

UNITED NATIONS
Office of the High Commissioner for Human Rights, Nepal



**Findings of OHCHR-Nepal's
Investigations into the 21 March Killings
in Gaur and Surrounding Villages**

April 2007

Introduction

On 21 March, 26 individuals linked to the Communist Party of Nepal (Maoist) (CPNM) and one unidentified individual were brutally killed following violence which broke out when the Madheshi People's Rights Forum (MPRF)¹ and CPN-M organised simultaneous rallies at the same site in Gaur, Rautahat District. The incidents took place in the context of ongoing unrest in the Terai.

The incidents are a stark reminder that the enjoyment of and respect for fundamental human rights in Nepal, like the peace process on which they are so closely reliant, are fragile and cannot yet be guaranteed effectively by the State in many areas. They demonstrate that freedom of expression and peaceful assembly have yet to be fully respected or guaranteed. They also bring into sharp relief the challenges faced by Nepal in reconciling deep-seated divisions, and in ensuring justice and accountability for the serious criminal acts which occurred. They also point to the immediate need to reinforce the weak law enforcement apparatus to enable it to provide law and order.

This report outlines the preliminary findings of OHCHR's investigations into the incidents. It considers briefly the political and the local context and details the circumstances surrounding the killings. It looks at the State's responsibilities regarding law enforcement and official investigations. It ends with a set of conclusions and recommendations, including with regard to the responsibilities of political parties, demonstration organisers and protestors, to respect the rights of others while exercising their right to freedom of assembly.

Methodology

An OHCHR team arrived in Gaur during the afternoon of 21 March, the day of the incident. Over the following eight days, teams of staff members conducted field investigations in and around Gaur, in Chandranigahpur, Birgunj, Hetauda, Bharatpur and Kathmandu. OHCHR conducted over 170 interviews with human rights defenders, journalists, those injured and other eye witnesses, medical personnel, local residents, government officials, Nepal Police (NP), Armed Police Force (APF), National Investigation Department (NID) and Nepalese Army personnel, CPN-M cadres, political party members, *Janatantrik Terai Mukti Morcha* (JTMM)

1 Known in Nepali as *Madheshi Janadhikar Forum*

(Jwala Singh faction), and detainees in police custody. OHCHR also collected relevant documentary evidence from various sources both in and around Gaur and in Kathmandu. It returned to Gaur and other Central Region districts to gather further information during the week of 9 April. OHCHR's findings have been presented to the Home Minister, the Chief Secretary and the head of the CPN-M's *Madheshi Rastriya Mukti Morcha*. OHCHR has also discussed the killings and circumstances surrounding them with MPRF representatives.

Context

Following the ceasefire last year, and in the context of the peace process, Madheshi leaders and organisations have been increasingly active in advocating for their demands to be met. The first months of 2007 in particular have been marked by unrest in the Terai regions, with at times considerable violence on the part of the police and protestors. Many of the protests have been organised under the banner of the MPRF. Despite the insistence of district and regional officials that it is not an umbrella for other groups, being a "forum", the MPRF has provided space and opportunity for other groups to pursue their own diverse interests or Madheshi political aspirations under the MPRF banner. Many different groups have rallied under the leadership of the MPRF, which has been both the political voice and organiser of different events.

The unrest was sparked off on 16 January, when a group of Madheshi protestors, including the chairman of the MPRF, was arrested in Kathmandu in connection with burning parts of the Interim Constitution and taken into police custody without legal basis. In response to the arrests, the MPRF called a Terai-wide strike (*bandh*). On 19 January, a CPN-M cadre killed a protestor who was among a group trying to enforce the *bandh* in Lahan, Siraha District. Large demonstrations quickly spread among the Terai areas of the Eastern and Central Regions of Nepal. OHCHR documented widespread destruction of public and private property. Journalists and human rights defenders received threats. The NP and APF responded to the protests with sometimes excessive and lethal force. OHCHR documented at least 24 deaths in January and February, at least 18 of which were the result of actions by the NP or APF. Many died due to excessive force including use of live bullets and baton charges against demonstrators. One police officer was also killed and others injured in the violence. The protests and violence subsided after the Prime Minister made a public announcement on 7 February in response to MPRF demands but limited protests and blockades by the MPRF have continued since then.

