

ASIA REPORT 2016



The Nepal Police

Institution Maintaining its Repressive Legacy



Introduction:

The Police are the civil security force of Nepal, under the general supervision and control of the Ministry of Home Affairs. The Police have a Human Rights Unit, established in 2003 to ensure the protection and promotion of human rights. From its inception, the Human Rights Unit has made two claims. Firstly, to firmly uphold international standards of human rights. Secondly, policing and monitoring human rights practices within the organization. However, it is not working according to its mandate.

The Police have a mechanism in receiving citizens' complaints. Cases of human rights violations are at times NOT registered by the police. In practice, the Police generally lodge complaints in a selective way. They file complaints in criminal cases, but they are reluctant to accept complaints associated with human rights violations.

Although the theoretical goal of Nepal's police is to protect and assist citizens to obtain justice, many believe the police do not act accordingly. Rather, the overall goal of Nepal's law enforcement is seen to provide security for powerful persons. They could be politicians, the influential superior elites and business people. Ordinary people generally hesitate to go to the police for any type of service, especially access to justice. Budget allocations for the Police is very limited. Basic infrastructure is lacking at police stations and modern tools of scientific investigation are not available.

Police officers tend to conduct arrests without warrants at the time of arrest, or some time after the arrest. Arbitrary detention is another major issue facing the Nepali police. Victims of arrest and detention are usually denied or delayed access to legal counsel. Their families are not informed of their arrest or the grounds for their arrest. cursory medical checks are rarely carried out without police scrutiny.

The country's police are not functioning as an independent Institution; they are heavily politicised and controlled by political parties. In our society, a murderer turns into a revolutionary, and a culprit changes into a leader of a political party. Many political leaders are backed by criminal gangs. The leaders reciprocate by giving them protection. Political pressure is applied to release convicts from jail even if the crime is serious, obvious and destructive. Crime has been politicized, and politics has been criminalized, contributing to a culture of impunity.

Without orders or whims from their political overlords, the Nepal police do not take up their responsibility to protect its citizens. From the start of recruitment to promotion, there is significant political interference. This makes it practically impossible for the police to be independent and carry out duties against their political masters.

The practice of torture as a means to deter crimes is the norm. Police do not practice modern methods of investigation and Forensic Science is out of their realm. Police salaries are next to nothing, so they resort to corruption. Innocent people are caught and pressured to offer a bribe so an officer can make some extra money. Many times police officers are themselves involved in petty or serious crimes.

The police have devised new strategies to fool watchful eyes and the attention of the national and international public. Instances of torture and extra-judicial executions have increased and became known to the public due to the wider use of social media. The police started arresting people without warrants, illegally detaining them without a Detention Note. It came to public notice that the police were forcing co-detainees to torture other detainees to escape any blame attached to custodial torturing. The police may have felt somewhat smug and smart with this solution, but this type of shrewd practice is not seen in any other developed jurisdictions in the world. In Nepal's Constitution of 2015, torture is included as a gross violation of human rights. However, it has yet to enact a law criminalizing torture.

If this situation continues, Nepal will turn into a police state. So these behaviors must stop. This is the right time for Nepal to reform and rebuild its Police Institution. The State needs to research, adjust and consider modern police renovations, proven successful in other countries.

The Government must seize this opportunity and take steps to change the policing system which is totally disintegrated .

Police History and its Impact on how it Functions today:

The Nepal Police are mandated to SERVE the public. This includes maintaining public order, ensuring peoples' security, protecting life and property, investigating and reducing crimes and arresting offenders. Additionally, it is also responsible for facilitating the disciplined movement of people and vehicles on the roads, providing services and relief to people who are in distress, and managing domestic and other social disputes.

We now look at the historical roots of policing in Nepal. Of importance is the Rana regime, 1846 -1951 that must be remembered. Prime Minister Chandra Shamsher Rana, 1901 to 1929, deputized officials in large towns including Kathmandu, and some parts of the Tarai, the southern belt of the country. The officials' responsibility was limited to maintaining order. With this action, the Rana rulers cemented the establishment of the Nepali Police.

