

འབྲུག་ཚོད་ཡུང་། ༡༤༣༦༽

བྲིས་ཤོག་ཡུང་(ཡལ)

མཐོ་གཞུགས་ཀྱི་ཉེས་ཚུང་འབྲུག་ཚོད།

མཆོག་ལྟར་ བྲིས་སྲུང་འགག་པ་ནས་ ཆེ་མཐོ་བྲིས་སྲུང་གི་འདུན་སར་ལུ་ཡང་ བྲིས་སྲུང་/གཙོ་ཁང་/གསང་  
བ། ༡༤༣༦/༢༠༠༧༽ ༤༠ ༽ ལྷོ་ཆེས་ ༢༣.༢.༢༠༠༧ ཚན་མར་ཉེས་འཛུགས་སྤུལ་དོན་བཞིན་ ཉེས་འདོགས་པ་ ཚུང་  
དཔོན་ཡོངས་བྱུང་ཡིག་ཚང་གི་དོ་ཚབ་ བསྐྱེད་འཛིན་དང་ རྒྱུ་ལག་བཟུང་ལུ་ རྒྱུ་ལག་ ར་པ་ གཡུས་ བལ་དང་  
གི་-༢, སེག་ལྷན་འཛུགས་ ཚན་མ་ལས་ ཚུང་ལྷན་ རོ་མིང་ཤམ་ཉི་རམ་ཨ་ཙམ་ཡ་ ལུ་ཕེན་ལྷན་ཚུང་གཞི་དེ་ ཆེ་མཐོ་  
བྲིས་སྲུང་གི་འདུན་སར་ ཚུང་འཛིན་ཡུང་(༡༢༠༩) ཚན་མར་ ལྷོ་ཆེས་ ༠༤-༠༣-༢༠༠༧ ལུ་བཀོད་སྤྱོད།

**ཚུང་དོན་མཆོག་ རོ་མིང་ཤམ་ཉི་རམ་ཨ་ཙམ་ཡ་ ལུ་ཕེན་ལྷན་ཚུང་གཞི་དེ་ ཆེ་མཐོ་**

**1. Background:**

Apropos, letter No.RBP/HQ/145/2007/80 dated 23/02/07 the case between State v. Shanti Ram Acharya pertaining to criminal conspiracy, undergoing militant training, preparing, planning and aiding terrorists to carry out subversive and terrorist activities against the Tsa-Wa-Sum, was registered in the High Court in accordance with Kadyon Kha 7, bearing registration No. 1709 dated 06/03/07.

Shanti Ram Acharya and eight members of his family officially emigrated from the country from Dagana District in 1991 after taking a compensation of Nu.21,300/-. On reaching Nepal, his family members registered themselves as Bhutanese refugees in Beldangi – II, Sector D-1, Hut No. 85 in Jhapa, Nepal. Shanti Ram Acharya studied up to class x at Triratna Secondary English School in Beldangi – II, in the refugee camp at Jhapa and thereafter enrolled in Badhrapur campus/college at Jhapa in 1<sup>st</sup> year BA. He had taken major in English and Economic as his subject.

In January 2006, Shanti Ram Acharya along with six others were sent for training with the Nepal Maoist militants by Chabilal Kharel, President of the Bhutan

Communist Party (MLM). The training was conducted with Nepal Maoist militants in the forest at Danabari under Ilam district in Nepal. Four months after his intensive training, Shanti Ram Acharya returned to the camp, while the others returned after five months. On completion of their training each of them were issued with one M 36 hand grenade as their personal weapon and to carry out terrorist act inside Bhutan. On reaching the refugee camp, Shanti Ram Acharya imparted theoretical training to several youth in the camp. On 14 January 2007 Shanti Ram Acharya was sent by President Chabilal Kharel and General Secretary Vikalpa Chetri of the Bhutan Communist Party (MLM) to carry out surveillance of the Tashilakha out-post and security deployment in Tala Hydro Project in Chukha district. He was accompanied by Amar Dahal, Dipesh Mongar, Ram Mongar, Mahesh Mongar and Praveen Mongar all from Beldangi – II camp who were all armed with an M 36 hand grenade each and a pistol. On reaching Jaigaon, he was sent ahead to survey the Tashilakha out-post and security deployment in Tala Project and was to report back to the team, who were waiting at Jaigaon. Seven more terrorists belonging to the Bhutan Communist Party (MLM) were to join five of them who would then attack the Tashilakha out-post and carry out sabotage in Tala Hydro Project as directed by Chabilal Kharel, President and Vikalpa Chetri, Secretary, Bhutan Communist Party (MLM). Shanti Ram Acharya was however, arrested by the security forces at Tashilakha Outpost on 16 January 2007. Shanti Ram was found in possession of two diary books and some personal photographs. The diary books contains hand written notes in Nepali about the art of making bombs, mines, weapon handling and guerilla warfare conducted by the Nepal Maoist. The diaries also contain names of Nepal Maoist officers who conducted the training. He arrived at Thimphu under escort on 17 January 2007 and was produced before the Drangpon District Court, Thimphu on the next day.

