



राष्ट्रिय मानव अधिकार आयोग

National Human Rights Commission, Nepal

केन्द्रिय कार्यालय Central Office

हरिहर भवन, पुलचोक, ललितपुर, HariharBhawan, Pulchowk, Lalitpur, Nepal



Press Note

October 21, 2019

Recommendation to the Government of Nepal Concerning Kumar Poudal

National Human Rights Commission of Nepal has recommended concluding its investigation on the incident of Kumar Paudel, Sarlahi In-charge of Netra Bikram Chand-led Communist Party of Nepal, and was killed in Lalbandi municipality, Sarlahi in police action on June 20.

The Commission meeting held today has provided the following recommendations to the Government of Nepal as well as the Netra Bikram Chand-led Communist Party of Nepal in accordance with the National Human Rights Commission Act 2012 on the basis of facts received through the investigation.

The Followings:

Kumar Paudel residing in the Bagmati municipality – 2, Sarlahi district and Sarlahi In-charge of Netra Bikram Chand-led Communist Party of Nepal, was killed in Lalbandi municipality – 1, nearby the Lakhendevi forest's graveled road under the bamboo bush at Sarlahi in police action on June 20, 2019 deployed in coordination with the Province 2 Police office and under direct guidance of the Police headquarter, Naxal and Police had used excessive use of force and Paudal was killed firing nine shots after taking him under control. Although police claimed that Paudel was killed in an encounter and they had to open fire in self-defence, the NHRC investigation as well as the nature of the incident found no evidence to support the claim. Police didn't make the impartial investigation. The fault is found while concluding the deed on scene of crime/corps examination from the medico-legal perspective.

In this incident, the violation of the right to life as ensured by the Article 16 of the Constitution of Nepal (2015) and the Article 6 of the International Covenant on Civil and Political Rights 1966 including various other principles promulgated by the United Nations, therefore, NHRC recommends to do and cause to do as the following as mentioned:



राष्ट्रिय मानव अधिकार आयोग

National Human Rights Commission, Nepal

केन्द्रिय कार्यालय Central Office

हरिहर भवन, पुलचोक, ललितपुर, HariharBhawan, Pulchowk, Lalitpur, Nepal



(a) To the Government of Nepal

1. To investigate upon members and the personnel of the super ordinate agencies, instructing authority and the person who abetted in the incident issuing orders to police officials who acted against Paudel and bring them to book.
2. To immediately suspend police officials who directly involved in the incident, including Inspector Krishna Dev Prasad Shah and Constables Binod Shah and Satya Narayan Mishra, and file a criminal case against them and reprimand Inspector Kiran Prasad Neupane and Sub-Inspector Surya Kumar Karki for erring while concluding deed on scene of the incident site.
3. For the impartial and independence investigation of the disputing incident like this, develop and cause to develop the distinct mechanism to manage the investigation with the team of subject experts, to manage protection of the freedom of non-implementation of unlawful directive orders by the personnel form the security agencies in law. Manage documentation of the important oral directive orders in the concerned police offices.
4. To manage providing written information to the National Human Rights Commission within the 24 hours of the incident in the disputing incidents said to be killed in crossfire, the deaths in the detention centers and the prisons, and rape related incident. Provide instructions to all the police offices drafting the necessary guidelines for this.
5. To make compulsory forensic lab testing taking the swab of the hands or fingers of the alleged person killed either in encounter or in crossfire, managing separate storage and documentation of the arms and ammunition seized from the persons said to be involved in the criminal activities and submit the detailed and updated data of such arms and ammunition to the concerned agency.
6. To reprimand Dr Birendra Kumar Mandal of Sarlahi District Hospital, Malangwa, for not maintaining minimum standards while conducting autopsy on Paudel's body, and immediately manage camera, water, electricity, X-Ray machine and the essential chemicals for the protection of the corpse in all the hospitals of the country including the District Hospital Sarlahi where autopsy is conducted, provide necessary instructions conducting monitoring of proper management, protection and use of the available resources. To manage and cause to manage minimum one technical expert trained in forensic medicines in every hospital where autopsy is conducted.



राष्ट्रिय मानव अधिकार आयोग

National Human Rights Commission, Nepal

केन्द्रिय कार्यालय Central Office

हरिहर भवन, पुलचोक, ललितपुर, HariharBhawan, Pulchowk, Lalitpur, Nepal



7. To provide Rs 300,000 compensation as per the NHRC Act 2012 to Paudel's kin as entitled by the law as Kumar Paudel's right to life has been violated in the incident.
8. To address the serious challenges amplified by the violent activities in peace and security including in the human rights, invite the Netra Bikram Chand-led Communist Party of Nepal to talks so as to control its illegal activities by its cadres and bring them to book.

(b) To the Netra Bikram Chand-led Communist Party of Nepal

1. To take into account others' rights while exercising own rights and immediately stop killing, abduction, threat, extortion, explosion like violent activities being sensitive towards damage of life, economy and physical things, and transform the activities in the competitive politics in a democratic and peaceful manner.

.....

Bed Bhattarai

Secretary/Spokesperson