Nepali Police, established between 1951 and 1952, primarily consisted of freedom fighters with a basic motto of 'truth, service and security'. In the beginning, the Nepal Police acted as a security service rather than as a security force. The foundation for today's Policing in Nepal was laid out during the country's unification process. Military units, officially designated as Kotwal, Umrao, Fausdar and Naik were assigned to internal security duties. The Police were established as a revolutionary and military culture. Its primary objective was one of supporting the Government in power and the political parties. Thus, service to the people was of secondary concern.

As the police inherited a legacy from both the military and the freedom fighters, military domination of policing continued until the 1950 democracy revolution. In January 1951, the Rana regime was forced to transfer power to a coalition government consisting of the King, and the independent political parties. With the enactment of the Police Act in 1955, the foundations for the modern civil police force were laid.

The Police Act of 1955 envisioned an independent police force which is capable of preventing and detecting crime, and maintaining peace and order in society.

The Nepal Police began to serve the interests of Zonal Commissioners who were directly appointed by the King under the autocratic Panchayat System following the royal coup of 1960. Zonal Commissioners were responsible to ensure that people opposing the Regime would be remanded in custody. It was meant to please the royal family and safeguard the Regime.

With this legacy, the Nepal Police developed into a repressive institution controlled by the executive. The Institution focused on pleasing their seniors and political overlords. The result was the institutionalisation of corruption and the misuse of power. Police did not care whether a situation was illegal or immoral. The involvement of the police in protecting the interests and illegal activities of the Royal Family encouraged it to become entirely corrupt. This erosion of police reliability continued even after the restoration of democracy in 1990. The police department remained a tool for fulfilling the interests of ruling governments.

During its long history, the Police Institution has served the interests of politicians and the elite in Nepal. It has consistently been used as a tool of repression which continues even today.

With its repressive historical background, is there any doubt why the Police are a demoralised institution, not capable of fulfilling their mandate of policing? Instead, historic misuse, favouritism, political interference, lack of adequate infrastructure has molded the Nepal Police into a corrupt Institution serving the interests of the rich, the powerful, the brokers and the politicians.

Legislation and Policy Instruments Regulating Police Activities:

The primary law enforcement agency organized under the Home Ministry is the Nepali Police. Nepal Police Act 1955 is the founding document which established the force. It took India as its inspiration.

Rights and duties of the Police are clearly identified in the 1955 Police Act. Similarly, the Criminal Procedure Act clearly outlines the role of the police in crime investigation. The Police Regulations came into effect in 1959.

The Nepal Police function independently in accordance with the provisions of their respective legislations. But the Local Administration Act 1971, is a legal instrument which empowers the Chief District Officer to mobilise these Police forces in certain circumstances for the maintenance of law and order.

For the purpose of internal action of the rank and file, none of these Acts define illegal detention, torture, excessive use of force, custodial death, and other human rights violations. So, the routine practice of human rights violations by police, go unchecked and unpunished.

Police Reform Initiatives:

During the Panchayat rule, the role of the police was focused mainly on safeguarding the interests of the ruling party. It was a mechanism largely mobilised by the State to suppress the civil and political rights of the people and to repress activities of political parties.

After the restoration of multi-party democracy in 1990, the Police Institution was expected to reform to complement public aspirations and the norms of democracy. To accelerate this process, the Police Reform Commission was formed in 1992 to modernise the Police force. In spite of this endeavour, few changes came into effect. The process of reform within the Nepal Police was halted during and after the King's regressive steps of October 2002 and February 2005.

The Human Rights Cell was established on 16 January 2003 with the prime objectives of promoting human rights, constitutionalism and the Rule of Law in the Police Force. It is mandated to deal with the whole range of human rights issues that the police face.

In 2015/2016, the Government allocated a budget of NPR 38 billion for the Nepal Police. The Government planned to develop the force as a professional Police Institution by equipping it with the necessary resources and tools. The Government also intended to upgrade the Central Forensic Laboratory. They would expand it to the regional level in order to enhance the investigative competence of the police force. A total of NPR 160 million has been allocated for the sole purpose of boosting the investigative capability of the police force.

The Government also launched the 'Prahari Mero Saathi' (Police is my friend) Program. They stated that the unilateral effort undertaken by the police was not effective enough to curtail crimes during the Fiscal Year 2015/2016.

A three-year Crime Prevention and Investigation Action Plan (2014-2017) was introduced to upgrade the investigation process, develop job specialization and ensure effective data gathering and analysis.