## **2. Reports:**

### **2.1. Police Findings:**

The case of Shanti Ram Acharya, who has carried out criminal and subversive activities against the Tsa-Wa-Sum is submitted for prosecution under the Penal Code of Bhutan 2004.

On 16 January 2007, one Mr. Bal Bahadur Powdyel, shop keeper at Tashilakha under Gedu Police Station accosted Shanti Ram Archarya wandering about, while he was servicing his vehicle. He became suspicious of the stranger and immediately informed the Royal Bhutan

Army at the Tashilakha Outpost. The stranger was immediately taken into their custody and while conducting body frisking, many incriminating documents and photographs were recovered from his possession. He was then brought to Thimphu under escort on 17 January 2007 and produced before the District Court on 18 January 2007.

**During investigation, the following facts were revealed:**

1. Shanti Ram Archarya studied up to class X at Triratna Secondary English School in Beldangi – II, in the refugee camp at Jhapa, Nepal and thereafter enrolled in Badhrapur campus/college at Jhapa for his Higher Secondary in 1<sup>st</sup> year BA. He had taken major in English and Economic as his subject.
2. On 3<sup>rd</sup> January 2006, Mr. Chabilal Kharel, the President of the Bhutan Communist Party (MLM) had passed an instruction through respective sector committee of Bhutan Communist Party that he would be giving a talk on communism and urged all the interested boys and girls to assemble in the forest between Beldangi – I and Beldangi – II. There were about 50 boys and girls who attended the session. The gist of the lecture is basically centered on the strong need to revolt against the Monarchy and establish a Republic form of government in Bhutan in line with the prevalent Maoist demand in Nepal. He encouraged them to join the Bhutan Communist Party (MLM) to wage war against the Royal Government of Bhutan and sacrifice their lives for the welfare of the people in the camp. He disseminated the ideology of Communist of Lenin-Marxist–Maoist and coaxed them to contribute for the revolution in Bhutan and cited the example of Nepal. After his lecture, he asked the interested students to stand up and made a head count. In total, 22 youth from Beldangi II refugee camp stood up and volunteered to join the Bhutan Communist Party (MLM). Shanti Ram Archarya also volunteered to join the Bhutan Communist Party (MLM) and filled a membership form by paying NC Rs.100/-.
3. On 9 January 2006, Shanti Ram Archarya along with following six others from Beldangi II refugee camp in Nepal were asked by Chabilal Kharel, Secretary, Bhutan Communist Party (MLM) to undergo armed training as first batch at Danabari village of Illam District in Nepal.
  - i) Miss Khina Rizal Beldangi - II, sector A/1
  - ii) Mr. Ash Bahadur Mongar. Beldangi - II, sector H/1
  - iii) Mr. Mukti Rizal. Beldangi - II, sector A/I

- iv) Mr. Agam Basnet. Beldangi - II, Sector A/1.
- v) Mr. Gopal Poudyel. Beldangi - II, sector D/4. Hut No. 12.
- vi) Mr. Hem Rizal. Beldangi - II, sector A/1.
- vii) Shanti Ram Acharya himself

4. On 15 January 2006 at around 1500 hours, they left the refugee camp and reached Birthamod in taxi and paid Rs.35/- per head as fare. After reaching Birthamod taxi stand, they were received by L.B. Rai who is the main conduit between Bhutan Communist Party (MLM) and Nepal Maoist. He then took them to Danabari village of Illam District in the forest for the armed training. They reached the Danabari camp at around 1730-1800 hours. Next morning on 16<sup>th</sup> January 2006, they were briefed by L.B. Rai and thereafter issued camouflage dress for the training. There were about 100 other Nepali Maoist cadres (one company) already undergoing training in the camp. Mr. Avyan from Nepal Maoist Party was the camp Commander (photo enclosed) in the training camp. The training starts from 0400 hours in the morning till 0700 hours with physical exercises followed by breakfast. And a recess till 1100 hours. They were taught military tactics, weapon training, explosive making, mines and booby traps, jungle warfare and communist ideology. The weapon training consists of weapons such as SLR, grenade M36, .303 rifles and socket grenade. The duration of the training was for 5 months but Shanti Ram Archarya left the training camp due to ill health after 4 months and 3 days stay in the camp. They were given a stipend of NC Rs.500 per month as pocket money. Rest six of them however, completed their full tenure of six months training and came back to the camp.
5. All the training is conducted along with the Nepalese Maoist cadres. After the completion of the armed training by the first batch and the second batch (total 14 of them), they were given one hand grenade each by the Nepal Maoist party as reward with the instruction to use it against the Royal Government of Bhutan without wasting it.
6. After returning from the training camp, they were entrusted with the responsibilities to disseminate the knowledge acquired from the training and for that, they recruited about 50 students studying between class VIII and X from Krantikari Bydhavati Union (Revolutionary Students Union) affiliated to Bhutan communist Party (MLM) and given theoretical trainings and lectures to them in the nearby forest, so as to encourage them to join the Bhutan Communist Party (MLM) and achieve their objectives.

