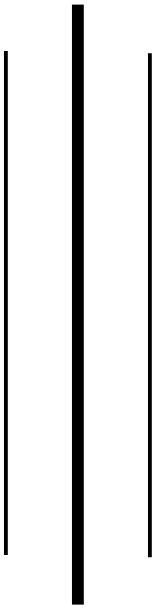
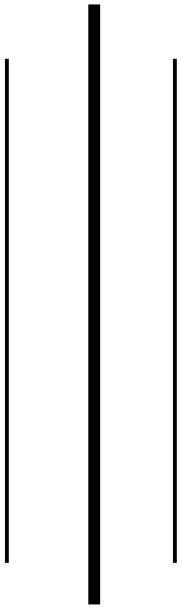
# The National Human Rights Commission



# Doramba Incident, Ramechhap



**On-the-spot Inspection and Report of the Investigation Committee**
**2060 BS (2003)**

## 1. Constitution of the Committee

The members of this Committee came to know through a letter delivered to them on August 26, 2003 about the constitution of the Committee on the same day by the National Human Rights Commission with the purpose of on-the-spot investigation about the facts relating to the alleged encounter between the security forces and the CPN (Maoist) at *Doramba*, *Ramechhap*. The names of the members of the Committee are, as per the letter, as follows:

| | | |
|---|---|---|
| 1. Krishna Jung Rayamajhi | Coordinator | Ex- Justice, Supreme Court |
| 2. Prem Bahadur Bista | Member | Ex-Attorney General |
| 3. Kanak Mani Dixit | Member | Journalist |
| 4. Dr. Harihar Osti | Member | Physician, Forensic Expert |
| 5. Hari Phuyal | Representative | NHRC |

Right Honorable Chairman of the Commission and its honorable members briefed on August 26, 2003, about the purpose and jurisdiction of the constitution of the Committee and monitoring of the human rights and the humanitarian law. Prior to the departure of the Committee for *Doramba* of *Ramechhap* on Aug 27, 2003 the Commission informed it about the receipt of a letter (reference letter no. 2128 (Legal) 060.61/219) concerning "Information Relating to the *Doramba* Incident" sent by Adjudent General of the Royal Nepal Army (Legal Section). The Committee went through the news relating to the *Doramba* incident published in the newspapers and also gathered information from the individuals available in Kathmandu who possessed knowledge about the *Doramba* area. The Committee departed for *Doramba* of *Ramechhap* district on August 2, 2003 by helicopter from the Airport at about 1:10 am.

The Commission had provided this Committee with a monitoring mandate for on-the-spot investigation. The mandate chiefly included matters, such as, directing the members of the Committee to receive information, in course of acquiring knowledge, about the facts of the incident, on the basis of the statements of the parties involved in the dispute, local eye-witnesses and the individuals who had hearsay knowledge about the incident, to show respect for the mental tension and security of the victims and the basic principles of investigation while recording their statements about the incident, to make on-the-spot visits as far as possible, to the places where the incident took place, to prepare a report, if people were found to have been killed, showing, as far as practicable, the part of the body which was hit by bullets and establishing by facts whether or not cross fire had taken place and to inspect, while recording their statements about the incident and while monitoring the incident, whether or not the common Article 3 of the Geneva Conventions had been compiled with in the event of an encounter.

## 2. Working Procedure of the Committee

In course of investigation about the incident, the Committee, for the purpose of collecting the facts, undertook works like making on-the-spot inspection of the places where the incidents had occurred, recording the statements of the individuals who were eye-witnesses of the incident, inspecting the dead bodies after exhuming them from the ditches where they had been allegedly buried, recording the statement of the eye-witnesses of the incident belonging to the place where the alleged killings had taken place, taking photographs by film and video cameras, collecting and photographing fired cartridges, slippers, strings allegedly used for tying hands, burnt bags and other materials found at the crime scene, similarly hearing separately the statements of the activists of the Maoists who were said to have successfully escaped from the incident and the concerned persons and preparing documents describing the crime scenes and the places where the dead bodies were buried and taking consent of the relatives for exhumation of the dead bodies and preparing document of handing over the materials discovered from the scenes of occurrence in the presence of the Committee to the local people.