The police have already received funding from different donor entities. They include the Nepal Peace Trust Fund, the Asian Development Bank, Department for International Development (DFID), United Nations Development Programme (UNDP), China, India, and America. There are different modernization projects, advancement of communication, training and logistical support, and ways of creating better infrastructure.

Despite the Police claims to have undergone reforms from time to time, in reality it has been functioning at an elementary stage. This Institution needs to go many more long miles before it claims itself a reformed and modernised Police Force.

Unceasing Practice of Torture:

The establishment and attitude of the Nepal Police has been inherited from the British Colonial Police Force in India. Their main purpose was to 'prevent or control' crime rather than provide service to the people. This mentality persists until today. It severely limits the capacity of the police to effectively ensure the respect of Human Rights during the investigation of a crime.

The nature of policing is paying more attention to the suspect and to less on the crime. This is one of the major causes of torture in police custody. Torture is a routine practice in Nepal. Most of the people who are detained are tortured because it is the only method of investigation in use. The practice of torture in the modern era means that the Government of Nepal and its security agencies, especially the police, is unable to control crimes in a scientific and coherent manner.

The AHRC had released an Urgent Appeal in November 2016. Police illegally arrested, kept under illegal detention, and brutally tortured Bijuli Prasad Mahaut (31), resident of ward number 1, Khajurakhurd Village Development Committee (VDC) of Banke District, and Tirath Ram Harijan (30), resident of ward number 9, Indrapur VDC, of Banke District. All this was done under the guise of an investigation into a stolen mobile phone.

Before the above case, police officers attached to Area Police Office Rangeli, illegally arrested and illegally detained Gulephun Khatun and her husband in October 2016. Gulephun Khatun, was illegally detained for 24 days. During this time, she was tortured and hung upside down for 30 minutes. Both husband and wife were released on bail, after paying NPR. 20,000.

The most common methods of physical torture reported included beatings using the hands, kicking with police boots and using instruments such as bamboo sticks, plastic pipes and batons. The severity of the torture does not necessarily depend on whether instruments were used by the police. Police often use threats and intimidation as psychological torture which makes it difficult to figure out the damage done. The aforementioned list of torture methods used by the Nepal Police Force is not exhaustive. For example, the Asian Human Rights Commission reported in 2014 that pins were inserted under the fingernails of a 13-year-old girl to make her confess to having stolen gold.¹

¹ <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-009-2014>

In another incident, police arrested 2 minors and a youth on 9 September 2016 on the charge of stealing mobile phones. It was alleged that they stole the phones in August 2016 from a shop located at Nayabazar, Ward Number 9, Katahari Village Development Committee (VDC). It is run by Shreepat Mahato. Eight police officers, half in civilian clothes and half in uniform, arrived in a police van. They arrested three teenagers, Suraj Chaudhary (15) from Katahari Bazaar, Mahesh Sah (14) from Haatkholra, and Ajay Kumar Tajpuriya (16) from his house at Ganapati Jewelers.

All three were arrested without warrants. Detention papers were not provided. Two days after their arrest, they were handed arrest warrants and detention papers. On 12 September at 10 am their relatives went to see them at the District Police Office (DPO). They were appalled at the the terrible condition of their children. All three sustained injuries to their face, cheeks, necks and hands, in addition to other parts of their bodies. They had been kicked, punched, and stomped on with police boots. Blue bruise marks were easily visible on their bodies. The parents have informed the AHRC that the boys' mental condition has now become fragile as a result of the police torture.

Police cannot imagine conducting a criminal investigation without the use of torture. They are reluctant to support anti-torture laws despite considerable national and international pressure to make torture a crime. They threaten that they cannot maintain law and order in society if this legislation comes into force. As the police are not paid a living wage, they easily fall into the trap of taking bribes. Most victims are tortured because of the profitable incentive of taking in extra cash. For the Police, the Politicians and the State, torture is still seen as a necessary evil.

Nepal has been a party to the UN Convention against Torture (UNCAT) since 1991. But, the Government has failed to bring about any comprehensive anti-torture legislation in line with the Convention. Nepal's Torture Compensation Act (TCA) of 1996 only provides compensation to victims if police officers are found guilty of practicing torture. No mention is made of punishment for the act of torture. The Constitution 2015, for the first time noted that "torture will be punishable".

