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Pakistani spanner into the Nepal Crisis

(The 6th weekly briefing paper on the key human rights concerns in
Nepal from 10-16 March 2005)

Table of contents

| | |
|----------------------------------------------------|----|
| 1. OVERVIEW | 2 |
| 2. REPRESSION ON THE POLITICAL ACTIVISTS..... | 3 |
| DEPLORABLE CONDITION OF POLITICAL DETAINEES: | 3 |
| INCREASED POLITICAL REPRESSION:..... | 4 |
| POLITICAL LEADERS RELEASED: | 6 |
| 3. VALLEY DETENTION | 7 |
| 4. ATTACK ON PRESS FREEDOM AND JOURNALISTS | 7 |
| 5. LACK OF INDEPENDENCE OF JUDICIARY | 8 |
| 6. HUMAN RIGHTS VIOLATIONS BY THE RNA..... | 9 |
| 7. ATROCITIES BY THE MAOISTS | 10 |
| <i>KILLING</i> | 10 |
| <i>KIDNAPPING</i> | 10 |
| <i>DESTRUCTION OF PUBLIC PROPERTIES</i> | 10 |

1. Overview

Pakistan's offer to provide arms to Nepal¹ has put a spanner into the Nepal crisis. India's Cabinet Committee on Security Issues has reportedly agreed to review its stance on military assistance to Nepal in light of Pakistan's offer to supply Nepal with arms.²

India's position is unlikely to change dramatically given the support of the United States for the immediate restoration of democracy in Nepal. However, if King Gyanendra decides to take arms from Pakistan, the crisis in Nepal will further deepen. On 15 March 2005, Nepalese Foreign Minister Ramesh Nath Pandey defended the Royal coup in his address to the 61st session of the United Nations Commission on Human Rights.³ It is clear that at least until 30 April 2005, when the emergency expires, King Gyanendra is unlikely to take measures which may be perceived to be giving into political parties.

The blockade called by the Communist Party of Nepal (Maoists) from 14 March 2005 has brought into focus the impending humanitarian crisis. The CPN (Maoists) announced fresh two-phased stir from 14 March 2005 that comprises of economic blockades, shutdowns and armed resistance against the government forces till April 1 followed by an 11-day Nepal *bandh* (strike), from 2 April 2005.⁴

The blockade implies that peripheries outside of Kathmandu will be deprived of basic humanitarian assistance – food, medicines and other basic commodities daily required by the people in Nepal. Yet, there is unlikely to be any international attention to the plight of the millions of people of Nepal. The RNA may provide security to keep one supply line open for Kathmandu. Earlier the Department of Transportation Management decided to nullify the registration of public vehicles that do not ply the highways they have acquired permit order for. In case of non-compliance to ply the specified highways, even the license of the driver of such vehicle could be cancelled. The new rules have been enforced throughout the country.⁵

There are no confirmed reports as to the number of people displaced in Nepal. However, Nepalese media reported that due to the Maoist insurgency over 4 million Nepalese have left home to India while over a million Nepalese have been internally displaced.⁶ Following Maoist violence, hundreds of Nepalese from different villages in western Kapilvastu district have fled their homes towards various bordering Indian towns. Villagers from Hathihawa, Biduwa, Lawani, Nandanagar, Banskhor, Patariya, Patna, Ajigara, Jahadi, Kushwa and Fulika VDCs have fled as Maoist insurgents attacked villagers accusing them of being involved in the recent spate of anti-Maoist violence. An

¹ . Pakistan's offer hugs limelight, The Nepal News, 12 March 2005

² . Indian Cabinet meeting to review military aid to Nepal, Kantipur Online, 15 March 2005

³ . FM Pandey to visit Switzerland, The Nepal News.com, 10 March 2005

⁴ . Maoists announce 11-day shutdown, The Asian Age, 15 March 2005

⁵ . DoTM warns vehicles not plying routes, The Kathmandu Post, 2 March 2005

⁶ . Maoist atrocities compel Kapilvastu people to flee, The Nepal news.com, 10 March 2005

estimated 30,000 villagers have fled to India.⁷ The Maoists have been retaliating against the lynching of their alleged sympathisers with the help of the RNA in mid February 2005.

As Nepalese do not require to register to enter into India, there are no refugee camps and the humanitarian crisis in Nepal is not exposed.