## 3. The Presence of the Committee at *Doramba* of Ramechhap

The Committee members succeeded in landing by helicopter from Kathmandu at about 1:30 a.m. on August 27, 2003 at a hill step of relatively lower height about two kilometers west of *Doramba* market of Ramechhap. The helicopter could not land at *Doramba* market due to dense fog. After the members of the Committee arrived at *Doramba* market, with the help of the local people, arrangements were made for their stay at the dormitory of the local Health Post with the help of also ……of *Doramba* Secondary School. The Committee appealed to all the local residents not to interfere or influence in any way whatsoever the functioning of the Committee and also not to influence the facts. The local people supplied labour, goods and materials and services which the Committee needed for the sake of investigation. The labour, goods and services were paid for. No obstructions were created by any side in course of inspection and monitoring. Showing interest in their security the local people provided full support to the Committee.

## 4. Factual Details of the *Doramba* Incident

The factual details of the incident gathered by the Committee set up to investigate the *Doramba* incident (which has also been described as the "Investigation team" in several attached documents) are as follow:

### 4.1 Introduction to *Doramba*

*Doramba* V.D.C. of *Ramechhap* district is situated nineteen kilometers away, by the air route, in the north west of the headquarters of *Manthali* and at a distance of one-day laborious walk from *Manthali*. Situated at the height of

about 6500 ft. to 7000 ft., the population of *Doramba* V.D.C., as pointed out by the local residents, comprised nearly 85% *Tamangs*, 10% *Magars*, 3% *Dalits* and 2% *Chhetris* and *Brahmins*.

Situated in the south of the forest of the *Shailung Lake*, *Doramba* V.D.C. is located in the middle of the regions of *Sindhuli* in the south and *Dolkha* in the north. Even though there is a lack of facility of motorable roads in this area, which is politically conscious, it found to have the influence of the Maoists.

Whereas the V.D.C. building located at *Doramba* market, the police station, "marsh" telephone line, the Area Forest Office and the Post Office had been completely destroyed by the Maoists, *Doramba* itself was found to be in a tension-ridden condition. The employees of the Health Post and the teachers of the school were found to be mostly belonging to outside from *Doramba* or Ramechhap. The youths of the village having means and resources and the activists of the political parties had been displaced to Kathmandu or elsewhere and the youths were believed to have joined the Maoists and moved out of the Village. Likewise, some youths were believed to have been recruited by the Royal Nepal Army and the Police. So far productions were concerned there was less production of rice and more production of maize and *kodo* (a kind of grain) and also there was production of potato seeds. It was gathered that the programs and meetings of other political parties except those of the Maoists did not use to take place there.

### 4.2 Activities of CPN (Maoist) at *Doramba*

It was gathered that in the last local election the Nepali Congress won most of the posts of *Doramba* V.D.C. CPN (UML) was also found to have enjoyed support almost equivalent to that of Nepali Congress. In this V.D.C. falling under constituency no. 2 of *Ramechhap* district, the activists of United People's Front were active quite for some time. Kamal Chaulagai of United People's Front had been declared elected from this constituency in the general elections of 2048 B.S. (1991). In the succeeding elections Padma Shanker Adhikari (Nepali Congress) and Ram Hari Dhungel (Nepali Congress) had respectively won the elections. It was discovered that CPN (Maoist) which increased its activities since 2055 B.S. (1998) had declared *Doramba* village as its "area in control" and placed it under the control of the "Village People's Government" which was itself under the control of "the District People's Government". It was also found that two big mass meetings of CPN (Maoists) had been held in *Doramba* village. This place which is generally marked by the presence of CPN (Maoist) even today and which witnesses the occasional movements of the armed Maoists in smaller or bigger groups, the people are found to be psychologically under the influence of CPN (Maoist). It was also found that CPN (Maoist) suffered from the habit of displacing their political opponents from the village. It was believed that the Maoists used to stay in the houses of the villagers and themselves cooked their food. It was reported that

the army used to enter the village once after every 5/6 months and searched and arrested (the people).

### 4.3 Details of *Doramba* incident

On the basis of the information and statements collected and the investigation made by the *Doramba* Incident Investigation Committee, the details of the incident are as follows. The detailed information about the incident is available in the annexes attached herewith.