Section 5 (1) of the Compensation Relating to Torture Act, 1996 ("CRT"), allows a victim of such torture to file a complaint making a claim for compensation for such torture. It is made in the District Court, the district where the victim has been detained. A claim must be lodged within 35 days from the date of the incident of torture or the release of the victim from detention. Section 5 (2) of this Act has extended the locus standi to file such a complaint on behalf of a victim to include the victim's family members (of required age) and legal representative(s).² Section 6 (1) of this Act provides for compensation of a sum up to one hundred thousand Nepali Rupees to a victim of such torture.³ Moreover, it is mentioned in Section 7 of this Act "the District Court may order the concerned body to take departmental action against the government employee who has inflicted such torture, in accordance with the prevailing law."⁴

² Ibid., p. 2.

³ Ibid., p. 3.

⁴ Ibid.

The Evidence Act (Chapter 3 Section 9(2(a(1))), 1974 seeks to protect the accused from the use of statements in court that were coerced or extorted during torture or threats⁵, although the burden of proof lies with the accused.⁶ The Evidence Act, 2031 (1974) has a clear provision for preventing torture in the process of a criminal investigation. This Act clearly mentions that the evidence obtained through torture or coercion cannot be taken as valid evidence. According to Section 9 (2) (a) (2) of this Act, for any out-of-court expression of the accused of a criminal case, regarding the charge against him/her to be used as evidence against him/her, the Court has to be sure that the "fact was not expressed putting pressure on him/her or with torture to him/her or with a threat to torture to him/her or any other person or putting him/her in a condition to express the fact against his / her will."⁷

Draft Criminal Code: Section 169 of the Draft Criminal Code prohibits torture and other cruel, inhuman or degrading treatment (by state officials).⁸ Section 169 (1) of this particular document states that no public official with the legal authority for investigating crimes, prosecuting criminals, implementing laws or keeping somebody under control, in custody or in prison shall inflict, or get others to inflict, physical or mental torture or cruel, inhuman or degrading treatment on anybody.⁹ Section 169 (3) of the same document posits that a person (state official) who commits torture or other cruel, inhuman or degrading treatment shall be liable to a punishment amounting to imprisonment for a period not exceeding five years or a fine of a sum up to fifty thousand Nepali Rupees or both, depending upon the degree of severity of his/her offense.¹⁰

Moreover, Section 170 of the Draft Criminal Code prohibits inhuman or degrading treatment. Section 170 (1) of this document states that nobody shall subject, or get others to subject, another person to inhuman or degrading treatment; Section 170 (3) posits that a person who commits the offense mentioned in Section 170 (1) shall be liable to a punishment amounting to imprisonment for a period not exceeding three years or a fine of a sum up to thirty thousand Nepali Rupees or both.¹¹ Section 170 (4) of this document includes a provision that a government employee who commits such an offense shall be liable to an additional punishment of imprisonment for a period up to three months.¹²

Due to the lack of strong anti-torture Legislation, the use of torture by the Police is rampant in Nepal. The Government has tabled anti-torture legislation in Parliament. It is yet to be approved and promulgated. A problem surfaces. The proposed anti-torture Legislation is not compatible with the UNCAT. This is because there are no provisions for rehabilitation of the

⁵ The provision provides that any statement obtained by any inducement, threat, torture and attempt to torture or against his or her consent shall not be treated as evidence by the court.

⁶ Advocacy Forum, *The right to fair trial in Nepal: a critical study*, 2012, p. 16

⁷ See "Evidence Act, 2031," p. 5, available at: www.lawcommission.gov.np.

⁸ Rashtriya Nyayik Pratishthan, Nepal, *Faujdari Kasur Sambandhi Prachalit Kanoonlai Sanshodhan ra Ekikaran Garna Baneko Bidheyak Aparadh Sanhita*, 2067 (Lalitpur: National Judicial Academy, 2013/2070 BS), p. 240.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid., p. 242.

¹² Ibid.

victims of torture, no preventive mechanisms, and no guarantee of investigation of torture cases.

To end the practice of torture, it is not enough to merely bring in a law against torture. The police for instance, are used by Nepal's politicians and elite to maintain social control. And for the police - policing a society with available traditional methods and equipment, which is largely the use of torture, is easy and convenient. The state of Nepal's Justice Institutions is also important. They were designed in such a way that they have become an ally of the rich, the powerful, the politicians, and the State.