In the context of the unrest, MPRF supporters and CPN-M cadres have clashed on a number of occasions in different parts of the Terai, including in Nepalgunj, Banke District, Rupandehi, Nawalparasi District, Janakpur, Dhanusha District and in Gaur itself. Some of the incidents reportedly occurred when CPN-M organised rallies at the same time as those of the MPRF or tried to disrupt MPRF rallies or *bandhs*.

One such clash took place in Gaur on 31 January when MPRF supporters were reportedly attacked with *lathis*. A former mayor was among those reported injured. These public beatings, widely reported to have been carried out by CPN-M cadres, took place a few days after the burning of seven government buildings in Gaur Municipality during the Madheshi protests.

The town of Gaur itself lies in the southern quadrant of Rautahat District, a poor and underdeveloped area of the Terai on the border with India. Madheshi residents in and around Gaur, who make up the majority of the local population, stated that they have been marginalised and discriminated against, and that the local administration and the police (primarily from hill areas) do not represent them. During OHCHR's investigations, local residents and villagers also overwhelmingly expressed serious concerns about security in Gaur and in the surrounding VDCs, due to the proximity of an open border and a landscape of criminality, political turbulence and weak, unengaged security forces in the area. In addition to purely criminal gangs which operate in the area, armed groups such as the JTMM, the Madheshi Tigers and the Terai Cobras are all reported to have a presence in the Rautahat area. Local residents in Gaur and surrounding VDCs also raised their concerns about past CPN-M abuses in the area such as extortion, beatings and forced displacement at different times which had resulted in strong anti-CPN-M sentiments.

Circumstances surrounding the killings

The following account is based on information collected from a wide range of sources of information. As part of an MPRF initiative to hold rallies in Parsa, Bara and Rautahat, the Rautahat district-level MPRF decided to organise a rally at the Rice Mill field in Gaur (see map in Appendix I) on 21 March and had begun preparations well in advance, including announcing it publicly. The decision was taken at least a week before the CPN-M decided to do the same. In the two days

preceding the rallies, tensions rose locally when it became known that both the MPRF and the CPN-M were intent on going ahead with their rallies at the same location and on the same date. A clash was widely expected, including by police.

MPRF supporters (estimates range from 1500 to 4000) arrived in Gaur from the surrounding villages during the morning of the rally, many of them in procession, armed with *bhaatas*² raised aloft. Children were also present in the procession, some of whom also carried *bhaatas*. OHCHR's investigations show that the MPRF were preparing themselves and their supporters for an armed confrontation with the CPN-M cadres, that this time they would be prepared to meet force with force if attacked by the CPN-M.

At the same time, OHCHR has established that at least some of the CPN-M cadres present were armed with slingshots, at least one firearm and socket bomb, as well as detonation equipment, some of which were used on the day. As with the MPRF leadership, even though it was clear that tensions were rising and that there was an expectation of violence, the local CPN-M leadership and representatives of the CPN-M sister organisation *Madheshi Rastriya Mukti Morcha* made no attempt to reach a compromise that would avoid the expected clash.

While the MPRF supporters congregated on the Rice Mill field and their rally commenced, a CPN-M procession was ongoing in the centre of the town before it was scheduled to proceed to the field. CPN-M cadres had been arriving in Gaur from Chitwan, Makwanpur, Bara and other Central Region areas in the two days prior to 21 March and were staying at local guest houses. The CPN-M procession (of several hundred) was led by Young Communist League (YCL) cadres, a few with backpacks, some carrying sticks or *bhaatas*. Older supporters, probably local residents, took up the rear of the procession, some of them also carrying sticks.

At around 1.45pm, a group of ten to 15 young males attacked the unattended CPN-M stage. An appeal to stop the destruction of the stage made over the microphone from the MPRF stage was ignored. Although

2 *Bhaatas are spliced lengths of broad diameter bamboo. They are typically one metre or more in length. The pointed edges of the spliced bamboo combined with their weight make bhaatas a lethal weapon.*

the police stated that they attempted from the edge of the field to prevent the destruction by summoning the young males, this is not supported by any other source. In response to the attack, CPN-M cadres charged across the Rice Mill field from the north-east corner in the direction of the MPRF stage, some of them using slingshots and throwing stones at the retreating MPRF crowd.