7. After his brother came to know that he had joined the Bhutan Communist Party, their relation was strained, as his brother scolded him for joining BCP. As a result, on 3 November 2006, he left the camp and stayed with his sister Hima Devi Kharel at Sanischari camp. After a week, he went to Mai, Jhapa and spent about a month with his friend Durga. During this time, he attended the sit-in programme in front of SAARC office at Katmandu for about 10 days. He returned to Mai and made a call to his friend Amar who asked him to come for meeting of Bhutan Communist Party (MLM) called by Chabilal Kharel. He attended the meeting without the knowledge of his parents.
8. On 3 January 2007, Mr.Chabilal Kharel, President accompanied by Vikalpa Chetri, General Secretary of Bhutan Communist Party (MLM) who is from Pathri camp (Sanischari) summoned the following persons to the football ground behind school at Beldangi – II camp.
  - i. Shanti Ram Acharya - Beldangi – II,
  - ii. Amar Dahal alias Gopal Sharma- Beldangi – II,
  - iii. Dipesh Mongar - Beldangi – II,
  - iv. Pravin Mongar - Beldangi – II,
  - v. Ram Mongar - Beldangi – II,
  - vi. Mahesh Mongar - Beldangi – II,

Mr. Chabilal Kharel introduced them to Vikalpa Chetri and gave them a lengthy briefing about their mission and told them that since they had completed their training as first batch, it is time to conduct subversive activities inside Bhutan. He also briefed them not to mention the name of the leaders in case of any arrest by the Bhutanese security forces. Each one of them were given the task discreetly and the task given to Shanti Ram Archarya was basically for the collection of information about the security deployment at the Tashilakha out-post and the power house of the Tala Hydro Project and pass it to the group led by Amar alias Gopal Sharma who was waiting at Jaigoan since 15 January 2007. Based on the intelligence input by Shanti Ram Archarya, the group is supposed to go to Tala Hydro Project and carry out the subversive activities and destroy the power house of Tala Hydro project and attack the security at the Tala check post. Shanti Ram Archarya was given Rs.200/- and a digital camera by Amar in order to take the photographs of the Tala Hydro project, Tashilakha out-post and sketch map leading to Tala. Amer alias Gopal Sharma is the leader of the group (Tolee) and all of them are armed with

the following weapons.

- |      |               |   |                                  |
|------|---------------|---|----------------------------------|
| i.   | Amer Dahal    | - | 2 nos. M36 grenade and a pistol. |
| ii.  | Dipesh Mongar | - | 1 no. M36 grenade.               |
| iii. | Mehesh Mongar | - | 1 no. M36 grenade.               |
| iv.  | Ram Mongar    | - | 1 no. M36 grenade and a khukuri. |
| v.   | Pravin Mongar | - | 1 no. M36 grenade.               |

9. On 15 January 2007, Shanti Ram Archarya along with five of his friends crossed Pani Tanki check post and reached Jaigaon on the same day and halted night at Ghayatri Hotel in Jaigaon. On the next day, Shanti Ram Archarya entered Phuntsholing through Jharna area along with Indian workers going to Phuntsholing.
10. He walked all the way till Rinchending check post and avoided the checkpost and walked towards Pasakha. After walking about a kilometer, he took a lift in an Indian truck which was going towards Pasakha Dalda factory. The vehicle took him till the Dalda factory. Thereafter, he again walked about two and half hours towards Manitaar and again took a lift in Indian truck carrying boulders till road resurfaced area. The truck unloaded and remained there, but he continued walking towards Tashilakha for about an hour and half. He reached Tashilakha at around 1500 hours and saw a man servicing his vehicle near the road. The man asked him where he was going, to which he replied, that, he came from Nepal to meet his uncle at Neoli. Shanti Ram Acharya asked for water from the man but, the man advised him not to drink cold water from the pipe and asked him to go to the shop and ask for warm water. However, he drank water from the water pipe itself and headed for the Tashilakha out-post. He tried to take the photographs of the Tashilakha out-post from the road, which is about 10 meters and saw a man coming towards him. He immediately threw his camera with his left hand in the thick bushes down the road and returned towards vehicle where he was stopped by a man, who then arrested him and took to the Tashilakha out-post. Several incriminating photographs, diaries and documents were recovered from his possession. However, the digital camera could not be found despite repeated search conducted in the area by the RBA and RBP personnel. He arrived under escort at the Royal Bhutan Police (HQ) Thimphu on the next day.
11. As per Shant Ram Acharya another seven terrorists of Bhutan Communist Party (MLM) was supposed to reach Jaigaon on 16 January 2007 as

reinforcement for the first group and enter Bhutan together after receiving the intelligence input from Shanti Ram Archarya. They had decided to meet at Jaigaon bus stand on 16 January 2007 and accordingly, reach Tala to accomplish their task. The seven terrorists are:

