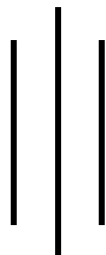


**A Preliminary Field Monitoring Report on the Death
of Raj Kumar Praja due to Torture at Gadauli, Ward
No. 2, Rapti Municipality, Chitwan District**



2 August 2020



**फ्रिडम फर अल नेपाल
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A Preliminary Field Monitoring Report on the Death of Raj Kumar Praja due to Torture at Gadauli, Ward No. 2, Rapti Municipality, Chitwan District

1 August 2020

Date of the Incident: 16 July 2020 (1 Shrawan 2077 B.S.)
Time: 2 PM-6:30 PM
Scene of the Incident: Rapti Municipality-2, Chitwan District
Date of Death: 23 July 2020 Morning 5 AM
Date of Field Monitoring: 27 July 2020 (12 Shrawan 2077 B.S.)

Locations of Field Study:

- The house of the deceased
- The house of the wounded victims
- Rapti Municipality-2 village of the victim
- District Administration Office, Chitwan
- Park Authorities through phone

Objective of Monitoring:

To release a fact-finding inquiry report on the death incident based on observation, monitoring and study at the field level.

Methods of the Study:

- Observation, monitoring and study of the incident at field level
- Meeting and discussions
- Collection of facts & information

Study Team:

1. Dr. Sundar Thapa, President, Freedom for All Nepal (FAN)
2. Mr. Khagendra Oli, General Secretary, Freedom for All Nepal (FAN)
3. Mr. Vishwanath Ojha, Central Member, human right concern center.
4. Mrs. Shanta Adhikari, Vice President-Journalists' Federation, Chitwan
5. Dr. Jomesh Od, Secretary, Central Committee (FAN)
6. Mr. Purna Rasailee, IT Chief- Central Office (FAN)
7. Mr. Dipak Lamichhane , secretary, Human Rights Network, Chitwan
8. Mr. Vijaya Lama, Member, Central Office (FAN)
9. Ms. Devisara Badi (Hanna), Member, Central Office (FAN)
- 10 Mr. Sagar Bishwakarma, Cameraman, Central Office (FAN)
- 11 Mr. Kusal Gurung, Member, Central Office (FAN)

Background

People from the exiguous and highly marginalized Chepang community continue to adopt their traditional means of subsistence as a major occupation to earn their livelihoods by gathering wild edibles. 5 men and 2 women, including Raj Kumar Praja Chepang, made their way to the Jiuri branch of the Rapti River in the Park in search of the wild edibles such as roots, yam and clams with a view to celebrating the first day of Shrawan (Saune Sankranti) with their children. Meanwhile, the news surrounding the death of 24 year old Raj Kumar Praja Chepang due to the excessive torture perpetuated by the security personnel of Chitwan National Park at Rapti Municipality 2 of East Chitwan came under the media spotlights.

A 9-member Field Study team formed at the headquarters of Freedom for All Nepal (FAN) at Kathmandu under the leadership of its president, Dr. Sundar Thapa, including General Secretary, Mr. Khagendra Oli has prepared this report on the incident in consultation with the stakeholders including Chitwan-based Secretary of Center for Human Rights network Chitwan, Mr. Dipak Lamichhane, a local intellectual, Mr. Navaraj Baanth, the journalists, the victims, the mother and the spouse of the deceased Raj Kumar Praja Chepang, the Vice President of Journalist Federation of Chitwan Branch, Mrs. Shanta Adhikari, central comeeti member of Human rights concern centar Nepal, Mr. Vishwanath Ojha and Chief district officer of Chitwan, Mr. Narayan Prasad Bhattarai.