International community must effectively address the situation in Nepal to ensure that King Gyanendra listens to the reasons. The 61st session of the United Nations Commission on Human Rights provides an excellent opportunity to send across a message to the King about the universal disapproval of the actions taken by him since 1 February 2005 and to establish mechanisms (please refer to the 5th Briefing Paper titled *Impending Humanitarian Crisis - US, UK and India must not play foul*) to stop Nepal from descending into further chaos and anarchy.

India must not maintain its ambivalent position on the resolution on the situation of human rights in Nepal at the 61st session of the UN Commission on Human Rights and support the proposal for strong monitoring mechanisms.

2. Repression on the political activists

King Gyanendra has released some political leaders including deposed Prime Minister Sher Bahadur Deuba on 11 March 2005 just prior to the protest called by five-party alliance on 14 March 2005. It appears to be an exploratory move towards forming another proxy government should the international community continue to press for the restoration of democracy and democratic freedoms.

Deplorable condition of political detainees:

On 12 March 2005, prior to leaving for Geneva to attend the 61st session of International Conference on Human Rights, Minister for Foreign Affairs Ramesh Nath Pandey said the government would release the political prisoners.⁸ But many political prisoners continued to be under detention of the security forces.

The political detainees have been kept in deplorable conditions.

Senior communist party leader Bishnu Bahadur Manandhar, after his release from Mahendra Yuvalaya in Lalitpur on 11 March 2005, said 28 other political detainees are being held in that detention centre. Manandhar said all the detainees including former minister Tek Bahadur Chokhryal, Vidya Bhandari and Bhim Kumari Budha Magar have been confined to a chamber-like hall where they are deprived of even sunlight.⁹

⁷. A month later, uproar shows no sign of abating, The Kathmandu Post, 16 March 2005

⁸. Govt will free political prisoners: Pandey, The Kathmandu Post, 13 March 2005

⁹. Deuba, 20 others set free, The Kathmandu Post, 12 March 2005

National Assembly member and Morang district president of the Nepali Congress, Ashok Koirala, who was in security custody for the last one month, had to be admitted to the ICU section of the Kosi Zonal Hospital on 13 March 2005. The condition of the leader is said to be critical. According to NC party sources, former minister Amod Prasad Upadhyaya, Dilip Sapkota, Gopal Man Singh Rajbhandari and Amrit Aryal are also ill. They are being kept in the Eastern Regional Police Office, Biratnagar. On 15 March 2005, the Sunsari district administration reportedly took political prisoners to the BP Koirala Institute of Health Sciences in Dharan to have their health checked-up.¹⁰

Madhav Kumar Nepal, general secretary of the CPN-UML, who was placed under house arrest immediately after the February 1 2005 royal takeover, has not yet been released. On 9 March 2005, media persons spotted him in his own vehicle at New Baneshwor accompanied by plainclothes security men. He reportedly told Shaligram Tiwari, a photojournalist of Nepal Weekly magazine that he has not been released from house arrest.¹¹ He is a patient of high blood pressure, and is reportedly suffering from various diseases such as chest infections, body-ache and fever.¹²

Increased political repression:

The political repression has intensified as the democratic uprising against the King has increased too. The initial euphoria of the middle class of the Kathmandu valley appears to be gradually disappearing.

On 9 March 2005, police arrested Tilak Neupane, a Nepali Congress (NC) cadre, for participating in a rally demanding restoration of democracy at Nepalgunj on the previous day.¹³

On 10 March 2005, veteran communist leader and general secretary of the Communist Party of Nepal (United), Bishnu Bahadur Manandhar, were arrested by police from Dilli Bazar area in Kathmandu. Deputy General Secretary of the CPN (United), Ganesh Shah said no reason was given for the arrest of the 75-year-old leader.¹⁴

On 10 March 2005, Prem Prakash Oli of Rukum, a district level worker of Nepali Congress (NC), was arrested from the airport in Banke.¹⁵

On the afternoon of 12 March 2005, at least 21 political activists belonging to the NC, CPN-UML, NC (Democratic), People's Front Nepal and Nepal Sadbhawana Party (Anandi Devi) were detained by police in Gaur in Rautahat district for demanding

¹⁰. Detained leader hospitalized, The Himalayan Times, 16 March 2005

¹¹. More leaders released – Nepal's house arrest relaxed?, The Kathmandu Post, 10 March 2005