- i) Priyanka (girl) - Beldangi – II,
- ii) Sita Darjey(girl) - Beldangi – II,
- iii) Padma Sharma (girl) - Beldangi – II,
- iv) Nanda Dhakal - Beldangi – II,
- v) Dhurba Koirala - Beldangi – II,
- vi) Dhadiram Neopani - Beldangi – II,
- vii) Nandu Bhattraai - Beldangi – II,

12. Shanti Ram Archarya also revealed that the training centers where the Bhutan Communist Party (MLM) cadres are trained along with Nepal Maoist are:-

- i) Danabari in Illam, Nepal
- ii) Chula chuli in Illam, Nepal
- iii) Rolpa in Dolpa district Nepal
- iv) Chisopani in Illam, Nepal

13. As per Shanti Ram Archarya the bomb blast at Phuntsholing on 2 December 2006 was carried out by Laxman Chettri and his group who all belongs to the Bhutan Communist Party (MLM)

14. **CASE NO. 06/2007(1)**

**Name** : Shanti Ram Acharya  
**Date of birth** : 1986  
**Father's Name** : Late Gopilal Acharya  
**Address** : Beldangi II, Sector D/1, Hut No. 85, Jhapa, Nepal

Shanti Ram Acharya and eight members of his family officially emigrated from the country from Dagana District in 1991 after taking a compensation of Nu.21,300/-. On reaching Nepal, his family members registered themselves as Bhutanese refugees in Beldangi – II, Sector D-1, Hut No. 85 in Jhapa, Nepal. Shanti Ram Acharya studied up to class x at Triratna Secondary English School in Beldangi – II, in the refugee camp at Jhapa and thereafter enrolled in Badhrapur campus/college at Jhapa in 1<sup>st</sup> year BA. He had taken major in English and Economic as his subject.

In January 2006, Shanti Ram Acharya along with six others were sent for training with the Nepal Maoist militants by Chabilal Kharel, President of the Bhutan Communist Party (MLM). The training was conducted with Nepal Maoist militants in the forest at Danabari under Ilam district in Nepal. Four months after his intensive training, Shanti Ram Acharya returned to the camp, while the others returned after five months. On completion of their training each of them were issued with one M 36 hand grenade as their personal weapon and to carry out terrorist act inside Bhutan. On reaching the refugee camp, Shanti Ram Acharya imparted theoretical training to several youth in the camp. On 14 January 2007 Shanti Ram Acharya was sent by President Chabilal Kharel and General Secretary Vikalpa Chetri of the Bhutan Communist Party (MLM) to carry out surveillance of the Tashilakha out-post and security deployment in Tala Hydro Project in Chukha district. He was accompanied by Amar Dahal, Dipesh Mongar, Ram Mongar, Mahesh Mongar and Praveen Mongar all from Beldangi – II camp who were all armed with an M 36 hand grenade each and a pistol. On reaching Jaigaon, he was sent ahead to survey the Tashilakha out-post and security deployment in Tala Project and was to report back to the team, who were waiting at Jaigaon. Seven more terrorists belonging to the Bhutan Communist Party (MLM) were to join five of them who would then attack the Tashilakha out-post and carry out sabotage in Tala Hydro Project as directed by Chabilal Kharel, President and Vikalpa Chetri, Secretary, Bhutan Communist Party (MLM). Shanti Ram Acharya was however, arrested by the security forces at Tashilakha Outpost on 16 January 2007. Shanti Ram was found in possession of two diary books and some personal photographs. The diary books contains hand written notes in Nepali about the art of making bombs, mines, weapon handling and guerilla warfare conducted by the Nepal Maoist. The diaries also contain names of Nepal Maoist officers who conducted the training. He arrived at Thimphu under escort on 17 January 2007 and produced before the Drangpon District Court, Thimphu on the next day.

**2.2 Statement of the defendant, Shanti Ram Acharya dated 22/01/07 pages 09 in English to the Investigation Team.**

I Studied up to class x at Triratna Secondary English School in Beldangi –

II, in the refugee camp at Jhapa and thereafter enrolled in Badhraput campus/college at Jhapa for my higher secondary and 1<sup>st</sup> year BA. I have taken Major English and Economic as my subject. My father expired in the year 1993 and mother is still in the refugee camp at Beldangi camp. My brother Devi Archarya works in wool factory in Bangay market near Beldangi camp.

