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NEPAL: POLICE MUST HALT THE USE OF EXCESSIVE FORCE AGAINST PROTESTORS WITH IMMEDIATE EFFECT

Nepali authorities have repeatedly failed to prevent their security forces from using excessive force against protestors and must act without delay to protect the right to life. In yet another incident on 21 January three people, including an elderly woman, died following a violent clash between protestors and the police in the Tarai area of Nepal.

Any use of force in the policing of demonstrations, even when they have turned violent, must comply with international standards. Principle 5 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials states that police officers must exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved. Firearms may only be used as a last resort in self-defence or to protect others against the imminent threat of death or serious injury.

Protests erupted following amendments made to the Constitution by major political parties which fell short of the demands of disenfranchised groups in Tarai who claim that the Constitution denies them political representation. The police used disproportionate force, using live ammunition on protestors armed with batons, killing three people including an elderly woman.

More than 50 people, mostly protestors, have been killed for exercising their rights to freedom of expression and peaceful assembly on the new Constitution since August 2015. Investigations by Nepal's Human Rights Commission and Nepali human rights organisations have found that the force used by security forces during these protests has been excessive, disproportionate and unnecessary, contrary to Nepal's international obligations.

With renewed calls for protests against the Constitution, it is imperative that the government sends clear instructions immediately to the police only to use such force as is necessary and proportionate, in order to protect the right to life. The authorities should facilitate people exercising the right to freedom of expression and peaceful assembly, as enshrined in the Constitution. In addition, a prompt, independent and impartial investigation into the police killings must take place. If there is sufficient admissible evidence, those suspected of having used excessive force against protestors must be prosecuted in a fair trial before an ordinary civilian court. The medical costs of those injured must also be met.