The Maoists do select themselves the house for conducting their meetings, and the house owners were under compulsion to express their consent to such decisions. On Aug. 16, 2003 at around 4 p.m. the activists of CPN (Maoist) belonging to the area in the vicinity of the village and other areas started gathering at the house of Yuba Raj Moktan which was located 1 k.m. east of *Doramba* market. Yuba Raj Moktan was a teacher of a Primary School of *Daduwa* VDC, which was located at a hill slope at some distance from his house. He had gone to Kathmandu to take some books for the school. The gist of the statement of Mrs. ……., the …… of Yuba Raj Moktan, about the actualities prior to the incidents is as follows: " I and my 20 year old eldest son Leela Moktan had gone to work in the field. On return to home we found that the Maoists had already entered the house. The Maoists who had come from outside stayed there overnight. They had themselves brought foodstuff which they cooked and ate. They were busy gossiping till late at night. Right from the early morning of Aug. 17, 2003 the Maoist activists belonging to the village and to outside started coming gradually. My husband Yuba Raj Moktan who had overnight stayed at *Mude* of *Dolkha* while retuning from Kathmandu and was suffering from diarrhoea reached home the same day on foot at about 9.30 a.m. in the morning. After arriving at the house he came to know about the meeting of the Maoists being in progress and without uttering any words he went straight upstairs and lay down on the bed in a room. Asking my husband to take water and to take complete rest, I went outside for working in the field. While I was coming out of my house there were nearly 18/20 Maoists inside the house and nearly 10/12 Maoists were busy gossiping in the courtyard and at the outskirts. Some of those who were inside the house were cooking food in the kitchen. They were busy butchering the goat they had themselves brought and preparing and cooking meat.

The local residents described that on that day there were dense fog and continuous drizzle since early morning. It was heard that the army had come to *Galpa* from *Manthali* and stayed there for rest. The army was believed to have come towards *Doramba* market from the *Galpa* village, which is situated in the south of *Doramba* at a distance of about two hours walk on foot, in civil dress-some of them clad in vests and half pants, half jackets and raincoats, thereby hiding their arms. It was reported that, after entering *Doramba* area,

80 army personnel, got divided into several groups-some of them got stationed at the hill top in front of the Health Post, others at the hill top beside the School, some in the market area, others in the village located in the east of the market and two groups of the army towards the house of Yuba Raj Moktan situated in the east of the Health Post. Since the army was divided into various groups their various activities in the village were reportedly taking place at the same time. Almost everybody knew that one Maoist-activist "Ram Kumar" was being married to one "Sangeeta" in the village. The army reportedly asked, "Tell, where was the marriage ceremony of "Ram Kumar" taking place ?" The army present in the market had asked for and eaten *"dalmoth chiura"* whereas one group of the army stationed at the village had also consumed alcohol. The army wearing raincoats were believed to be guarding in the rainy and cold weather. The group of the army positioned in the vicinity of the school went inside the school and asked, "Where are……..…… and ……..……..Sirs ?" As a teacher named…….…….. was not present in the school they brought a teacher named ……..… before *"Captain Saheb"* and asked him whether or not he was a Maoist and whether or not he had made donations, and released him after sometime after threatening him. At the time of his release it was believed that the people arrested from the house of Yuba Raj Moktan had been already brought there. **(Annex 2, the statement of ……)**

Meanwhile the army had reportedly examined and cross-examined a few people of the market area whether they had supplied ration to the Maoists and provided various types of assistance. On the other hand the army had destroyed a Welcome gate constructed by the Maoists on the way from *Galpa* to *Doramba* market. The army positioned at different places had prohibited the movements and activities of the villagers. It was learnt from the statements of the local residents that team of the security forces was led by a Major and a Captain.

