur	Bagmati-3
598.	Padam Neupane	Gulmi	Hanga-9
599.	Padam Prasad Neupane	Lamjung	Bichoura-5
600.	Padam Prasad Dahal	Okhaldhunga	Baruneshwor-4
601.	Palchang Lama	Kavrepalanchok	Hoksha-5
602.	Palta Tharu	Bardiya	Beluwa-7
603.	Pampha Kumal	Gorkha	Chayngli
604.	Parek Bahadur Shahi	Kalikot	Lalu
605.	Parishit Regmi	Nawalparasi	Mukundpur-4
606.	Parsuram Thapa	Lalitpur	Malta-8
607.	Pasupati Dhungana	Nuwakot	Jiling-4
608.	Patiram Tharu	Bardiya	Kharichandanpur-2
609.	Patiram Tharu	Bardiya	Motipur-7
610.	Pawan Tharu	Banke	Ranjhana-2
611.	Penta B K	Banke	Kohalpur-3
612.	Phaluram Tharu	Banke	Nauwasta
613.	Phul Raj Chaudhary	Banke	Nauwasta-8
614.	Phularam Tharu	Bardiya	Manpur, Tapara-6
615.	Phulmaya Tamang	Dhading	Dhuwakot-1
616.	Piman Singh Tamang	Nuwakot	Narjamandap-6
617.	Pokharraj Bhudhathoki	Salyan	Pipalanera-9
618.	Poshraj Budhathoki	Salyan	Salyan
619.	Prabesh B Bista	Kathmandu	Shuchataar- 3
620.	Prabin Syatal	Makawanpur	Thigan-2
621.	Prachanda Katawal	Okhaldhunga	Thulachhap-4
622.	Pradeep Khanal	Kaski	Thumki-5
623.	Pradesh Chandra Lohani	Dhading	Chainpur-2, Panduthar
624.	Pradip Adhikari	Nuwakot	Kharaniyar-8, Koiralachet
625.	Pradip Karki	Kathmandu	Narayanthan
626.	Prakash Dhungel	Nuwakot	Kumari-4
627.	Prakash Khanal	Chitwan	Ratanagar, -3, Shantichauk
628.	Prakash Panta	Nuwakot	Madanpur-8
629.	Prakash Tamang waiba	Udayapur	Katunje Bebala 7, Lamidada
630.	Prakash Karki	Morang	Dangihat-1
631.	Prakash Khanal	Chitwan	Ratna-3 Shantichowk
632.	Prakesh Khadka	Kathmandu	Gonga-5
633.	Pralahad Waiwa	Kathmandu	Shri Krishna Secondary School
634.	Pramod Kumar Baniya	Kathmandu	Kathmandu
635.	Pramod Kumar Shrestha	Salyan	Khalanga-6
636.	Pramod Narayan Mandal	Dhanusa	Kurtha-1
637.	Prasun Kandel	Ramechhap	Matauli-5, Mugitar

638.	Pratik Shrestha	Morang	Mdaulmalla-5
639.	Pratima Gautam	Banke	Sitapur-7
640.	Prem B Chaudhary	Dang	Bela-2
641.	Prem B Maharjan	Lalitpur	Harishidhi-7
642.	Prem B Rawal	Achham	Baligoan-9
643.	Prem Bitalu	Dadeldhura	Jogbud-7
644.	Prem Prakash Acharya	Rolpa	Liwang
645.	Prem Prakash Chaudhary	Banke	Manau-8
646.	Prem Sagar Karmachrya	Kathmandu	Kathmandu-31
647.	Prem Thapa Magar	Solukhumbu	Juming-1
648.	Priya Tharu	Bardiya	Manau-8
649.	Pro Ram Chandra Bhandari	Kathmandu	Koteswor
650.	Promod Uprati	Kailali	Khailad
651.	Promod Chaudhary	Sunsari	Madhali-5
652.	Prtima Gautam	Banke	Pitakur-7
653.	Punaram Chand	Rolpa	Vabang-5
654.	Punya B Lama Tamang	Kavrepalanchok	Machhe-6
655.	Punya Pun	Rolpa	Harjang-3
656.	Purana Prasad Khanal	Arghakhachi	Bhamaragadhi-8
657.	Purna Bahadur Bista	Rolpa	Mighing-5
658.	Purna Bahadur Shahi	Rolpa	Liwang Night Bus (No. Na2 Kha1598)
659.	Purna Bahadur Thapamagar	Rolpa	Gujul-1
660.	Purna Poudel	Kaski	Pokhara-7
661.	Purushotam Chudal	Jhapa	Shurunga-9
662.	Purushotam Sapkota	Kathmandu	Gokarna, Baluwa
663.	Pushkar Raj Subedhi	Dang	Dang
664.	Pushkar Raj Subedhi	Mahottari	Orahi-1
665.	Puskal Gautam	Kavrepalanchok	Pokahari Chauri-7
666.	Puspa Basnet	Saptari	Fatepur-4
667.	Puspa Kumar Giri	Ramechhap	Purana Gaoun-9
668.	Puspa Raj Besnat	Jhapa	Damak-1
669.	Puspa Raj Neupane	Ilam	Chulachuli-6
670.	Puspa Thapaliya	Dhading	Kumpur
671.	Radhe Dangal	Kathmandu	Lapsiphadi, Narsingh Pouwa-7
672.	Radhu Lal Tharu	Bardiya	Manau-8
673.	Rafik Miyar	Bara	Bhawanipur, Jitpur
674.	Raghuwa Tharu	Bardiya	Manau-8
675.	Rahish Kha	Banke	Nairnapur-3
676.	Rai Prasad Kanal	Kathmandu	Lapsiphadi-7
677.	Raj Bahadur Chaudhary	Banke	Nauwasta-8
678.	Raj Kumar Acharya	Rasuwa	Rasuwa
679.	Raj Kumar Basnet	Nuwakot	Ganesthan-4
680.	Raj Kumar Dhakal	Shindhupalchok	Bansbari
681.	Raj Kumar Karki	Kathmandu	Ranibari, Samakhushi
682.	Raj Kumar Karki	Nuwakot	Sundharadevi-2
683.	Raj Kumar Khadka	Terahthum	Okhre-5
684.	Raj Kumar Pariyar	Kathmandu	Jitpur, Phadi-4
685.	Raj Kumar Tharu	Bardiya	Badalpur-1
686.	Raj Kumar Yadav	Dhanusa	Haldipur-9, Hadbar
687.	Raja Ram Basnet	Sarlahi	Parwanipur-5, Bhorleni
688.	Raja Ram Tharu	Banke	Naupasta-7
689.	Rajan Bajganie	Nuwakot	Chauthe-4
690.	Rajan Dahal	Okhaldhunga	Varunjembar High School
691.	Rajan Kuamar Chaudhary	Bardiya	Dhadhawaar-8
692.	Rajan Neupane	Chitwan	Mangalpur-4
693.	Rajan Tamang	Bhojpur	Bhokhim-6
694.	Rajan Yongan (Tamang)	Kathmandu	Kathmandu
695.	Rajandra Gautam	Kathmandu	Kathmandu
696.	Rajandra Gautam	Kavrepalanchok	Chauri-5
697.	Rajandra Prasad (Bedan) Shah	Saptari	Madhavpur-8
698.	Rajani Chaudhary	Bardiya	Suryapatuwa-4
699.	Rajaram Bhandari	Nuwakot	Thansingh-2
700.	Rajaram Tharu	Banke	Sitapur-7
701.	Rajdev Mandal	Bardiya	Magadagadi-1
702.	Rajeev Basnet	Dang	Urhari-5, Hasanapur
703.	Rajendra Chorel	Makawanpur	Dhiyal-9 Sarsoti
704.	Rajendra Dhakal	Gorkha	Harmi-8
705.	Rajendra Kanel	Gorkha	Dhuwakot-1
706.	Rajendra Kumar Khabas	Morang	Morang
707.	Rajendra Lamichhane	Nuwakot	Bhadratar-3
708.	Rajendra Mali	Lalitpur	Thacho-6
709.	Rajendra Prajuli	Gorkha	Harmi-7, Lalitpur, Kumari Pati

