



25 September 2020

Press Statement

Respect Constitutional Rights: Stop Excessive Use of Force

Advocacy Forum-Nepal condemns the use of force while taking Dr. Govinda KC to National Trauma Centre (NTC) and mishandling by the Nepal Police while taking him out of the ambulance. It is unacceptable that individual fighting for a cause through *Satyagraha* is ill-treated and misbehaved by the state authority even in modern democracy where everyone has constitutionally guaranteed right to expression and peaceful protest.

Furthermore, in light of the circumstances surrounding Ram Lakhan Jaisawal's death (a prisoner serving his jail term at Central Jail Sundhara and allegedly died of COVID-19), AF demands the Government to conduct an impartial investigation in the case and carry out post-mortem by a forensic expert. It is reported that the body had bruises and was stained in blood.

In light of the fact that COVID-19 has reached the prisons and detention centres, AF reiterates for the implementation of the order of the Supreme Court to release the eligible prisoners in order to decrease crowd in the prison and thus, decrease the risk of COVID-19 among the prisoners. AF stresses that Ram Lakhan Jaisawal might just be a tip of an iceberg of how COVID-19 has penetrated the prisons for which the failure to act will be an omission of the State's duty to take concrete steps to protect its citizens from a health crisis.

Furthermore, AF condemns the police intervention and excessive use of force in the peaceful protests organized in favor of reappointment of the former Director of Nepal Electricity Authority, Kul Man Ghising, in recent days. Similarly, AF draws the attention of the Government and the concerned authority to videos and news circulated in the social/ media where a group of policemen are seen encircling a protestor and then charging the protestor with batons on head, kicking the protestor and thus making him wounded. Furthermore, the assault of protestors (including women) by the police inside the NTC is a blatant violation of human rights, a result of the lack of accountability and continued impunity of police involved human rights violations. We stress that it is a legal requirement that women police should be used while handling women, the non-adherence which itself is a violation of rights of the female protestors.

While we understand that the Government has placed restrictions in staging mass protests due to the risk of COVID-19, AF expresses its serious concerns over the excessive use of force to disrupt the protestors in the name of complying with the Government policy. AF stresses that though it is the duty of the people to adhere to Government regulations, it is also a duty of the Government not to breach rights in the name of upholding compliance to Government policies. AF understands that this activity is not a mere excessive use of force but a torture by taking the protestor in custody.

Though the police institution has stated that the responsible policemen will be investigated and punished, AF asserts that such departmental actions will neither be enough to deter the perpetrators from repeating such acts nor will be justice for the victims. So, AF urges that the incidents be investigated under the prevailing laws of Nepal.



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AF strongly believes that the act of the police not only violated the domestic laws but also various international standards and laws for which the responsible policemen should be held accountable. It is high time that Nepal Police takes concrete steps towards changing modus operandi on use of force by police, human rights adherence of police and the accountability of those responsible for excessive use of force and/or human rights violations. Finally, AF urges the Government to take immediate actions to investigate all the aforementioned incidents and take legal measures to provide justice to the victims and ensure non- repetition of such incidents in the future.

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