

HUMAN RIGHTS IN THE TERAI

Situation update

February 17, 2017



Focus on:

- *Tikapur victim expressed grievances to the High Level Enquiry Commission*

A visit of THRD Alliance team members was carried out from 06 February to 10 February 2017 in Kailali district. The objectives of the visit were mainly to support the High Level Enquiry Commission in fact finding by providing safer space for victims to express their grievances. Similarly, the other objectives were to assess the situation of Tikapur at present and the future scenario of the Tharu movement in the area, to observe the process of the fact finding conducted by the commission to collect the facts and also to provide strategic advice to THRD for further engagement and support to the commission.

Background:

On 24 August 2015 a very disturbing incident happened in the Kailali district named as Tikapur incident in which seven policemen and a child were killed by the protestors; majority of whom were from Tharu community reportedly marching ahead to paint "Tharu Autonomous Province". In reaction, the next day on 25 August, many houses and shops of Tharus were burnt, many of them were arrested and many of them were fled to India. On the very day, the state ordered for a curfew in order to maintain the decorum of the place. Despite of the curfew a mob vandalized Tharus houses and misbehaved with Tharu population in Tikapur and nearby villages. The police has filed case against 58 people on the charge of killing of seven policemen and a child, however no cases has been initiated against the persons who were involved in arousing, vandalizing and misbehaving on 25 August. Out of 58 people 25 have been arrested while others are absconding. Tharu communities still are fearful that any of them might fall prey to the police case as they arrest anyone arbitrarily and charge the same.

On 18 September 2016 Nepal government formed a High Level Enquiry Commission; seven member probe commission under the chairmanship of former Supreme Court Judge Mr. Girish Chandra Lal. The commission is mandated to probe the incidents of violence, damage and vandalism caused during the protests of Tharus and Madhesi movement before and after the constitution promulgation.

THRD Alliance has been working to provide justice to victims and therefore, the organization extended its helping hand to support probe commission in fact finding by providing safer environment to express the grievances fearlessly. THRD Alliance has helped victims to file their complaint to the commission and has discussed with the commission to ensure proper hearing of the victims by providing them safe space to speak, let them speak in their local language and others. While the probe commission went to Tikapur and discussed with all the stakeholders (the leaders, government authorities, victims, journalists and civil society leaders), the THRD Alliance organized a separate meeting for the victims only as most of them were uncomfortable to tell their stories in presence of government authorities and the political leaders.

Meeting with victims and Probe commission

The Commission organized an interaction on 7 February in Tikapur which was coordinated by local administration through Chief District Officer in Kailali district. Even at the last hour of the program the

program members themselves were unaware about the participants and the modality of the program. However, the program took place in a hall of Tikapur Municipality at around 11 a.m. More than 100 participants were in the program in presence of Chief District Officer, Police officers and the political leaders. Though it was good in one sense to see the both side view point as the victims of both sides were present. On the other hand, the leaders of Akhand Sudurpaschim were dominant and due to their approach at security forces, the Tharu victims complained to THRD alliance that they could not express their complaint freely. Some Tharu leaders also informed THRD alliance that Tharu victims are not comfortable to speak in front of police and CDO because of fear.

THRD Alliance also observed that the number of participant was large due to which it felt noisy while the victims were speaking and some local leaders were trying to influence some Tharu victims as well as leaders that they should not make complaint to the commission as it will not do anything. They were also telling them that there should be local arrangements and social harmony maintained, the local will decide about the compensation to the victims and the cases against the Tharu leaders should be withdrawn.

With all this observation, THRD Alliance organized a separate interaction on 8 February in Green Asia Hotel where only the commission members and the victims were present. Though in the team of Commission, there were some staff from different ministries and some police officers in plain clothes. THRD Alliance maintained conducive environment for the victims to express themselves and their grievances in whatever language they were comfortable in.