Number of Death: 1 Person

1. Rajkumar Praja Chepang

Number of the Wounded: 4 Persons

1. Purna Bahadur Chepang
2. Gopiram Chepang
3. Gambar Magar
4. Santalal Chepang

Number of the Victims: 2 Women

1. Dilmaya Chepang

2. Purnima Chepang

Description of the Incident

The 7 people of Chepang Community including 2 women Dilmaya Chepang and Purnima Rai and 5 men involving deceased Raj Kumar Chepang, Santalal Chepang, Gambar Magar, Gopiram Chepang and Purna Bahadur Chepang are found to have left their house for the Jiuri branch of the Rapti River at Rapti Municipality-2 at 12:00 PM in order to gather wild edibles such as vegetables, roots, clams and fish and celebrate the first day of Shrawan (Saune Sankranti) on 16 July 2020. They were collecting clams at Jiuri branch of the Rapti River at 1:00PM. The security personnel of the Park swooped down on the victims and blindly battered them without any inquiry at 1:30PM. It was reported that the security personnel battered Santalal Chepang senseless and to the water where he was repeatedly bashed and battered even in a faint. After that, the security personnel of the Park subdued all of 7 persons and took them to one of their outposts at Liglige. It is understood from the statements of the victims that they brutally tortured them, ordered carrying cumbersome lumbars, tortured intermittently, deprived them of water to drink and did not allow them to say anything on their way to the outpost, an hour away on foot therefrom. At the Liglige outpost, the perpetrators forced all the 5 men to lie on the ground, brutally tortured them, repeatedly bashed and battered them dumb. When asked for water, they spilled a bucket of water on the head and continued the assault and battery. According to the statement of a woman victim, when she humbly requested a perpetrator to stop battering them because they would die, he spat swear words at her, told her off for not keeping quiet, asked her whether she wanted to suffer the same and finally gave her a shove that sent her sprawling to the ground. She added that the perpetrators were roaring drunk. The security personnel had brought them to Liglige at around 3:30 PM, where they, having brutally tortured and battered them, decided to take them to Kasara at the location of the Main Office of the Park at around 6:00 PM. It was not easy for the victims to stagger there. There was no one to hear their requests. The Park authorities are found to have reached a decision to release them on the condition of return with a fine of Rs. 1000 the next day. It was obvious that Rajkumar Chepang was more brutally tortured, bashed and battered than the rest of them in the team. The victims further said that they switched off piggybacking him back home. Upon return, he kept himself shut in the house. He is reported to have lost a lot of blood from the nose, mouth, stool and urine on 18 July 2020. The local people told the team that he finally died at 5 AM at a tender age of 24 on the way to the hospital on 23 July 2020.

Comments on the incident passed by the mother and the spouse of the deceased, the Park Chief, journalist, local human rights workers, local stakeholders and Chief District Officer are mentioned in brief below:

Mr. Santalal Chepang, victim:

I feel like I had nearly escaped death. Everything that happened was like a nightmare. I had no hope of being alive. It's been 12 days and I still have difficulty walking well even today. I feel like there is no one for us. We did not go on a hunt for the rhinoceros and the elephants but to gather wild ferns and clams for hearty meals for the day. We received brutal torture as if we were

secessionists. It was our mistake as well as our compulsion to get there. We survived the incident but the one who died of the battery won't return. Let the perpetrators be prosecuted.

Mrs. Sima Ghatane Vishwakarma, Social Activist:

Attempts have been made to stray from the felony of indictable nature by offering great temptations. The state is found to have done injustice to the weaker section of society. Let the brutal oppression over the weak be ended. Let the incident caused by the state mechanism be investigated independently. Let the justice be done to the victims and perpetrators be prosecuted.

Ms. Dilmaya Chepang, A victim and an eye witness:

We made our way down to the river in search of some edibles to celebrate the first day of Shrawan (Sankranti). On that day, the incident never ever thought before in our life happened. We were two women. They did not perpetuate any torture on us, but there was no limit to indecency. Mental torture exceeded the limits. Our brothers were brutally tortured. All those tortured are in extremely bad condition. Let the perpetrators be prosecuted. We all want to see them legally punished.

Mr. Navaraj Bantha Shyam, Secretary, Federation of Industry & Commerce, Rapti Municipality, East Chitwan:

This is not the first single incident caused by the Park authorities and security personnel. Nepal Army had shot Resham Praja to death on 5 February 2012. He was then on his way back from the buffer zone carrying a bundle of wood. That was just an exemplary incident. Local people have been given constant grief in the name of environmental spontaneity and wildlife conservation. The buffer zone has given more grief. There can be nothing else greater than the human rights. Everyone should respect the human rights.

Mrs. Aaitimaya Chepang, the mother of the deceased Rajkumar Chepang:

On that day my son as usual stayed at home, helping me out in household chores. His friends came up to us and asked him to get to the river to collect fish, clams and wild ferns. I also told him that there was nothing to eat at home and asked him to consider it if he had his friends with him. After that, they ate something available and went out. When they were about to leave, I said that it was Saune Sankranti today and there was nothing to eat and told him to fetch wild roots as far as possible. It was already 12 PM when they left. He would get home at 6 PM. I was worried about him. Meanwhile, at around 7:30 PM, he was piggybacked home and I was, when asked, told that the security personnel of the Park battered him. He could not get out upon return therefrom. Three days later, blood spurted from his nose and mouth. We had no money to treat, so we decided to stay at home and take medicines from the nearby medical store so that he could get well soon. In the evening on 22 July 2020, he complained that he was not feeling well and we decided to go to

hospital the next day, but he felt much worse at 3 AM. We called the ambulance and rushed him to Bharatpur hospital. On 23 July 2020 at 5 AM in the morning, we heard the news of his death. My son won't return. When I see my son's murderer legally prosecuted, his soul will rest in peace.

Mr. Vishwonath Ojha, Central member & President of National Human Rights Concern Center, Chitwan:

Rajkumar Death case is inexcusable in the eyes of law. The law has given us all equal rights. It was wrong for the victims to get to that place, but I strongly condemn the way Rajkumar Praja was brutally tortured, battered and, so to speak, extra judicially killed, despite the legal options available. I demand the strongest legal action against the perpetrators.

