

Bardibas Incident Monitoring Report

On 26 November 2020, a team of human rights activists and lawyers, including former member of National Human Rights Commission Mohna Ansari visited Bardibas, Mahottari under the initiative of Terai Human Rights Defenders Alliance and prepared this report based on the team's monitoring.

Six-year-old Gul-Afsha was raped and killed in Bardibas district on the eve of 16-day violence against women campaign on 22 November 2020. Buddhiraj Neupane, 32, was killed during the protests organized by the victim's family and the locals demanding action against the alleged perpetrator.

BACKGROUND

On 22 November 2020, Gul-Afsha, six-year-old daughter of Sahid Ansari from Bardibas, Mahottari district, who had gone to buy chocolate at a nearby grocery shop did not return home. Thereafter, Sahid, his family members and neighbours jointly searched the missing girl across the village but they could not find her. On the same day, Sahid had reported the Area Police Office of Bardibas about the missing of his daughter but police did not pay prompt attention to search her that day. On November 24, Area Police Office, Bardibas found the missing girl's body stuffed in a sack and dumped near the accused's house. The police had recovered the girl's body after the accused told them where he had dumped the body.

According to the victim's family, Arun Kumar Sah, who had an ancestral home in Gaushala Municipality-5, and who had been living in Bardibas Municipality-14, had kidnapped the girl and kept at his house. After the sunset, the accused raped and murdered the girl and stuffed her body in a sack before dumping the body in a nearby field. After dumping the body, the accused went to his house in Gaushala and told his family members that he had murdered a girl, according to police.

Meanwhile, the accused's father had informed the police that his son had murdered and dumped the body of Gul-Afsha in a nearby field. The accused's father had himself brought the accused to Gaushala Police Office at around midnight on November 23. The police took Arun to Bardibas the same night and told him to show the place where he had dumped the body.

On 24 November, family of the victims and locals blocked the East West Highway in Bardibas and protested all day there. During the protest, three protesters were injured when police fired shots at them in their attempt to clear protesters from the highway. Buddhiraj Neupane, 32, alias Sanjay who was a resident of Bardibas Municipality-1 was shot in the right thigh. Four bullets had pierced his thigh. Neupane was airlifted to Kathmandu for treatment but he died while undergoing treatment. Another injured person Shyam Karki, 28, of the same municipality was also injured and airlifted to Kathmandu. He is still undergoing treatment in Kathmandu. Third injured person Aftab Alam, 25, who had sustained injuries on his head, is undergoing treatment at local Swastik Hospital.

On 24 November, locals had been protesting in the area since early morning and had also clashed with police who were trying to ease vehicular movement in the East-West Highway. The police had fired more than 100 rounds of shots in the air in their attempt to take the body of the girl under their control. The girl's body was sent to provincial hospital in Janakpur and even after the postmortem was conducted, the victim's family had not received a copy of the report yet. The victim's family said that the body of the victim was taken to Janakpur for postmortem without their consent.

Meanwhile, the irate locals had set the accused's house in Bardibas on fire. At the time of arson attack on the accused's house, members of Armed Police Force were deployed in the area. The accused's house was completely destroyed and even on third day of the attack, the accused's house was found to be burning. Locals continued to protest in Bardibas from 24 November till 27 November.

FINDINGS OF MONITORING TEAM

On 26 November, the monitoring team met the victim's family and the family of Buddhiraj Neupane, who was shot dead by the police. The monitoring team had talked to victim's neighbor, local protesters and journalists about the incident and chief of Bardibas Police Office. The team also met Janakpur based Chief Attorney's office and office bearers of the same office and sought information about the efforts being made to provide justice and compensation to victim's family. The team found the following facts:

- 1) According to Gul-Afsha's father, they had immediately informed the local police when his daughter went missing but the police told the team that they received information only around 8 pm. Father of the victim said that police started searching for his daughter only after 8 pm. He said: had the police started to search for his daughter immediately, they could have found her alive.
- 2) Accused Arun Kumar Sah, who is originally a resident of Gaushala Municipality-5 had been running a shop in his Bardibas Municipality-14-based house.
- 3) Locals were agitating because the police did not immediately start searching for the missing girl nor did they maintain restraint during the locals' protest. Locals were also angry because the police had used excessive force during the protest.
- 4) Police were found to have used excessive force to clear protesters from east-west highway and to take the victim girl's body under their control for sending the body to Janakpur for postmortem. Police fired more than 100 rounds of shots in the air to take the body under their control.
- 5) Members of Nepal Police and Armed Police Force were deployed in the area but Nepal Police used excessive force to take the situation under control.