710.	Rajendra Raman Khanal	Gorkha	Aarupokhari-8
711.	Rajendra Regmi	Bhaktapur	Thimi-15
712.	Rajendra Thapa	Nuwakot	Likhu-7
713.	Rajesh Dhungana	Nuwakot	Chauthe-5
714.	Rajesh Maharjan	Kathmandu	Kirtipur, Panga-9
715.	Rajesh Shrestha	Kathmandu	Devitar
716.	Rajeshyam Tharu	Bardiya	Manpur-8
717.	Rajib Basnet	Dang	Urahari-5, Hasanapur
718.	Rajkumar Acharya	Rasuwa	Lahare Pauwa-2
719.	Rajman Shrestha	Kathmandu	Dachhinkali-3
720.	Raju Chhetri	Kaski	Pumdi Bhumdi-1
721.	Raju Gurung	Gorkha	Khoplang
722.	Raju Tharu	Bardiya	Magaragadi-4
723.	Rakesh Prasai	Jhapa	Birtamod
724.	Ram Milan Balmiki	Banke	Kohalpur-3
725.	Bam B Adhikari	Chitwan	Birendra Multiple Campus
726.	Ram B Khadka	Bhaktapur	Ghaling-7
727.	Ram Babu Gari	Ramechhap	Purana-3
728.	Ram Bahadur Basnet	Sindhupalchok	Shahchok-1
729.	Ram Bahadur Chhetri	Bardiya	Tarataal-6
730.	Ram Bahadur Ghimire	Gorkha	Gankhu-5
731.	Ram Bahadur Ingwaram	Morang	Indrapur-7
732.	Ram Bahadur Sahi	Bardiya	Deurakal-3
733.	Ram Bharosha Tharu	Bardiya	Magaragadi-5
734.	Ram Bilash Sharan	Sarlahi	Bhramhapur-3
735.	Ram Chandra Kaphle	Sindhuli	Dadiguransh-5
736.	Ram Chandra Karna	Dhanusa	Janakpur-9
737.	Ram Chandra Maharjan	Lalitpur	Patan-8, Jholdhoka
738.	Ram Chandra Rawal Barai	Rautahat	Shonpur-7
739.	Ram Chandra Shrestha	Parsa	Bagbaya-4, Chhaiban
740.	Ram Chandra Subedi	Kaski	Kristinachnechour-3
741.	Ram Chaudhary	Bardiya	Deudhakal-3, Machhaghad
742.	Ram Janma Rawot (Patel)	Rautahat	Jathrahariya-8
743.	Ram Karan Chaudhary	Bardiya	Manpur-8
744.	Ram Karan Tharu	Bardiya	Bhimapur-7
745.	Ram Karan Tharu	Bardiya	Manpur, Tapara-8
746.	Ram Khadgi	Lalitpur	Bagmati-3
747.	Ram Kishan Tharu	Bardiya	Magaragadi-1
748.	Ram Krishna Shrestha	Kathmandu	Sitapaila
749.	Ram Krishna Adhikari (Shangu Weekly Magazine)		
750.	Ram Krishna Guni	Kathmandu	KMC-16 Balaju
751.	Ram Krishna Thapa Magar	Kavrepalanchok	Mahadevsthan
752.	Ram Maharjan	Lalitpur	Lalitpur-19, Ikhalkhukhu
753.	Ram Milan Balmiki	Banke	Kohalpur-3
754.	Ram P Tripathi	Dhading	Benighat-1
755.	Ram Prasad Acharya	Dhading	Nauvise-1, Thakre
756.	Ram Prasad Bhattarai	Kathmandu	Narjamandap-7
757.	Ram Prasad Chaudhary	Bardiya	Magaragadi-1
758.	Ram Prasad Gautam	Kathmandu	Kathmandu-35, AishoryaMarg
759.	Ram Prasad Kaffla	Baglung	Baglung
760.	Ram Prasad Mudabhari	Nuwakot	Kumari-4
761.	Ram Prasad Pokharel	Banke	Kohalpur-3
762.	Ram Prasad Pudasainee	Dhading	Kewalpur 3
763.	Ram Prasad Tharu	Banke	Banaktuwa-8, Chhamnia
764.	Ram Roka	Rolpa	Paliwang, Kupondol
765.	Ram Shewok Shah Sonar	Mahottari	Orahi-1
766.	Ram Singh Shah	Mahottari	Jaleshowr
767.	Ramadrya Yadav	Mahottari	Orahi-1
768.	Ramakant Giri	Parsa	Shonvarsa-6
769.	Ramashowr Dhungana	Nuwakot	Belkot-4
770.	Rambhis Shaha	Mahottari	Jaleshwor
771.	Ramchandra B K	Sindhupalchok	Bhotechaur 4
772.	Ramchandra Bhandari	Nuwakot	Thansingh-2
773.	Ramchandra Bhandari	Kathmandu	Koteshor
774.	Ramchandra Bhandari	Ramechhap	Golnu-5, Jalkini
775.	Ramchandra Lal karna	Dhanusa	Nagarain
776.	Ramesh Bahadur Tharu	Bardiya	Beluwa-7
777.	Ramesh Gautam	Kathmandu	Tahachal
778.	Ramesh Gautam	Surkhet	Birendranagar-3, Bhirabsthan
779.	Ramesh Kumar Adhikari	Taplejung	Khabang-4
780.	Rameshor Shomsher Rupakheti	Kathmandu	Bafal-13
781.	Ramghor Tharu	Bardiya	Belma-4
782.	Ramhari Chaulagain	Kathmandu	Baneshowr-10

