

EXTERNAL (for general distribution)

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This is a limited action. Please send up to 10 appeals per section.

UA 314/93 Torture/Possible extrajudicial executions 9 September 1993

NEPAL: Kiran Shrestha) students
 Shankar Rokka) all aged between
 Lochan Nepal) 14-16 years

 Kapildev Singh, aged 40
 Bijaya Mahato, aged 19

Amnesty International is concerned about the torture in police custody of three students, Kiran Shrestha, Shankar Rokka and Lochan Nepal, and the possible extrajudicial killings of Kapildev Singh and Bijaya Mahato outside Barahathawa police station, Sarlahi District, on 23 August 1993.

The events took place in the wake of a transport strike in Barahathawa on 20 and 21 August which had been called to protest against alleged corruption and partiality in the distribution of relief materials to flood victims in the region. Members of a local Youth Club, who believed they had evidence of corrupt practices by two local businessmen, started to make their allegations public.

Three students from the club - Kiran Shrestha, Shankar Rokka and Lochan Nepal - apprehended one of the businessmen and took him to the Barahathawa police station. The students were themselves arrested and severely beaten by police. Local people who heard their cries gathered outside the police station and witnesses state they saw the students covered in blood from what appeared to be lacerations. One of the students, Kiran Shrestha, fell unconscious and was referred to Janakpur Hospital for emergency treatment.

Police reinforcements arrived from Malangawa to take control of the situation. The Malangawa Deputy Superintendent of Police reportedly requested the Police Inspector at Barahathawa police station to apologise for the beatings. The Inspector replied that he would only do so if no official action was taken against him.

The situation became more tense when the crowd outside the police station started throwing stones. The police responded by opening fire. Two people - Kapildev Singh and Bijaya Mahato - were killed immediately and three were injured. According to reports from witnesses, the police fired indiscriminately and without warning. Those injured and killed sustained their injuries from behind or above their knees. Amnesty International is concerned that these killings may amount to extrajudicial executions.

A local human rights organisation which investigated the incident reports the police had not obtained a written order to open fire from the Chief District Officer (CDO) and that when the CDO was asked to comment he replied that in practice the police usually open fire first and their action is endorsed afterwards by the CDO.

BACKGROUND INFORMATION

Recent widespread flooding in Nepal affected most of the country. Hundreds of people died, thousands were made homeless and a nationwide relief operation was put into operation. The protests in Sarlahi district took place in this context.

Amnesty International has repeatedly expressed concern to the Government of Nepal about possible extrajudicial executions by police engaged in crowd control, and the need for police to guard against the unjustified use of lethal force.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes and airmail letters either in English or your own language:

- expressing grave concern that two people were killed by police in possible extrajudicial executions in Barahathawa, Sarlahi District, and asking for the government to institute an independent commission of inquiry to investigate the killings and to ensure that those responsible for extrajudicial killings are brought to justice;
- urging the government to ensure that police are clearly instructed not to use lethal force other than in strictly limited circumstances, as set out in the UN's Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
- urging that reports of torture and ill-treatment of Kiran Shrestha, Shankar Rokka and Lochan Nepal be fully and independently investigated and that those responsible be brought to justice;
- urging the government to compensate victims of torture and the relatives of victims of extrajudicial killings.

APPEALS TO

1) Prime Minister:

Girija Prasad Koirala

Cabinet Secretariat

Singha Durbar

Kathmandu, Nepal

Telegrams: Prime Minister Koirala, Kathmandu, Nepal

Faxes: + 977 1 227 286

Salutation: Dear Prime Minister

2) Minister of Home Affairs

Sher Bahadur Deupa

Ministry of Home Affairs

Singha Durbar

Kathmandu, Nepal

Telegrams: Minister Home Affairs Deupa, Kathmandu, Nepal

Faxes: + 977 1 227 187

Telexes: 2224 (Care of Ministry of Foreign Affairs)

Salutation: Dear Minister

3) Minister of Law & Justice:

Maheshwor Prasad Singh

Minister of Law & Justice
Singha Durbar
Kathmandu, Nepal

Telegrams: Minister Law and Justice Singh, Kathmandu, Nepal

Faxes: + 977 1 416016 (Care of Ministry of Foreign
Affairs)

Telexes: 2224 (Care of Ministry of Foreign Affairs)

Salutation: Dear Minister

4) Inspector General of Police

Motilal Bohara

Police Headquarters

Kathmandu

Nepal

Telegrams: Inspector General of Police Bohara, Kathmandu, Nepal

Faxes: + 977-1-415 594

Salutation: Dear Inspector General of Police

COPIES OF YOUR APPEALS TO: diplomatic representatives of Nepal accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 21 October 1993.