Another example in May 2016 shows the police resorting to routine torture, and practicing an ancient method of crime punishment. It is used by authoritarian rulers to show the ramifications of opposing them or the society. It also exposes the ancient, brutal-like status of Police in Nepal.

Three police officers attached to Area Police Office Surkhet District had arrested and tortured two teenagers, Pravesh Sunar (15) and Krishna Bahadur Thapa (19) in an open market. Following the torture, the policemen garlanded the young man, Krishna, and the juvenile, Pravesh, with shoes and slippers, smeared soot to blacken their faces and paraded them around in the market. After the incident came to light, the police offered to pay their expenses for medical treatment. The police arrested the duo on the charge of beating up another local youth.

These examples prove that the use of torture is very much alive and kicking in Nepal. According to detainees, police torture them to obtain confessions. Human rights organisations have succeeded in reducing the percentage of torture since 2001. This is through regular monitoring, legal intervention and sensitizing the victims, public, police, prosecutors, lawyers, judges and medical professionals. The Human Rights Unit of the Nepal Police also provides human rights training to new recruits, as do other NGOs and INGOs. But, when torture occurs, the police deny the allegation and pressurize victims not to speak of the incident. In some instances, police officers justify torture by saying that without slaps and beatings, criminals do not open their mouth, they will not speak up, they remain silent.

During the previous Universal Periodic Review (UPR) 2011, the Government of Nepal clearly denied the recommendation for the ratification of OPCAT. During the UPR 2015, the Government received similar recommendations. By providing lip service, the authorities justify the practice of torture to international bodies by citing the lack of infrastructure and modern tools of scientific investigation.

Corrupt Institutions:

Corruption exists at all levels in the Policing System and the Government. Although the law provides criminal penalties for corruption by officials, there continues to be reports that officials engage in corrupt practices with impunity. Police corruption, especially among junior officers and underpaid police officers remains a problem.

The police hold the attitude that nothing can be done without bribing. There is a close connection between the police, the politicians, the businessmen and the criminals. This also includes where the Police work towards fulfilling the interests of their political overlords.

Police recruitment and promotion involves large sums of money and influence rather than a person's qualifications. Before they enter into the Police Force, officials demand substantial bribes from the candidate. Serious police corruption continues from the first day an individual trainee enters the work force. The entire recruitment and promotion process is the sole responsibility of police headquarters. They are instructed by the Ministry of Home Affairs. The Public Service Commission, responsible for recruiting all other public servants has no role in any part of this process.

Results of the above are corrupt police officers soliciting bribes from in-coming trainees. It leaves no other option for police officers recruited to follow the pervading tendency - earn quick money by any means - often with threats and torture. A free-flowing corruption system is allowed to flourish, as the money is channeled up the chain of command to the higher levels of police superiors.

The force had earned a very bad name during the Panchayat era. It was widely perceived that the Institution would improve its tainted image after the restoration of democracy in 1990. Nothing changed even after the country was declared a federal republic in 2007. In fact, corruption has become the norm. Top officials rarely complete their terms without becoming involved in some wrong-doing. The reputation of the Nepal Police has been equally marred by controversy and corruption during the republic era. From 1990 to 2015, all the 13 Inspector Generals of Police (IGP) of the Nepal Police have faced corruption charges. The exceptions are: Ratna Shamsher, Dhruva Bahadur Pradhan, Shyam Bhakta Thapa and Kuber Singh Rana.

The Supreme Court of Nepal has convicted three former Inspectors General of Nepal Police. They are Om Bikram Rana, Hem Bahadur Gurung, Ramesh Chand Thakuri and other senior officials. They were involved in a multi-million dollar Sudan scam. They were given jail sentences and penalties. Rana was jailed for two years, and Gurung and Thakuri for one year each.

The ruling political parties continually misuse the Police. They use them as a tool at their discretion. Many political leaders, businessmen and their brokers stay in close contact with police officers. In this way they can arrange for the release of their criminal associates in return for favours received. These agents are often able to gain access to valuable information from inside a police Station. This often leaves them with the power to tamper with evidence. Such a corrupt practice weakens a criminal case.