During the charge, some shots were also fired and a small number of explosions were heard. It has not been possible to establish who fired the first shots or who was responsible for the explosions. However, information gathered by OHCHR shows that at least one shot was fired in the air by a CPN-M cadre during the initial charge. At the same time, it has been alleged that individuals linked to the MPRF, criminal or other elements in the crowd were also armed and may also have been responsible for firing shots, which subsequently subsided. Police also told OHCHR that they fired numerous shots, which contributed to the confusion.

As the charging CPN-M cadres reached the MPRF stage, the MPRF supporters who had been congregating near their stage left the field by the south-east and south-west access/exit points on either side of the Rice Mill building. CPN-M cadres then began to destroy the vacated MPRF stage. At this point, according to police, the police present behind the Municipality compound to the north-east of the field reported the situation to the District Police Office, but the police did not intervene.

A number of those who had dispersed upon seeing the CPN-M charge then returned to the field. It is at this point that the CPN-M cadres came under violent attack from the MPRF crowd wielding *bhaatas*. Outnumbered and unable to defend themselves, 27 individuals linked to the CPN-M were killed over the following two hours in the ensuing violence, including four women and a 17-year-old girl. Many more were injured, mostly on the head according to hospital records.

One female and five male CPN-M members were killed immediately on the Rice Mill field itself. Others were killed as they fled away from the field. One woman, whom it is believed sustained injuries in an alleyway adjacent to the field, died in hospital in Gaur a short time later. Another six male CPN-M cadres were also fatally attacked in Gaur itself: one was killed directly in front of the APF HQ where between 30 and 35 personnel were on guard duty and must have seen what was happening; three sustained injuries outside Chandra Guesthouse and died after being

taken to hospital; and two died later on their way to Chitwan for medical treatment.

At one location during the time CPN-M cadres were fleeing, one of two non-Madheshi persons, said to belong to the CPN-M, threw a socket bomb into a room occupied by four persons who had refused entry to them. Although the bomb's ignition mechanism was activated, it did not explode.

An unknown number of CPN-M cadres managed to escape the Municipality and were chased into surrounding villages to the east and north-east of Gaur (see map in Appendix II). Fifteen CPN-M cadres were killed in surrounding villages: eleven in Hajmaniya, one in Sirsiya and three in Laxmipur. In Hajmaniya, eleven cadres (including two women and the 17-year-old girl) were captured by a crowd and, after about 30 minutes in captivity, were brutally executed at the site of a temple by lethal blows to the head from *bhaatas*, sticks and heavy stone slabs according to witnesses and other evidence. In Sirsiya, a CPN-M cadre tripped and fell while trying to escape a chasing crowd. He was caught by his pursuers and killed at that location by lethal blows to the head from a *bhaata*. Three others were killed in Laxmipur in as yet unclarified circumstances.

As of 18 April, 26 bodies had been identified, all of them linked to the CPN-M (see Appendix III.) The identity of the 27th body remains unconfirmed. None of those who died were from the town of Gaur itself. Nine were from other parts of Rautahat District, 17 from other Central Region districts. Two CPN-M members reportedly remain unaccounted for.

OHCHR confirmed that one of those killed was a 17-year-old girl who had joined the CPN-M in November 2006. Her death highlights why the inclusion of minors in political activities where violence is possible is not acceptable according to international standards.

According to forensic reports carried out on 25 of the victims in Kathmandu, the cause of death of 24 was one or more fatal blows to the head with an instrument consistent with the weight and contours of a *bhaata*, the exception being one male who died as a result of multiple shrapnel injuries to the face and head sustained because of a bomb explosion which occurred in circumstances which have not yet been

clarified. Several of the victims, both male and female, also had burn injuries, but these were not the cause of death. All the victims sustained multiple injuries to the head and other parts of the body as a result of striking blows from more than one 4 type of instrument. The injuries are reported to be consistent with the use of bamboo *bhaatas* and *lathis* and wooden sticks.

Although one individual had a bullet wound, this was reportedly not the cause of death. No deaths as a result of bullet injuries were recorded. In the two remaining cases, the two males who died while being taken to Chitwan, OHCHR visited Makwanpur where they died and where *post-mortems* were carried out. According to the available information, they also died as a result of head injuries caused by blunt instruments.

