



**A Brief Report on the
Exhumation at Tallo Godar of Dhanusha District
July 23, 2014, Janakpur
(Distributed in Press Meet)**

Exumation period :

First phase : September 6 - 18, 2010

Second Phase : February 13-16, 2011

1. Background

A complaint was lodged at the Commission by one of the victims' family member Mr. Jay Kishor Labh in connection with the disappearance of Sanjeev Kumar Karn of Janakpur Municipality, Ward-10 of Dhanusha district, Durgesh Labh, Jitendra Jha (alias Machchali) of Ward- 4, Pramod Narayan Mandal of Kurtha VDC-1, Shailendra Yadav of Duhabi VDC- 7 on October 8, 2003 after they were arrested by the security force from Kataiyachauri situated at Biswakarma Chok of Janakpur Municipality, Ward- 4 of Dhanusha district.

With regard to this, as per the decision drawn on January 29, 2008, the Commission had recommended to the Government of Nepal (GoN) for the legal action against erstwhile Senior Superintendent of Police Chuda Bahadur Shrestha, Superintendent of Police Kuber Singh Rana, Major Anup Adhikari of Dharapani Army Barrack of Number 9 Field Battalion, and the Chief District Officer of Dhanusha District Rewati Raj Kafle upon confirming their alleged involvement in the incident of human rights violations including extra judicial killing on the basis of the investigation conducted by the NHRC.

As of today, the Government of Nepal has provided NRs. three hundred thousand each to the victims' families and additional NRs. one hundred thousand entitled to the conflict victims as the relief and reparation on the basis of the NHRC recommendations.

Similarly, NRs. 40,000/- each has been provided to the victims' families by the Government at the presence of the Commission on July 20, 2014 enabling them to perform the after-death rituals of the victims.

2. Exhumation of Dead Bodies and the Facts Discovered

- In this regard, District Attorney of Dhanusha district had, upon the registration of the complaints by the victims' families, issued directives to the District Police Office, Dhanusha on November 25, 2009 to advance the investigation with exhumation of the dead bodies of five youths which were said to have been buried at the bank of Kamala River situated in Tallo Godar VDC, ward-3 of Dhanusha district as per the NHRC investigation report. In line with the decision resolved on



August 12, 2010, therefore, the Commission had sent a letter to the Ministry of Home Affairs of GoN to give the directives to the Nepal Police and to allow NHRC to seek assistance from the national and international experts to advance the exhumation the dead bodies of those five youths at the suspected burial site.

- In this regard, a discussion was held at the Commission with the Home Minister of GoN and high level government officials of GoN including Attorney General, Chief Secretary of GoN, Secretary of the Office of the Prime Minister and Council of Ministers, Home Secretary, Secretary of Ministry of Law and Justice, Inspector General of Police of Nepal Police and the decision was reached on September 3, 2010 followed by another discussion held with human rights defenders and Civil Society members on September 4, 2010 for the due commencement of the exhumation work at Tallo Godar.

The first phase of exhumation was done on September 6 - 18, 2010 at Tallo Godar and four dead bodies were exhumed by the NHRC led-team comprising the national and international experts and Nepal Police. The second phase of exhumation was carried out on February 13-16, 2011 and remaining one dead body was exhumed.

- By digging the trench scientifically, exhumation was carried out to unearth the human remains at the places where five corpses were suspected to have been buried. In this process, a total of 64 trenches, 9 extensions and 4 blocks had been excavated at the suspected sites.
- As the DNA of all five human remains had to be tested upon exhumation, blood samples was collected from 19 kins including father and mother of the youths who were suspected to have been killed prior to their burial.
- The human remains of all five dead bodies were examined at the Forensic Department of Tribhuvan University Teaching Hospital, Maharajgunj while the DNA test was performed in Laboratory of Biology Department of Forensic Medicine Hjel Institute University of Helsinki, Finland. The deceased persons have been identified on the basis of the comparative analysis of the DNA groups collected from the kins of the victims received from the National Forensic Laboratory of GoN, with the DNA test report sent from the Helsinki, Finland.

