

## NEPAL POLICE (NP)

### ISSUES FACED BY NP'S OFFICERS

The major issues identified were *lack of appreciation, traditional techniques for training, police getting too many non-mandate issues from the public, absence of knowledge about role and duties of police, lack of community police coordination and the mistreatment of the accused in drug and general cases*. The cause of such issues were identified as *inadequate training and difficulty managing social expectations*. The effects identified were *stress, inefficiency in work, potential mishandling of public, negative image of police*.

### NP'S RESULTS

NP project led by DSP Rajendra Pokharel

**Project objective:** Ten Nepal Police Units from Kathmandu will be made aware about how to protect human rights during arrest, detention and investigation and will be motivated to ensure that these rights are protected.

**Key results:** Fifty officers from ten police units received practical training about how to protect human rights and fair trial rights of detainees in custody. The project developed charts and flyers on the ten basic rights of detainees and ten basic duties of the police and a monitoring and evaluation (M&E) system assessing the human rights situation. Three monthly monitoring reports ranked the ten police units by performance. The second and third report showed a decrease in human rights violations each month.

NP project led by DSP Durgaraj Regmi

**Project objective:** The Area Police Office Kakarvitta have developed a more conducive environment for interrogation. Police personnel and the community are more knowledgeable about the importance of respecting human rights of the accused.

**Key results:** Trained officers increased their knowledge on the rights of detainees and changed their perception. Camera monitoring footage showed that the practice of ill-treatment during interview and custody has ended. Detainees are now well aware about the status of their case.

### RECOMMENDATIONS FOR NP TO TAKE FORWARD

- Develop a uniform M&E system and a monitoring committee in every metropolitan police office. This system should monitor at least once every three months.
- Develop system of reward for the best performing unit in every year during the Annual Day of Nepal Police
- Ensure the head of every unit conducts a meeting once every three months, reviews the progress of their respective units and coordinates with each other.
- Install cameras in all custody in order to remove chances of improper activity. This allows for constant monitoring on the safety and wellbeing of detainees and ease the police work.
- Install cameras in interrogation rooms in order to get a complete and authentic record of the interview process to benefit both the interviewee and the police. It will reduce the chances of improper activity and can be used as documentation in case allegations of ill-treatment.
- Provide training on human rights protection during arrest and detention on a regular basis and accommodate improvised training. Utilise the media for disseminating the training activities.

## MINISTRY OF FOREST AND SOIL CONSERVATION (MOFSC)

### ISSUES FACED BY MOFSC'S OFFICERS

The main problems identified were *insufficient training on various contextual legal issues, no systematic approach to implement human rights in the Forest Department and lack of basic understanding and guidelines for forest officers in regards to protection and promotion of rights of detainees*. These problems resulted in *likelihood of violating the human rights of detainees, inefficiency in work and lack of trust from public*.

## MOFSC'S RESULTS

Department of National Park and Wildlife Conservation's (DNPWC) project led by Chief Conservation Officer Hari Bhadra Acharya

**Project objective:** The officials at Para Wildlife Reserve will be guided on how to use human rights standards during the time of arrest, detention, investigation and adjudication.

**Key results:** A module guiding the officers on the issues of 'arrest, detention, investigation and adjudication' was developed. Through training, 36 officers improved their skills on developing charge-sheets and knowledge about the laws and procedural aspect. For 80 % of the officers, it was their first time receiving training on human rights. Officers are now more responsible when handling accused and arrested persons.

DoPWC's project led by Chief Conservation Officer Ananath Baral

**Project objective:** Dhorpatan Hunting Reserve (DHR) will develop Standard Operation Procedures (SOP) for arrest, detention and investigation and staff at DHR will be taught how to follow the SOP.

**Key results:** The project developed a SOP on roles and procedures for protecting human rights during arrest, detention and investigation of cases in DHR. DHR officers and Nepal Army personnel who work together had meetings and received practical training on how to use the SOP in practice. One staff explained that they had now realised their role as an actor for human rights protection in the state.