There have been a number of allegations that some or all of the five female victims were raped and/or were sexually mutilated before being killed. As indicated above, they died after being attacked in three different locations: one on the Rice Mill field, one just outside the field and three in Hajmaniya village. During its eight initial days in Gaur, during a subsequent visit to Gaur and Hajmaniya in April and in the course of its many interviews there and in Kathmandu, OHCHR did not receive any eye-witness account of rape or sexual mutilation. None of those who made the allegations and who were interviewed by OHCHR were able to provide evidence to support their allegations. OHCHR staff saw two of the women's bodies, which showed no signs of sexual mutilation. According to the *post-mortems*, two of the five women had contusions on the breasts as well as on other parts of the body. These injuries were similar to injuries suffered by both male and female victims resulting from the beatings and blows from *bhaatas* and *lathis*. At the same time, according to medical experts, there were no external signs of rape on any of the female victims.

OHCHR is concerned that the public dissemination of allegations of rape and sexual mutilation without proper verification is likely to have added to the distress and agony of relatives of the victims.

There have been numerous allegations that the killings in Gaur were pre-meditated and planned. OHCHR has not yet found evidence to substantiate claims that the killings themselves were preplanned and the individual identities of those responsible or any possible affiliations have yet to be established. Nevertheless, it is clear that many individuals

associated with the MPRF rally were armed with *bhaatas* which, if used, could – and did – have lethal consequences.

There have also been a number of allegations that other armed groups were involved either in planning or carrying out the violence and/or the killings. Some sources allege that MPRF leaders had hired armed men as security personnel, possibly from India. JTMM leader Jwala Singh claimed that there were JTMM members present at the MPRF rally, though he also claimed they were not armed. Other sources also told OHCHR that JTMM members and armed criminal elements were present in or near the rally. The scope of OHCHR’s investigations did not enable it to determine the individual identities of those responsible for the incidents in Gaur. Whether the above groups were indeed present and involved in planning the violence, and whether they were linked to the subsequent killings must be the subject of subsequent state investigations into the incidents. Given the amorphous composition of the MPRF as described above, links with the MPRF cannot, however, be ruled out.

State responsibility

The local administration, including the Chief District Officer (CDO) and police, has a duty and responsibility to protect the citizens³. OHCHR’s investigation shows that local authorities failed to take even minimum action both to prevent the violence which had been anticipated, failed to intervene once the violence started and made no attempt to arrest anyone during the violence. The local administration therefore grossly failed in its responsibility to protect, which contributed to the fact that so many persons were killed and injured.

On 21 March there were, according to the police sources, a total of 775 NP in Rautahat District. One hundred and fifty-eight NP and 198 APF were present in Gaur Municipality itself, with teargas grenade launchers and canisters, Lee Enfield 303 rifles, shotgun and *lathis*. It is

3 *According to the Article 1 of the UN Code of Conduct for Law Enforcement Officials, “Law enforcement officials shall at all times fulfill the duty imposed on them by law, by serving the community and protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession.” Article 1 goes on to specify that service to the community includes particularly “...the rendition of services of assistance to those members of the community who... are in need of immediate aid.” Article 2 states that “...law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.”*

incomprehensible why the deployment of security forces in advance of the rallies consisted of only 14 NP led by a sub-inspector posted at the Municipality building 50 metres from the field armed with three Lee Enfield rifles and a few *lathis*.

According to police sources, police had received information several days before the incidents on 21 March that there was a high risk of a confrontation between the MPRF and the CPN-M. A senior police officer told OHCHR that police had been informed that people in villages were preparing *bhaatas*. CPN-M cadres had been arriving in Gaur commencing two days prior to the rallies and a significantly greater number of MPRF supporters were proceeding to the rally location. In the light of this information, and in the light of clashes between the CPN-M and MPRF in other areas, it should have been clear that such a confrontation was highly likely, especially when the CPN-M announced that it was going to hold a programme at the same venue at the same time.

On 20 March, when it became increasingly clear that the MPRF and the CPN-M were both intent on going ahead with their rallies, the District Security Committee held a meeting. Under the chairmanship of the CDO, the District Security Committee decided to try to persuade the CPN-M to alter their venue; to secure private property and government buildings and to secure the border. The ex-president of the Chamber of Commerce took the initiative to try to bring together all parties to find a solution, and, having first consulted with the police, invited the MPRF and political parties, including the CPN-M, to a meeting. However, the meeting was cancelled because the CPN-M did not attend.