A gunshot was heard at about 10.30. It was learnt that the army had circled around the house of Yuba Raj Moktan in the "C" shape. "Bibek" alias Tek Bahadur Thapa Magar who had come from the east from *Daduwa* village of some distant hillside to take part in the meeting was hit by a bullet fired by the army from some height near the house of Yuba Raj and collapsed. However, one person named "……." and another person whose name could not be identified succeeded in fleeing. In the mean time the Maoist activists staying outside the house succeeded in running away after jumping down from the land steps at the sight of the arrival of the army. From among the persons staying inside the house one person named "……..…" was successful to jump down from a window of the top floor which had no grilles and ran away. Out of the 20 people present on the ground floor one person named "……." pushed aside an army jawan standing at the door and could succeed to escape by jumping down the field step by the

side of the toilet. In course of happening of all these events reportedly several rounds of firing had been made by the army. Bullet marks were discovered on the outer wall of the house and its roof and even on the photo of the late king and the queen. (**Annex 1, Document describing the Scene of Occurrence**)

It was learnt that the army, after entering the house, had forced 19 persons including Yuba Raj Moktan and his son Leela Moktan to raise their hands and took them out of the house. It was also learnt that the hands of every such person dragged out of the house were tied at the back and they were dumped on the height across the house. The army thoroughly searched the house. The army overturned the food cooked by the Maoists, broke down the pot carrying curd and splashed it and broke down the glasses fixed inside the house. The army took into possession the bags of the Maoists, one three-not-three gun, two pistols and 14 socket bombs found inside the house. The army burnt down the clothes of the house owner ……, his daughter and sons after taking them out in the yard and damaged the utensils. The Committee inspected the place where various items had been burnt by the army. Of the various burnt documents two citizenship certificates were received from ……..…. The incidents taking place at the house of Yuba Raj Moktan were being watched by the villagers assembled at a place slightly below his house. However, they could not come to the place where the incident took place nor could the army go towards the place where the villagers had assembled. (**Annex 1, the Document describing the Scene of Occurrence**)

Nearly one hour after the above mentioned incident at about 11.30 the army marched the arrested people towards the Health Post dividing them in groups of 5 to 7 persons and tying their hands at their back and making some of them carry one bag in the front and another at the back and making some others carry only one bag each. Some of the villagers saw the army were forcibly carrying one lady from the house of Yuba Raj towards the height. Sometime after the departure of the army from the house of Yubaraj Moktan the villagers assembled at that house. The dead body of "Bibek" alias Tek Bahadur Thapa Magar was found near that house with bullets marks in the chest and stomach and a kerosene oil pot was also found lying near that dead body as described by the villagers.

It was told by the villagers that the frock and shawl of "some lady" was found by them near the house of Yubaraj Moktan. She was an 18 year old girl named "Usha" and her whereabouts are still unknown. The dead body of "Bibek" alias Tek Bahadur Thapa Magar had been buried on August 18, 2003 by his relatives and the villagers at a place called *"Chihandanda",* as was told by the villagers who subsequently showed that spot to the Committee.

Those persons who were arrested were taken towards the height from *Doramba* market through the way passing by the Health Post and the school.

The army ordered all the local residents to "remain inside shutting down their houses and shops". Later on when they peeped through the windows they saw that the people were made to march in rows, with their hands tied at their back with green cloth, carrying bags, and abuses were showered on them. They could recognize Yuba Raj Moktan, his son Leela, Thulo Ram, Sano Ram, Laxman, " Lalita", Bishnu Maya Thapa Magar, Chatur Man Thami etc. but they could not recognize others. The contingent of army and the arrested persons started moving forward through *Shailung* on the way to *Mude* of *Dolkha* along the height towards the north of *Doramba* market. Destroying the Welcome gate constructed with bamboo by the Maoists in the middle of the higher part, that group moved onward along with the army towards *Shailung*. Although the way could not be visible upto some distance due to dense fog, as the way got separated near the market the people could be seen being taken away through that way and the villagers, assembled at the top of the market, were watching which way the people were being taken away.