¹². UML general secretary Nepal sick, The Nepal News.com, 11 March 2005

¹³. Political activists arrested, The Kathmandu Post, 10 March 2005

¹⁴. Manandhar taken into custody, The Nepal News.com, 10 March 2005

¹⁵. Police arrest NC worker, The Kathmandu Post, 12 March 2005

restoration of democratic rights. Among those arrested included former minister and Nepali Congress leader Mohammad Aftab Alam.¹⁶

On 13 March 2005, scores of political cadres were arrested from all over the country for staging protests on the eve of a nationwide programme of the five-party alliance against the royal takeover of February 1. Bashu Koirala, general secretary of Nepali Congress-affiliated Nepal Students' Union, was among those arrested in Kathmandu. More than a dozen district-level cadres of the Nepali Congress-D were arrested in Kaski and Rautahat, while security personnel in plainclothes detained Birendra Rai of Jana Morcha Nepal in Patan.¹⁷

On 14 March 2005, five mainstream political parties namely Nepali Congress, CPN-UML, Nepali Congress-D, Janmorcha Nepal and Nepal Sadhabhawana Party (Ananddevi) launched protest demonstrations across the country against the Royal takeover of February 1. Police responded by resorting to baton charge and arresting hundreds of protestors. NC cadres—Ram Dayal Yadav, Radha Mishra and Nepali Congress (Democratic) cadre Raj Kishor Mandal were seriously injured in the police lathi charge. They have been rushed to Janakpur for treatment.¹⁸ Two-dozen protestors were injured in Mahottari district. At least 6 protestors were injured when police resorted to lathi-charge in Dipayal.¹⁹

Police reportedly arrested more than 750 political activists across the country for staging peaceful demonstrations demanding restoration of peace and democracy in the country. 19 demonstrators including five former Upper House members were arrested in Kathmandu, including Akkal Bahadur Bishta of NC-D, Bir Bahadur Singh of CPN-UML, Lal Bahadur Bishwakarma of CPN-UML and Mahesh Mani Dixit. A 84-year-old leader of Nepali Congress, Bal Bahadur Rai was arrested from Indrachowk in Kathmandu when he was raising pro-democracy slogans. Some student leaders were reportedly arrested on the eve of protest programme at Ason, Kathmandu. Nearly 500 activists were arrested in Janakpur in Dhanusha district. In Makawanpur, 14 demonstrators including former Member of Parliament (MP) Birodh Khatiwada were arrested. Former MP Jagrit Bhetwal was arrested along with two others in Chitwan. Former MP Pushpa Pokharel and six others were arrested in Kakadbhitta of Jhapa. At least 37 demonstrators were arrested in Mahottari, 29 in Dang, 9 in Kaski, 8 in Nepalgunj, 13 in Gaighat, Udayapur, 6 in Palpa, 4 in Tanahun and 3 in Kanchanpur. Mohan Bahadur Bam was arrested in Doti.²⁰ Police detained seven political leaders from a rally in Dipayal. Chief District Officer Ganesh Prasad Acharya reportedly said that Yagyaraj Pathak, Bharat Khadka, Ram Prasad Upadhayay, Hari Prasad Upadhayay and Ram Rokaya of Nepali Congress, Harka

¹⁶. Former minister, 20 other political activists arrested in Rautahat, Nepalnews.com, 13 March 2005

¹⁷. Scores of political activists arrested, Kantipur Online, 14 March 2005

¹⁸. Over 750 protestors arrested nationwide, The Kathmandu Post, 15 March 2005

¹⁹. Over 400 protestors released in Janakpur, Nepal News.com, 15 March 2005

²⁰. Over 750 protestors arrested nationwide, The Kathmandu Post, 15 March 2005

Bahadur Singh and Mohan Bam of CPN-UML were arrested and have been issued warrants for three-month detention under Public Security Act.²¹

While over 400 protestors arrested from Janakpur have been released, orders have been issued against 51 political activists to be detained for the next three months. In Rautahat, 11 out of 21 protestors held were released. Police also reportedly released 13 Congress activists after their arrest in Sarlahi.²² CPN (UML) district committee Dang organisation's department head, Shambhu Gautam, Nepal Students' Union Dang district president, Nirmal Neupane, central member of the CPN (UML) affiliated to ANNFSU, Met Mani Chaudhary and Nepali Congress (Democratic) affiliated to Nepal Tarun Dal Dang member, Hemant KC have been sent to jail for three months on charge of disobeying law and order. They were arrested from Damodar Chowk in Dang on 14 March 2005.²³