Details of Interaction on 08 February 2016

There were 81 participants in total out of which 46 were male and 35 were female. The THRD Alliance representative highlighted about the need of the program and the objectives of the program followed by the Commission member ex DIG Mr. SukhChandra Jha informing the victims about the formation of the Commission, mandate of the commission and their visit to Kailali. Mr Chairperson of the Commission, Hon Girish Chandra Lal informed that they are interacting with the victims, local leaders, the government authorities and also visiting the spot where incidents have been reported. He also emphasized that the dispute was erupted due to the differences of federal boundaries between the claim of Unified Far West (Akhand Sudurpaschim) and Tharuhat Autonomous Province. He also shared that from the interaction with the locals it appeared that the youth of 20-30 years were mainly involved in the violent incident. He also shared that the situation of social harmony between Tharu and Supporters of Unified Far west is improving and it is not that bad as perceived in Kathmandu. He said that in the tragic Tikapur incident there were involvements of maximum 100-125 persons. Allegations of false charges and houses burnt are there. There is illusion of communal conflict. It will take time to resolve. The police personnel are also killed. He also said that important fact is that both sides (The Tharus and Akhand Supporters) have realized their mistakes. Both sides agree that the culprit should be booked to court of law and innocent should be released. However, the commission may not be able to do much on the court cases. He informed that he was asked by the ministry that as the Commission is working, if the compensation can be given to the victims and he has informed the ministry that the work of commission should not be any obstacle to give the compensation to the victims. He noted that the six months time frame of the commission is insufficient to complete the work.

Sushila Chaudhary from Sukhad expressed that on 24 August the incident happened which must not had happened and even Tharu people are sorry for that. However, the protest was marching ahead to paint Tharuwan Autonomous Province and the police made the incident happen. She said that the police Inspector Nrip Rawal arrested her and forced her to sign in a paper mentioning that she will not participate in any program but she denied, later she had to sign in a paper mentioning that she will not participate in any program of vandalism. There was an incident in Kritipur and Tharu people were targeted and arrested. Because of Tikapur incident, tharu population is under target of arrest. The FM station run by Resham Chaudhary is still closed. Few victims complaint and grievances are as follows:

Dhankumar Chaudhary brother of Laxman Chaudhary (who is in prison) said that Tikapur incident happened in due course of Tharu movement however, those Tharus who were not involved in that incident are being arrested and put in prison charging him the planner of the incident. He raised that while Tharu people are being targeted, the supporter of Unified Far West are protected by police. He said that in the protest program of Tharus, the Unified Far Western Supporters pelted stones and bottles from the roof. He expected the commission to work fairly. He said that Laxman Tharu is in prison just because of his facebook status and being front liner in Tharu movement. He also shared that the poor Tharus cannot hire a good lawyer and there is problem with judges also who at one time goes to Japan and other time other place and keep postponing the hearing.

Sharada Chaudhary, Joshipur 7 expressed that as she was pregnant she was waiting for delivery of her baby and was staying in her sister's home in Tikapur. She said that when her sister's house was set on fire on 24 August, she was lucky to escape from a window. Again on 25 August, the mob was almost to burn her; she had to flee from the backdoor. She said that she is living with a lot of pain, her vehicle, ornaments and money were burnt and how much of Tharus property were burnt cannot even be calculated. A lot of human rights defenders came but nothing happened. She requested to speed up the compensation procedure to be delivered to the victims.

Jay Prakash Dahit, a journalist said that the state oppressed communities are suppressed whenever they try to protest against the oppression. News media doesn't cover their news. The media of Nepal highlighted the news of Unified Far west supporters who instructed to burn the tractor of Tharus in Dhangadhi but ignored the pain of Tharus. There are many false cases against Tharus.

Ramprit Chaudhary, There were two incidents; one on 24 August and one on 25 August. The Tharus are arrested in the allegation of 24 August incident, but what about the atrocities against Tharus on 25 August. He expected and impartial investigation. He said that the cases are also filed on the caste basis (tharus and pahadis). He added that the houses of Tharus were burnt in protection of security forces. He also said that they don't have capacity of hire a good lawyer and even the lawyers are under suspicion. He expressed his anger saying that the son of Laxman Chaudhary has left the school because of the arrest of his father and said that if such trend of suppression against tharus will continue, there will be next Tikapur incident.

In conclusion, it can be said that the probe commission investigation gave little rays of hope to the victims as their grievances were heard, though after 19 months of the Tikapur incident. Some victims expressed that the commission was digging the healed wound and few couldn't help their tears as the incident was reminded time and again. The victims narrated the incident so clearly that it felt as if the incident happened few days back. The pain can't be healed at any cost but at least the deserved compensation would do something when nothing is there. The grievances of the victims were heard and hopefully, the process of compensation for the victims will be shortened. Both sides agree that the culprit should be booked to court of law and innocent should be released.

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Terai Justice Center provides secretariat to Terai Human Rights Defenders (THRD) Alliance that works to promote equity and justice in Nepal by conducting research and litigations on issues of human rights violations and discrimination with a special focus on Terai.