After taking them upto *Deurali* (height with cluster of trees) the army, discarding the way of S*hailung* that went to *Mude*, seemed to decide about a sudden change in the goal and asked about the way leading to *"Bahun Chura"*. This information was given to the Committee by a local lady called ……..... A local herdsman aged …….. told the Committee about having seen some people going from there towards *Dandakateri* whose hands were tied. He also told that after one hour he had heard the gunshots of one-sided firing. It was gathered that some of the army had, on their way, asked for cucumber and eaten it and the whole contingent had reached *Dandakateri* at about 2.15. After making the arrested persons stand most of the army proceeded forward as was reported by a local …….. to the Committee. As per the statement given by a local …… of …… years, "only a few of the army stayed back at the place (where the people were made to stand in rows). The army were arranging the arrested people to stand in rows. One army jawan, turning towards the direction from where they had come earlier, was aiming with a gun. I was going to ……..… for bringing a goat. There was noise at the place where the rows had been made. Thulo Ram was crying. One lady kept on crying for a long time exclaiming, "Oh, my mother, they have killed". I saw them arranging the rows. Those who were arranging the rows were 4 or 5 soldiers in civil dress. The army jawan carrying the gun shouted at me," you old man, get lost at once." No sooner had I walked about 20 steps than there was a deafening sound of gunshots and the voice of the crying woman also stopped. There had been no encounter at that place, people were brutally killed by making them stand in rows." (**Annex 4, the Statement of ……..**)

It was reported that the students studying in a school at *Surke* saw that after the murder of those people the army proceeded to *Manthali* by the side of *Surke* via *Nigalpani*. On the same day after the closure of the school the teachers of *Doramba* who taught at *Surke Deurali*, while returning home, had

seen some men in civil dress carrying arms. And on reaching *Nigalpani* when they were asked by the local people whether they had heard the sound of heavy firing, they came all the way in a frightened state and when they arrived there at about 5 O'clock they saw blood, inner flesh and broken pieces of skull scattered all through the way. And when they saw nine or ten dead bodies lying below on the steep slope they also became afraid of their own lives and started moving hurriedly towards their houses (at *Doramba*) where they told about the incident to the residents of the market, and they found the whole market turned into a state of cries and weeping and hue and cry. **(Annex 5, the statement of ……..……..)**

### 4.4 Inspection of the Crime Scene by the members of the Committee

When the members of the Investigation Committee reached the scene of occurrence on August 28, 2003, nearly 60 to 70 local people belonging to *Dandakateri*, *Daduwa*, *Nigalpani* and *Doramba* had assembled there. The Committee members inspected the scene where the incident had occurred. Due to minor landslide caused by the downpour during the earlier night a portion of the place where one group of dead bodies had been allegedly dumped was found to be buried under soil. from that part, which was not affected by the landslide, seventeen fired cartridges were discovered. Likewise, seven male and female slippers, pieces of clothes of green and other colors allegedly used as strings for tying the hands, two pocket combs, one tooth brush, one *dhaka* cap and broken pieces of skull scattered on the left and the right sides of the way were also discovered. (**Annex 10, Document Relating to Hand Over Goods**) It was also found that even the walls on the side of the way at the scene of occurrence were at places hit by bullets of guns and looked slightly damaged. It was gathered that the incident had taken place at almost 4 ft. wide track. To the north of the track there was slope and to the south there was 400-meter steep slope. After covering a distance of about 150 meters on the way which led to *Surke Deurali* via *Nigalpani* there had been found a heap of burnt bags, papers, clothes, stamp pads and other objects of daily use. As had been described by the villagers, 19 dead bodies were found in a dumped state on that very slope. It was learnt that eleven dead bodies were dumped in a heap lying one over another, and the other dead bodies were in a scattered state upto far below. The locals pointed out the places at the upper slope 30 meters away from the scene of occurrence where the dead bodies were buried. Seven in the upper row, eight in the middle row and three in the lower row. As per the statement of the locals, the villagers had buried, also in the presence of the activists of CPN (Maoists), the dead bodies on the third day of the happening of the incident.

After arriving at the scene of occurrence at *Dandakateri* the Committee deemed it proper to inspect the dead bodies which had been already buried. Among those present at *Dandakateri* there were also seven relatives of the dead. When asked for giving consent for examining how and where the

wounds and injuries were inflicted upon the bodies of the dead persons the families of the dead present there and other local people present around signed a deed of consent for the same. (**Annex 6, Deed of Consent**). They were asked to identify the dead bodies. All the 18 dead bodies were exhumed and examined with the help of the local people. One Chaturman Thami's dead body was reported to have been taken away by their family members and cremated according to their religious rites.