On 9 March 2005, three students- Sherum Karki, Kailash Shrestha, and former central committee member of the Nepal Students' Union (NSU), Deepak Adhikary, were arrested from the Tri-Chandra College premises for organizing protest demonstrations.²⁴ Police reportedly arrested half-a-dozen students and teachers in Ilam on the same day.²⁵

On 10 March 2005, Secretary of the Free Students' Union, Tri-Chandra Multiple Campus unit, Prachanda Bikram Neupane, and Madhukar Khanal, former president of the Nepal Students' Union (NSU), Public Administration Campus unit, were arrested from the premises of Tri-Chandra campus.²⁶

Political leaders released:

On 11 March 2005, the Nepal government released at least 21 political detainees, including deposed Prime Minister Sher Bahadur Deuba. The other released political leaders included former home minister Purna Bahadur Khadka, spokesperson of NC (Democratic) Dr Minendra Rijal, former Member of Parliament Haribhakta Adhikari and senior communist leader Bishnu Bahadur Manandhar. Seventeen activists detained in Kharipati were released from the court premises in Kathmandu. They include Hari Bhakta Adhikari, Satya Raj Joshi, Ram Kumar Mulmi, Ram Prasad Kafle, Ram Prasad Adhikari, Heramba Bastola, Shailendra Adhikari, Dipak Rai, Amrit Panthi, Om Prasad Aryal, Dhanendra Mishra and Rajan Sedhai, among others.²⁷ Haribol Bhattarai, Nepali Congress leader, was also released on the same day.²⁸

²¹. Hundreds of activists detained, Kantipur Online, 15 March 2005

²². Over 400 protestors released in Janakpur, Nepal News.com, 15 March 2005

²³. Scribe, four others sent to jail, The Himalayan Times, 16 March 2005

²⁴. Three students held, The Himalayan Times, 10 March 2005

²⁵. Political activists arrested, The Kathmandu Post, 10 March 2005

²⁶. Two student leaders held, The Himalayan times, 11 March 2005

²⁷. Deuba, 20 others set free, The Kathmandu Post, 12 March 2005

²⁸. Deuba, 19 other detainees freed, The Tribune, 12 March 2005

Earlier, on 9 March 2005, the government released eight leaders and cadres of various political parties including intellectuals. Those released were Dr Prakash Saran Mahat, central leader of Nepali Congress (Democratic), Nilamber Acharya, an intellectual, Dilip Rai, central leader of RPP, Meena Pande, central leader of Nepali Congress. Likewise, Kamal Koirala, central leader of CPN-UML, Mukti Sharma, former parliamentarian, Jagatraj Shakya, Lalitpur District president of NC and Pallav Adhikari, a student leader.²⁹

3. Valley detention

The government continues with detention of key human rights activists, academics and political leaders within Kathmandu valley. On 10 March 2005, security personnel at the Tribhuvan International Airport barred former Speaker and prominent human rights activist Daman Nath Dhungana from boarding a flight for USA. Dhungana had been invited by the University of California-Berkeley to speak on 'Democracy, Maoist insurgency and Constitutional Solution' pertaining to the present political crisis in Nepal on 12 March 2005.³⁰

4. Attack on press freedom and journalists

The media persons continue to bear the brunt of repression by King Gyanendra. According to Tara Nath Dahal, president of the Federation of Nepalese Journalists (FNJ), at least 463 journalists from 17 FM stations have already lost their jobs. Some 2,000 journalists from different media throughout the country have already lost their jobs as a direct outcome of restrictions on the press since February 1.³¹

Four Nepalese journalists,³² including Labadev Dhungana, a correspondent for Nepal Television and a Nepali daily *Rajdhani*,³³ have been sentenced to detention for three months under the Public Security Act of BS 2046 on the charge of being involved in acts that were a threat to public security.

