**Punish those responsible for the custodial death of juvenile**

THRD Alliance would like to draw the attention of the Government of Nepal to seriously investigate the death of 16-year-old Priyanka Yadav in police custody of Siraha district. Our monitoring report concludes that lack of policing compliance in line with national and international legal standards for handling detainees and investigation has led to the custodial death of the juvenile.

**Details of Incident**

On 29 October 2017, police found Priyanka Yadav dead at the Area Police Office (APO) of Bishnupur in Siraha district. The minor, one of the detainees at the APO, was the resident of Karjanha Municipality, Ward Number 2 (Bandipur).

At around 4:30 pm, the police found Priyanka hanging inside a bathroom, using her shawl at the Bishnupur APO. Police said that she had entered the bathroom to take shower. After she did not come outside for long time, police found her dead.

On 28 October 2017, the APO, Mirchaiya arrested Priyanka and Sanjay Sah (14 years old) on charge of killing Priyanka’s cousin Bhavesh Yadav. The police had started investigating into the death of Bhavesh after they found his body, on 22 October 2017, at a garden located at the north of Kamala River Barrage. The locals had seen the decomposed body of Bhavesh and informed the police.

In a press meet on 29 October 2017, Deputy Superintendent of Police (DSP) Gajursiddhi Bajracharya told the media outlets that detainees Priyanka and Sanjay killed Bhavesh fearing he might expose their physical relationship. Bhavesh had told them that he would inform Priyanka’s father and relatives about her relationship. Due to this fear, they lured him to the nearby garden and hacked him to death, using Khukuri (Nepali sword) on 20 October 2017.

After the police recovered the body of Bhavesh on 22 October 2017, the initial investigation of police had led to the arrest of Priyanka and Sanjay on 28 October 2017. Following their arrest, Sanjay was kept in the detention center at APO Mirchaiya while Priyanka was taken to the detention center at APO Bishnupur for further investigation.

On 29 October 2017, the District Court of Siraha ordered the police to put Priyanka and Sanjay in custody for five days. But the police reached conclusion within 24 hours that the two minor detainees were the killers of Bhavesh.

**THRD Alliance Monitoring and Findings**

Local human rights defenders of THRD Alliance investigated the custodial death in Siraha district, visiting the incident site and interviewing police, doctors, family members of the victims and accused, and human rights officer of National Human Rights Commission, who was deployed for the investigation.

Although the police and the autopsy report claim that detainee Priyanka committed suicide, THRDA investigation found that the police failed to maintain standard procedures while detaining them.

First, we found that the police put both of two minors into custody with other prisoners. This contradicts with the existing legal provision. The two minors accused should have been taken at Juvenile Correctional Home, as per Juvenile Justice Procedural Rules, 2063 (2006). The police made a mistake of keeping them into custody with other prisoners even before the court process started.

Second, police presented the detained minors as criminals during the press meet. The police have no authority to present minors as criminals during the investigations before the court hands down a final verdict on the case. On top of that, the identity of the offenders should not be made public if they are children but in this case this rule was violated. Police revealed the names of the detained minors and they informed the media that they were involved in alleged illicit (sexual) relationship. Such acts by police authorities contradict the principles of criminal justice.

Third, given the circumstances mentioned above, it appears Priyanka got psychologically affected after the allegation of having sexual relationship with Sanjay which might have upset her. This served as mental torture to her which could have led her to commit suicide in the bathroom.

Finally, our monitoring also found that the police did not do enough to protect the life of Priyanka while in custody. It is the duty of police authorities to protect the rights of detainees as guaranteed by The Constitution of Nepal 2015.

**Call for Action**

It is important to emphasise that the juvenile committed suicide in the police custody. This demonstrates the poor implementation status of national and international legal obligations relating to human rights, child rights and criminal justice system. For this case based on our monitoring, we demand that the police responsible for revealing the identity of two juveniles should be punished. We also demand action against the police at the Bishanpur Area Police Office for failing to monitor the detainees. It is the police’s duty to analyse if any detainee should be under suicide watch and to prevent such incidents in the detention centres.

THRD Alliance would like to urge the government of Nepal to take action against the members of the law enforcement agencies responsible for the custodial death of Priyanka in Siraha district.

We would also like to urge National Human Rights Commission to carry out the special investigation into the incident, including whether the neglect of police caused the death of the juvenile in custody, and recommend the government to take strict action against the police officers responsible for this.

We would like the international community to show their concerns in fulfilling human rights of the detainees and child rights in Nepal. As Nepal itself joins the United Nations Human Rights Council effective from 1 January 2018, following its elections on 16 October 2017, the country as an HRC member should act more responsibly to fulfill the human rights commitments and obligations at its own home.