DoPWC's project led by Chief Conservation Officer Manoj Kumar Shah

**Project objective:** Makalu Barun National Park will institutionalise knowledge and procedures that protect human rights during arrest and investigation and have a functioning remedy mechanism.

**Key results:** The project developed and printed 1,000 human rights resource booklets. The Army and Park officials received joint training and installed a complaint box and human rights display board in ten check posts. The project manager periodically monitored and supervised the officers and observed a change in practice. Whereas before the project, investigating officers would lose their temper when suspects did not cooperate, now they take the human rights of suspects into account.

Department of Forest's (DoF) project led by Section officer Santa Maya Shrestha

**Project objective:** To formulate a policy guideline for DoF including the right against torture, inhumane and degrading treatment in order to secure a measurable impact to decrease human rights violations.

**Key results:** Together with Indra Prasad Sapkota's project described below, the project developed and distributed a human rights pocketbook including list of the rights of detainees. Thirty-two forest officers were trained from the mid-Western region of Nepal. The project manager monitored several DFOs. Officers using the pocketbook were more aware and cognizant towards the right of detainees. The project also made a legal and policy gap analysis and policy recommendations for the incorporation of rights against torture and ill-treatment in the policies of DoF.

DoF's project led by District Forest Officer Indra Prasad Sapkota

**Project objective:** District forest officers will understand the rights of detainees and will improve upon the protection of these rights during arrest and detention in collaboration with the police officers.

**Key results:** The DFO now follows fair trial procedures. Twenty forest officers and four officers received the pocketbook and in-depth training on basic rights of detainees and their duties to protect and promote them. The project developed a monitoring and report format and a monitoring team. The monitoring report, including feedback from detainees, demonstrates a change in practice. Prior to the project, detainees were not allowed to communicate with their relatives and officers shouted when suspects refused to speak in interrogations.

DoF's project led by District Forest Officer K.B. Thapa

**Project objective:** District Forest Office (DFO) Solukhumbhu will handle the accused during arrest and interview in a human rights-friendly and effective manner. The DFO will be transparent in their work.

**Key results:** The project developed orientation training for 30 forest officers on the protection of human rights of suspects and distributed 1,200 copies of two brochures titled, "Good Governance and Human Rights" and "Human Rights in Forestry Sector". Before the project, human rights violations accrued due to ignorance.

Following the project, investigation practice has changed such that officers respect suspects during interrogation and they focus on evidence rather than torture and confession. Moreover, officers are now eager to register cases faster since they recognize the impacts this can have on individuals and families.

*DoF's project led by District Forest Officer Surya Kant Sigdel*

**Project objective:** DFO Dang's forest personnel deployed at the operational level will be adequately trained on use of force, rights against torture and will uphold the issuance of a fair trial.

**Key results:** DFO Dang has developed and institutionalised the training module and a pocketbook addressing issues of torture, use of force and fair trial. Officers received a two-day training and their knowledge and commitment towards the protection of rights of the accused increased. For example, one officer responded, *"After this training, I came to know that protection of human rights of forest criminals is also one of our duties"*.

*DoF's project led by Project Manager Gyanendra Kumar Mishra*

**Project objective:** To provide officers of DFO Sarlahi and DFO Mahottari with the knowledge and skills regarding use of force and human rights protection during arrest and detention.

**Key results:** They improved their understanding of human rights and use of force and correct practice during arrest and detention. This was achieved through the development of a training module and a one-day workshop held in DFO Sarlahi and DFO Mahottari.

## RECOMMENDATIONS FOR MOFSC TO TAKE FORWARD

### Training and resource material

- Sensitize staffs about their role as human right promoters and protectors. Human rights education is not only relevant to police personnel but for our staff as well.
- Initiate and internalise training programmes on human rights protection and prevention of torture during arrest and detention to all levels of staff. This should include an advanced law enforcement orientation.
- Incorporate training periods in the academic calendar and at least once annually in every district.
- Improve the training by involving experts from related fields and making sessions more practically-based.
- Design trainings to fit the workload, schedule, functions and seniority of the officers.
- Prepare and distribute a comprehensive manual and uniform material.
- Display boards inviting people to lodge a complaint about violations of human rights are not enough. People need to be engaged in the process. Receiving complaints will create a better working culture.