On 14 March 2005, Dang district correspondent for Channel Nepal and Mechi-Kali daily, Sarad Adhikari was reportedly arrested by the police from Damodar Chowk in Ghorahi. Adhikari is also a central committee member of Federation of Nepalese Journalists (FNJ) and Press Chautari Nepal.³⁴ He has reportedly been sent to jail for three months along with four other persons for violating law and order.³⁵

²⁹. More leaders released – Nepal's house arrest relaxed?, The Kathmandu Post, 10 March 2005

³⁰. Former speaker Dhungana barred from leaving Kathmandu, The Nepal News. Com, 10 March 2005

³¹. Journos demand complete press freedom, The Kathmandu Post, 15 March 2005

³². 3 reporters in custody, The Asian Age, 15 March 2005

³³. Scores of political activists arrested, Kantipur Online, 14 March 2005

³⁴. Channel Nepal scribe arrested, The Kathmandu Post, 15 March 2005

³⁵. Scribe, four others sent to jail, The Himalayan Times, 16 March 2005

On 14 March 2005, a journalist was reportedly held while participating in a protest rally in Hetauda city in Makwanpur district.³⁶

On 14 March 2005, Indian journalists covering the protests that followed the visit by Nepal's crown prince Paras to a sports stadium in Mechi were reportedly detained and beaten up by the Royal Nepal Army in Kakarbhita, eastern Nepal.³⁷

On 14 March 2005 afternoon, security personnel allegedly manhandled Reuters photojournalist Rupak De Chaudhary in Damak in Kakarbhitta district. He suffered bruise in the head after security personnel beat him as he was taking photographs of a demonstration by political parties. According to Chaudhary, security personnel had beaten him even as he was showing his identity card. He was detained at area police office at Kakarbhitta and released three hours later.³⁸

On 15 March 2005, unidentified armed assailants shot and critically injured Khagendra Shrestha, editor of Dharan Today, a local daily published from Dharan in East Nepal. The attackers fired two rounds at Shrestha's head as he worked in his office. He is undergoing treatment at B.P. Koirala Hospital.³⁹

5. Lack of independence of judiciary

The Supreme Court continues to flip-flop on habeas corpus petitions.

On 14 March 2005, a Supreme Court (SC) bench did not take up five habeas corpus cases scheduled for the day, citing "lack of time" within the office hour. Justice Dilip Kumar Paudel deferred preliminary hearing on the petitions that question the legality of the detention of student leaders Ram Kumari Jhakri, Megh Bahadur Bhujel, Dipak Bika, Keshav Raj Paudel and Khemraj Adhikari till 15 March 2005.⁴⁰

Responding to several habeas corpus petitions, the Supreme Court on 15 March 2005 ordered the government authorities, including the Ministry of Home, Police headquarters and Kathmandu District Administration Office, to produce student leader Hikmat Karki before the SC within three days. The apex court also ordered the authorities to clarify the detentions of several student leaders within the same stipulated time period. The detained student leaders are: Ram Kumari Jhankri, Megh Bahadur Bhujel, Dipak BK, Keshav Raj Paudel, Kundan Raj Kafle, Raj Kumar Dhungana, Tek Raj Chapagain, Prakash Rawal, Prahlad Waiba, Dipak Rai, Kedar Kaji Woriya, Purna Singh Lama, Dek Raj Bhattarai, Shiv Kumar Yadav, Narayan Bharati and Rup Singh Tamang. They were taken under preventive detention for allegedly being a threat to the security of the nation.⁴¹

³⁶. Scores held for staging anti-govt protests, *The Himalayan Times*, 15 March 2005

³⁷. Paras men hit Indian scribes, *The Times of India*, 15 March 2005

³⁸. Reuters lensman manhandled, *The Kathmandu Post*, 16 March 2005

³⁹. Journo shot, critically injured, *The Kathmandu Post*, 16 March 2005

⁴⁰. SC defers habeas corpus hearings, *The Kathmandu Post*, 15 March 2005

⁴¹. SC fiat to produce student leader, *The Himalayan Times*, 16 March 2005

On 10 March 2005, advocate Kalam Bahadur Khatri was presented before the Supreme Court following filing of a habeas corpus writ on 4 March 2005 by his brother with the help of Nepal Bar Association. The apex court then held that “he was being held illegally” and ordered his immediate release at the court premises itself. He was arrested by the police on 18 February 2005 and illegally detained for three weeks under the Public Security Act, 2046 B. S in a case of mistaken identity. The arrest warrant had actually been issued against one Kamal Khatri. But Kalam Bahadur Khatri alleged that the police had arbitrarily arrested him by making the necessary correction of the name on the warrant slip in front of him after he had identified himself as an advocate and told them that he was not the person they were looking for.⁴²

On 9 March 2005, the Supreme Court sought explanation from government authorities, including the Kathmandu District Administration Office, and Kathmandu District Police Office Hanumandhoka, as to why Nepali Congress leader Haribol Bhattari has been detained. A single bench of justice Kedar Prasad Giri issued the order asking them to furnish replies within three days.⁴³

6. Human rights violations by the RNA

The Royal Nepal Army continues to be responsible for arbitrary killings of both innocent civilians and alleged Maoist rebels.

