



National Human Rights Commission
Harihar Bhavan, Lalitpur, Nepal

Preliminary Summary Report on Exhumation

Godar VDC, Janakpur, Dhanusha District

September 19, 2010 (Janakpur)

Background

1. A complaint was lodged at the Commission with regard to the disappearance of Sanjeev Kumar Karn of Janakpur Municipality, Ward – 10 of Dhanusha district, Durgesh Laav, Jitendra Jha of Ward- 4, Pramod Narayn Mandal of Partha VDC-1, Shailendra Yadav of Duhabi VDC – 7 on October 8, 2003 after they were allegedly arrested by the security force from Kataiyachauri situated at Biswakarma Chok of Janakpur Municipality, Ward - 4. With regard to this, the NHRC had recommended to the Government of Nepal on January 19, 2008 for the action against the accused and the compensation provision for the victims upon confirming the unlawful killing committed by the security force on the basis of the investigation conducted by the NHRC.
2. In this regard, the disappeared persons were said to have been buried on the bank of Kamala River situated in lower Godar VDC, ward 3 of Dhanusha district as per the report of the NHRC investigation team. In line with the decision resolved for the exhumation of the five deceased from the suspected burial site, therefore, the Commission had sent a letter to the Home Ministry of Government of Nepal to give the directives to the Nepal Police and to allow NHRC to seek assistance from the national and international experts. With this regard, the Chairperson had sent a letter to the Prime Minister to give the directives to the concerned authorities to render necessary cooperation and coordination.
3. In this regard, a discussion was held in Commission on exhumation with the Home Minister of Nepal Government, Attorney General, Chief Secretary, Secretary of the Office of the Prime Minister and Cabinet Ministry, Home Secretary, Secretary of Ministry of Law and Justice, Inspector General of Police of Nepal.
4. Representatives of various organizations and agencies working in the fields of human rights were invited to the Commission and a discussion was held over their collaboration and coordination for exhumation.
5. The team comprising of NHRC Officials and Experts had conducted an observation and feasibility studies of the suspected burial site in June, 2010.

Formation of the Team and Preliminary Groundwork

6. An 18 member team including the experts was formed for exhumation in coordination with Honorable Member Gauri Pradhan. The team comprised of two forensic experts invited from

Finland, an expert from German Development Organization to provide support in NHRC investigation, experts from Forensic Medicine Department, Teaching Hospital, Maharajgunj, experts from Archeology Department and National Forensic Laboratory, former member of the NHRC and representatives of civil society, representatives from the Office of the High Commissioner of Human Rights (OHCHR), Nepal including the officials from NHRC.

7. The Technical and Management team were formed within the team whereas the emergency support team was formed to remain standby in the central office of the Commission, Harihar Bhavan.
8. Prior to the exhumation work, the ante-mortem form was duly filled up in the NHRC Regional Office, Janakpur and psychological counseling was rendered to the family members of the victims. The family members of the victims were also informed about the exhumation
9. A press statement was issued by the Commission prior to the commencement of the exhumation.
10. The background of the incident and information about the situation of the suspected burial sites was availed to the technical team of exhumation.
11. The team of the Commission had had the meeting with the Chief of District Office of Dhanusha district, Chief of the Regional Police Office of Dhanusha, Head of the District Police Office of Dhanusha and police personnel with regard to exhumation. In the process, the Office of the Public Prosecutor was also communicated accordingly.
12. The information was provided to the on-site visitors CA members of center and local level, human rights defenders, journalists and representatives of the political parties regarding the process and progress of exhumation work.

Exhumation process and Facts & Evidences achieved

13. The team of the NHRC officials had conducted the study of the suspected burial site with the help of the eye witnesses of the burial site and local human rights workers and completed the preparation for exhumation on September 5, 2010. In this regard, the families of the victims and the land owners of the suspected burial site were also informed about exhumation.
14. Cordoning the suspected burial site by the Nepal Police, exhumation work at the suspected burial site started at the bank of Kamala river situated in lower Godar VDC, ward 3 by the NHRC team including the experts from national forensic lab, police personnel from the district police, Dhanusha on 6th September 2010.
15. By digging the trench scientifically, exhumation was carried out to unearth the human remains at the place where five corpses were suspected to have been buried. In this process a total of 58 trenches, 9 extensions and 3 blocks have been excavated at the suspected sites till September 2, 2010.
16. In this process, the first human remains was discovered on the third day of exhumation on September 8, 2010 since the commencement of the exhumation. Likewise, a total of four human remains have been unearthed so far. Second was found on September 9, third on September 10, and fourth on September 16, 2010 respectively. The one suspected to have been buried hasn't been traced as yet.
17. The entire viscera from head to toe of three among the four exhumed human remains have been found whereas the fourth one is found with its head partially missing.

18. The evidences or the remains of the human bodies have been exhumed with scientific process by the experts. A few suspected bullets and the bullet suspected to have connection with the remains have also been found during the exhumation process.
19. The human remains found from exhumation along with the sealed preliminary note have been kept under the care of the Police in the presence of the Commission, experts, the family members of the victims and the local residents.
20. After the scientific test and analysis of the exhumed human remains only the final conclusion can be drawn to determine the identity of the buried person. The search for the remaining human remains of the one suspected to have been buried has been put off for the time being and rest of the exhumation will resume after the further investigation gets underway.
21. The necessary specimen of the remains have been collected for the necessary DNA test for the identification of the exhumed human remains.
22. Since the human remains were unearthed as they were underground, packed and sealed as per the advice of the experts. The remains have to be sent to the laboratory as soon as possible and it will take some time to perform analysis of DNA test, according to the experts.

Coordination, Collaboration and Appreciation

NHRC commends the contribution extended by the Nepal Police and National and International experts for exhumation work. Nepal Police deserves hearty thanks for their significant support extended for the round the clock protection of the exhumation site in spite of bad weather. Likewise, the Commission extends heartfelt gratitude to all human rights workers, journalists, leaders and party workers of political parties, local labor force and residents for their kind support extended for the exhumation work. The Commission also extends hearty thanks to the Office of the High Commissioner of Human Rights (OHCHR), Nepal for the support including the provision of the conveyance expended. We would also like to extend our heartfelt thanks to the Chief District Officer of Dhanusha district, Regional Police Office, Janakpur, District Police Office, Janakpur including the Investigation Officer, Police Inspector and all the police personnel for their kind support extended for the exhumation work. Similarly, the Commission extends thanks to the Office of the Public Prosecutor, Dhanusha including all who extended their support in exhumation work. Specially, the Commission would like to extend gratitude to the family members of the victims who have lost their beloved ones and all those who have patiently extended their harmonious support for the truth and justice. The Commission expects the same kind of support from all parties for the act of human rights protection in the days ahead.

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