**4.5 The list of the names of the dead buried at *DandaKateri* is as follows: (Annex 7, the List of the Dead)**

| S.N | Name | Surname | Address |
|---|---|---|---|
| 1 | Baburam Tamang | "Puspa" | *Ramechhap*, Bethan- 5 |
| 2 | Ambika Dahal | "Lalita" | Ekudol-6, Lalitpur |
| 3 | Pradeep Dong | "Raktim" | Bethan-5, *Ramechhap* |
| 4 | Unidentified | "Sangeeta" | *Daduwa*-4, *Ramechhap* |
| 5 | Hark Bahadur Tamang | "Yathartha" | Fulashi-8 , *Ramechhap* |
| 6 | Rabi Chauhan | "Sameer" | Golu-5, *Ramechhap* |
| 7 | Uma Karki | "Sahara" | chankhu-3, *Ramechhap* |
| 8 | Shyam Tamang | "Inklab" | Chankhu-9, *Ramechhap* |
| 9 | Padam Raj Giri | "Ashal" | Purana Gaun-8, *Ramechhap* |
| 10 | Bishnu Maya Thapa Magar | "Beema" | D*oramba*-1,Ramechaap |
| 11 | Thulo Ram Tamang | "Chhokpa" | *Doramba*-3, Ramechaap |
| 12 | Sano Ram Tamang | " Tara" | *Doramba*-3, *Ramechhap* |
| 13 | Laxman Tamang | "Chayya" | *Doramba*-3, Ramechaap |
| 14 | Unidentified | "Jameen" | Dhanusha |
| 15 | Unidentified | "Som" | Kavreplanchowk, Chaubas |
| 16 | Unidentified | "Bimla" | Solukhumbu |
| 17 | Yuba Raj Moktan | "Father" | *Doramba*-2,*Ramechhap*" |
| 18 | Leela Moktan | "Son" | *Doramba*-2, *Ramechhap*" |

**Other Dead People**

| S.N | Name | Surname | Address |
|---|---|---|---|
| 1 | Tek Bahadur Thapa Magar | "Bibek" | *Doramba*-1, *Ramechhap* |
| 2 | Chauturman Thami | "Samar" | |

**Allegedly Missing Lady**

| S.N | Name | Surname | Address |
|---|---|---|---|
| 1 | Unidentified | "Usha" | Sindhupalchowk |

(N.B.- the names, surnames and address mentioned above were made available to the Committee by the Maoist source.)

**5. Report on the Examination of the Dead Bodies**

As the relatives of the dead persons and other villagers pointed out, the place in the field near the main way at *Dandakateri* of *Doramba* V.D.C. – 9, which seemed to have marks of having been dug up recently and where 18 dead bodies had been buried, the Committee deemed it appropriate to exhume those dead

bodies for inspection of the type and nature of the wounds and injuries on them. Hence, on August 28, 2003 the Committee, with the consent and participation of the local residents, performed works like observation, photography, preparing videos and making records relating to all the dead bodies. At that place there were 18 rows having fresh marks which showed the spots where, right from the above, 7 dead bodies in the first row, 8 in the second row and 3 in the third row had been buried.

Starting from the top to the right direction all the marks were numbered 1 to 7, 8, to 15 and 16 to 18, and one by one, after digging up the soil, the injuries on the dead bodies were inspected, photographed and recorded. The details thus collected have been given in the annex. (**Annex 8, Reports on the Examination of the Dead Bodies……...**)

Of the 18 dead bodies, five belonged to females (no. 8,9,11,13 and 14) and the remaining 13 were those of men. All the dead persons were wearing ordinary dresses of various types and were covered with white clothes on the top of which there had been spread a flag of red cloth marked with sickle and hammer. All the dead bodies were stinking with foul smell caused by decomposition. The injuries on the dead bodies resembled those caused by rifle firearms. There were injuries on the heads of 15 out of 18 dead bodies (There were injuries indicating disappearance of the upper parts of the heads of all the women). Generally all the dead bodies having injuries on the head had no inner flesh in the head and even most of the broken pieces of bones were also missing.

Since in 4 out of 15 dead bodies the skulls in the heads were completely missing, the entry and exit points of bullets could not be ascertained. In some dead bodies big injuries similar to the ones at the exit point were found even at the entry point.

