

“Cruelty against humanity”

The army killed three Dalit women inside the Bardiya National Wildlife Park- an extreme form of worst human rights violation

Brief description of the Incident

Baspani Kalikasthan is situated in the border between National Bardiya Wildlife Park and Hariharpur VDC of Surkhet district where three Dalit women, including a 12 year girl were shot dead by a group of soldiers of Nepal army and forest protectors of the park on Wednesday, 10 March 2010. The three victims had entered the wildlife park to cut special herb called **Kaulo** precarious means of livelihood for their survival. The three victims were identified as Chandrakala Bishwokarma 12, Devisara Bishwokarma 39, and Amrita Bishwokarma 28. This is a continued job they had to do for their livelihood. The specific herb Kaulo is being collected from the National Forest which is closed to Bardiya National Park (Wild life Conservation). The people who are involved in picking up the Kaulo were bound to stay in Bardiya National Park because of drinking water problem in National Forest.

According to description of the incident, Baldev Giri 40 and his son Bhakta Raj Giri 15, Ratna Bahadur B.K 30 and Tul Bahadur B.K. alias Krishna had entered into National forest to cut special herb called **Kaulo** at Baspani, Kalikasthan on 7th March 2010. After cutting the herb, these were left there to dry them.

On 10th March, a group of women and girls that included Bhumisara Giri 12, a daughter of Baldev Giri, Amrita B.K. 28, wife of Ratna Bahadur B.K., Devisara B.K. 39, and Chandra B.K. 12, wife and daughter of Tul Bahadur B.K. respectively again went to receive the herbs at the same place. It was about 9 PM where an army patrol team of 17 soldiers were patrolling and among them 4 reached the place where there had temporary arrangement of shelter for the Kaulo collection group. The patrolling team was in the command of army group and they shouted and threatened the group saying that if they try to escape then they will fire. Firstly, the army charged air firing. At that time male members of the group were able to run way and three Dalit women were unable to escape. The armies and forest

protectors took them into the custody when they were hiding themselves into the cave and killed mysteriously.

Description of Incident Spot

According to the fact finding report of INSEC, the clothes of deceased women and girl including their private clothes were found scattered in the spot where incident took place.

One cave with 10 persons staying capacity is located in the incident spot. Kaulo herbs were found in the large bag with soaking of the blood, in the cave. The fact finding team also observed that in the 50 meter distance of east-west part from the spot, around two quintal of the herbs were kept for drying. It was also found that there beds and other arrangements were destroyed by fire in the north-west part from the spot.

Tul Bahadur B.K. who was hiding himself into the bush nearby from the spot for around half an hour and returned back to the incident spot after hearing of his daughter's crying. He had immediately been arrested by the army patrolling group when he returned back.

The two women, who were killed, were his wife and sister-in-law while the 12 year-old girl was his daughter.

The army could have been easily arrested those two women and one girl like **Tul Bahadur B.K.** as they were hiding into the cave and weaponless and also not in the condition to encounter with the army.

The three women had been killed by the army misusing of power and excessive force.

(Sources of Information: Fact finding report of INSEC and Advocacy Forum)

Statement of eyewitness and victims of the incident, locals and concerned stakeholders

The eyewitness who were also the victims of the incident has expressed that they did not have any kind of gun and major weapons to hunt animal of the park. Simply they had only domestic knife and axe to cut the herb. Women and girls even did not know to use these domestic weapons. They only had arrived there to collect dried herb to support their male counterparts.

The locals said that the army has made the incident propaganda as three women being poachers and they were killed when the army patrol fired in retaliation as they were first fired by the poachers inside the park.

The army has claimed three women being poachers and the patrol recovered three guns and ammunition from the spot. These weapons still have not been publicly disclosed by the army that has made incident more mysterious.

One local lawyer has expressed that the army had not right to shoot dead any person who even is identified as poacher. They must follow some procedure to take poacher into the custody as per concerned act but the rules of the act have found to be misused in the incident. In this incident the three Dalit women had been shoot dead not following the act even after taking them into the custody which was very condemnable act and worst violation of the army.

The locals have claimed that the army patrol shoot dead these women to hide their heinous crime as they had been involved in gang rape.

The government official (Warden of Bardiya National wildlife Park) tried to cover up the killings, claiming the deaths occurred while an army patrol encountered a group of poachers inside the national park.