783.	Ramhari Rupakheti	Dhading	Dhading
784.	Ramu Pun	Rolpa	Vabang-5
785.	Ranjit Darnal	Makawanpur	Hatiya-4
786.	Rashi Raj Pokheral	Banke	Kohalpur-3
787.	Ratna Bahadur Rawal	Sunsari	Mahendranagar
788.	Ratna K Tamang	Chitwan	Pipla-6
789.	Ratna Prasad Thapaliya (Arjun)	Kathmandu	Kathmandu
790.	Rebkala Tiwari	Syangja	Sisaikot-7
791.	Remash Gautam	Kavrepalanchok	Madan Kudaauri-4
792.	Remnuka Dulal	Kathmandu	Tinthana-5
793.	Renuka Alemagar	Lalitpur	Malta-8
794.	Resham Gharti	Dang	Bijauri-6
795.	Resham Karki	Sindhupalchok	Shahchok-1
796.	Reshaya Bahadur Tamang	Kavrepalanchok	Chaprachok-4
797.	Rita Yadav	Parsa	Birgunj
798.	Rohina Tharu (Chuka, Gova)	Bardiya	Beluwa-7
799.	Rudra Khanal	Gorkha	Gaikhur-7, Ghimirethok
800.	Ruku Chaulagain	Dailekha	Mauri, Kalikasthan-6
801.	Runcha Tharu	Bardiya	Manpur-8
802.	Rupa Pun	Rolpa	Vabang-5
803.	Rupa Raj Maharjan	Lalitpur	Lalitpur-9
804.	Rupa Sapkota	Rautahat	Dumaria-2
805.	Rupak Adhikari	Chitwan	Pithuwa-9
806.	Ruplal Chaudhary	Bardiya	Dhadhwar-7
807.	Sagna Taj	Bhaktapur	Kakunje-3
808.	Sagunlal Chaudhary	Bardiya	Dhadhwar-9
809.	Sahadev Ghimire	Bhaktapur	Daghiokot-1
810.	Sahasnath Adhikari	Kathmandu	Samakhushi
811.	Sailendra Kumar Rai	Mahottari	Hanisaruwa-2
812.	Sangita Bista	Salyan	Salyanga
813.	Sanjaya Dhakal	Gorkha	Shrinathkot
814.	Sanjaya Raya	Dhanusa	Janakpur-6, Maharaj Pokhari
815.	Sanjya Kumar Sanjya	Sindhuli	Jalkaya-6
816.	Sankar Nepali	Nuwakot	Sundradevi-4
817.	Santa Bahadur Waiba	Makawanpur	Makawanpurgadhi-3
818.	Santa Bahadur Tamang	Kavrepalanchok	Naganeshthan-8
819.	Santaram Tharu (Ram Sharan)	Bardiya	Belawa-4
820.	Santiram Bhattarai	Jhapa	Baiguandhara
821.	Santosh Kumar Rai	Sunsari	Mahendranagar
822.	Sanu Maya Lama	Kavrepalanchok	Gathpani-5
823.	Sarada Prasad Adhikari	Gorkha	Haishpur-1
824.	Saraswati Sapkota	Sindhupalchok	Bataje 1
825.	Saraswoti Khadka	Sindhupalchok	Ghogeli
826.	Sarita Devi Sharma	Parvat	Varrachour
827.	Sarita K C	Rolpa	Jekot-1
828.	Saroj Tamang	Nuwakot	Deupipal-8
829.	Satya Narayan Parjapati	Bhaktapur	Jela-2
830.	Sehotri Chaudhary	Kailali	Ratanpur-5
831.	Shailandra Yadav	Dhanusa	Duhabi-7
832.	Shajir Kha	Banke	Nairnapur-3
833.	Shaker Nath Ghimire	Lamjung	Imashowr
834.	Shalikram Adhikari	Bhojpur	Annapurna-8
835.	Shambhu Katuwal	Okhaldhunga	Thulachhap-2
836.	Shankar Joshi	Tanahu	Rupakot-3
837.	Shanta Shrestha	Kathmandu	Baneshowr
838.	Shanti Ram Bhattarai	Kathmandu	Kathmandu
839.	Shanu Tharu	Bardiya	Beluwa-7
840.	Sharad Kumar Chaudhary	Dang	Bijauri-6
841.	Sharan Mandal	Mahottari	Jaleshowr
842.	Sharda Mahat	Kathmandu	Gongabu
843.	Sharda Shrestha	Chitwan	Saptagandaki Campus
844.	Sharmila Pokharel	Makawanpur	Galli
845.	Sher Bahadur Wali	Banke	Binauna-1
846.	Shila Ram Bhandari	Udayapur	Hariya-5
847.	Shiva Prasad Gautam	Kavrepalanchok	Pikharichauri
848.	Shiva Raj Gautam	Kathmandu	Anamnagar
849.	Shiva Ram Yadav	Siraha	Gauripur-8
850.	Shival Prasad Tiwari	Kathmandu	Kathmandu
851.	Shobhit Pun	Parsa	Birgunj
852.	Shobhit Yadav	Dhanusa	Birmaya-7
853.	Shom Bahadur B K	Kaski	Lekhnath-13
854.	Shom Bahadur Tamang	Kathmandu	Kathmandu
855.	Shoman Chaudhary	Dang	Tulshipur-5
856.	Shomraj Chaudhary	Dang	Duruwa-5

857.	Shova Ram Chaudhary	Bardiya	Dhodari-8
858.	Shova Thapa	Lamjung	Besishor-9
859.	Shri Ram Chaudhary	Bardiya	Daudhakala-3
860.	Shri Ram Subeki	Kaski	Kristinachnehour-3
861.	Shri Shyta Narayan Prajapati	Bhaktapur	Bhaktapur-2
862.	Shubha Bahadur Bhandari	Banke	Nepalgunj
863.	Shuleman Kha	Banke	Raniyapur-3
864.	Shusma Khanal	Chitwan	Chainpur-7
865.	Shuva Shankar Kandel	Kathmandu	Banasthali
866.	Shyam Bhatta	Kathmandu	Old Naikap-6
867.	Shyam Chaudhary	Dang	Duruwa-7
868.	Shyam Krishna Shrestha	Kathmandu	Gangabu
869.	Shyam Kumar Shrestha	Kathmandu	Kathmandu-31, Gutichhe Gaali
870.	Shyam Lal B K	Rolpa	Harjang-5
871.	Shyam Prasad Rupakheti	Banke	Kohalpur-4
872.	Shyam Raj Acharya	Nuwakot	Chauthe -1
873.	Shyam Sundar Dhungana	Parsa	Bagwana Pasupatinagar
874.	Shyam Sundar Kushwaha	Mahottari	Gaushala-4
875.	Sita Chaudhary	Dang	Narayanpur-2
876.	Sita Guragain	Bara	Pipara-5
877.	Sita Janaki Chaudhary	Bardiya	Dhadhwar-8
878.	Sita Karanjit	Lalitpur	Lalitpur-4, Yakantakuna
879.	Sita Ram Bhandari	Udayapur	Hadiya-5
880.	Sita Ram Tharu	Bardiya	Magadagadi-4
881.	Sohan Lal Chaudhary	Dang	Duruwa-5
882.	Som Prasad Tharu	Bardiya	Pashupatinagar-8
883.	Somraj Timalsina	Rautahat	Gaur-8
884.	Sonam Tashi	Kathmandu	Baluwatar
885.	Sonia Tharu	Bardiya	Manau-8
886.	Soniram Chaudhary	Bardiya	Manau-8
887.	Sontosh Pandey	Rupendehi	Sidarthanagar-8
888.	Subas Chandra Mainali	Kavrepalanchok	Machaa-3
889.	Subhash Shrestha	Sindhupalchok	Shyaule
890.	Suchendra Shrestha	Kathmandu	Satungal-9
891.	Sudersan Poudel	Nawalparasi	Ramnagar
892.	Sudersan Regmi	Dhading	Naubishe-1
893.	Sudhir Chaudhary	Kailali	Pratappur-5
894.	Sudindra Bhudamagar	Kathmandu (Nischal Magazine)	
895.	Sujindra Maharjan	Kathmandu	Kirtipur-14
896.	Suman Dhakal	Gorkha	Khairpani
897.	Suman Rai	Jhapa	Damak-18
898.	Suman Shrestha	Bhojpur	Boya
899.	Sumitra Shrestha	Kathmandu	Balambu-5
900.	Sumpurna Adhikari	Kathmandu	Gongabhu-7
901.	Sun Kumari Rana	Rolpa	Jekot-1
902.	Sundar Raj Poudyal	Lamjung	Bholetaar-6
903.	Sunil Rajbhandari	Doti	DCMC-2
904.	Sunil Yadav	Mahottari	Orahi-1
905.	Sunmaya Budha	Rolpa	Eriwang-3
906.	Suraj Guragain	Bara	Pipara-5
907.	Suraj Kumar Bhattarai	Banke	Daydhakala Haata, Kohalpur-3
908.	Suraj Tharu	Bardiya	Beluwa-7
909.	Surendra Khadgi	Lalitpur	Bagmati-3
910.	Surendra Maharjan	Kathmandu	Dachhinkali-6
911.	Surendra Rai	Lalitpur	Nakkhu-13
912.	Surendra Singh Thakuala	Baitadi	Kailpal-1
913.	Suresh Chandra Koirala	Sindhuli	Bashesowri-1
914.	Suresh Kumar Pokharel	Jhapa	Shurunga-1
915.	Suresh Kumar Wali	Bardiya	Baniyagar-1
916.	Suresh Shai (Shandha Times Magazine)		
917.	Suresh Shrestha	Kathmandu	Satungal-8
918.	Suresh Tharu	Bardiya	Beluwa-7
919.	Surya Prasad Sharma	Baglung	Baglung-2
920.	Surya Tharu	Bardiya	Beluwa-7
921.	Suryaman Maharjan	Lalitpur	Lalitpur-3, Pulchok
922.	Sushil Basnet	Ramechhap	Bamtibhandar-9
923.	Tanka Lama	Morang	Govindapur-1
924.	Tanka Prasad Devkota	Gorkha	Gorkha
925.	Tanka Prasad Tripathi	Kavrepalanchok	Bolde Feding-2
926.	Tara Bhandari	Nuwakot	Khani-4
927.	Tara Bhandari	Nuwakot	Thanshing
928.	Tara Prasad Bhusal	Rupendehi	Butuwal
929.	Tara Pun	Rolpa	Vabang-5
930.	Tarapati Pokharel	Arghakhachi	Siraha-4