On 3<sup>rd</sup> January 2006, Mr. Chabilal Kharel, the President of the Bhutan Communist Party had passed an instruction through respective sector committee of Bhutan Communist Party that he would be giving a talk on communism and urged all the interested boys and girls to assemble in the forest between Beldangi – I and Beldangi – II. There were about 50 boys and girls who attended the session. The gist of the lectures is basically centered on the strong need to revolt against the Monarchy and establish a republic form of government in Bhutan in line with the prevalent Maoist demand in Nepal. He encouraged them to join the Bhutan Communist Party to wage a war against the RGOB and sacrifice for the welfare of the people in the camp who are living in the destitution and we must do something to change it. He also told the gathering that our parents are victims of force eviction and it is imperative that all of us fight back now and occupy the same land our parents had once lived on. He disseminated the ideology of communism of Lenin-Marxist–Maoist to them and coaxed them to contribute for the revolution in Bhutan and cited the example of Nepal. After his lectures, he asked the interested students to stand up and made a head count. In total, 22 people stood up as volunteered to join the Bhutan Communist Party. I too was impressed with his ideology and principal that I immediately volunteered to join the Bhutan Communist party. I was given a form to be filled citing my reasons for joining the movement. The three options are laid down in the form, from which we have to select one.

The options are:-

- i) Forcefully joined.
- ii) Willingly joined
- iii) Joined for the sacrifice of the people. I opted for the second and paid Rs.100/- as entry fee to the sector committee.

On 9/1/06, I along with six others was asked by Chabilal Kharel to

undergo armed training as first batch at Danabari village of Illam district, Nepal.

- i) Miss Khina Rhizal. Baldangi - II, sector A/1
- ii) Mr.Ash Bdr.Mongar. Baldangi - II, sector H/1
- iii) Mr.Muti Rhizal. Baldangi - II, sector A/I
- iv) Mr.Agam Basnet. Baldangi - II, Sector A/1.
- v) Mr Gopal Poudyel. Baldangi - II, sector D/4. Hut No. 12.
- vi) Mr.Hem Rizal. Beldangi – II, sector A/1.
- vii) Self.

Accordingly, on 15 January 2006 at around 1500hrs, we left our refugee camp and reached BIRTHAMOD in Taxi and paid Rs.35/- per head as fare. After reaching BIRTHAMOD Taxi stand, we were received by L.B. Rai who then took us to Danabari village of Illam district in the forest for the armed training. He is the main conduit between Bhutan Communist Party and Nepal Maoist. Mr. L.B. Rai is from Beldangi – III and is about 25 to 26 years old. We reached the Danabari camp at around 1730-1800hrs and after that we had our dinner and went to sleep. Next morning i.e. 16<sup>th</sup> January 2006, we were briefed by L.B. Rai and thereafter issued camouflaged dress for the training. There were about 100 Nepali Maoist cadres (one company) already undergoing training in the camp. There were only 8 of us from Bhutanese Communist party in the training camp. Mr. Avyan from Nepal Maoist Party was the camp commander in the training camp. The training starts from 4 am in the morning till 7 am with physical exercises followed by break fast which normally consist of beaten rice (chura) along with red tea. A recess is taken till 11 am wherein the lunch is also served. Rice, vegetable and Dal are the menus for the lunch but meat is also provided once in a week. Same menus as lunch are served for the dinner. We were taught military tactics, weapon training, explosive making, mines and booby traps, Jungle warfare and communist ideology. The weapon training consists of weapons such as

SLR, grenade M36, .303 rifle and socket grenade but didn't fire a shot during the entire training period due to lack of ammunitions. The duration of our training was for 5 months but I left the training camp due to ill health after 4 months and 3 days stay in the camp. We were not allowed to move out of the training camp during our training. We were given a stipend of Rs.500 per months as pocket money. Rest 6 of them completed

their full tenure and came back to the camp. The training is imparted camp wise and therefore, I don't know how many had completed their training. All the training is conducted along with the Nepalese Maoist cadres. After the completion of the armed training by the first batch and the second batch (total 14 of us), we were given one grenade each by Nepal Maoist party as reward with the instruction to use against the Bhutan government without wasting it. My grenade was taken by Chabilal Kharel on 5<sup>th</sup> May 2006 two days after reaching my camp on 3<sup>rd</sup> May 2006. Rests of the grenade are still in possession of my friends as private items. In the next batch, one Harka Chettri from Pathri camp in sector K also attended the training. After returning from the training camp, we were entrusted with the responsibilities to disseminate the knowledge acquired from the training and for that, we recruited about 50 students studying between class VIII and X from Karantikari Bydhavati Union (Revolutionary Student Union) afflicted to Bhutan communist Party and given theoretical trainings and lectures to them in the nearby forest so as to encourage them to join the Bhutan Communist Party and achieve our objectives.

After my brother came to know that I had joined the Bhutan communist Party, our relation was strained as he scolded me and objected strongly from joining the party. As a result, on 3<sup>rd</sup> Nov 2006, I left the camp and stayed with my sister Hima Devi kharel at Sanasari camp. After a week, I went to Mai, Jhapa and spend about a month with my friend Durga. During this time I attended the sit –in programme in front of SAARC office regarding repatriation for about 10 days. I returned to Mai and made a call to my friend Amer who asked me to come for meeting of BCP called by Chabilal Kharel. I attended the meeting without the knowledge of my parents.

On 3<sup>rd</sup> January 2007, Mr. Chabilal Kharel, President accompanied by Vikalpa Chetri, General Secretary of Bhutan Communist Party who is from Pathri camp (Sanischari) summoned the following persons to the football ground behind school at Beldangi – II camp.