- 6) Three persons were critically injured when police fired shots at the protestors. Among them, Buddhiraj Neupane, 32, of Bardibas Municipality Ward No 1 succumbed to bullet injuries. The lethal bullets pierced his thigh. Shyam Karki, 28, of Bardibas Municipality Ward No. 5 sustained injuries due to rubber bullet. Neupane, who was in critical condition, died during treatment in Kathmandu. Karki, who was critically injured, is still undergoing treatment. Another injured 25-year-old Aftab Alam's head was broken and he is undergoing treatment at the local Shubh Swastik Hospital, according to his family members.
- 7) According to locals, the police deployed in the area used lethal bullets instead of rubber bullets to control the situation. Lethal bullets were fired by Nepal Police and Buddhiraj Neupane alias Sanjay died due to gunshot wounds. Shyam Karki was injured when police used rubber bullets against him during the protest.
- 8) Victim's family and locals have said that SI of Nepal Police Birendra Singh and Havildar Phulgen Mandal had aided accused Sah. They said that Police duo Singh and Mandal had eaten snacks at the accused house on the same day when the girl went missing.
- 9) Accused Sah had been arrested on charges of murder earlier also but he came out of jail after being allowed to post a bail on May 10. Accused and his friend Dileep Thakur had drunk alcohol together and while returning home, a verbal reaction ensued between them. Both of them hit each other with stones and they were both injured in the incident but Thakur died due to injury inflicted by Sah. A case of homicide registered at Mahottari district is still sub-judice. Mahottari District Court had allowed Sah to post a bail following which he posted a bail and started living in his Bardibas home. Government attorneys have filed a petition in Janakpur High Court seeking reversal of Mahottari District Court's decision to allow Sah post a bail.

RECOMMENDATION

The government, the judiciary, and the security authorities should independently and impartially investigate the incidents of rape and murder of Gul-Afsha, and the killing of the person and those injured in police firing during the local protests organized for justice. The authorities should ensure that justice is done to the victims by taking action accordingly. In addition, the injured during the protest should be provided with free treatment and the proper compensation should be guaranteed to families of the girls and those killed by the police.

A four-point agreement was reached between the local administration and the all-party dialogue committee on November 25. Meanwhile, the Bardibas Municipality has decided to provide compensation of NPR 2,50,000 each to the families of the Gul-Afsha and Neupane. The press statement issued by the municipality include

employment to a competent family member of each victim, judicial investigation into both the incidents, proper compensation to both the families, free treatment to the injured and declaration of Neupane a martyr.

On 26 November, the Home Ministry formed a three-member inquiry committee under the coordination of the Deputy Secretary. Similarly, the provincial office of the National Human Rights Commission (NHRC) has also carried out the preliminary monitoring of the incident.

Sahid Ansari, the father of the girl, has lodged an FIR against Arun Shah, 26, of Gaushala-5 at the Area Police Office, Bardibas on November 29. The FIR includes four charges - abduction, hostage-taking, rape and murder. Police have arrested accused Sah.

SI Birendra Singh and Constable Fulgen Mandal have been summoned to to the District Police Office for further inquiries as they were alleged in assisting the accused of rape and murder case.

CONCLUSION

The girl's life could have been saved if the police had immediately carried out the search with the help of her family, neighbors and locals. Hence, the police should be serious and prompt in handling child related complaints. Parental information about the suspect is equally important and it may be helpful in the police investigation.


The killing of Buddhiraj Neupane in police firing during the protest has violated the right to life, as guaranteed by the Article 16 of the 2015 Constitution of Nepal. In a federal democratic system of governance, the first and the foremost responsibility of the state is to protect the life of the people.