There is a murky nexus between criminals, politicians and law enforcement agencies. It is the reason for the Law not being implemented. Politicization of crime is the biggest threat in Nepal. Once a crime is politicised, it cannot be brought before the justice system. It is obvious that criminals, politicians and law enforcement agencies are interlinked.

Police officers offer bribes to senior officials and politicians in order to secure promotions and transfers to lucrative places or departments. This has become a routine practice setting a bad precedent inside the police force.

Excessive Use of Force:

The police used excessive force against protesters in Nepal's Tarai districts. The anti-Constitution protests that started before the promulgation of the Constitution on 20 September 2015 continued on into early 2016. Instead of increasing meaningful table discussions, the Government muddled things up by using the Police in a continual, ruthless witch-hunt of Madhesi protesters and bystanders.

The police maintained their killing attitude; protests and killings were a near daily occurrence in the Tarai Region in early 2016. For over 6 months the conflict continued on. And then life for people in the southern region was up-ended. More than 57 people, including children and police were killed in the 2015 violence.

The AHRC has secured a video where the police could be seen shooting Mohammad Sams Tabarej, 16, while he was protesting alongside other students in the Rautahat District on 20 December 2016. The video shows Tabarej getting shot and other protesters dragging him away to the hospital. However, the police followed the group and chased the other protesters away. Police then circled Tabarej to beat him which delayed Tabarej's trip to the hospital, located just 5 minutes from the site.

The unceasing Madhesi-hunting spree showed clear signs that the police had a vendetta against the Madhesi leaders and cadres. Unlawful arrests were used for social control in the Southern Plains. Madhesi leaders and other individuals were arrested without due process and without any credible investigation. As could be expected, this created fear among the general public.

In the name of maintaining law and order in the southern belt, the police arrested whoever came into their sight. The Madhesi citizenry started escaping to India to stop arrests and extra-judicial killings at the hands of the police and security forces. It seemed that these charges were politically motivated which conspired to discourage peaceful and constructive political activities in Tarai.

Two frontline leaders of agitating parties from the Rupandehi and Sarlahi Districts were arrested without warrants or a credible investigation. These leaders belong to the Federal Socialist Forum Nepal (FSFN), one of the constituents of the United Democratic Madhesi Front (UDMF). Both of the leaders played an important role during the Madhes movements in 2015 and 2016.

The District Police Office filed a case on 10 March 2016 at the District Court of Mahottari. It involved 28 persons charged with the murder of the Armed Police Force ASI Thaman Bahadur B.K. during the peak of the Madhes protests. An additional 25 persons have been charged in a case relating to the vandalizing of an ambulance.

No one should be freed from their criminal liabilities. Zero tolerance of impunity should be strongly enforced. It was seen that the police manipulated the criminal investigation system to target certain political and ethnic groups. The issue of fair trial, a fundamental issue of human rights, was trampled upon in Nepal's Tarai.

Against Minority Citizenry:

Although caste-based discrimination is illegal under the Constitution 2015 and there is Caste Based Discrimination and Untouchability (Offence and Punishment) Act, 2011, the chances of Dalits getting compensation for injustices committed against them are remote. The Police Institution and concerned authorities are not accountable. The Government often fails to prosecute those who engage in discrimination against Dalits. Very often the victims do not even lodge complaints. Dalits have no faith in the administrative and justice systems.

Dalits are the most visible victims of torture, extra-judicial killings, and forced disappearances. Security Agencies, mostly the police, are actively engaged in these heinous actions. Dalits are often detained and abused simply because of their 'low-caste' status.

Most of the Dalits are vulnerable to torture. Research shows that the majority of people in custody or in prison are in poor economic conditions and socially marginalized like the Dalits.

A study by Advocacy Forum (AF) suggested that around 70 per cent of detainees are tortured and most of them belong to the Dalit community. It further mentions that the police do not produce detainees before the Courts as required. Plus, they only record the arrest after the torture is completed.

Not surprisingly, Dalits are exposed to this practice more than other segments of the society, as the police and other state agents do not fear retribution when they torture a Dalit.

The police often act in a brutal manner when it comes to dealing with the Dalit community. Even a peaceful demonstration by a Dalit community faces the brunt of a vicious police crackdown.

