

The National Human Rights Commission  
Harihar Bhawan, Pulchowk, Lalitpur

Preliminary Monitoring/Investigation Report  
On the incident of Ambush and Explosion Carried out by  
CPN (Maoist) in Kalyanpur VDC, Chitwan District  
6 June 2005

*(TRANSLATION FROM THE NEPALI REPORT)*

Date of Investigation: 6-12 June 2005

## **Preliminary report**

### **1. Introduction of the spot**

The incident occurred in Madi which is located at 45 kilometers south of Bharatpur, Chitwan District. There are four Village Development Committees (VDC) named Gardi, Baghauda, Kalyanpur and Ayodhyapuri in the Madi area which is also surrounded by the Chitwan National Park. The bus (plate no. Na. 1. Kha 3245), which was traveling from Bagai in Ayodhyapuri VDC to Bharatpur was destroyed as a result of the explosion from an ambush laid by the CPN (Maoist) on 6 June, 2005 at the Bander mudhe River located on the frontiers of ward no. 1 and 4 of the Kalyanpur VDCs.

### **2. Background of the incident**

1. It was found that CPN (M) cadres, in opposition to the use of buses by security personnel in plainclothes, had issued notices forewarning the local bus professionals running bus transportation in the Madi area not to carry security personnel, and failure to comply could result in accidents.
2. The bus management committee had conducted a meeting on the same issue with the Chief District Office (CDO) to discuss on resolving the problem but the meeting had been inconclusive.
3. Following the warning from CPN (M), the bus transportation professionals held a week-long strike and halted all transportation services. When the concerned agencies did not take any steps in dealing with the situation and could not reach an agreement with the bus transportation professionals, they once again started their services and it was found that the security personnel had continued using the bus services.
4. It was also found that the CPN (M) cadres had been conducting meetings and assemblies prior to the ambush issuing statements warning that any kind of accident could occur at any moment in Madi.

### **3. Facts Gathered:**

1. The Na. 1. Kha. 3245 numbered bus belonging to a local Mr. Ram Chhetri was destroyed in a powerful explosion by the Bander mudhe River located on the frontiers of ward nos. 1 and 4 of the Kalyanpur VDC when it was coming to Gardi from Bagai market of Ayodhyapuri VDC on June 6, 2005 at 0750 hrs.
2. The mid-section of the bus was totally destroyed and its parts were strewn all over the spot of the explosion. Most of the people in the front and the back seats inside the bus and those next to the doors were killed or injured. Based on statements of local security personnel and eyewitnesses, a bucket bomb was used for the explosion; the explosion had created a 5 feet wide and 4 feet deep crater on the

ground, and the explosion was triggered by a wire which extended to a tall tree about 250 meters north from the spot of the incident.

3. At the time of the incident which occurred at 0750 hrs, it was found that there were more than 130 passengers (including women, elderly people and children) in the bus. Further information revealed that there were large numbers of passengers sitting in the roof of the bus in large numbers as well.
4. It was found that 38 people died as a result of the explosion, including 17 males, 14 females, 3 boys and 4 girls. Among the dead, 36 died on the spot and a female died while being taken to the hospital, while one girl died nine days later during her treatment at the Bharatpur Medical College.
5. It was found that among the injured, 5 individuals were being treated at Bharatpur Medical College and 13 were being treated at Bharatpur Hospital and 19 others had been discharged after normal treatment.
6. According to rescue workers and eyewitnesses, 12 plainclothed Royal Nepal Army personnel of the Bagai post had got on the bus with weapons when it started from Bagai bazaar at 0630hrs. However, it could not be ascertained as to how many of them were armed. The Battalion Commander Kasara informed that 7 security personnel who were in leave had traveled by the same bus.
7. It was found that personnel of the RNA usually traveled in public transportation in the area and used to be with weapons in plainclothes.
8. By June 15, a total of 17 persons were admitted for treatment in the Birendra Military Hospital. Among them 4 Royal Nepal Army personnel and 12 civilians injured had been brought to the hospital by the army helicopter and one civilian was admitted later on.
9. It was found that local villagers, members of the Dhaulagiri Youth Club, persons associated with Red Cross, students of higher secondary schools and other schools had actively participated in rescue attempts soon after the incident.
10. It was found that the security personnel of the Kasara Barrack and Bagai post had walked and arrived at the spot and joined the rescue efforts two and a half hours after the incident had occurred.
11. The local rescue workers had already brought all the injured including 4 security personnel to hospitals for treatment by the time the Army had arrived at the spot.
12. The local rescue workers had found a small weapon and 2 magazines scattered at the spot and belonging to the personnel who had boarded the bus from the Bagai Army post. The weapon and magazines were handed over to the Royal Nepal Army team which had arrived later. The Battalion Commander of the Kasara barrack informed that those personnel aboard the bus had carried some small arms.
13. The District Administration office in Chitwan had informed that the family of people that died in the incident would be compensated with the amount in accordance with HMG policy, but such compensation has not been provided to date. It was found that the Bharatpur Hospital and the District Administration Office in Chitwan informed that the medical treatment for the injured had been arranged at free of cost.
14. Based on the information gathered from the local people, 6 cadres of CPN (M) were preparing for the incident for three days before the incident. The local

- people had suspected them on the basis of their movement; the same cadres may have caused the explosion as stated by the local people. However, their real identities have not been revealed yet.
15. The bus was overcrowded because the Chitwan National Park had not allowed the big buses to pass by the Rapti Bridge along the jungle and minibuses were obstructed to move in the village by the management group of the larger buses, ensuing a dearth in the number of buses moving in the area and therefore creating overcrowding in most buses passing through the area.

