



# तराई मानव अधिकार रक्षक सञ्जाल

## TERAI HUMAN RIGHTS DEFENDERS ALLIANCE

Date: 11-5-2017

### Immediate action necessary in the case of Laxman Siwakoti

#### Background

Eleven year old Laxman Siwakoti, who was resident of Arjundhara Municipality disappeared on September 30 and was found dead the following day in the bush of Birtamod – 1, Baisabadi. Deceased's uncle, Bishnu Prasad Siwakoti claimed that Suresh Pokharel and his family of Birtamod -5 were responsible for the murder of his nephew Laxman. He lodged a FIR at the nearby police station seeking justice.

#### Protest monitoring by THRD Alliance

On Oct 27, when family members of the deceased found no action being taken by the police against the accused, they organized a protest from the morning along with the help of supporters and imposed a strike in the market the same day. The police fired dozens of tear gas canisters and rubber bullets to disperse the protestors. The protestors attacked Birtamod Mayor Dhrub Siwakoti vehicle and pelted stones on his house.

Later, the police personnel clamped curfew from 1 pm to control the situation. However, the protestors kept protesting defying the curfew. To suppress the protest police opened fire on the protestors. Naresh Thapa, 31, of Arjundhara Municipality was shot in the right side of the abdomen. He died on the way to Mechi Zonal Hospital.

In the clash between police and protestors, Superintendent of Armed Police Force Ramesh Subedi along with 30 police personnel suffered minor injury. Dozens of protestors sustained minor injuries. The protestors who are injured by the bullets are Sunil Pathak of Rajgadh -8 and Mani Nepali from Mai Municipality- 1, Illam. Pathak is undergoing treatment at B & C Hospital, Birtamod and Nepali at Mechi Zonal Hospital, Bhadrapur.

Devanand Rajbanshi, 40 from Birtamod Municipality also sustained injuries at the back of his head and is reported to be in critical situation. He is being treated at Mechi Zonal Hospital, Bhadrapur. In the protest, Ashok Basnet of Mechinagar -9, Nawaraj Koirala of Durgapur, Punya Prasad of Arjundhara -6 has been injured and they are undergoing treatment at B& C Hospital.

## **Eight Point Agreement to settle the conflict**

On 28 October political parties, protestors and Chief District Officer sat together to discuss the Laxman Siwakoti case which led to protests. After the discussion they seal an eight-point agreement to end the ongoing conflict between the protestors and the police personnel.

1. To enquire DSP (Deputy Superintendent of Police) Raj Kumar Silwal's role in the incident and recommend punishment according to the Nepal Police Rules, 2016.
2. To investigate the Laxman Siwakoti murder case thoroughly. Take help of Protest committee coordinator Sita Pandey, member Dhruv Siwakoti and deceased's uncle and maternal uncle Bishnu Siwakoti and Hem Paudel to find out the truth and punish the culprits.
3. To assist the investigation committee formed by Home Ministry in finding the truth and punishing the culprits.
4. To request the Home Ministry to provide one million rupees ex gratia payment to the family of Naresh Thapa. For temporary relief to the Thapa's family, Birtamod Municipality, District Coordination Committee, Chamber of commerce and industries will provide Rs. 25,000/- ,Rs. 25,000 and Rs. 10,000 respectively. Similarly, municipality will provide job to the Naresh Thapa's wife.
5. Government of Nepal should provide free health services to those who have been injured in this incident.
6. To calculate damage public and individual's property and recommend compensation for the same. The list of damage of public and private property includes damage in the House of Biratmod Municipality's Mayor, his vehicles and Bullet motorcycle, Municipality's vehicle, Manmohan Hospital, Raj Kumar Thapa's vehicle, former lawmaker Prem Giri's motorcycle which should be investigated.
7. To end the ongoing protest and through this meeting it appeals to all the political party, public representatives, organizations, media, businessman and civil society to normalize the situation.
8. We express heartfelt tribute and condolence to deceased and family members. Similarly, we wish for immediate recovery for injured.

## **Follow up of injured**

Seven police personnel who came for treatment at B & C hospital was discharged on the same day of the incident. Among the general public and protestors seven of them are seriously injured of which three has been discharged. Mani's treatment is going in Bir hospital while Sunil Pathak, Ashok Basnet and Sushil Ghatani are being treated in B & C hospital, Birtamod. According to the Hospital officials 3-4 injured visits hospitals daily for the follow up.

## **Findings**

According to the expectators and the local media, death of two persons was reported by police firing. However, it was only Naresh Thapa who was shot dead. The protest was organized by Laxman Siwakoti's family to pressure the police officials to take immediate action against Suresh Pokharel and his family. The protesters accused Deputy Superintendent of Police Raj Kumar Silwal of not properly addressing the concerns of the victim's family and villagers, and of being in collusion with the family of those suspected of the murder. The protestors became violent and vandalized public and private property. To disperse the protestor and take the situation in the control police fired dozens of tear gas and rubber bullets. However, the situation didn't come in control and police started firing haphazardly without considering the sensitivity of the general public and bystanders.

The police started firing on protestors without providing clear warning. The police did not use any standard crowd control mechanism. They could have used sprays or water cannon instead of opening firing. During the protest police pelted stones back at the protesters. THRD Alliance condemns the excessive use of police force, which was not needed and unjustifiable. An immediate investigation into the incident must take place. Those who are found guilty in this incident must be punished. Furthermore, the police must take the case of Laxman siwakoti seriously and investigate effectively and arrest guilty.

### **Collective Voice for Equity and Justice**

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