The Asian Human Rights Commission has secured a particular video footage. In it, the police can be seen using vindictive force against a peaceful public demonstration. The protest was held on 3 August 2015 in the Bijuli Bazar area of Kathmandu District. The Joint Political Dalit Struggle Committee organized a gathering. Its purpose was to speak against the provisions to reduce Dalit rights and representation in the preliminary draft of the country's new Constitution. Several Dalit leaders and activists including Parliamentarians Man Bahadur Bishwokarma and Daljeet Shreepali were humiliated and seriously injured by the police.

Police are negligent when it comes to the situation in the Dalit Community. Dalits are even killed just because they are a Dalit. The police have become partners in crime, often taking bribes from non-Dalit offenders. They assist in hiding the facts in order to water down offences committed by non-Dalits. Ajit Mijar's case speaks out loud and clear about this type of police engagement. A chain of events leading to Ajit's death and recovery of his body, suggests direct police involvement in the controversy.

Ajit Mijar (Dhawal), 18, a Dalit by caste, was found dead on 14 July 2016 in the Dhading district of Nepal. Ajit was a resident of the Panchkhal Kavre District. He married his non-Dalit girlfriend, Kalpana Parajuli, on 9 July 2016. The girl's relatives and the Area Police Office Panchkhal forced the couple to abandon their marriage. Her relatives took Kalpana away, forcibly, on 11 July 2016, two days after the marriage ceremony. They threatened to kill Ajit within 72 hours. On July 16, Ajit was found dead. His body was buried by the riverbank of Furke Khola, Dhading District, located over 250 km from Panchkhal.

Ajit was murdered for his inter-caste marriage, untouchability and caste-based discrimination related to it. Certain facts have been monitored and confirmed. Although his death was pronounced a suicide, his body, when found, had legs that touched the floor. Fragile tent rope was used and not tied tightly around his neck. The place where his body was found is very close and visible from the Police Station that is open 24 hours a day. The police have not made public who was on duty that day. THIS SCREAMS MURDER.

Now we turn our attention to HOW the victim's family was treated. The Ajit family informed the police that they were coming to Dhading to confirm their son's death, and take his body away. Did the police wait for the family members to arrive? NO. They hurriedly buried Ajit's corpse. Although the police claimed that they buried an unknown corpse, they did not publicize this, and did not wait for Ajit's family to arrive in Dhading. Everything seemed to have been done in a rush. It showcases mysterious police behavior, and suggests police involvement in a STAGED MURDER.

Conclusion:

The reputation of the Nepalese Police further deteriorated in 2016. Often they are accused of being corrupt and scheming when it comes to crimes. It is hard to differentiate politicians from criminals. There is a well-established nexus of money, muscle, mafia and political power, which is difficult to break up. Politicians discretely use the Police in order to control the public and maintain fear among them. Politicians force police officers to obey illegal orders. Those who resist are transferred immediately. Honorable officers who want to maintain Law and Order have to face and deal with corrupt politicians.

This has been clearly seen during the protests in Tarai in 2015 and 2016. Police showed their violent roots in the way they clamped down on protesters. They did not follow even minimum international regulations on crowd control. They shot directly into a crowd with the intent to kill. And protesters turned to violence too, with vandalism of property and the shocking mob lynching of Security Officers.

The Nepal Police claim to have undergone reforms time and time again. In reality, this Institution still has a long march ahead of it before they can truly say they are a reformed and modernised Police Force. Up to this point, they have been functioning at a rudimentary stage. The status-quo facilitates corruption and all forms of non-accountability in Government. People in power do not want to radically re-design and fundamentally transform the Justice Institutions in Nepal.

Unfortunate things continue to happen in Nepal because of the questionable actions of the poorly-run, existing Criminal Justice Institutions. They must be re-designed and reformed in order for the country to effectively deal with urgent issues. Reforming the Police is a subject that must be approached from different angles. This include resources, specialized training and legal framework changes. An operative Police Force must include accountability, and accede to the fact that torture is a criminal act.

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The Asian Human Rights Commission (AHRC) works towards the radical rethinking and fundamental redesigning of justice institutions in order to protect and promote human rights in Asia. Established in 1984, the Hong Kong based organisation is a Laureate of the Right Livelihood Award, 2014.

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Asian Human Rights Commission
G/F, 52 Princess Margaret Road, Ho Man Tin,
Kowloon, Hong Kong (SAR), China

Tel: +(852) 2698 6339

Fax: +(852) 2698 6367

Web: www.humanrights.asia