



# राष्ट्रिय मानव अधिकार आयोग

## National Human Rights Commission, Nepal

केन्द्रिय कार्यालय Central Office  
हरिहर भवन, पुल्चोक, ललितपुर, HariharBhawan, Pulchowk, Lalitpur, Nepal



Press Release

May 28, 2014

### NHRC expresses Concern over the News

The attention of the Commission has been drawn to the piece of news entitling '13 years have passed since the door of the Commission knocked' published in the Kantipur daily dated 28<sup>th</sup> May, 2014. I would like to inform the concerned stakeholders that the decision was dispensed upon investigation completed its course on the complaints related to the disappeared Tej Bahadur Bhandari and murdered Muktinath Adhikari (persons quoted in the news) and the letter was sent to the Government of Nepal (GoN) for the implementation of the recommendation. The complaints on both cases received by the Commission and implementation status of the recommendations forwarded by the Commission have been furnished in the NHRC publication entitled 'Implementation status of the NHRC Recommendations within the period of Thirteen Years (2057-2070).' The decisions had been dispensed on both the complaints as mentioned hereunder:

*Details with regard to the case of Tej Bahadur Bhandari of Simpani VDC of Valam-3, Lamjung district have been contained from page 399 to 433 in the above mentioned publication.*

#### Brief description of the Complaint:

Pokhara: As per the record maintained in the file no. 488, Tej Bahadur Bhandari, a 56 year old ex-teacher and local level secretary of CPN (UML) of Simapan Village Development Committee, Bhalam-3 of Lamjung district was arrested by a team of six security personnel from Nepal Police and Royal Nepal Army on December 31, 2001 on his way to the District Administration Officer (CDO). Having detained arbitrarily since then, he was not allowed to meet with his family members and relatives. Following this, a complaint was lodged at the Commission on January 31, 2002 with an appeal to initiate for his release and to safeguard his human rights.

#### Decision and Recommendation of the Commission:

As per the NHRC investigation, the version of the Security Force that arrestee Bhandari was shot dead as he was making a futile attempt to escape from the hand of the security wasn't found truthful and credible. They prompted to have taken this step instead of taking an action against the unarmed person as determined by law. An unarmed person taken under the custody of the security force can't make such an easy escape. With the extra judicial killing executed on Tej Bahadur Bhandari under custody by the security force, therefore, the right to life of Mr. Bhandari was found violated.

The Commission dispensed the decision on 15 July, 2011 and sent the recommendations to Government of Nepal to take legal action against the then Chief District Officer of Lamjung district Shiva Prasad Nepal, Major of Royal Nepal Army-Santosh Singh Thakuri, DSP Pitamvar Adhikari and several other commanders as per the *Homicide Act* of Civil Code, to compensate the kin of victim with Rs. 3,00,000 (RS three hundred thousand) and to make an arrangement for subsidized fee structure for the education of victims' children pursuant to the regulation 17 of the NHRC (Complaint, Action and Compensation Determination) Regulations, 2000.

#### Implementation status of the NHRC Recommendations on the said cases:

The recommendation letter with dispatch number 877 based on the investigation no 488 was sent to the Office of the Prime Minister and Council of Ministers on February 1, 2012 for the implementation of the decision. As



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per the implementation status of the decision, therefore, the Commission was in receipt of the detailed letter dated May 20, 2013 with dispatch number 1974 from the Relief and Rehabilitation Unit of the PMO which reads that the victim's family has been paid 3,00,000 (Rs three hundred thousand only) as the compensation.

*Details with regard to the case of Muktinath Adhikari of Chandreswar Village Development Committee, Ward 6 of Lamjung district have been contained from page 534 to 588 in the above mentioned publication.*

A complaint was lodged at the Commission on February 3, 2011 to look into the incident of killing of Muktinath Adhikari from Chandreswar VDC, Ward 6 of Lamjung district by the then CPN (Maoists) cadres, take legal action against the persons involved in the incident and to provide compensation to the victims' family. Mr. Adhikari, a teacher at Panini Sanskrit Secondary School, Dura Danda of the same district was abducted by 8-10 party cadres of the then CPN Maoists on January 16, 2002 around 1:30 PM in the afternoon. He was then taken to Khaje Village, Ward-4 of the same VDC and tied to a tree with muffler. He was then blindfolded and murdered with bullet shots and stabbing with knife.

The investigation launched by the Commission led to the decision that Muktinath Adhikari was not involved in insurgency and was found abducted and killed by the party cadres of the then CPN (Maoists).

The decision was dispensed on May 13, 2012 to identify the accused persons of the then CPN (Maoists) involved in the incident, take legal action against accused as per the Homicide Act of Civil code and to provide Rs. 300,000 (Rs. three thousand hundred only) as the compensation to the victims' family in accordance with the section 16(3) of the NHRC Act-2012. It has been urged in the recommendation sent to the Government of Nepal to deduce the amount of compensation if the kin of victims are already paid and to pay full prescribed amount of compensation to the kin of victims, if not yet paid.

The Office of the Prime Minister and Council of Ministers has been corresponded on July 15, 2012 as per the dispatch no. 1 and investigation record file number 466 for the implementation of the decision, thus.

The wife of late Muktinath Adhikari has already received Rs 4,50,000 (Rs four hundred fifty thousand only) in three installments from the District Administration office as per the detail information mentioned in the letter dated January 9, 2013 and dispatch no 170 sent to the Commission by the Police Head Quarter.

Reiterating for the implementation of the NHRC recommendations, the Commission hereby urges the Government of Nepal to verify the media report published by the concerned media with due seriousness paid to the subject matter.

Bed Prasad Bhattarai  
Acting Secretary