1. Santiram Acharya - Beldangi – II,
2. Amer Dahal(Gopalsharma) - Beldangi – II,
3. Depesh Mongar - Beldangi – II,
4. Pravin Mongar - Beldangi – II,
5. Ram Mongar - Beldangi – II,

6. Mahesh Mongar - Beldangi – II,

Mr. Chabilal Kharel introduced us to Vikalpa Chetri and gave us a lengthy briefing about our mission and told us that since we had completed our training as first batch, it is time to conduct subversive activities inside Bhutan. He also briefed us not to mention the name of the leaders in case of any arrest by the Bhutanese security forces. Each one of us is given task discreetly and my task was basically for the collection of information about the security deployment at the Tala checkpoint and the power house of the Tala Hydro project and pass it to the group led by Amer alias Gopal sharma who were waiting at Jaigoan since 15<sup>th</sup> January 2007. Based on my intelligence input, the group is supposed to go to Tala and carry out the subversive activities as planned. The main task of the operation is to destroy the power house of Tala Hydro project and attack the security at the Tala check post. I was given Rs.200/- and a digital camera by Amer in order to take the photographs of the Tala Hydro project, Tala security check post and stretch map leading to Tala. Mr. Amer alias Gopal Sharma is the leader of the group (Tolee). All my friends are armed with the following weapons.

Amer	-	2 nos M36 grenade, 1 Mourzer pistol.
Depesh	-	1 M36 grenade
Mehesh	-	1 M36 grenade
Ram	-	1 M36 grenade and Khukuri
Pravin	-	1 M36 grenade

Accordingly, on 15/1/07, I along with five of my friends crossed Pani tanki check post on Rickshaw along with the bags containing one Mourzer and grenades. There was no frisking or checking at the border check post and we reached Jaigoan by bus from Siliguri without any problems. My friends halted night at Ghayatri Hotel whereas I was told to spend my night in the Hanuman temple at Jaigoan. I shared blanket belonging to the caretaker of the temple. Next morning at around 6:30 AM, all five of them came to the mandir and took me to line hotel where we all had puri and tea as break fast. At around 8:30am, we tried to enter through the main gate but there was strict checking going on at the gate. So we decided to try from the other side. I was given Rs.200/- as expense and a digital camera by Amer at that moment. I entered Phuntsholing through Jharna area along with Indian workers going to Phuntsholing and all of my

friends saw me entering inside Phuntsholing. I went to the main town and bought some sweets. The money that I had put in my back pocket was lost and I was left with no money. I walked all the way till Rinchending check post where there was a patrol pump. I avoided the checkpost and crossed toward Pasakha through a concrete lader. After walking about a kilometer, I took a lift in an Indian west Bengal truck which was going towards Pasakha Dalda factory. The vehicle took me till Dalda factory. Thereafter, I walked about two and half hours towards manitar and again took a lift in Indian truck carrying boulders till road resurfaced area. The truck unloaded and remained there itself, but I continued walking towards Tala check post for about an hour and half. I reached Tala check post at around 1500hrs and saw a man servicing his vehicle near the road where there was a shop nearby .The owner of the vehicle asked me where I am going to which I replied that I came from Nepal to meet my uncle at Nouli.I asked for a water from the water pipe but he advised me not to drink cold water from the pipe but rather I should go to the shop and ask for warm water but I drank water from the water pipe itself and headed for the Tala checkpost. I tried to take the photographs of the Tala security camp from the road about 10meters and saw a man coming towards me. I immediately threw my camera with my left hand in the thick bushes down the road. Then I returned towards vehicle where I was stopped by a man who then arrested me and took me to the office of the Army where I was frisked and seized all my photographs and diaries. Next morning i.e.17<sup>th</sup> January, I took the Army officer to the scene where I threw the digital camera and search was conducted but they could not get the camera.

My friends Amer and Depesh had visited Tala about two months ago and conducted the Reece of the areas at the Tala project. I was told that during their Reece, the security deployment was not so tight and in order to confirm it, I was sent.

Another seven persons of Bhutan Communist party is supposed to reach Jaigaon on 16/1/07 as reinforcement for the first group and enter Bhutan together after receiving my situation report. They had decided to meet at Jaigaon bus stand on 16/1/07 and accordingly, will plan the operation and reach Tala and accomplished our goal. The seven members are:

- i) Priyanka (girl) - Beldangi – II,
- ii) Sita Darjey(girl) - Beldangi – II,

- iii) Padma Sharma (girl) - Beldangi – II,
- iv) Nanda Dhakal - Beldangi – II,
- v) Dhurba Koirala - Beldangi – II,
- vi) Dhadiram Neopani - Beldangi – II,
- vii) Nandu Bhattraï - Beldangi – II,

The following persons were sent to Sarpang, Bhutan to spread the ideology of the communism and motivate new recruits for the subversive activities. I heard they had completed their job in Sarpang and presently they are now in Neouli, Bakuli.

