

THRDA CONCERNS OVER CUSTODIAL DEATH IN DHANUSHA & DEMANDS FOR PROMPT INVESTIGATION

Terai Human Rights Defenders Alliance expresses its serious concern over the death of a detainee in police custody. On 10 June 2020, Sambhu Sada Musahar, a 23-year-old detainee from Sabaila Municipality Ward Number 12, Dhanusha, died in police custody. Our preliminary investigation finds that the police custody where the deceased was detained lacks policing compliance in line with national and international legal standards for protecting detainees which has caused the custodial death. The lack of policing and human rights sensitivity has added to the woes in response to mounting human rights violations during COVID-19 pandemic.

INCIDENT DETAILS

On 10 June 2020, Sambhu Sada Musahar, aged 23, of Sabaila Municipality Ward Number 12, Dhanusha district, died in police custody at around 2 am. He had been in the detention since 26 May 2020. On 26 May 2020, he had surrendered himself to Area Police Office (APO), Dhanushadham. The next day (on 25 May 2020), the APO Dhanushadham had transferred him to the APO of Sabaila since the incident had taken place within the latter's jurisdiction. On 25 May 2020, the tractor that he was driving hit two persons. Among the injured, a woman died on the way to hospital.

The detainee was found dead in the wee hours on 10 June 2020, and the facial crime scene is of suicide, according to police. Chandrabhusan Yadav, in-charge of Sabaila APO told our monitor that the detainee hanged himself to death in the bathroom with the help of his dress (t-shirt).

However, the family members of the detainee do not trust the police's claim. Three days before the incident took place, his mother and mother-in-law had met Sambhu in the detention center of APO Sabaila. According to them, the detainee looked scared and worried. He had told them that he might be killed if he was not released instantly.

National Human Rights Commission of Janakpur has not monitored the incident despite the request made by our local monitors.

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Meanwhile, the family and villagers of Sabaila Municipality protested the custodial death on 11 June 2020. They have demanded a fair investigation. The protesters clashed with police and vandalized a police van. The police used force to bring the situation under control. We condemn the violent protest and urge the protesters to peacefully put forth their demands.

CALL TO ACTION

Our preliminary investigation found that the police failed to maintain standard procedures to protect detainees. As the family and human rights defenders wait for the autopsy report, it is difficult to establish whether it was a suicide. There are conflicting claims made by police and the victims' family. This suggests that there is a ground for suspicion in Sambhu's death in custody.

Our monitoring also found that the police did not do enough to protect the life of Sambhu while in custody. It is the duty of police authorities to protect the rights of detainees as guaranteed by The Constitution of Nepal 2015. It is also the police's duty to analyze if any detainee should be under suicide watch and to prevent such incidents in the detention centers.

Hence, the custodial death must be immediately and impartially investigated. It is worrying that National Human Rights Commission of Janakpur branch showed its reluctance and indifference for the prompt investigation. We also demand an action against the police at the Sabaila Area Police Office for failing to monitor the detainees.

It is important to emphasize that the custodial deaths in Nepal are on rise. We would like to remind the custodial death of [Priyanka Yadav in Siraha district](#) and [Ram Manohar Yadav in Banke district](#) among others. However, the investigations about these custodial deaths fell short.

We would like the human rights community to show their concerns for state's failure in fulfilling human rights of the detainees. As a member of the United Nations Human Rights Council, Nepal should act more responsibly to fulfill the human rights commitments and obligations at its home.