The army chief of the camp of the bardiya national wildlife park has claimed that the army patrol fired in retaliation as they were fired upon by poachers,

(Sources of Information: Fact finding report of INSEC and Advocacy Forum)

General facts received during the fact finding

- The incident spot is inside the Bardiya Park but locals of Harihar VDC especially wards no. 1, 2 and 3 are using the spot as the place of cattle's graze place, collecting herbs and grass and wood.
- The citizens of Harhira VDC-2, Kapsari named Baldev Giri and his son Bhakta Raj Giri, Ratna Bahadur B.K., Tul Bahadur B.K. had found to be stayed in the area of forest of Baspani, Kalikasthan from 7 March 2010 to cut special herb (Kaulo).
- They did not have any major weapon as claimed by the army except sickle (Hasiya), axe and sword to cut the special herb to be NRs. 23 per kg.
- Devisara B.K., Amrita B.K., Bhumisara Giri, Chandrakala B.K. reached the same place at evening around 6 pm on 10th March 2010 to collect those dried herbs cut by

their family members. The army patrol had also reached same place at 9 pm where male and female members of the group were trying to sleep.

- The army patrol team made aware the group throwing a piece of big wood and lighting the torch. The army patrol also threatened the group saying that if they will move the place they will open fire.
- After charging air firing, the male members of the group were able to escape and female members had hidden into the cave for saving their life.
- Those women who were taken into the custody from the Cave by the army patrol were killed mysteriously using excessive force.
- Dead bodies of those women were captured by coming additional army force following day from the spot.
- There were no any mechanical weapons with escaped persons and deceased women as claimed by the army for the purpose of hunting the animal of the park.
- Before this incident, there was no any patrolling from the army in the spot where locals still use to cut grass and wood and mobilize their cattle for feeding.
- The locals of Hariharpur VDC-2 and 3 have brought water from Basaha place which is two kilometer far away from Baspani with consent of the army. When the fact finding team along with locals had reached the spot the team found that the cattle of Hariharpur VDC 2 and 3 were moving round the spot for feeding at Baspani. It proves that there was easy access for mobility in the spot.

(Sources of Information: Fact finding report of INSEC and Advocacy Forum)

Some mysterious of the incident

The clothes including private set of clothes (Bra and panty) of deceased women were scattered either and thither in the spot, there bed arrangements were destroyed by fire nearby the spot, escaped persons did not listen anything about shooting dead except air firing.

As per the incident, three women should be shot dead at three places and blood spot also should be found at the same three places but there was very small amount of blood found at one place in the incident spot. Locals also heard the sound of firing at around 1 pm on 11th March 2010. Those escaped persons of the incident claimed that the girl was crying at the time when they were able to escape. Ratna Bahadur B.K., victim and eyewitness, who was able to escape from the spot, has identified the clothes of three women found scattered either and thither separately.

Those male who escaped, did not suffer from firing but three women who entered into the cave for saving life were the victims of shooting dead with excessive physical force. They

could have been easily taken into the custody by the army in that condition. There shouldn't be any reason to kill them rather than taking them in the army custody for further investigation.

Male who was taken into the custody found to be normal. Locals said that saying of army in receiving 3 guns with bullets from spot was wrong and fantasy to accuse these innocent women as poachers.

The army banned family members to see dead bodies of women before postmortem. The army stopped media persons and local people to see and take photos of deceased women. The report of postmortem has not still publicized. Numbers of bullets found into the bodies of deceased women have yet to be publicized.

The army still has not publicized the guns and bullet found in the spot and the different sayings from the army has made the incident more mysterious.

(Sources of Information: Fact finding report of INSEC and Advocacy Forum)

Local pressures and civil society interventions against the incident

When the news of the incident came to the notice of the victims' family members, locals, civil society organizations, journalist, political parties, and human rights activists, civil society organizations and rights activist had immediately started to further investigate the incident from their own. The incident being brutal crime of the army has been condemned by every corner of the society.

Those organizations involved in the fact finding of the incident were INSEC and Advocacy Forum. DNF along with its member organizations, OREC and other civil society organizations with the support of representatives of political parties have further created pressures to authority to bring facts of the incident.

Series of activities by the locals and rights based organizations have organized the press conference, lobbying with the authorities of the park and the army camp, memorandum submission to the prime minister for providing justice and compensation to the victims' families.

The National Human Rights Commission, National Dalit Commission, National Women Commission, OHCHR and other international organizations and diplomatic agencies had also been involved to find out the human rights violation in the incident for further action.

Locals and Civil Society Organizations had organized huge mass rally and other pressure related activities to create strong pressure to the concerned authorities for providing justice and compensation to the family members of the victims and deceased women, take stern action against perpetrators, formation of fair probe committee from the government, making re-postmortem of deceased women by the specialist doctor in close consultation with their family members, to release Mr. Krishna Bahadur B.K. without any term and condition.

At the district level a joint struggle committee comprising of Dalit NGOs, Human Right based organizations, political parties and their sister organizations, social activists has been formed to protest the incident and providing justice and compensation to the deceased women.