On 21 March itself, the District Security Committee did not meet. Local authorities failed to deploy any personnel at the venue itself, and only 14 out of a possible 158 police were deployed near the Rice Mill field, the rest of the NP remaining at the District Police Office. In contrast, according to a senior APF official, about 120 APF were posted to guard government buildings. He also said that one special "quick response team" and the remaining APF were based in the APF HQ.

When violence broke out, the police were in no position to be able to react. There was no contingency plan or strategy that could be implemented quickly once the violence started. OHCHR's investigation shows that the NP and APF remained inside their stations and posts and that they played very little or no role in maintaining order or public safety.

During the time when most of the victims were killed, the majority of the NP and APF were inside their compounds or guarding buildings. (It should be noted that some individual security force members, including one APF officer, did take the personal initiative to ensure treatment of injured.) The CDO, who should have been in charge of the security operation, failed to amend orders and instruct the police to address the violence which had broken out, and police officials did not apparently take any initiative themselves until it was too late.

When police did start to react, it was at around 2.15pm, when the Superintendent of Police (SP) announced that a curfew had been declared to commence at 2.45pm. Seven more NP, a “standby” force, were immediately deployed. They arrived at the Rice Mill field by car and with four Lee Enfield rifles and one megaphone. Their function was to advise people to return to their homes because a curfew would come into effect at 2.45pm. An announcement was made by megaphone while some isolated groups (ten to 20 persons per group) on the field were still beating CPN-M cadres with *bhaatas*. Police made no attempt to arrest the attackers.

After the arrival of these additional NP, the original deployment of 14 entered the field to transport the dead and injured to hospital using the “standby” force’s vehicle. Fifty reinforcements from Hetauda arrived that evening to help enforce the curfew.

Both the CDO and the SP have since been withdrawn from Gaur.

Official investigations into the killings

On 23 March, the Government announced that it was setting up a high level committee headed by an appellate court judge to investigate the Gaur incidents. Press reports indicated that they had been asked to submit a report within 15 days but it did not immediately begin its work after the composition was challenged by the CPN-M. On 9 April, the Interim Government spokesperson announced that the commission had been reconstituted. However, as of 20 April, the commission had yet to travel to Gaur.

To OHCHR’s knowledge, no First Information Reports (FIRs) have been submitted for any of the killings or injuries. A police investigation was reported to have been initiated, a team led by a Senior Superintendent

of Police (SSP) from Hetauda having been sent to Gaur to advise the police investigation shortly afterwards. The outcome of these investigations is not yet known. However, as part of the police investigation, the police arrested six people. They were held in detention without access to legal counsel for six days in total, from around 6am on 24 March to the evening of 29 March. Even after the SP informed OHCHR on the evening of 27 March that the detainees were “absolutely innocent” they were not released for another two days. Another police official cited the detainees’ own security as the reason for their continued detention, saying they had been advised of this, which the detainees denied. The detainees did not receive any warrant of arrest or detention at any time while they were held.

Twenty-five of those killed underwent *post-mortems* in both Gaur and Kathmandu. The first set of *post-mortems* took place at the Gaur district hospital hours after the victims were brought there. It is understood that these *post-mortems* were cursory in nature, without clothing being removed to allow a proper examination of the bodies. Such an inspection is of limited value and also perhaps served to encourage inaccurate rumours of causes of death. Despite repeated 7 requests, the police in Gaur refused to provide OHCHR with a copy of the *post-mortem* reports and also misled OHCHR into believing the police had not received the reports from the hospital.

After the bodies of the 25 were transferred to Kathmandu, *post-mortems* were carried out by the Institute of Medicine, Maharajgunj Campus in Kathmandu. These *post-mortems*, performed (between 10pm on 22 March and 7am the following morning) on 20 male and five female victims were mostly external examinations. Internal examinations were conducted for the purpose of excluding pregnancy and, in respect of one of the victims, to exclude strangulation as a cause of death. The reports, including photographic evidence, have now been handed over to police in Kathmandu for further investigations.

The MPRF has since announced the formation of its own investigation team, headed by a former Supreme Court judge from Gaur, because the Government had not taken into account its demand in the formation of the official investigation team.