- i) Miss Khina Rhizal
- ii) Mr. Raj
- iii) Mr. Hari
- iv) Mr. Devi
- v) Mr. Durga

The training centre that I know of in Nepal where our Bhutan Communist Party cadres are trained along with Nepal Maoist are:-

- i) Danabari in Illam
- ii) Chula chuli in Illam
- iii) Rolpa in Dolpa district
- iv) Chisopani in Illam

**Party Portfolio holders (BCP)**

1. President - Chabilal Kharel, Beldangi – II/G4/
  2. General Secretary- Vikalpa Chetri, Sanischari
  3. Founding Member- Dilli Ram Gorsï, Beldangi – II,  
H/1, now Cultural Secretary.
  4. Kamal Nirola - Beldangi – II, E/1
  5. Shrilal Kafley and not Shivalal-Beldangi – II, H/3  
(He was once arrested by Police and later released), now President Kisan Union or Farmer Union).
- \* **Member**
6. Talsa Das - Timai D/5/61 or 62
  7. Anita Gamere - Timai B/1/62
  8. Phul Maya Dahal- Founding Member, Beldangi – I/E/1

### **Affiliated organization of BCP**

- 1) All Bhutan Revolutionary Students Union is a Youth organization (Krantikari Bidiathri Sangathan)
- 2) All Liberation Women Forum President – Rupa Subba, Beldangi I.
- 3) All Bhutan Liberation farmer union - Shrilal Kalfa. Beldangi II, H

### **Blasting in P/Ling**

I heard about the Phuntsholing bomb blast from my friends in the refugee camps but later Radio Nepal broadcasted that the bomb blast in Phuntsholing was carried by the Bhutanese youth in the camp. Later on, it was confirmed by our sector committee that Mr. Chabilal had told them that the blast was carried by Mr. Laxman Chetri - Sanischari (around 25 – 27 years) and his group (Tolee). I also heard that a bomb was kept in Phuntsholing before but I have no ideas whatsoever about it.

Nepal Maoist leaders had presented one SLR, one 303 and one carbine to the leaders of Bhutan Maoist leaders during their first round table meeting in Larumba, Nepal during the inception of the Bhutan Communist Party (MLM) in July 2003.

Our leader Chabilal Kharel stays in India and comes to the camp once in a fortnight. I really don't know about the exact location but his father is a contractor of bamboo in Bangye bazer. There was a rumor in the camp that Chabilal Kharel has got the Nepalese citizenship.

My uncle Bhauni Prasad is still residing at Neoli under Bakuli.

### **Roles and responsibilities of sector – committee.**

- 1) To inform the cadres in their respective sectors for the meetings.
- 2) To collect funds from members of the BCP to organize the cultural programme in the camps.
- 3) To inform the members about any developments or activities carried by the others BCP member in their sectors.
- 4) To recruit new members from their sectors.
- 5) Pass orders received from President and others to the cadres in their sector.

The above statement was read over and interpreted to me in presence of

the witness in the language which I understand and affirmed to be true and correct. I also reaffirm that it is true and correct to the best of my knowledge and was not recorded under duress or threat.

- 2.3. Statement of the Defendant, Shanti Ram Acharya dated 05/02/07 pages 01 in Nepali to the Investigation team, affirming the statement submitted in English dated 22/01/07.**

**Translation of Statement from Nepali dated 05/02/07:**

I confirm the statement submitted in English dated 22/01/07 in Nepali. I fully comprehend and read English therefore; I do not wish to resubmit the statement in Nepali. I affirm, that the above mentioned statement in English was submitted voluntarily without any coercion.

- 2.4. Supplementary statement of the Defendant, Shanti Ram Acharya dated 22/01/07 pages 01 in Nepali to the Investigation Team.**

**Translation of Statement from Nepali dated 22/01/07:**

Bhutanese refugee camps have 03 types of weapons – viz. 7.62 SLR; 303 rifle, 9 mm carbine (sten-gun). These weapons were provided by the Maoists of Nepal as a gift during the first meeting between Bhutan Communist Party and Nepali Maoists at Larombha to be used against the Bhutanese Government. I have no idea as to where the weapons are now located.

All the Bhutanese refugee trainees after having completed the training twice were provided with one 36 hand grenade each to be used against the Bhutanese government.

I affirm that the statement is submitted voluntarily and without any coercion by any person.

- 2.5. Statement of the witness, Bal Bahadur Powrel dated 19/01/07 pages 03 in English to the Investigation Team.**

I Mr. Bal Bahadur Powrel a under graduating student of Delhi University would like to state the facts of a person who was caught by Army personals in Tashilakha outpost.

On evening of 16<sup>th</sup> Jan. 2007, at around 4.30 to 5.00 pm, I was servicing a vehicle (cleaning) of my uncle, and I was able to see a man walking on the road. And I thought he was a GREEF labourer, when he reached near me and suddenly he called by saying “excuse me” and when I turned towards him he said can I drink water and I asked him if he wants to have hot water from the shop but he said he was fine with the cold water, though it was raining and very cold on that day.