It was discovered that the bullets had hit from the front side in 10 out of 18 dead bodies whereas in the case of others the bullet had hit from other sides. Only two dead bodies were hit by more than one bullet of which in one case there were injuries on the head and the chest and in another case there were injuries on the throat and the chest. In the case of one dead body there was only one sign of bullet piercing through the right arm. However, there were no external injuries in the case of one dead body. Although due to decomposition and cleaning made by the rainy water it was difficult to ascertain in all cases the distance from which the bullets were fired, it could be concluded, on the basis of lack of entry/exit points in some dead bodies and the presence of big entry points in some dead bodies, that the shots had been fired from a close range. Nowhere the bullets were found stuck inside the wounds. Although complete autopsy could not be performed on the dead bodies by taking them out due to decomposed state of the dead bodies, deep burial inside the ground and the dearth of physical and human resources, close observation of the parts, which carried wounds and injuries, was made and points were recorded.

After the investigation with the consent and cooperation of the local residents all the dead bodies were buried at the same place and left in the previous state.

## 6. Facts Gathered from the Investigation of the Scenes of Occurrence

1. It was found that a rumor had been doing rounds in the village beforehand that the Maoists had arrived in the village, a meeting was going to be held at the house of Yuba Raj Moktan and the wedding of the Maoist activists "Ram Kumar" and "Sangeeta" was to be solemnized.
2. It was discovered that the army had proceeded towards *Doramba* early in the morning from *Manthali* via the route of *Galpa* and had reached *Doramba* in civil dress, therby hiding their arms.
3. The meeting of CPN (Maoists) had taken place at the house of Yuba Raj Moktan where, it is believed, there was an agenda for resolving their mutual differences and perhaps also solemnizing the marriage ceremony. And it was found to be a meeting of Maoist political activists.
4. Arresting all the 19 persons who were inside the house, their hands tied at the back and marching them for nearly three hours through up and down routes, all were lined up on the path and were shot dead by firing from close range aiming mostly at their heads.
5. A credible information was received to the effect that after removing the bags, watches and other goods from the dead bodies, they were pushed down the steep slope, one after another, whereby most of the dead bodies lay in heaps. Their bags, diagrams, papers and other objects were seen to have been burnt down some 150 meters away.
6. It was believed that the team of the joint security forces, which was under the leadership of the army, had been probably led by a Major as well as one or more Captains.

## 7. Findings of the Committee.

In course of investigation of the *Doramba* incident it was discovered, on the basis of the statements of the local residents and the physical evidences collected by the Investigation Committee, that 18 Maoist activists and two civilians had been killed and the condition of one was still unknown. (**Annex 14**). It was found that the dead persons were arrested while sitting in a political meeting. The Committee has arrived at the conclusion that they had been fired at from a close range, with their hands tied at the back, and they had died due to that very reason. The symptoms discovered in the process of exhumation corroborated the statements made by the local eyewitnesses. Besides, those statements were also corroborated by the photographs of the physical condition of the dead persons before their burial and the photographs and video taken in course of exhumation.

According to the on-the-spot investigation made by the Investigation Committee it was found that one "Bibek" alias Tek Bahadur Thapa Magar had died on August 17, 2003 having been hit by a bullet fired buy the army at about 10:30

near the house of Yub Raj Moktan, and 19 peoples had died on the same day at about 2:30 a.m. at a place called *Dandakatari.* Besides the 20 people so killed, the condition of one lady called "Usha" remained unknown. It was found that the dead persons killed at *Dandakateri* were all arrested in connection with a political meeting and, while marching them with their hands tied at their back, they were lined up on the track and shot dead. Except as described above nothing came to the knowledge of the Committee about firing in any other way. It was believed that there had been no casualty on the side of the security forces.

On the basis of the above-mentioned findings the act of killing the 19 persons whose hands were tied at their back and who had been taken into control by fering from a close range seemed contrary to the International Humanitarian Law and, and especially, the Common Article 3 of the Geneva Conventions which embodied the principle that the prisoners who are arrested and taken under complete control during the time of armed conflict of internal nature must be protected. The Investigation Committee has come to the conclusion that even in the national context the above-mentioned act ran contrary to the Constitution of the Kingdom of Nepal, the Army Act, the Police Act and the Armed Police Act.

***(NB: Several names mentioned in the Report have not been disclosed at the request of the concerned persons.)***