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NEPAL: POLICE MUST REFRAIN FROM USING EXCESSIVE FORCE IN PROTESTS

Amnesty International calls on the Nepali Police and Armed Police Force to refrain from using excessive and lethal force during ongoing demonstrations against an agreement by Nepal's major political parties¹ to form six federally-administered states under the proposed new Constitution. At least four protestors have been killed since the agreement was made on 8 August.

This four-party agreement broke a longstanding deadlock in the final stages of adopting a new Constitution. The issue of federalism has long been contentious, characterised by disagreements among political parties and ethnic groups, particularly in south and mid-west Nepal, on the number of states created and the demarcated internal boundaries.

On 10 August, at least two protestors were shot dead and several injured by Nepal police in the town of Surkhet, the capital of the mid-western region. The protests had broken out over the agreement to split the mid-western region into two provinces. According to police statements, protestors allegedly ignored a curfew imposed by authorities, vandalised administrative offices and advanced on a local lawmaker's home before the police opened fire.

Locals who witnessed the incident in Surkhet claim that police firing was indiscriminate. At least 20 people reportedly suffered injuries.

In other areas of the country, police also opened fire on protestors once protests turned violent. On 16 and 17 August in Jumla, up to a dozen

¹ Nepali Congress, The Communist Party of Nepal (Unified Marxist-Leninist), Communist Party of Nepal - Maoist and Madhesi Janadhikar Forum, Nepal (Loktantrik)

people were reportedly injured by live ammunition following clashes with police.

On 18 August, one protestor was shot dead by Nepal police and others were critically injured in Bhardaha, Saptari district. Clashes erupted when police allegedly tried to open the East-West Highway, blocked due a strike protesting the four-party agreement.

Any use of force in the policing of demonstrations, even when they have turned violent, must comply with international standards. Principle 5 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials states that police officers must exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved. Firearms may only be used as a last resort in self-defence or to protect others against the imminent threat of death or serious injury.

While a number of protests have turned violent and have needed to be contained, Nepal police have gone beyond what constitutes acceptable use of force in some situations by firing live ammunition into crowds and beating protestors, even after calm has been restored.

The government must immediately send clear instructions to the police only to use proportionate force. In addition, a prompt, independent and impartial investigation into the police killings and beatings must take place. If there is sufficient admissible evidence those suspected of having used excessive force against protesters must be prosecuted in a fair trial before an ordinary civilian court. The medical costs of those injured must also be met.