931.	Tarkishwor Shah	Morang	Bahuni-6
932.	Tate Ram Tharu	Bardiya	Magadagadi-5
933.	Teeka Ram Giri	Banke	Binauna-1
934.	Tej Bahadur Dhakal	Shankhuwasabha	Shankhuwasabha-4
935.	Tej Prasad Gautam	Kavrepalanchok	Pokharichaur-7
936.	Tej Prasad Pokharel	Arghakhachi	Siraha-4
937.	Tejnarayan Sapkota	Kathmandu	Tinpana-6, Dhunghedhara
938.	Teju Ranabhat	Banke	Bageshowri-1
939.	Tek B Bista	Morang	Bhahuni-9, Rachhanagar
940.	Tek Bahadur B K	Banke	Kohalpur-2
941.	Tek Bahadur BK	Rolpa	Ghartigaon
942.	Thagga Tharu	Bardiya	Motipur-5
943.	Thagi BK	Dadeldhura	Jogbud-7
944.	Thakur Gautam	Kavrepalanchok	Ganyapani-8
945.	Thakur Prasad Kandel	Gorkha	Gorkha
946.	Thakur Pudasaini	Dhading	Jivanpur-2
947.	Thal Prasad Timalisina	Lalitpur	Ahang-6
948.	Than P Lohani (Pradip Lohani)	Dhading	Chainpur-2
949.	Thaneshowr Adhikari	Pyuthan	Tiram-2
950.	Thanti Bista	Rolpa	Mighing-5
951.	Thatraj Wagla	Okhaldhunga	Pokali-2
952.	Thepchi Budha	Rolpa	Mirul-8
953.	Tika Jung Shahi	Banke	Nepalganj-17
954.	Tika Nepal	Bara	Pipara-5
955.	Til Bahadur Rijhal	Banke	Bankutuwa-4
956.	Tilak K C	Morang	Itahara-6
957.	Tilak Prasad Sapkota	Sindhupalchok	Kubhinde
958.	Tilak Ram Giri	Rolpa	Harjang-3
959.	Tirtha Bahadur Thapa	Bardiya	Daudakala-3
960.	Tirtha Lal Thapa	Rolpa	Tankumel-5
961.	Tirtha Narayan Kafle	Syanja	Rapakot-6
962.	Tirtha Pande	Nuwakot	Dhanapani-8
963.	Tirtharaj Kathiwoda	Ilam	Mahendra Ratna Campus
964.	Topnath Sapkota	Sindhupalchok	Batashe-3
965.	Toya Nath Poudel	Rukum	Shova
966.	Tribhuvan Giri	Bardiya	Motipur-7
967.	Tula B Nepali	Gorkha	Choprak-6
968.	Tula B Thapa	Bajura	Brahamatol-6
969.	Tulshi Ram Simkhada	Morang	Dulari-5
970.	Tulashi Ram Tharu	Bardiya	Motipur-5
971.	Uba Raj Kharel	Baglung	Burtiwang-6
972.	Udav Prasad Wadal	Kathmandu	Kathmandu-7 Binayak
973.	Udaya Ram Chaudhary	Dang	Bela-2
974.	Uddab Prasad Gautam	Kavrepalanchok	Pokahari Chauri-7
975.	Uddab Prasad Ghimira	Sindhuli	Kamalmai-14
976.	Udisha Shai	Bhaktapur	Bhaktapur-17
977.	Udya Prasad Shah	Kathmandu	Kathmandu-16, Naya Bazaar
978.	Udya Raj Gautam	Kathmandu	Kathmandu
979.	Ujar Sing Dangi	Rolpa	Ransi-4
980.	Ujjwal Jhukla	Lalitpur	Lalitpur- 21, Gabahal
981.	Umaram Acharya (People's Front)		
982.	Umesh Shah	Sunsari	Dumraha-5
983.	Umesh Subedi	Rolpa	Liwang
984.	Uendra Budhamagar	Surkhet	Mahitara-6
985.	Uendra Chaulagain	Rautahat	Kanakpur-7
986.	Uendra Rai	Morang	Dandihat-6
987.	Uendra Timalisina	Kathmandu	Bauchhar-6
988.	Uttar Kumar Shrestha	Dang	Tulshipur-6
989.	Villa K C	Rolpa	Jekot-1
990.	Yagha Bahadur B K	Banke	Kohalpur-3
991.	Yagha Bahadur Budha	Banke	Kohalpur-6
992.	Yagha Bahadur Rawal	Bardiya	Beluwa-3
993.	Yaknath Chaulagain	Kavrepalanchok	Phokhri Chouki-5
994.	Yam Bahadur Shodari	Bhaktapur	Ghundu-5
995.	Yamraj B K	Dang	Dang
996.	Yash P Subedi	Kaski	Pokhara
997.	Yog Prasad Thapaliya	Kavrepalanchok	Koshibekha-7
998.	Yogendra Tharu	Bardiya	Beluwa-7
999.	Yubraj Mainali	Kathmandu	Gongabu-5 Mahadevsthan
1000.	Yubraj Shirma	Dang	Dang, Hekuli-4
1001.	Yubraj Chaulagain	Kavrepalanchok	Pokahari Chauri-6
1002.	Yubraj Dhahal	Khotang	Likuwapokhari-1, Dandagaun
1003.	Yubraj Dhakal	Shankhuwasabha	Shankhuwasabha-4

# **Appendix III: Terrorist and Disruptive Activities (Control and Punishment) Ordinance, 2004: Extract and comment**

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## **Extract**

### **Preamble**

Whereas it is expedient to enact legislation for controlling terrorist and destructive acts in order to maintain peace and order in the kingdom of Nepal and ensure the security of the common people and the session of the parliament is not place, His Majesty the King Gynandra Bir Bikram Shah Dev has issued this ordinance.