Analysis of the DNA test Report is as follows:

1. DNA of sample of exhumed Body 1 matched with the DNA of biological mother Bimala Devi by 99.8521 %. Hence, the human remains of Body 1 is identified as Sanjeev Kumar Karn.
2. DNA of sample of exhumed Body 2 matched with the DNA of biological mother Indira Jha by 99.9966 %. Hence, the human remains of Body 2 is identified as Jitendra Jha.
3. DNA of sample of exhumed Body 3 matched with the DNA of biological father Bouye Ram Yadav by 99.9998 %. Hence, the human remains of Body 3 is identified as Shailendra Yadav.



4. DNA of sample of exhumed Body 4 matched with the DNA of biological father Ramautar Mandal by 99.9998 %. Hence, the human remains of Body 4 is identified as Pramod Narayan Mandal.
 5. DNA of sample of exhumed Body 5 matched with the DNA of biological mother Gayatri Devi Karn by 99.5671 %. Hence, the human remains of Body 5 is identified as Durgesh Labh.
- The evidence of collected ballistic (ammunitions) was examined at the Central Police Science and Technology Laboratory.
 - Four out of five skulls of the human remains had their eyes in blindfolded condition while one human remains appeared to have been beheaded since it was discovered without skull.
 - The Forensic Anthropology Report prepared by the experts upon examinations has unveiled the causes of death of the five (5) individuals to be multiple gunshot wounds to the vertebral columns and skulls respectively. The manner of death of the five (5) individuals is homicide; the persons were shot by others using rifle firearms.
 - Upon having consultation with the victims' families following the identification of all deceased, the Commission, keeping in mind the protection of the cultural rights of the victims' families as per the section 4 (c) of chapter 7 of *National Human Rights Commission Exhumation Guidelines-2012*, decided to hold the last rites of the deceased as early as possible on July 23, 2014, Wednesday coinciding the day of their disappearance as per the formal request received from the victims' families. Thus, the government has made this arrangement to hand over the human remains of all five victims to the families at Devi Chok, Janakpur today as per the directives of the Commission.

3. Conclusion

- It has been, therefore, proved from the NHRC investigation and made public that all five disappeared persons were taken under control by the security force and allegedly killed with gunshots.
- Since the Forensic Anthropology Report prepared by the experts has been furnished with the causes of death of the five (5) individuals to be multiple gunshot wounds to the vertebral columns and skulls respectively and the manner of death of the five (5) individuals is homicide; the persons were shot by others using rifled firearms, it is now evident that the all five persons under the control of the security force were allegedly shot and killed.
- The bullet casings were discovered at the burial site from where the human remains were exhumed. Therefore, it is proved that all five persons were killed with bullet shots at the burial site only.



- Since those found with skulls were killed blindfolded and both hands tied at the back, the deed is proved to have been premeditated which is serious violation of human rights and therefore, such an act comes under the heinous crimes against humanity as per the International Humanitarian Law.
- The police investigation into the bullet casings found at the incident site has indicated that Self Loading Rifle (SLR) was used to kill the victims. The killing could have been an act of Nepal Army as it was the only security force possessing SLR weapons at the time of the incident. Therefore, it indicates that, evidently, the then Royal Nepal Army was directly involved in the act.
- Since, the facts received prior to exhumation serve as the proof with the NHRC recommendations sent to the GoN earlier on January 29, 2008, the persons involved the above committing such criminal offense must be brought to justice without any delay.
- Ensuring the rights of the victims' families to perform the last rites of their beloved ones, further initiatives must be made for the reparation, justice and respect for those killed.
- It is deemed necessary that the GoN, political parties and civil society ought to be further sensitive and committed towards respect and protection of human rights.

Lastly, NHRC duly commends the contribution extended by the GoN, Nepal Police, National and International experts, Helsinki University (Finland), GIZ, Human Rights Defenders, Civil Society, Media, Local Administration, Former NHRC Members, Residents of Tallo Godar, Office of the High Commissioner of Human Rights (OHCHR) including ICRC for exhumation work. The Commission would like to extend its heartfelt gratitude specially to all those families who, despite extreme sorrow and agony for losing their beloved ones, have shown high degree of patience and extended their cooperation during all phases of exhumation.

The Commission, thanking heartily to all those family members of victims who have patiently extended their harmonious support for the truth and justice, wishes for their strength to have patience and also wishes for support and cooperation from all the concerned parties leading to justice delivery. The Commission also wishes no recurrence of such spine chilling incident under any pretext and anywhere at all in future.

This report will be translated into *Maithili* and *Bhojpuri* language and kept in the web site of the Commission.

Thank you!

23rd July, 2014

Janakpur