DNF Mid-Western Regional Chapter-Nepalgunj, District Chapter Surkhet and District Chapter Bardiya have major coordination roles in effective mobilization of its member organizations and civil society organizations to create stern pressures to the concerned authorities for justice and compensation.

Due to collective effort of the joint struggle committee, Krishna Bahadur B.K. have been discharged without any terms and conditions in the witness among the authorities of the park and representatives of the civil society and political parties and victims' family members and other rights activists. They have established certain demands in favor of the victims and are continuing their struggles to achieve those demands.

At national level, there are few coordination meetings held between concerned organizations both Dalit and non Dalits to pursue pressures related activities but none of interventions has been made by these organizations to draw the authorities of the government. Dalit Civil Society has jointly published press release against the gang rape and killing of three Dalit women including one 12 years girl child.

(Sources of information: reports from Dalit NGO Federation- Midwestern Regional Chapter)

Statement of Defense Minister and report of the army's investigation and government initiation.

Defense minister Ms. Bidhya Bhandari has given cruel statement on the incident that the three women being poachers involved in illegal act against law and they were killed in retaliation as they were fired upon by poachers.

Her statement claimed that the patrol recovered three guns and ammunition from the spot. She gave these statements in response of the questions raised by parliamentary hearing committee of women, children and social welfare.

Her statement came to public notice on the following day after publicizing the fact-finding report of INSEC and Advocacy Forum that has claimed that incident had been the extreme form of worst human rights violation by the army. *(Source of information from Naya Patrika National daily newspaper on 18 March 2010)*

The Nepal army has claimed that those deceased women involved in the Bardiya incident were poachers and they have reiterated same version of the defense minister that they were killed in retaliation as they were fired upon by poachers.

The army public relation directorate had formed five members investigation committee to find out the truth of the incident. According to press statement of the army, the army patrol had received the information of entering 17 poachers with guns and ammunition into the forest for illegal hunting. Based on the information, the army patrol had moved to the spot for stopping the illegal action. The army took the action based on the authority given by the act of National Wildlife Act-2029 and Army Act-2063. The army had also condemned the news of killings of three women after their rape.

(Source from Kanitpur National daily newspaper on 23 March 2010)

The government has formed the three members probe committee for investigation of the incident. The committee has representation from Defense ministry, office of Attorney General and Department of National Park and Wildlife Conservation. The committee has now headed towards to the spot for investigation and it is believed that the report of the committee will be publicized as soon as possible.

Conclusion

The fact-finding report of INSEC and Advocacy forum, various news published in the national daily news and local newspapers, television, and various information of media sources have concluded that the three deceased women not being poachers and the local people had been there only for to collect the herbs, as usual.

The three women have been killed after taking them into the custody. It is suspected that those two women and one girl have been killed by the army after gang rape. The army has fired into their vagina (female private organ) to destroy proof.

The army who could have easily arrested the three women by taking them into the custody as they were hiding into the cave for rescuing their life but the Army misused of power and also used excessive force by killing of three women mysteriously.

The cloths of deceased women found in the scattered from out of their bodies have created further suspicion about the case that there should be also the atrocity of gang rape over three women by the army.

Locals have claimed that three women were as locals from Dalit community and belong to very poor family. Thus it is not believable and no any proof found at the time of collecting fact finding about three women being poachers as claimed by the army.

The probe committee formed by the government is also biased as there are no any members from independent body such as National Human Rights Commission, National Women Commission, and National Dalit Commission as all the three members of the committee represent those government bodies which had involvement in the incident.

The involvement of army in the previous incidents of human rights violations such as rape and killing of Maina Sunar and other, disappearances during the decade-long insurgency depicts that this incident can also be concluded the continuation of the army atrocities.

The trend of the army in such worst human rights violation must be condemned and government authority must accountable to the people and investigate the incident for fairly manner to make the army responsible in the days to come.

The armies who must accuse and take stern action to the real hunters are escaping and doing illegal act freely but weaker section of the society, specifically Dalit communities are suppressed and killed blaming as poachers which is very serious.

Photos



(Meeting at DNF Bardiya Office among Dalit NGOs, civil society organizations, journalists and locals to discuss on the atrocity and possible interventions for civil society reaction)



(Civil Society representatives are taking part the protest rally to condemn the killings and taking action to the perpetrators)



(The protest rally spontaneously walked around the city with slogans to demand taking action to the perpetrators for justice and compensation to the deceased women)



(Representatives of different rights based organizations, locals and journalists are consulting with DSP of Bardiya to know the fact)



(Kirhna Bahadur B.K who are staying into the vehicle under the protection of rights activist after releasing from the custody of army)

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