

NEPAL POLICE (NP)

ISSUES FACED BY NP'S OFFICERS

The major problems identified were *traditional custody management, lack of proper documentation of investigation, inadequate knowledge of investigative officers and an absence of infrastructure and equipment to carry out effective interviews. Additionally, the PEACE model of interrogation is not sufficiently used and interviews with juveniles are not child-friendly.* The root causes of such problems were *poor working environment, inadequate training, lack of knowledge on the rights of the child, lack of child-friendly interview rooms, lack of psychological counselling skills and the work culture.* As a result, there can be *unreliable evidence used for court, ineffective investigations, human rights violations, and lack of public faith in the institution. Future generations of police officials tend to insufficiently utilise the PEACE model, stress in the workplace is incurred and the organisational goal of respecting human rights is often not met.*

NP'S RESULTS

NP's project led by DySP Prakash Ranabhat

Project objective: Metropolitan Police Range Jawalakhel will effectively implement the PEACE model during interviews.

Key results: The Crime Investigation Department of the NP Headquarter supported and institutionalised the project, having further developed and expanded upon it. The project initiated change by educating custody officers on correct and human rights-friendly custody management and through the creation of a separate interrogation room equipped with a recording camera. Although the project did not have enough time to monitor and document the results, Prakash Ranabhat observed that officers' awareness on human rights issues increased. Officers now handle cases with more sensitivity and are motivated to work according to the new procedures.

“ I have learned to develop new ideas for my workstation and implement them through proper planning and budgeting. I am more sensitive in discussions on human rights issues and I have learned that we can boost officers' performance by using technology, improving logistics and the work environment and improving knowledge on human rights.”

Quote from DySP Prakash Ranabhat.

NP's project led by Inspector Anjana Shrestha

Project objective: Chitwan (DPO) Chitwan will effectively implement the PEACE model during interviews.

Key results: Due to the success of the project, suspects and victims now receive better treatment during police interviews. Investigative officers gained confidence in planning, conducting and documenting interviews and believe it has been easier to obtain quality information from the suspect in some cases. The project initiated change created the result by introducing systematic interview procedures (following the PEACE model), practical training for 60 investigative officers from different units under the DPO, a separate interview room with video recording and investments in computers for improved documentation. The DPO leadership created a Monitoring Committee that systematically utilises video recordings and case documents to monitor and regulate the officers' performances. The goal of the Monitoring Committee is to confirm that the PEACE model is used effectively and ensure that the DPO works to protect human rights and prevent torture and ill-treatment.

HIGHLIGHT: The DPO Chitwan had previously received several complaints on human rights violations and torture. Anjana Shrestha attributed this to the officers' limited knowledge on how to conduct a 'proper' interview and the absence of institutional guidance and monitoring of the officers. The project successfully addressed these problems. Furthermore, their work efficiency also increased. Before the project, officers would occasionally need to call people in for interviews several times because they did not codify the interview sufficiently the first time. This caused undue distress and inconvenience for the interviewee and increased the workload of the police officer. Now officers simply watch the video recording of the interview and update the case record.

NP's project led by DySP Bhim Kiran Bogati

Project objective: Investigating officers at Metropolitan Police Airport Security Office at Tribhuvan International Airport (TIA) will obtain quality information from the interviewed persons and protect their human rights.

Key results: The PEACE model has been applied to all interviews, officers have improved their questioning and listening techniques and as a result, obtain more information from the interviewee. These results were met by training 25 officers in a two-day training on how to apply the PEACE model. The project also established the first separate interview room at TIA and furnished it with audio video recording. Interviews are now made without disturbances. Lastly, the office developed a digital database for documenting interviews and their regulations, whereas previously no records were kept. The Division is monitoring and maintaining the database and has requested the NP Headquarter and TIA to continue to implement the project's practice and processes.

NP's project led by SP Sahakul Bahadur Thapa

Project objective: DPO Dhulikhel will effectively and efficiently implement the PEACE model. Public and stakeholders will have improved trust in the police's ability to conduct interviews.

Key results: The DPO successfully introduced the PEACE model. The public and local criminal justice stakeholders now trust that the DPO does not inflict torture during interrogation. These results were possible through the project's development of a PEACE model guideline and by providing 22 officers with practical training. The project also required that the PEACE model be followed and made a separate, more hospitable interview room, equipped with video recording. The DPO held a programme for the public, media and the local criminal justice stakeholders to inform about the new practice, the new interview room and offer a demonstration on how they follow the PEACE model during interview. Prior to the project, there was no systematic interview approach. Suspects felt nervous and were not willingly to offer information. Now officers gain more information from interviews and nearly 95% of the interviewed detainees feel that the new practice helps to ensure that their human rights are protected.