On 9 March 2005, at least 12 Maoists were reportedly killed in a security action at Syabung area of eastern Ilam district.⁴⁴ The RNA also claimed to have shot dead a Maoist rebel identified as Deb Mani Nepali at Rautgaon area of Dang district on the same day.⁴⁵

On 11 March 2005, at least three Maoist rebels were reportedly killed in separate encounters with security forces in Siraha and Arghakhanchi districts. Those killed at Saharwa area in Siraha district were identified as Laxman Mukhiya and Ram Krishna Yadav. The security forces claimed to have recovered one pistol, bullets, socket bombs and documents from the slain militants.⁴⁶

On 14 March 2005, security forces shot dead an unidentified Maoist rebel in a security operation at Fulaki area of Kapilvastu district.⁴⁷

The RNA reportedly admitted its fault and taken responsibility for the death of 15 year-old Ms Maina Sunar of Kharelthok area in Kavre district after her arrest by RNA personnel on 17 February 2004. A Court of Inquiry inquiring into the incident found the

⁴². Kamal vs Kalam: A tale of mistaken identity, The Nepal News.com, 11 March 2005

⁴³. SC asks govt to explain NC leader's detention, The Himalayan Times, 10 March 2005

⁴⁴. 12 Maoists killed in security operation in Ilam, The Nepal News.com, 10 March 2005

⁴⁵. Rebel killed, The Kathmandu Post, 12 March 2005

⁴⁶. Three Maoists killed in clashes, The Nepalnews.com, 12 March 2005

⁴⁷. Rebel shot dead, The Kathmandu Post, 15 March 2005

RNA guilty. An RNA statement on 14 March 2005 said a court martial would be held for necessary action on the guilty security officials.⁴⁸

7. Atrocities by the Maoists

The Maoists continue to be responsible for violations of international humanitarian laws.

Killing

On the morning of 9 March 2005, a laborer identified as Kali Sada of Gaushala VDC-3 reportedly died and five others including a minor were injured, two seriously, when a Maoist-planted bomb went off on Gaushala-Aurahi road. The laborers were working on the road and the bomb exploded as they removed a post installed on it.⁴⁹

On 9 March 2005, 14-year-old Bhagwan Parajuli of Shivamandir VDC-3, one of the two boys injured in a Maoist blast at Narmedeshwor Shwalaya in Kawasoti on 8 March 2005, died at the Medical College, Bharatpur. The condition of the other boy Bhagirath Neupane (12) was reported to be critical. Parajuli and Neupane were at the Shivaratri mela when the bomb went off.⁵⁰

Kidnapping

On 11 March 2005, JB Pun Magar, the Himal Khabarpatrika investigative journalist who was abducted by suspected Maoists on 8 March 2005 while on assignment to cover the anti-rebel uprising in the district of Kapilbastu, was released unharmed at 9:00 a.m. in Kapilbastu. The released journalist said he was kept blindfolded, mentally tortured and threatened "to be careful" while filing stories.⁵¹

On 12 March 2005, Maoists kidnapped Dhamananda Bhatta, jailor of the Dadeldhura district jail, from a public bus at Sahajpur of Kailali while he was going to Dadeldhura from Dhangadi. A woman employee of the Nepal Electricity Authority was also kidnapped from the same bus.⁵²

Destruction of public properties

At around 11.30pm on 10 March 2005, Maoists detonated a powerful bomb at the proposed Mahendranagar Medical College in Khairbhatti. Before exploding the bomb, hundreds of Maoists coming in a tractor had encircled the college from all sides. The Maoists also looted various medical equipments worth millions of rupees including microscopes, refrigerators and fans from the college before triggering the explosion.⁵³

⁴⁸. RNA admits mistake in Kharelthok incident, Kantipur Online, 15 March 2005

⁴⁹. Three killed, five injured, The Kathmandu Post, 10 March 2005

⁵⁰. Teen hurt in Maoist blast dies, The Himalayan Times, 10 March 2005

⁵¹. Himal Khabarpatrika reporter released, The Nepal News, 12 March 2005

⁵². Maoists kidnap jailor in Dadeldhura, Nepal News.com, 15 March 2005

⁵³. Bomb exploded at Mahendranagar Medical College, The Kantipur Online, 11 March 2005