### **1. Short Title and Commencement**

1. This ordinance shall be known as the Terrorist and Destructive acts (Control and Punishment) Ordinance 2004.
2. It shall come into force at once.

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### **3. Terrorist and Destructive Crimes**

- (1) Anyone who commits any of the following acts shall be deemed to have committed a terrorist and destructive crime;
  - (a) Any act of damaging or destroying property at any place, or formulation of plans to do so, or lacking human life or crippling or insuring human beings at such places, by using any kind of weapons, bombs, explosives or any other means or machine or any act of causing physical or mental harm through arson or otherwise, or any act of taking human life crippling or otherwise causing harm to human life by using poisonous substances in goods of daily consumption or at public places, or any act of terrorizing the common people or people in motion or assembled by committing any of the abovementioned acts, with the objective of affecting or

hurting the sovereignty or integrity of the Kingdom of Nepal, or security or peace and order of the Kingdom of Nepal or any of its parts, or security of foreign based Nepali diplomatic missions or property or,

- (b) Any act of using force or terrorizing anyone in any place or vehicle or abducting from such place or vehicle or anyone traveling in such vehicle along with or without the vehicle, by threatening to kill, cripple, injure or otherwise harm anyone by using or threatening to use any of the materials mentioned in Clause (a), or any other material or means other than such materials, or terrorizing anyone through such acts in order to fulfill the objective mentioned in Clause (a).
  - (c) Acts of producing, distributing, accumulating, transporting, importing, exporting, selling, carrying or installing any kind of weapons, bombs, explosives or poisonous substances, or intentionally helping in any such acts, with the objective mentioned in Clause (a) or (b).
  - (d) Acts such as gathering people and providing them with training with the objective mentioned in Clause (a) or (b).
  - (e) Acts of extorting cash or goods or looting property with the objectives mentioned in this sub-section.
- (2) In case anyone attempts or conspires to commit a terrorist and destructive act, or abets or compels others to do so, or assembles more than one person to gang or group to commit such acts or issues orders and instructions to commit such acts or participates in such acts with or without obtaining remuneration, or publicizes such acts or obstructs the governmental communication system, he too shall be deemed to have committed a terrorist and destructive crime.

Provided that no action that anyone has been forced to take shall be deemed to be a terrorist and destructive crime.

- (3) Persons who commit any of the acts mentioned in sub-Section (1) or (2) shall be subjected to action and punishment as provided for in this Act.

#### **4. Extra-Territorial Application of the Act**

Even if any person engaged in terrorist and destructive acts has committed a crime targeting the kingdom of Nepal or Nepali citizen or any property of the Kingdom of Nepal by residing outside the Kingdom of Nepal. He shall be deemed to have committed the crime from within the Kingdom of Nepal and subjected to action and punishment under this Act.



## **5. Special Powers to Check Terrorists and Destructive Acts**

Notwithstanding anything contained in current law, His Majesty's Government may issue orders for taking all or any of the following actions to check terrorists and destructive crimes in all or any of the parts of the Kingdom of Nepal while a Security Officer may do so to check such crimes in his area:

- (a) Arrest anyone on the basis of adequate and reasonable suspicion that he is engaged in terrorist and destructive acts, and furnish information of such arrests along with reasons thereof.
- (b) Search at any time the house, shop, warehouse, means of transport or any other places of any person after information him in advance in case it is suspected that illegal arms and ammunition, bombs or explosives are stored or any suspicious person connected with terrorists is hiding there, and issue receipts of goods recovered, if any in the course of the search.
- (c) Search at any place or on any thoroughfare anyone's person or belonging or the means or vehicle he is using in order to check terrorist and destructive acts.
- (d) Use necessary force if anyone obstructs or opposes the act of making arrests under Clause (a) or conducting search or taking any other actions under Clause (b) or (c), use weapons if anyone obstructs or opposes such acts with weapons.
- (e) Use necessary force or weapons in case any person who is committing or has committed a terrorist and destructive act is likely to run away or escape, or in circumstances when it appears that he cannot be arrested.
- (f) Use necessary force or weapons in the course of securing the release of any place or vehicle, aircraft, ship or any other means of transport forcibly captured by persons engaged in terrorist and destructive acts, or of the persons being held hostage by them in such means, so as to protect the life and person of such hostages from any harm or danger or other losses.
- (g) Use necessary force or weapons in case any person or group attacks any security personnel with or without weapons while on duty.
- (h) Use necessary force or weapons in case any person or group threatens or attempts to threaten by carrying any weapon with objective of harming the life and property of any security personnel working in any specific place.

- (i) Use necessary force or weapons in any case any person or group attacks with the objective of physically harming persons who are to be provided security personnel, or the common people or employees deputed on government duties who are being provided security by security personnel or government's good or security personnel.
- (j) Use necessary force or weapons in the event of an encounter with any armed person or group, or in event of obstruction to security personnel by any armed or unarmed person or group while performing the prescribed functions.
- (k) Use of necessary force or weapons by security personnel against persons or groups carrying arms or in areas where arms are hoarded or training conducted with the objective of committing terrorist and destructive acts.
- (l) Security personnel taking under their control and custody the weapons possessed by armed person or group, or disarming such armed persons or groups, according to need.
- (m) Subjecting any suspicious person or place to surveillance, or arresting such persons or locking up or cordoning off suspicious places if necessary.
- (n) Freezing for a specified period the bank account or passport of any person who on the basis of adequate and reasonable grounds is suspected of being engaged in terrorist and destructive acts.

## **6. Power to Requisition Property**

His Majesty's Government or the Security Officer may requisition any private or government vehicles, foodstuff, or other materials, goods or property needed for controlling and preventing terrorist and destructive acts, subject to payment of an appropriate compensation equivalent to their current value, or on a returnable basis.

## **7. Power to Declare Terror-affected Areas and Terrorists**

- (1). His Majesty's Government may declare any area affected or likely to be affected by terrorist and destructive activities as a terror-affected area.
- (2) His Majesty's Government may declare any person, association, institution, organization or group involved in any crime which is punishable under this act as a terrorist.
- (3) Notwithstanding anything contained in this section, terror-affected areas shall be deemed to have been declared automatically when a state of emergency is declared or ordered under the 1990 constitution of the kingdom of Nepal.