#### **4. Analysis and Conclusions**

1. The security personnel who were in charge of Royal Chitwan National Park usually traveled by passenger bus in civil dress and with arms. The Madi area is surrounded by the jungle in the national park and is in between the Royal Nepal Army Barrack and security posts. Eyewitnesses and people involved in the rescue stated that there were 12 security personnel in civil dress traveling by bus whereas the Battalion Commander of Kasara Barrack stated that they were only 7 security personnel. Among the said 12, the 3 were killed on the spot 4 were taken to hospital while 5 of them who were said to be missing at first missing were protected and kept by the villagers beside a tree near the spot. Therefore it could not be disputed that the exact number of the security personnel aboard the bus was 12.
2. At a time when an armed conflict is going on between the security forces and CPN (M) cadres, and keeping in mind the possibility of violence at any place at any moment, the use of civilian mode of transportation by the security personnel and by putting the lives of civilians in harms way, it was found that the security personnel had violated the provisions of human rights and international humanitarian law by traveling by the bus in civil dress and with arms.
3. In spite of prior information by the bus management, the calls for security were not heeded seriously. It was determined that the chief of the local administration was accountable for the negligence. It was also determined that the concerned official of the Royal Nepal Army who had issued authorization to the 12 army personnel to use public transportation was also accountable for the incident, as allowing the personnel to travel by passenger bus with arms was in clear contravention of the directive disseminated to all the personnel within Royal Nepal Army regarding observance of the international humanitarian law that clearly demands full respect of provisions of the Geneva Conventions.
4. The CPN (M) has seriously violated human rights and international humanitarian law for causing the heinous incident by exploding the ambush that targeted innocent civilians. Besides, they were insensitive to the possibility of the huge loss of life and property of civilians in the bus which was traveling in its regular route.
5. It was determined that the incident took place as a result of the existing lack of procedures of undertaking punitive and disciplinary action against its cadres for violating the human rights and international humanitarian law.

6. It was also determined that the recurrence of such incidents was primarily due to the reason that the central leadership The CPN(M) lacks any effective mechanism to prevent its cadres from committing human rights abuses against civilians and merely apologizing for such deeds.
7. The central leaders of the CPN (M) have been found not to be sensitive to implement their repeated commitments to human rights [principles and international humanitarian law which has also resulted in the recurrence of such incidents.
8. The incident resulted in a large loss of life because it had to carry passengers beyond than its regular capacity. The Madi area of the Chitwan is populated with about 80,000 people but they lack arrangement of sufficient bus services added by the conflict in providing services between big buses and mini buses.

## **5. Recommendations to His Majesty's Government**

1. The security personnel should immediately refrain from endangering the lives of ordinary passengers by traveling on public vehicles with or without uniform with arms.
2. Keeping in mind the ongoing armed conflict between the security forces and CPN (M) and not undertake or allow to undertake actions, that endanger the lives of ordinary places using public vehicles, and in places where ordinary people gather in public spaces such as educational institutions, community buildings, health centers, places of religious significance, religious processions and areas where seasonal marketplaces (*Haat Bazaars*) have been established. In order to fully abide by human rights principles and international humanitarian law in reality, the security agencies should issue directives regarding the abidance of such principles at all levels.
3. To take action against the Local Administration Officer and the personnel who were liable to the incident by failing to take precaution in accordance with the International Humanitarian Law. The bus service had already informed them about the warning of the Maoist to cause the incident should they not stop to travel by passenger bus. Besides, the Commission has asked for information about the action taken against them.
4. To provide maximum compensation to the family of the persons and personnel dead in the incident, to arrange free treatment of the injured by the state and to provide compensation for damage of the bus.
5. The Government is responsible to protect the life and liberty of the people. The Commission has recommended to the Government to issue directives to control the carrying of excessive passengers in bus the same had done the bus.

## **6. Calls to the CPN (Maoist)**

1. In spite of repeated requests and drawing the attention of the CPN (M) by the Commission, it has been found that the CPN (M) has resorted to the destruction of

non-military targets and public infrastructure and laying of explosives targeted towards innocent people, the destruction of personal property, killings, maiming and injuring of people and therefore calls upon the CPN (M) to immediately refrain from such activities.

2. CPN (M) must not undertake or allow to undertake actions, that endanger the lives of ordinary places using public vehicles, and in places where ordinary people gather in public spaces such as educational institutions, community buildings, health centers, places of religious significance, religious processions and areas where seasonal marketplaces (*Haat Bazaars*) have been established. In order to fully abide by human rights principles and international humanitarian law in reality, the CPN (M) should issue directions regarding the abidance of such principles at all levels and make public the issuance of such directions.
3. The CPN (M) should assist the Commission in its investigation of the incident by providing it with details of the decision makers, planners and those who carried out the attack as per Geneva Conventions which entail individual responsibility.

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