Mrs. Shanta Adhikari, Vice President, Journalist Federation, Chitwan Branch:

This incident has made a mockery of human civilizations. Everyone should adhere to the rule of law. Non-repetition of crime has been taken positively in the legal definition, but this is not the first single incident on part of the security personnel. The law has to make proper arrangements for stopping the source of high morale of the culprit. The strongest possible legal action must be taken against the perpetrators of this incident.

Mr. Narayan Rupakheti, Chief Officer (Warden), Chitwan National Park:

This incident is extremely unfortunate. We have regularly been in discussion and made attempts to discuss with the victims since the incident happened. The deceased and the victims in the incident frequently went into the Park areas and they were released on fines by the Park securities. A string of events shows that the incident has been quite different this time. No one should repeat crimes. The Park authorities and security agency are investigating this incident. The culprit will be prosecuted.

Mr. Narayan Prasad Bhattari, Chief District Officer, Chitwan:

An investigation into the Rajkumar Death case is underway. Human death is extremely sorrowful. The perpetrators must be prosecuted and justice should be done to the victims. None is above the law and law punishes all. No one should seek options beyond the scope of the law. Maintaining peace and security at Chitwan district is my duty and I am committed to the same.

At the all-party and stakeholders' meeting convened in District Administration Office Chitwan on 31 July 2020 in respect of the incident, following decisions have been made:

1. Take necessary legal action against the perpetrator of the deceased Rajkumar Chepang under the law;

2. To provide scholarships and reparations to the daughter of the deceased Rajkumar Chepang on a regular basis;
3. To provide necessary forest products, raw materials and labor gratis to build the house of the deceased Rajkumar;
4. To provide the family of the deceased Rajkumar Chepang with a relief of Rs. 1, 000, 000; and
5. To cause the family to receive the corpse of the deceased Rajkumar Chepang and carry out the obsequies.

Conclusion

The exiguous and highly marginalized Chepang community subsists on the wild edibles, such as roots, bulbs, yam, and ferns and continues to lead a traditional life. It is shocking and curious that there are no substantial improvements on their lifestyles, despite various efforts on part of a wide range of organizations and the state to mainstream them into the state and enable them to exercise their rights. It is one thing to implement the community-oriented programs effectively, but quite another to transform the life of the community disadvantaged therefrom. However, the incident of 18 July clearly emphasizes the reason why various efforts fail to bring about significant transformation. In this respect, 7 people, including the deceased Rajkumar (2 women and 5 men), are discovered to have left for the forest to fetch fish and wild edibles. The incident is supposed to have occurred between around 2 PM to 6:30 PM. On a closer inspection of the nature of the incident together with the statements made by the victims, all seven of them (2 women and 5 men), including the deceased Rajkumar Praja, were subdued and particularly the 5 men brutally tortured, bashed and battered. According to the complaints of the victims, the perpetrator was blind drunk. It is evident that the officials responsible for putting law in place have violated the citizen's right to live freely. Furthermore, the incident of this nature constitutes gross violation of not only the citizen's right to live with dignity stated under the clause 16 of the Nepal's constitution, but also its other clauses including 17, 22, 29 and 49. Sadly, it also contravenes the articles 6 and 7 of the International Covenants on Civil and Political Rights 1966 and the article 5 of UN Declaration on Human Rights 1948. It is necessary to further systemize citizens' traditional means of subsistence. The victims have complained that the state has not complied with the previous understandings and written commitments. Therefore, the government agencies are required to be held to account for their duties.

Recommendations:

- Land Reform & Management Commission constituted to solve the problems of the landless citizens must identify the genuine needy community and find practical solutions to their problems. Around 0.012 acres of land for each household has been distributed to the

Landless Chepang Community, on which they cannot build anything but a shelter. The state, therefore, must offer viable options for the livelihoods;

- The state must make appropriate reparations to the bereaved family of the deceased Rajkumar who died due to excessive torture and bring strong legal action against the perpetrators;
- It is necessary that the political parties, human rights workers, media outlets and civil societies must take the collective initiatives to address the violence against the ethnically exiguous and marginalized citizens;
- The presence of the state and effective programs are essential to guarantee the social security of the families of the victims of the incident;
- A wide range of initiatives are a must to put an end to brutal impunity; and
- All the perpetrators involved in the incident must be brought to justice.

Thank you.



Mother & spouse of deceased Rajkumar Chepong including victim Dilmaya Chepong in grief



Human Rights works with the mother & spouse of the deceased Rajkumar Chepong



FAAN Field Study Team speaks to the victim Santalal Chepang



Inspection of the house of the deceased Rajkumar Chepang and his family



Mr. Narayan Prasad Bhattarai, Chief District Officer, Chitwan informs about the incident



Discussion with Hon'ble Minister Shakti Bahadur Basnet on the Rajkumar Praja Death Incident



Team with Chitwan-based Human Rights workers after meeting with Mr. Narayan Prasad Adhikari, Chief District Officer, Chitwan



FAAN Officials return from Chitwan after Field Study



FAAN Officials at collective Photo Session after meeting with Forest Minister