## **8. Power to Prohibit Moving About with Arms or Ammunition**

- (1) Notwithstanding anything contained in current law, in terror affected areas declared under Section 7, His Majesty's Government may issue an order prohibiting the carrying in person of arms or ammunition licensed under current law, or requiring such arms or ammunition to be deposited at the prescribed place, for specified period.
- (2) Arms or ammunition possessed by person who violates the order issued under sub section (1) shall be confiscated.

## **9. Power to Keep under Preventive Detention**

In case where there exists appropriate grounds for believing that a person has to be stopped from doing anything that may cause a terrorist and destructive act, the Security Officer may issue an order to keep him under preventive detention up to 6 months in a humanely place. If there are reasonable grounds to believe that the person has to be prevented from committing any terrorist activities for longer than that, on the approval of His majesty the Government's Home Ministry, the Security Officer can issue additional six months order of preventive detention.

## **10. Penalties**

- (1) In case the commission of any terrorist and destructive act which is deemed to be crime under this Act has led to the death of anyone, the main person who committed or caused to be committed or conspired to commit the crime, and the person who ordered its commission, shall be punished with life imprisonment along with confiscation of entire property.
- (2) In case a crime mentioned in this Act has been committed but no loss of life has occurred, the main person who committed or caused to be committed or conspired to commit the crime, shall be punished with life imprisonment.
- (3) In case anyone attempts to commit any crime mentioned in this Act, or instigates or compels others to commit such a crime, or assembles more than one person or forms a group to commit or cause the commission of such a crime, or orders to commit or cause the commission of such crime or participate in such an act with or without remuneration, or produces, distributes, keeps transport imports exports or give or takes in any way arms, bombs, explosives or poisonous substances, or conducts or causes to be conducted publicity with the objective of committing such an act, he shall be punished with imprisonment for a term ranging between five and 10 years, according to the extant of his crime.

- (4) In case any loss of property has been caused by a person who has committed a terrorist or destructive act, compensation therefore shall be realized and paid by confiscating his share of (ancestral) property, in case the amount to be paid as compensation is not fully realized from his property, the outstanding payment shall be treated as equal to non payment of fine and converted to period of imprisonment according to current law.
- (5) Half of the punishment due to the perpetrator of any offense punishable under this Act shall be awarded to his accomplice.
- (6) In case anyone wilfully obstructed or opposed any search operation carried out under Clause (b) or (c) of Section 5 he shall be punished with imprisonment for a term not exceeding one month, or with a fine not exceeding Rs.500 or with both.

### **11. Judicial Inquires to be Conduced by Keeping (The Accused) in Detention**

Persons accused of committing a crime under this Act shall ordinarily be kept in detention during judicial inquires into the case, depending on the gravity of the crime.

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### **Comment: New TADO the latest instrument to facilitate disappearances and other gross abuses**

#### **A Statement by the Asian Human Rights Commission (AS-40-2004, 20 October 2004)**

With the expiry of the Terrorist and Disruptive Activities (Punishment and Control) Act-2058 this 12 October 2004, His Majesty's Government of Nepal has introduced a more severe and draconian version of the same law in its stead: the Terrorist and Disruptive Activities (Control and Punishment) Ordinance-2061. Clause 9 of the latest TADO states that if a security official feels the need to prevent a person from carrying out any terrorist and disruptive activity, such a person can be kept under house arrest for a maximum period of one year, six months at his [Security Official's] discretion and another six months after obtaining permission from the home ministry, in any place after fulfilling common humanitarian conditions.

This legislation is a clear indication that the government of Nepal has surrendered its authority to the military, and given it a green signal to continue with gross human rights violations including arbitrary detentions, torture, disappearances, and extrajudicial and summary executions. Most of the victims of

the abuses committed by the state security forces working under the Joint Command of the Royal Nepal Army—as well as those committed by the Maoists—are ordinary people innocent of any crimes. The security forces have also targeted journalists, lawyers, human rights defenders, victims and witnesses of their atrocities.

The Asian Human Rights Commission (AHRC) is particularly concerned by the rapid growth in numbers of forcibly disappeared persons in Nepal. Although there are now around 2000 cases of disappearances reported, the actual number is unknown; army officers are said to have had involvement in a large number of the recorded cases. These continuing disappearances show the lack of sincerity of the government in its expressions of concern to promote and protect human rights of its citizens.

The perpetrators of these disappearances are protected by the systemic impunity extending over the security forces in Nepal. All attempts to break this condition have failed. Given the existing circumstances, where the domestic court system has completely collapsed and no avenue exists through which to address any human rights violations in the country, the introduction of this newest TADO only confirms that the army is completely above the law. It also illustrates the complete lack of government sincerity towards the catastrophic human rights situation in the country.

The AHRC calls upon His Majesty's Government of Nepal to make genuine efforts to put an end to the practice of forced and involuntary disappearances by state security agencies. Disappearances are a crime against humanity stemming from a mistaken belief that the use of unrestrained force will resolve the country's political and security problems. The AHRC denounces this delusion—prevalent at the highest levels of government—that brute force will bring all parties in the conflict to dialogue. Rather, by introducing strict laws and giving security forces unlimited powers, the government is stimulating the ongoing systematic and widespread human rights violations and crimes against humanity being committed by the security forces with absolute impunity. The government must instead adopt a realistic and sincere approach towards a solution; otherwise, the blind, unnecessary and blatant use of force coupled with the impunity of state security officials will continue to result in mass disappearances and other serious violations of human rights.

Realising that His Majesty's Government of Nepal lacks both the will and ability to deal with the problems in the country, the AHRC urges the international community to become fully engaged and make sincere efforts to put an end to the ongoing disappearances and impunity enjoyed by the security forces. In this, it should be noted that these practices and the offensive laws that permit them are all in clear violation of Nepal's

international obligations, especially under the International Covenant on Civil and Political Rights, and hence, demand an international reaction.

The AHRC also calls upon all concerned international agencies and officials, including the International Criminal Court, UN Human Rights Committee, Working Group on Disappearances and Special Rapporteurs to pay special attention to the situation in Nepal, specifically the continuous disappearances and crimes against humanity being committed on a large scale.

Finally, the Department of Peacekeeping Operations-UN Secretariat should UNDER NO CIRCUMSTANCES engage the Royal Nepal Army for any peacekeeping operations in light of its proven lack of professionalism and respect for human rights as well as humanitarian principles in its own country.

## **Appendix IV: Nepalese exodus from impending disaster cannot be ignored**

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Asian Human Rights Commission, Hong Kong

Around two hundred Nepalese have been witnessed to be crossing the border into India every hour, escaping the atrocities of both government and Maoist troops. Clearly, the violence in Nepal is intensifying. Recent reports speak of highly deliberate and aggressive strategies on both sides to harass and intimidate civilians. Others reveal deeply worrying plans afoot to silence the few voices of reason remaining in the country, particularly those of its human rights defenders.

Time and again the Asian Human Rights Commission (AHRC) has brought attention to the sheer cruelty with which both government security forces and Maoist insurgents are operating in Nepal. The country is now leading Asia in the number of forced disappearances committed daily. The targeting of civilians in government 'cleaning-up' operations is an established fact. Both sides kill with impunity. Inevitably, a growing number of civilians are leaving their homes in search of security and shelter. Many do not find it. Instead they end up dead, tortured, disappeared, rearrested, raped, illegally detained or hopelessly displaced, like thousands of their fellow citizens.