HIGHLIGHT: SP Sahakul Bahadur Thapa reports that the project changed his attitude and practice towards conducting interviews. Prior to the project, he did not think that simple things could violate human rights. He did not monitor his subordinates' interviews. Now he is personally involved in planning interviews, ensuring that people are informed about their rights before the interview starts. He continues to monitor the office and suggests ways for making the work more effective.

“From Kathmandu School of Law, I learned how important it is to document all your work, to make it transparent and how to effectively work in team. The Danish Institute for Human Rights always supported us by providing feedback. They also taught us to be backed by documents and that change starts within yourself. A small initiation of an individual can set an example and can be influential for others as well. The Danish Police taught me how planning works and how convenient and successful the work will be if we have done planning before we start.” Quote from SP Sahakul Bahadur Thapa.

NP's project led by DSP Basanta Rajaure

Project objective: Investigating officers of the Valley will learn about child-friendly investigation skills and techniques, child rights, the responsibility of police officers and understand how a child-friendly interview room is created.

Key results: Due to the project, NP has the first specialised guideline for interviewing juveniles. It is based on guidelines used in the Danish Police. For the first time, investigating officers received training on guidelines and cognitive interview techniques. In total 47 officers were trained and a pre- and post-training knowledge test showed that the training was effective in increasing their knowledge.

RECOMMENDATIONS FOR NP TO TAKE FORWARD

Training

- Provide regular training on the use of modern equipment for investigations in order to improve understanding of human rights protection and build officer confidence.
- Offer training and refresher training to improve the quality of investigations. This should include education on the proper conduct of investigative officers. The basic training is not sufficient.
- Deliver training on child-friendly investigations from the Police Academy and other Regional Training Academy to all investigative officers.

Work environment, technology and facilities

- Install cameras in custody rooms in order to decrease chances of improper activity. Cameras also assist the police in monitoring the safety and wellbeing of detainees.
- Install cameras in interrogation rooms so the entire interview process can be visualised. This will benefit both the interviewee and the police as it will reduce the chances of improper activity and can be used as documentation for case allegations of ill-treatment or as evidence in court.
- Establish a child-friendly investigation room in every police office and train relevant officers on psychosocial counselling and child rights. Rooms must have playing materials, a bed, books and CCTV camera etc.
- Encourage TIA and NP (Metropolitan Airport Security Department) to coordinate and continue to host a separate interview room that could be shared between all investigating departments or institutions.

Procedural guidelines

- Conduct a national level workshop, inviting government attorneys, private attorneys, police officers, judges and officers from MOFSC to discuss the establishment of a systematic approach to interrogation.
- The Ministry of Home Affairs (MOHA) should introduce and require that a systematic and uniform method of interviews be followed by all NP offices.
- Review, quality-check and adopt the SOP for Child-Friendly Investigations.

Monitoring

- Encourage MOHA to establish an Evaluation and Monitoring Committee, which should ensure systematic and timely monitoring. Make use of learnings from NP's project developed and implemented by Anjana Shrestha.

MINISTRY OF FOREST AND SOIL CONSERVATION (MOFSC)

ISSUES FACED BY MOFSC'S OFFICERS

The major issues identified were a *lack of adequate data on the crimes committed in the community forest, a lack of sufficient knowledge on investigations and poor documentation of crimes that have occurred in protected areas*. This resulted in an *increased possibility for an estranged relationship between the community and forest authority and the potential for non-scientific methods to be used in investigations*. These issues can also lead to a *mishandling or violation of human rights and increase the likelihood for criminal cases to occur*.

MOFSC'S RESULTS

Department of Forest's (DoF) project led by Assistant Forest Officer Sanjeev Raj Dhakal

Project objective: Community Forestry Unit (CFU) will document the nature of crimes committed and strengthen the investigative technique of the officers involved.

Key results: DoF now has documentation of crimes and officers have a better understanding of human rights standards. The project developed and maintained DoF's first database on forest crimes committed in 43 District Forest Offices, developed training and a training module for investigative officers together with relevant divisions. The database proved helpful and DoF uploaded the training module on their website. The training module clarified human rights standards to follow during investigations and Sanjeev Raj Dhakal observed that trained officers refer to the module in their daily work.