The evidence we have gathered shows that the victims did not pose a serious threat, nor did they pose a threat to other individuals. In such a situation, the police should have used force proportionately. Therefore, security personnel must comply with national and international legal standards governing the use of force. The use of indiscriminate and excessive force must be stopped immediately and the police need to exercise restraint and ensure that the force is used proportionately and it does not cause loss of life.

The incident of arson in the house of the accused shows anger and frustration among the general public over trust of the judiciary, the police and the administration. Therefore, the role of the police administration is important to ensure justice and restore trust of people in the public institutions.

ANNEX

1. Press Statement Issued by Bardibas Municipality



बर्दिबास नगरपालिका
नगर कार्यपालिकाको कार्यालय
बर्दिबास, महोत्तरी
प्रदेश नं २
२०७३

पत्र सं :
च. नं. :

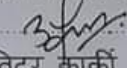
मिति: २०७७।०८।११

विषय: प्रेष विज्ञप्ति ।


आदरणीय बर्दिबास नगरबासी आमामुबा, दिदीबहिनी तथा दाजुभाईहरू

मिति २०७७ साल मंसिर ७ गते बेलुकाबाट बर्दिबास नगरपालिका वडा नं १४ निवासी ६ वर्षकी बालिका गुलाबसा खातुन बेपत्ता भएको खबर पश्चात स्थानीय प्रहरी प्रशासन, जनप्रतिनिधि एवम् नगर प्रहरी समेत परिचालन गरी खोजी कार्यलाई तिब्रता दिएकोमा मंसिर ८ गते हत्या गरी फालिएको मृत अवस्थामा भेटिएको र त्यस्तो जघन्य अपराध गर्ने गौशाला नगरपालिका वडा नं ५ बस्ने अरुण साह भन्ने व्यक्तिलाई कारवाहीको माग गर्दै निस्किएको विरोध प्रदर्शनमा प्रहरीको गोलीद्वारा महोत्तरी जिल्ला बर्दिबास नगरपालिका वडा नं १ बस्ने सामाजिक अगुवा बुद्धिराज न्यौपानेको (सञ्जय) उपचारको क्रममा मृत्यु भएको घटनाप्रति गहिरो दुःख व्यक्त गर्दै मृतक प्रति हार्दिक श्रद्धान्जी एवम् सोक सन्तप्त परिवार र आफन्तमा गहिरो समवेदना व्यक्त गर्दछु । घटनाको सत्यतथ्य एवम् निष्पक्ष छानबिन गरी दोषी माथि हदै सम्मको कारवाही गर्न न्यायिक आयोग गठन, मृतक बुद्धिराज न्यौपानेलाई शहीद घोषणा तथा दुवै मृतकका परिवारलाई उचित राहत क्षतिपूर्ति एवम् घाइतेको निःशुल्क उपचारको लागि नेपाल सरकार समक्ष जोडदार माग गर्दछु । बर्दिबास नगरपालिकाको तर्फबाट दुबै मृतक परिवारलाई जनही रु२,५०,०००।(दुई लाख पचास हजार)का दरले राहत उपलब्ध गराउने निर्णय गरेको कुरा समेत अवगत गराउन चाहन्छु र गोली लागि मृत्यु भएका बुद्धिराज न्यौपानेको परिवारका एक जना सदस्यलाई योग्यता र क्षमताको आधारमा रोजगारी उपलब्ध गराउने समेत प्रतिवद्धता व्यक्त गर्दछु ।

यस घटनामा घाइते भएका श्याम कार्की र अफताव आलमको शीघ्र स्वास्थ्य लाभको कामना गर्दछु । घटनाको निष्पक्ष छानबिन गरी दोषी उपर कानूनी कारवाही गर्न स्थानीय सरकार, जनप्रतिनिधि, राजनैतिक दल, नागरिक समाज सबै क्रियाशिल एवम् प्रतिवद्ध रहेका छन् । आवेगद्वारा होइन, विवेक र धैर्यताद्वारा बास्तविकतामा पुग्न र अनावश्यक टिप्पणी, लान्छना र आरोपबाट माथि उठी तथ्यमा आधारित भई आफ्ना विषयहरू व्यक्त गर्दै विषम परिस्थिमा संयमता अपनाई दोषी उपर कानूनी कारवाही गरी पिडीतलाई न्याय उपलब्ध गराउने कार्यमा सहयोग गरिदिनु हुन समेत सम्पूर्ण नगरबासीहरूमा हार्दिक अपील गर्दछु ।


