

Environmental Rights Defender in Nepal Killed for Protesting Illegal Mining

Terai Human Rights Defenders Alliance (THRD Alliance) condemns the cold-blooded murder of an environmental rights defender in Dhanusha district of the Terai region, Nepal. The 24-year-old Om Prakash Mahato was crushed to death by a tipper owned by a crusher company on 10 January 2020 while protesting the illegal extraction of river materials from a river located near his village.

We call on the authorities to set up a parliamentary inquiry into the illegal extraction of river materials, review of existing regulations and for the company to provide compensation to the family.

CASE DETAILS

On 10 January 2020, Om Prakash Mahato, who goes by the nickname 'Dilip', 24, of Mithila Municipality-5, Dhanusha district, was killed while he was protesting the illegal extraction of the riverbed materials from Aurahi River located near his village Shreepur Tol.

The night before the incident, someone had informed Dilip that aggregates (sand and stones) were going to be extracted illegally from Aurahi river. Before he left toward the river, at around 4 am, he did not inform his family but he informed the ward chairperson by mobile phone that he was going there to confront the crusher company. His friend, Roshan Yadav, accompanied Dilip.

Dhanusha District Police Chief Ramesh Kumar Basnet told the media: "He was manhandled, stabbed in the right side of his stomach with an iron lever, his body was then laid on the river bed, and run over by a truck (number Na 7 Kha 6413). We are further investigating the matter."¹

Meanwhile, Dilip's family members told THRD monitors that the contractors intentionally killed him. They informed that Dilip had earlier arguments with local contractors - Janak Mahato, Lochan Mahato and Bipin Mahato - who had threatened to kill him for opposing river extraction.

BACKGROUND

Aurahi River lies in Mithila Municipality. The municipality awarded a contract of NPR 40.51 million to local contractors to extract river materials from the Aurahi river. The locals and farmers opposed the extraction of river materials from the deep riverbed which was beyond the permissible limit mentioned in the contract.

¹ Sand mafia murder Dhanusha youth who fought back
<https://www.recordnepal.com/wire/features/sand-mafia-murder-dhanusha-youth-who-fought-back/>

The contactors were illegally extracting the river materials. The local farmers, including Dilip, whose fields adjoin the river, had been protesting the illegal extraction of the river materials by the contactors since it started two years ago.

Dilip had repeatedly received death threats from the contractors throughout this period. He had repeatedly gotten into disputes with the owners and employees of the Churiyamai Sand Processing Centre. When Dilip did not stop his campaign against the crusher company, contractors tried to bribe him but he continued to oppose the illegal mining.

The death of Dilip, who was the eldest son, is a major loss to the family. He was expected to work as an engineer soon. He was an engineering student at a university in Bhopal, India and had recently taken the final exams. He had come home to spend his vacation with his family. His parents have worked hard to pay for his tuition in India.

INVESTIGATION AND ACTION

Police moved the body of Dilip for the post-mortem without preparing a crime scene report. Irrate locals halted vehicle movement on the Mahendra Nagar Highway to protest it. They also demanded a stringent punishment for the killers of Dilip.

On 11 January 2020, Dilip's family lodged the First Information Report (FIR) at the District Police Office of Dhanusha district. Police assured the family that they would investigate the incident impartially and punish those responsible for his death.

In a press meeting organized on 11 January 2020, police said that they arrested four persons allegedly involved: 27-year-old Bipin Kumar Mahato (owner of Churiyamai Sand Processing Centre), 34-year-old Munindra Mahato (tipper driver), another driver Jitendra Kumar Mahato (24-years-old) of Bardibas Municipality, Mahato, and 27-year-old Roshan Kumar Yadav (his friend).

In a meeting of the National Assembly held on 12 January 2020, lawmakers demanded legal action against the perpetrators². The National Assembly members also urged the government to curb ongoing illegal extraction of riverbed materials.

Meanwhile, Province 2 Government on 13 January announced the payment of an ex gratia of NPR 0.5 million to Dilip's family.

In a statement released on 12 January,³ the National Human Rights Commission called the authorities to carry out an impartial and effective investigation into the case.

² Republica, NA members demand action against guilty in Dilip Mahato's killing
<https://myrepublica.nagariknetwork.com/news/na-members-demand-action-against-guilty-in-dilip-mahato-s-killing/>

³ Statement of National Human Rights Commission calls for impartial investigation
https://www.nhrcnepal.org/nhrc_new/doc/newsletter/NHRC%20Nepal%20Press%20Release%20Regarding%20Death%20Insident%20of%20Om%20Prakash%20Mahato-2076-9-27.pdf

CALL TO ACTION

Given the contemporary political scenario, human rights defenders (HRDs) in Nepal are at risk while carrying out their work. The actions and controversial bills⁴ such as Media Council Bill, Information Technology Bill, Nepal Special Service Bill⁵ introduced by the government have created fear among HRDs. The government also proposed an amendment to National Human Rights Commission (NHRC) Act 2012 which undermines the independence of NHRC as it gives the Attorney General powers to decide which cases recommended for prosecution by the NHRC are brought before the courts, and it also abolishes the power of the NHRC to maintain regional offices.

About the situation of HRDs in Nepal, Human Rights Watch's World Report 2020 mentions:⁶

The Home Ministry prepared draft legislation that will give the government powers to monitor and control the activity of all domestic and international organizations in Nepal. Human rights defenders feared that these powers will be used to harass activists, and to deny access to external funding for human rights work.

As of now, Nepal does not have specific laws or policies on the protection of HRDs. In 2009, the human rights community had drafted a human rights defenders bill⁷. The bill is yet to be registered in the parliament. But the discussions on the bill are underway among human rights organizations. It is high time that the human rights community and national and international stakeholders lobby the government and policy makers to enact a law on HRDs' security.

The cold-blooded murder of the environmental rights defender sends a chilling message to those carrying out human rights work in Nepal. We urge the authorities to create a conducive environment for HRDs.

Despite media reports and ongoing protests staged by locals, the illegal mining of river materials in the country continues unabated. Arguably, the nexus between the contractors and local government units and politicians is responsible for this.⁸

Once again, we call on the authorities to set up a parliamentary inquiry into the illegal extraction of river materials, review of existing regulations and for the company to provide compensation to the family.

⁴ Nepal Government Attempts to Shrink Civic Space and Weaken Human Rights
<http://www.thrda.org/situation-update/nepal-government-attempts-to-shrink-civic-space-and-weaken-human-rights/>

⁵ Review of Nepal Service Bill
https://iprav33n.files.wordpress.com/2020/01/review-of-nepal-special-service-bill_dec-2019.pdf

⁶ Nepal, events of 2019, Human Rights Watch World Report 2020
<https://www.hrw.org/world-report/2020/country-chapters/nepal#ea21f>

⁷ Human Rights Defenders Bill (2009)
https://www.protectioninternational.org/wp-content/uploads/2012/04/annex_9.pdf

⁸ Corruption thriving at the local level, surveys by anti-graft body show
<https://kathmandupost.com/national/2020/01/15/corruption-thriving-at-the-local-level-surveys-by-anti-graft-body-show>