### Collaboration with the Army

- Develop joint trainings and resources regarding the patrolling and handling of cases and arrest and detention of suspects of forest offenses for both the Army and Park personnel in order to make collaboration more effective.
- Create a common platform for training and discussion on the protection and promotion of human rights between forest officers and police officers in each district offices.

### Research and policy

- Conduct further research, make a policy guideline addressing the gap between law and practice and amend related laws if necessary. The forest department should draft the policy guideline. Incorporate human right protection issues as one of the important cross-cutting issues in forestry sector.
- Shorten the lengthy legal process and address legal lacunas.

### Monitoring and incentives

- Form a Monitoring Committee at every regional office. Representatives from MOFSC and academic sectors should be involved to ensure effective monitoring and reports should be submitted to MOFSC.
- Initiate a system of punishment and reward based on the reports submitted.
- Install cameras in the interrogation room.

### Case handling

- Prioritize forest cases as per their gravity. Depending upon severity of the case, the time allotted and procedures for investigation should differ. Continue to develop case handling procedures.

## CONSOLIDATED RECOMMENDATIONS FOR ALL INSTITUTIONS

During a three-day learning workshop in August 2017, officers working within this theme developed joint learning points, key recommendations and suggestions for next steps for their institutions.

**Key learning points:** 1) Internalisation - we can change. 2) Sharing of ideas amongst different stakeholders is important (academics and bureaucrats alike). 3) Regular and periodic trainings as refreshers and for sensitization makes the job clearer. 4) Change is possible with the maximum use of available resources and good leadership. 5) It is important to follow the rule of law and promote human rights.

**Key recommendations (in order of priority):**

- Develop a comprehensive manual for documentation and training on human rights-friendly behaviour.
- Include human rights components in the monitoring framework.
- Mainstream the GESI (Gender Equality and Social Inclusion) framework.

**Next steps:**

- At the personal level - Follow the rule of law and inform detainees about human rights (Miranda Doctrine)
- At the institutional level - Improve custody and basic facilities and address health concerns of detainees

## LINKS TO INSTITUTIONAL COMMITMENTS

The Enhancing Good Governance and Human Rights (EGHR) project has developed a simple database linking the individual projects to the *Fourth National Plan of Actions on Human Rights*, the *Universal Periodic Review (accepted recommendations)* and the *Convention Against Torture* (the list of Issues prior to the III-V State report). Government agencies can use this database for implementation of plans, national and international human rights reporting, impact evaluation of their work and for planning of future work.

The Kathmandu Resolution on Prevention of Torture developed with Government agencies under the EGHR project in 2015 and the *Declaration adopted by Nepalese Police Investigators and Prosecutorial Government* of the first national conference in 2017 made pledges in accordance with the works done by the officers.

### THE KATHMANDU RESOLUTION ON PREVENTION OF TORTURE, 2015

Excerpts of relevant sections of the resolution:

**Resolution 10** requests the Government of Nepal to establish regular and frequent monitoring and evaluation systems in all relevant state agencies with human rights responsibilities, in accordance with commitments made in the National Human Rights Action Plan and in the spirit of on-going democratic dialogue.

**Resolution 3** points institutionalise the application of science and technology and improving basic skills through training activities in the field of crime investigation and prosecution, so that the concerned professionals are not bound to secure confessions, which may turn into means of torture, cruel, inhuman or degrading treatments.

### DECLARATION BY NP INVESTIGATORS AND PROSECUTORIAL GOVERNMENT ATTORNEYS, 2017

Excerpts from relevant sections of the declaration:

**Resolution 22** affirmed to take collective ownership of the works done by investigators and prosecutors.

**Resolution 12** called for adopting new criminal codes and equipping both attorneys and police officials with the values and skills in line with the new code.

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