विदुर कार्की
नगर प्रमुख


2. Statement of Home Ministry on the formation of the inquiry committee



पत्र संख्या:-
प्राप्त पत्र संख्या र मिति:-
च.नं.:-

नेपाल सरकार

गृह मन्त्रालय



नेपाल सरकार
गृह मन्त्रालय

फोन नं.: ०१-४२११२०८
०१-४२११२१४
फ्याक्स: ०१-४२११२८३
०१-४२११२४७
ईमेल: control@moha.gov.np

**सिंहदरवार,
काठमाडौं, नेपाल ।**

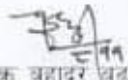
विज्ञप्ति

मिति २०७७/०८/०७ गते महोत्तरी जिल्लाको बर्दिबास नगरपालिका वडा नं. १४ निवासी सहिद अन्सारीको छोरी अन्दाजी वर्ष ६ की गुलाबसा खातुनको हत्या भएको विषयलाई लिएर प्रदर्शनरत संजय भन्ने बुद्धिराज न्यौपाने प्रदर्शनको क्रममा घाइते भई बर्दिबास स्थित पिनाकल हस्पिटलमा उपचार पश्चात थप उपचारको लागि हेलिकप्टरबाट काठमाडौं ल्याईएकोमा उपचारको क्रममा मृत्यु भएको साथै प्रदर्शनको क्रममा घाइते भएकाहरुको काठमाडौंमा उपचार भइरहेको छ ।

गुलाबसा खातुनको हत्यामा संलग्नलाई नियन्त्रणमा लिई आवश्यक कानूनी कारवाहीका लागि प्रकृया अगाडि बढाइएको र उक्त हत्याको घटनाको विषयलाई लिएर गरिएको प्रदर्शनको क्रममा घाइते भई उपचारको क्रममा मृत्यु भएको विषयमा सत्यतथ्य छानविन गर्न नेपाल सरकार गृह मन्त्रालयको मिति २०७७/०८/११ गतेको निर्णयानुसार मन्त्रालयका उपसचिवको संयोजकत्वमा ३ सदस्यीय छानविन समिति गठन भएको छ । मृतक गुलाबसा खातुन र प्रदर्शनको क्रममा मृत्यु भएका बुद्धिराज न्यौपानेको परिवारलाई उचित राहत/क्षतिपूर्ति उपलब्ध गराउन र घाइतेहरुको उपचार खर्च नेपाल सरकारले व्यहोने प्रकृया अगाडि बढाईसकिएको छ ।

ती दुःखद् घटनाका मृतकहरुप्रति यस मन्त्रालय हार्दिक श्रद्धाञ्जली एवं मृतकका परिवारजन प्रति समवेदना प्रकट गर्दै घाइतेहरुको शीघ्र स्वास्थ्य लाभको कामना गर्दछ । साथै यस प्रकृतिका जघन्य अपराधका घटनाको अनुसन्धानमा कुनै कसर बाँकी नराखी दोषीलाई अबिलम्ब कानूनी दायरामा ल्याई हदैसम्म कारवाही गर्ने विषयमा मन्त्रालय दृढतापूर्वक लागेको हुँदा शान्ति सुव्यवस्था कायम गरी अनुसन्धान कार्यमा सहयोग पुऱ्याउन सम्बद्ध सबैसँग हार्दिक अपील समेत गर्दछ ।

मिति: २०७७/०८/११



चक्र बहादुर श्रेष्ठ
सहसचिव/प्रवक्ता

3. Lethal bullet shot by Nepal Police leading to the death of Buddhiraj Neupane



4. Incident site where police shot Buddhiraj Neupane



5. The site where the body of Gul-Afsha was thrown.