Whereas the Maoists are operating without a functioning chain of command and respect for international humanitarian law, their government opponents are operating under a chain of command—starting in the palace—that has institutionalised the same lack of respect for international principles. The Nepalese monarchy has gone so far as to help the security forces conceal grave human rights violations, particularly disappearances. Realising that the dramatic rise in numbers of forcibly disappeared has captured international attention the government security forces, under the Joint Command Operation, have instead simply begun killing more. And as both

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A Statement by the Asian Human Rights Commission,  
AS-62-2004, 14 December 2004

the Supreme Court and the National Human Rights Commission have been denied their legal rights to intervene in cases of disappearances, the families of victims have no hope for relief.

The AHRC again strongly denounces the manner in which the monarchy is stimulating the ongoing systematic and widespread human rights violations and crimes against humanity being committed in Nepal. The king has failed to adopt a realistic and sincere approach towards a solution to the conflict. It is his decisions that have paved the way for the continued violence and impunity of state security officials along which the whole country is now being dragged. Those most at risk and for whom something must be done immediately are the human rights defenders. Many of them are continuing with their work daily, even as their lives hang precariously above the growing uncertainty now threatening to swallow the country. Without realistic and swift steps being taken, these persons' lives may soon be lost, and with them, perhaps the last chances for peace.

Sadly, as Nepal continues along this path the international community is still lacking a clear position on the situation in Nepal. The continued dearth of a deliberate and concerted international effort to save lives and reduce suffering must be condemned in the strongest possible terms. Far worse is sure to come as a result of this failure to act at a time that intervention could still make a difference. The AHRC urges those countries and international agencies with strong influence in Nepal, including India, the European Union and the United States, to show their willingness to protect human life and human rights principles by initiating the means for peaceful resolution of the conflict. Detailed and well-thought through strategies are needed to end this barbaric situation, without delay.

The AHRC calls upon the U.N. High Commissioner for Human Rights to create an international alert on the Human Rights situation in Nepal, whereby the situation in the country can be monitored constantly and reported upon to other agencies to permit a rapid response.

The AHRC also stresses the need of a sincere response from the regional and international actors such as India, the European Union, and the United States to bring the deteriorating security situation in the country as a key issue for discussion at the U.N. Security Council, with a view to active and speedy intervention.

The AHRC draws the attention of key stakeholders to address the manifest lack of documentation on internally displaced persons and refugees in and from Nepal. International humanitarian agencies must reconsider their current activities with a view to assessing the current reality and getting involved in the real work of protection.



## **Appendix V: India must prove that it can adhere to the UN Charter on Nepal before claiming a role in the Security Council**

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Asian Human Rights Commission, Hong Kong

The immense killing and insecurity tearing Nepal apart are no longer a secret. War-torn Nepalese are fleeing daily to save themselves from atrocities committed by the state security forces and Maoist militia. If no action is taken, Nepal will be plunged into the most horrific humanitarian catastrophe that Asia has perhaps ever seen. Thousands have been killed and wounded, thousands more displaced without even the most basic human needs. Warring factions blatantly violate international humanitarian and human rights norms with extreme brutality. So far the international community has failed to respond, mainly because of inaction by Nepal's big neighbours. To change this situation, it is necessary for these neighbours, especially India, to make public their involvement in the country and take steps to ensure respect for human rights, the rule of law and democracy there.

To date, India's engagement in Nepal has been limited to providing arms and strategic support to the Royal Nepalese Army (RNA). While giving tools of death, it has avoided taking any steps to save human life, particularly by involving the United Nations, European Union and other international bodies. It has knowingly allowed the RNA to continue with its brutal use of force, extrajudicial killings, summary executions, rape, torture, disappearances and forced displacement of a large number of the population. Aware that the RNA is operating with absolute impunity, breaching all human rights and humanitarian norms in alarming proportions, the support given by India amounts to aid for the commission of crimes against humanity. Meanwhile, reports to the Asian Human Rights Commission (AHRC) indicate that every hour at least 200 people cross the border into India, seeking shelter and support. Unfortunately, the same reports have it that the Indian government has begun a combing operation to flush out 'Maoists' in its northern states: a spurious

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A Statement by the Asian Human Rights Commission,  
AS-65-2004, 17 December 2004

justification for targeting people fleeing such operations in their own land.

Nepal is today a country where the government has zero legitimacy. The king has demonstrated only his patent inability to save the life of even a single citizen. While the army and Maoists kill, rape, kidnap and abduct innocent civilians, including women and children, the government's single strategy has been to continue the use of force devoid of respect for human life. The latest information also suggests that a terror campaign may soon be launched against human rights defenders and the other few sane voices still calling for peace in the country. Under these circumstances, the role of India is absolutely crucial.

The AHRC believes that the intended visit by the king of Nepal to India is aimed at obtaining more military and political support for ongoing gross human rights violations. India now has a new administration. Its BJP-led predecessor showed unlimited and blatant support for the palace in Kathmandu. That support was a shame both for Indian democracy and its ostensible secularism. The AHRC now calls upon the current government of India not to repeat its predecessor's mistake of supporting a monarch responsible for the perpetuation of state-sponsored crimes against humanity.

India is at present lining up for a future role in the UN Security Council. Any country participating in the council should be able to demonstrate its adherence to the principles enshrined in the U.N. Charter. This requires that India act constructively for a negotiated settlement to the conflict in Nepal. At the moment, when all the democratic forces have been pushed aside by the king, a strong moral voice from the region is desperately required. The AHRC therefore urges the government of India to

1. Require that the RNA adhere to international humanitarian and human rights norms as a condition for its obtaining military assistance;
2. Make a public stand demanding respect for human rights, the rule of law and democracy through humanitarian commitment in Nepal;
3. Help to pave the way for negotiations involving international bodies such as the United Nations and European Union;
4. Stop its combing operations, especially in the northern states, which are targeting innocent Nepalese fleeing atrocities;
5. Provide all possible humanitarian assistance to refugees, and make similar assistance available within Nepal; and
6. Use the king's proposed visit to India as an opportunity to press for an immediate end to the loss of human life in the country.

The AHRC also calls upon all concerned Indian citizens to take up these issues with their government in order that the unrelieved misery of their Nepalese neighbours is brought to an end.

# **Appendix VI: Open Letter to the UN High Commissioner for Human Rights on 10 December 2004**

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Dear High Commissioner Arbour,

The Asian Human Rights Commission (AHRC) would like to take this opportunity to send you its warm regards on your first Human Rights Day in office as United Nations High Commissioner for Human Rights. We would also like to reaffirm our full support to you and your office, and the important work that you undertake in favour of human rights around the world.

On this, Human Rights Day, the AHRC remains deeply preoccupied by the fact that the majority of people in the world continue to live in fear, insecurity and a vacuum of such rights. In many parts of the world the concept of personal justice that is enshrined in the lofty ideals that the international human rights system is tasked with upholding, is nothing but a pipe dream. The largest number of human beings for whom this is the unfortunate fate are located in Asia.

Human Rights Day should be an opportunity for the human rights community, particularly human rights organizations and activists, to look back critically at their own work and to ask whether there are any defective theories or practices that limit their impact. The AHRC hereby wishes to put forward its views on these issues, notably concerning situations in countries that are not “developed democracies”.