HIGHLIGHT: DoF plans to keep the database up-to-date. Sanjeev Raj Dhakal will continue to monitor the work of trained officers and develop indicators such as the total number of investigations, team collaborations, collection and preservation data and their investigation success rate.

Department of National Park and Wildlife Conservation's (DNPWC) project led by Under Secretary Bishnu Shrestha

Project objective: DNPWC will document the nature of crimes committed and strengthen the investigation technique of the officers involved.

Key results: The project developed and maintained DNPWC's first database and documented all crimes committed in protected areas across Nepal in the last fiscal year. The top two crimes committed were 'illegal collection of forest goods' (164 cases) and 'illegal transportation of sands, stones, etc. from community forest areas' (91 cases). The project also developed a training module on investigation and human rights protection and provided a one-day training for 16 officers from different national parks and conservation areas. Bishnu Shrestha reported that trained officers are using their newly learned investigative techniques in their daily work.

HIGHLIGHT: In order to create a crime trend analysis, Bishnu Shrestha will update the database with crimes from the past five years. He will also develop an extensive training for officers and a post-training evaluation.

RECOMMENDATIONS FOR MOFSC TO TAKE FORWARD

- Offer three-months legal training for investigative officers. This type of training is useful for foresters who perform crime investigation and litigation.
- Update training and training module for investigation on a regular basis to improve and ensure effective and uniform case handling.

- Establish a Forest Crime National Database Centre for better documentation and information. This will enable officers to gather all necessary data and provide input for the in Department planning.
- Develop a monitoring scheme and post-training evaluation for these projects.
- Encourage the Monitoring and Evaluation Division to develop a policy for mainstreaming the database for all units of DNPWR.
- Provide all investigative officers under MOFSC and NP training on investigation and human rights.
- Design further projects with the Army, MOFSC officers and APF in a holistic approach.

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

- Strong willingness and commitment leads towards success. Limited resources can be optimally utilised.
- Use of technology helps to protect human rights.
- Learning by observation, field-visits and exchange visits are an effective method of learning.
- Training enhances knowledge and skills.

Key recommendations (in order of priority)

- Technology for investigations can help to professionalise our actions.
- Training for lower rank officers, on-the-job training and curriculum development is essential.
- Incorporation of human rights compliance in performance audit is necessary.

Next steps

- Training (on-the-job training).
- Sharing best practices of use of technology.
- Assisting in proposal/curriculum development.
- Budgets to be allocated.
- Use of media to highlight success stories and best practices.
- Prepare curriculums, their implementation and assist in documentation.

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 the database for the implementation of plans, national and international human rights reporting, impact evaluations of their work and for planning future work.

The *Kathmandu Resolution on Prevention of Torture*, developed together 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 to improve policing and investigation. This is in accordance with the works done by the officers in the EGHR project.

THE KATHMANDU RESOLUTION ON PREVENTION OF TORTURE, 2015

Excerpts from relevant sections of the resolution:

Resolution 3: *“Participants of conference deeply realized the inadequate use of forensic science and technology within various organizations, and recommend the Government of Nepal for allocating adequate resources. To address this, the Government of Nepal should consider institutionalizing the regular application of science and technology while also 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”.*

Resolution 10: *“The participants of the conference request 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”.*

DECLARATION BY NP INVESTIGATORS AND PROSECUTORIAL GOVERNMENT ATTORNEYS, 2017

Excerpts from relevant sections of the declaration:

Resolution 8: *“Crime investigation is a specialized area. We are committed to make our services more specialized and to develop professionalism and capacity among police officials in order to make them disciplined and uncontroversial. As far as possible, we request institutional support for police officials involved in investigation. In order to modernize crime investigation and make it evidence-based, credible, reliable and scientific, we expect that the implementation of Crime Action Plan 2015 (CAP) relating to crime prevention and investigation adopted by the Nepal Police Headquarters, Crime Investigation Bureau and all resources and scientific equipment necessary for its implementation shall be made available as soon as possible”.*

Resolution 14: *“International human rights instruments to which Nepal is party guarantee the right to fair trial, protection of individual liberty and observance of human rights standards in the course of investigation and prosecution. With special sensitivity towards rights of victims of crimes, rights of accused, right against torture, right to information, right to privacy and other fundamental rights guaranteed by the Constitution of Nepal, we are committed to ensure compliance with these rights in all stages of investigation and prosecution”.*

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