Conclusions and recommendations

The 27 individuals, most of them linked to the CPN-M, who died on 21 March were killed in a brutal manner. There can be no doubt that most, if not all, of the killings could have been prevented. First and foremost, the incidents highlighted once more the weaknesses of law enforcement agencies which, aware of the potential for clashes and other violence, were grossly ill-prepared to ensure effective crowd control. The NP and the APF failed to prevent the violence from happening by persuading the organizers to move or postpone the rallies, and failed to stop the violence and arrest those responsible when it broke out. The mechanism to coordinate security and law and order, the District Security Committee chaired by the CDO, broke down and failed to function on the day of the rallies.

Whether the lack of police action was due to lack of capacity, lack of will to intervene or other reasons must be clarified in a thorough and independent investigation. Throughout the unrest in the Terai, the police have often vacillated between excessive use of force and inaction. In this case as has happened in the past, it was particularly disturbing that the police and local administration placed more emphasis on guarding government property than protecting lives and physical integrity and that only a handful of police were deployed at the time of the rallies. The APF, frequently held responsible for excessive use of force in quelling protests, this time remained at their assigned guard places and for the most part failed to intervene even when one of the fatal beatings occurred outside their base.

The incidents in Gaur emphasized once more the need to fundamentally reform and strengthen law enforcement. OHCHR has noted that on 2 April, the Home Minister announced that local authorities and security forces had received instructions to use all means available within the law to deal with armed groups and acts of violence which disturb peace and security, particularly in the context of the elections. However, OHCHR believes that additional immediate measures need to be taken in the short term to enable the State to guarantee security, protect life, freedom of peaceful assembly and expression in the context of the peace and electoral process. These should include a review of the current role and use of the APF, including its role in crowd control and riot situations, the role and functioning of the CDO and district security committees, and the coordination at the local and national level of law enforcement activities. It is also essential that the composition of the police be reviewed

to ensure the adequate representation of Madheshis and other marginalized groups in the forces. This would facilitate police operations and dialogue with communities in the Terai.

In September, OHCHR-Nepal made a series of recommendations for strengthening law enforcement in its report on excessive use of force during the April 2006 protest movement, most of which have yet to be implemented. At the same time, it is deeply regrettable that the report, findings and recommendations of the Rayamajhi Commission – set up in July 2006 to investigate, *inter-alia*, violations committed during the April protest movement – have never been made public.

A prime obligation of the State is to carry out immediate and thorough investigations into killings. As already indicated, to date, no First Information Report has been filed for these killings and to OHCHR's knowledge criminal investigations into the killings have yet to be launched. The high-level commission of inquiry set up by the Government had not, as of 19 April, travelled to Gaur to conduct its investigations. While this commission is important, its work cannot in any way substitute for criminal investigations and prosecutions to bring those responsible to justice. Any investigations must look not only into individual perpetrators, but whether the violence and killings were pre-planned and by whom, as well as any omission by the State authorities.

International human rights instruments require that individuals and groups, in exercising their own rights, also have duties and responsibilities to respect the rights of others. On 21 March the MPRF leadership allowed hundreds of its supporters to file into Gaur armed with prepared *bhaatas*, knowing that if used they could be lethal. It also cannot be excluded that MPRF supporters were carrying firearms. OHCHR was not able to substantiate allegations that the killings themselves were pre-planned but this cannot be ruled out. At minimum, the MPRF supporters were prepared to use lethal weapons and did so.

The MPRF has never publicly accepted any legal or moral responsibility for the actions that happened in connection with its protests, including those which occurred in Gaur. Forum leaders must unequivocally renounce any use of violence and take all steps in their power to prevent anyone armed with *bhaatas*, firearms or other weapons from participating in MPRF rallies, however loosely associated with the Forum. The MPRF, for it to be a credible organisation, must take concrete steps to ensure that it

is not associated in any way with violent acts and that it visibly takes all necessary steps to prevent any violence. They must also cooperate with the authorities investigating the incidents in Gaur to help in determining who was responsible for the killings.

Nothing can justify the killings which occurred. However, the CPN-M action in organizing a rally at the same time and place as the MPRF, as it has done in other locations, was provocative. Its cadres also brought at least one weapon and at least one socket bomb to the rally. After its own stage had been attacked, the CPN-M mounted a violent charge in the direction of participants of the MPRF rally and vandalised the MPRF stage. Even though this was in response to the provocation of their stage being attacked, the CPN-M action was inconsistent with exercising the right to peaceful assembly.