## **The collapse of the rule of law and the failure of the police and judiciary**

Concerning most States in Asia, it must be noted that the principle barrier to the enjoyment of human rights is the collapse of the rule of law and deficiencies to components of the judicial system, notably the lack of a functioning policing system with adequate checks and balances, and an effective and independent prosecution and judiciary.

The AHRC feels that these issues do not receive sufficient attention from the international human rights community, and this despite the fact that Secretary General Kofi Annan has in the past pointed out the centrality of the rule of law. In “developed democracies,” issues concerning the rule of law and defective justice systems may not be significant enough to derail attempts to promote and protect human rights. For the rest of the world, however, attempts to promote the realisation of human rights are, in practice, obstructed by deficiencies in the rule of law and justice systems. Even if a government becomes a party to the various UN human rights conventions, the implementation of the content of these conventions is impossible without effective mechanisms and bodies in place within the country.

The prerequisite for the protection of civil rights is the presence of state authorities that can effectively investigate crimes and violations of human rights. The most basic of such state institutions is the police. In most countries it is the policing system that is defective. In such cases, the police not only fails to fulfil its obligation to investigate crimes and violations of human rights, but also forms part of the crime syndicate within the country. What hope for human rights in such a place?

### **The need to prioritise the provision of resources towards effective reform programmes**

In recent years, the human rights community has spent enormous time and resources to educate the police and security personnel on human rights norms and standards. However, when the entire system remains defective and encourages crime and violations of human rights, can such violations be overcome by mere human rights education programmes? We are compelled to say that the international human rights community has not yet seriously addressed these issues.

Educational sessions on human rights are of little use, unless serious attempts are made to study and understand the actual defects of these systems and undertake activities that encourage the relevant governments to engage in serious reforms. In many instances, the lack of reforms on the part of governments can be attributed to a sense of powerlessness felt by members of the political leadership, as well as the risk to their personal security engendered by attempts to challenge the powerful, corrupt police and criminal nexus. Governments also complain that they do not have the resources required to enable effective criminal investigations or to pay their police forces adequately. The international community should therefore divert resources away from ineffective projects in order to assist in providing the means, support and protection required for such reforms to take place.

## **Civil and political rights are being undervalued**

Another major defect of the post-Vienna period of human rights has been the tendency by the human rights community to treat civil and political rights as being of secondary importance, which has allowed extremely flawed judicial institutions to go unexamined and unchallenged. Certain governments agree to conduct cosmetic programmes on child rights, women's rights or the rights of persons suffering from special disabilities, in countries that are beset by colossal, systematic violations of civil and political rights. In such countries, the populations are muted by fear and insecurity. This is brought about by the lack of effective mechanisms, including witness protection laws, leading to victims of violations refraining from seeking justice. States are then able to claim compliance with human rights standards through show-piece activities.

If the enjoyment of human rights is to have some meaning for the majority of the world's population, the issue of civil and political rights, particularly those of systemic and widespread violations in specific countries, should become the focus of attention. Civil society must also develop to become more representative of the wider populations in their countries.

The AHRC points out that the time has come for far greater dialogue and action regarding the obstacles to the realization of human rights, and a well informed common consensus must be reached to face up to these problems. Delays in holding such a discourse will only help the violators of justice and human rights. On this year's Human Rights Day, we urge the human rights community to face up to the challenges that arise from such systemic obstacles to the rule of law, the administration of justice and protection and promotion of human rights. Many of the measures and mechanisms used in the bulk of human rights activities are not delivering the results that the severity of situations cry out for.

On the occasion of the Human Rights Day, the Asian Human Rights Commission requests that the United Nations High Commissioner for Human Rights, Mrs. Louise Arbour, take the lead and launch initiatives that are conducive to changing the direction of the human rights debate, in order to enable these vital issues to be brought up for discussion and action. The defects in human rights theory and practice can thus be identified and corrected, allowing human rights to become a meaningful reality for the majority of the world's people, who currently live without such rights.

Yours sincerely,

Basil Fernando  
Executive Director  
Asian Human Rights Commission

## **Appendix VII: Statement by the UN Secretary General on the situation of human rights in Nepal**

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New York, 23 December 2004 - Statement attributable to the Spokesman for the Secretary-General on Nepal (Revised)

The Secretary-General is deeply troubled by reports of an escalation of fighting in Nepal and of continued grave human rights violations. The conflict is undermining democracy and human rights and seriously hindering development activities.

Reports that human rights defenders in Nepal face grave threats to their safety and security are very disturbing. The safety and ability of the National Human Rights Commission and all human rights activists to carry out their essential work should be guaranteed. In that regard, the recent signing of a Memorandum of Understanding between His Majesty's Government of Nepal and the Office of the High Commissioner for Human Rights is a welcome step.

The Secretary-General once again calls for an urgent cessation of fighting and the initiation of dialogue between the Government and the Communist Party of Nepal (Maoist) with the participation of all political and civil forces. He stands ready to assist such a national effort.

## **The Asian Human Rights Charter on enforcement of rights and the machinery for enforcement ([www.ahrchk.net/charter](http://www.ahrchk.net/charter))**

- 15.1 Many Asian states have guarantees of human rights in their constitutions, and many of them have ratified international instruments on human rights. However, there continues to be a wide gap between rights enshrined in these documents and the abject reality that denies people their rights. Asian states must take urgent action to implement the human rights of their citizens and residents.
- 15.4.a The judiciary is a major means for the protection of rights. It has the power to receive complaints of the violation of rights, to hear evidence, and to provide redress for violations, including punishment for violators. The judiciary can only perform this function if the legal system is strong and well-organized. The members of the judiciary should be competent, experienced and have a commitment to human rights, dignity and justice. They should be independent of the legislature and the executive by vesting the power of their appointment in a judicial service commission and by constitutional safeguards of their tenure. Judicial institutions should fairly reflect the character of the different sections of the people by religion, region, gender and social class. This means that there must be a restructuring of the judiciary and the investigative machinery. More women, more under-privileged categories and more of the Pariahs of society must by deliberate State action be lifted out of the mire and instilled in judicial positions with necessary training. Only such a measure will command the confidence of the weaker sector whose human rights are ordinarily ignored in the traditional societies of Asia.
- 15.4.b The legal profession should be independent. Legal aid should be provided for those who are unable to afford the services of lawyers or have access to courts, for the protection of their rights. Rules which unduly restrict access to courts should be reformed to provide a broad access. Social and welfare organizations should be authorised to bring legal action on behalf of individuals and groups who are unable to utilize the courts.
- 15.4.c All states should establish Human Rights Commissions and specialized institutions for the protection of rights, particularly of vulnerable members of society. They can provide easy, friendly and inexpensive access to justice for victims of human rights violations. These bodies can supplement the role of the judiciary. They enjoy special advantages: they can help establish standards for the implementation of human rights norms; they can disseminate information about human rights; they can investigate allegations of violation of rights; they can promote conciliation and mediation; and they can seek to enforce human rights through administrative or judicial means. They can act on their own initiative as well on complaints from members of the public.
- 15.4.d Civil society institutions can help to enforce rights through the organization of People's Tribunals, which can touch the conscience of the government and the public. The establishment of People's Tribunals emphasizes that the responsibility for the protection of rights is wide, and not a preserve of the state. They are not confined to legal rules in their adjudication and can consequently help to uncover the moral and spiritual foundations of human rights.

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