The CPN-M has made repeated declarations of respect for a broad range of human rights, including in the Comprehensive Peace Agreement of 21 November 2006. The CPN-M leadership must give clear directives to its cadres not to disrupt rallies and political activities by organizations with different political opinions. It too must ensure that CPN-M cadres do not carry weapons or explosives, and do not engage in violent, provocative or intimidating actions prior to or during demonstrations.

Both the CPN-M and the MPRF exposed children under 18 to the possibility of harm by including them in their rallies, in contravention of international child rights standards; one girl died. Both organizations must fully respect those principles and ensure that young people are not used in political rallies where violence is possible.

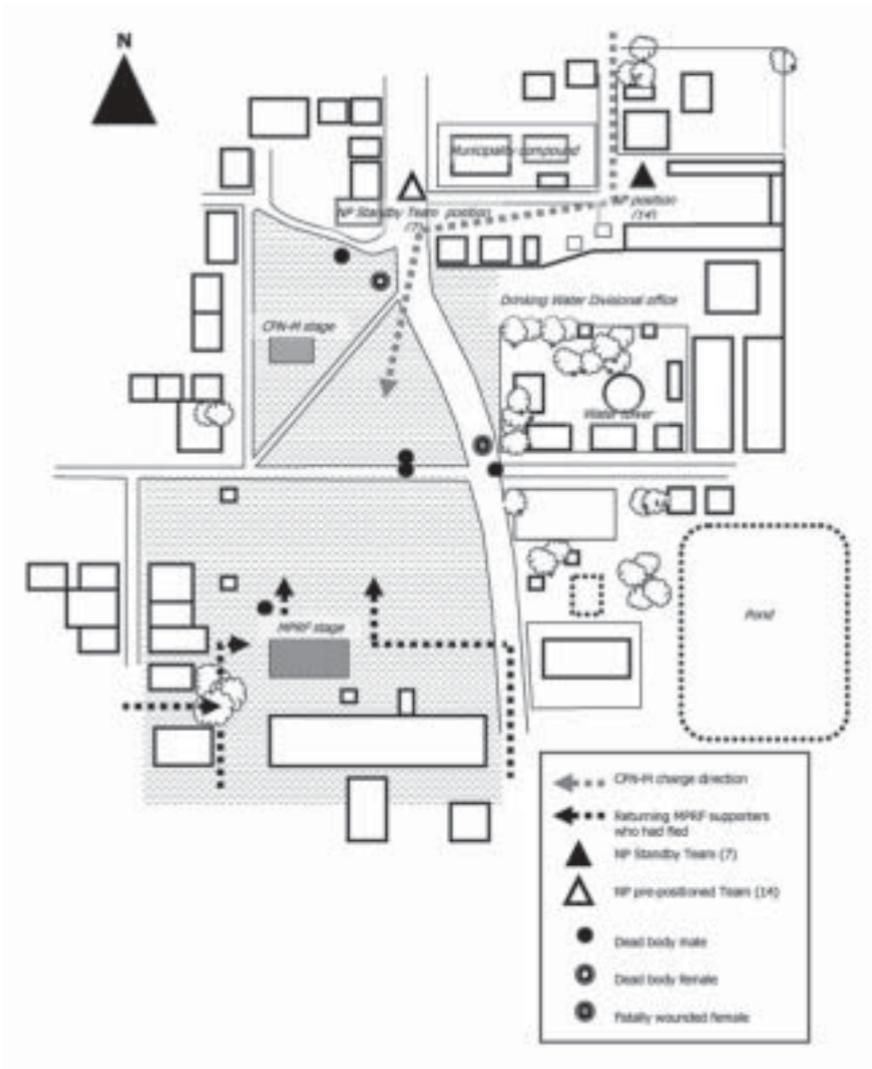
Many reports have claimed that some or all of the five female victims were raped and/or sexually mutilated before being killed. In the course of its many interviews with witnesses and others, OHCHR found no evidence of rape or sexual mutilation. According to medical experts, there were no external signs of rape on any of the female victims. OHCHR is concerned that the public diffusion of such allegations without proper verification only served to augment the anguish of the victims' relatives.

The Government and State have the obligation to ensure a secure environment for its citizens, and to ensure respect for life, freedom of expression and peaceful assembly. The Gaur incidents have demonstrated the fragility of respect for those rights and the capacity of the State to protect them, It is essential that all parties and organizations involved in campaigning for the fulfillment of certain rights and interests respect the opinions of others and allow political activities of others without interference, threat or intimidation.

It is the duty and responsibility of all actors in the peace and electoral process – and especially the State - to ensure that the events of 21 March are not repeated. Tolerance of peacefully expressed political views and demands must be a core principle adhered to by all actors. The electoral and peace process can only be successful if there is a sincere recognition on all sides that dialogue and respect for others must prevail over violence and intimidation.

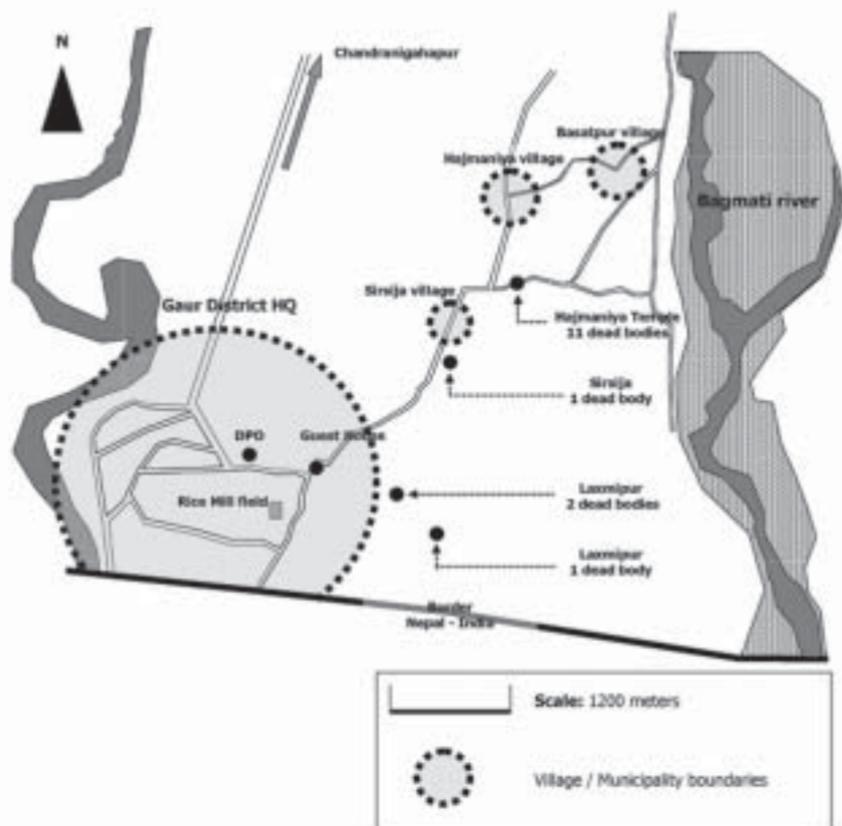
Appendix I

Gaur – Rice Mill field and surrounding area



Appendix II

Gaur and surrounding VDCs



Appendix III

Individuals who were killed

Name	District of origin
Female	
Pratima Khatun	Rautahat
Urmila Lo	Makwanpur
Rekha Pariyar (17 years old)	Rautahat
Usha Thapa	Bara
Saraswati Uprety	Rautahat
Male	
Govinda Adhikari	Makwanpur
Munal BK	Makwanpur
Ratna Bogati	Bajura
Ujjwal Dahal	Makwanpur
Narayan Dahal	Makwanpur
Ramkant Jayaswal	Rautahat
Ram Kaji Karki	Bara
Bibindra Magranti	Gorkha
Rohan Pakhrin	Makwanpur
Dipak Pande	Rautahat
Raju Patel	Bara
Rajan Pokharel	Makwanpur
Dharmendra Shah	Bara
Purna Shrestha	Parsa
Hasta Bahadur Shrestha	Bara
Chunu Thakur	Rautahat
Jitendra Thapa Magar	Dhading
Kumar Tolange	Sindhuli
Nardeshwar Upadhyaya	unknown
Chaite Waiba	Makwanpur
Ram Sharan Yadav	Rautahat
unknown ⁴	

Individuals missing since 21 March, according to the CPN-M

Prabin Ansaari	Rautahat
Ram Bishwas Bishad	Rautahat

⁴ The name "Rajan Pokharel" appears on two post-mortem reports, one post-mortem having been performed in Kathmandu and one in Makwanpur. One body therefore remains unidentified.