So with this I asked him where he was coming from and he said he came by road and he said he came by foot. And I asked him which way he came, i.e. from Dala or Pasakha. And he said he was coming from Pasakha. Again I asked him where he was going and he said he was going to Nauli, Kabibotay. He said he was coming from Nepal. As per his story he said his father is having two wives. First wife is with his father and the second is his mother, who already is late. He said he ran away from his home at Nepal since his step mother and her children harassed him time and again. And he also said t5hat if he couldn't find his maternal uncle at Nauli, he would kill himself by suicide. I said you are a young man and not worth of saying that. And he agreed with it and left from there saying, “I should make a move”.

And he also said earlier that he hadn't taken meals for last three days. So as soon as he left, I thought for a while he was having very dark look with short hair. He covered himself with a shawl from his head and both his hands were in the pant pocket. I found him very unusual from his looks and the way he speak.

So after a while I went to the shop and talked with my aunty. And we came out to inform the army personal. As soon as I moved towards the outpost, I saw an army personal coming towards the shop. And I asked that army personal to quiry a man who is going towards outpost gate. So he ran and I was looking and I could see that the man was coming back. And that Army Personal also brought back the man towards the shop as, he said that he couldn't understand that mans language clearly.

And again, that man started saying, he came in search of a vehicle key which was lost on that way. And I asked what kind of vehicle and he said

it is a taxi from Sikkim. And I asked for the vehicle no. and he said the no. is SK-04-2604. So I said, you are lying as we haven't seen any Sikkimis vehicle plying on this road. And I also asked him why he was lying to me as he narrated different story to me earlier. And he said he was sorry for that. On that I said whatsoever it may be "you should meet with the head officer of the outpost once. And he was taken by the Army personal towards the outpost.

So this is the true statement of mine written on 19<sup>th</sup> Jan 2007.

- 2.6. The Seizure Memo dated 16/01/07 in English.**
    - a. Photographs 24 nos.
    - b. Two diary note books containing militant training programs and its translation.
    - c. Hand made diary book containing telephone nos.
    - d. One visitor card.
  - 2.7. Date of Arrest 16/01/07.**
  - 2.8. Production before the Court on 18/01/07.**
  - 2.9. Request for Remand No. 147 dated 18/01/07.**
  - 2.10. Remand Order No. 3077 dated 18/01/07.**
  - 2.11. The C.I.R. dated 17/01/07 Case no. 06/07 in English.**
- 3. Preliminary Trial**
- (a) The defendant was produced before the Court to appear in person on 16/03/07.
  - (b) The Court ordered the prosecutor and defendant that they should make their submissions truthfully. The Law would protect the right and punish the wrong.
  - (c) The charges submitted by the prosecution were read out and explained to the defendant in Nepali, the language he understood. The Charge-sheet

contained relevant sections of the Law.

- (d) The Court ordered the defendant that he would be allowed to present evidence in his defence, including the right to subpoena relevant witnesses and to compel the production of physical evidence on his behalf. The witness and physical evidence must be in Bhutan.
- (e) The Court ordered both the prosecutor and the defendant that they might give testimony in writing or orally and file submissions at any time during the trial.
- (f) Relevant documents and copies of statements recorded during investigation and submitted to the Court by the prosecutor in support of the charges were read out and explained in Nepali, the language he understood.
- (g) A copy of the charge-sheet was handed over to the defendant who was ordered to study it carefully before submitting his defence for which he was granted adequate time.
- (h) The High Court informed the defendant that he may appoint a Jabmi who must be a Bhutanese citizen, if he so desired. The defendant submitted his desire to present his case himself [pro se]. **(Completed Form No. 24 dated 16/03/07)**

#### **4. CHARGE:**

##### **4.1 Charge No. 1:**

In January 2006 Shanti Ram Acharya, Khina Rizal, Ash Bahadur Mongar, Mukti Rizal, Agam Basnet, Gopal Powdel and Hem Rizal were selected from Beldangi II refugee camp in eastern Nepal and sent for militant training in a deep forest at Danabari under Ilam District in Nepal for five months together with one Company of Nepal Maoist militants. Shanti Ram Acharya also registered himself as the members of the Bhutan Communist Party (MLM) a terrorist organisation and paid NC Rs 100/- as membership fees. During the training, he was given weapon training on various types of arms and learnt the technique of making landmines and hand made bombs and the art of guerrilla warfare. On completion of their training, each one of them were issued with one M 36 hand grenade as their personal weapon and

with the instruction to use it against the Royal Government of Bhutan without wasting it. On reaching the refugee camp, Shanti Ram Acharya imparted theoretical training to several youth in the camp. On 14 January 2007 on instruction of Chabilal Kharel, President and Vikalpa Chetri, Secretary General, Bhutan Communist Party (MLM), Shanti Ram Acharya accompanied by five other terrorists Amar Dahal, Dipesh Mongar, Ram Mongar, Mahesh Mongar and Praveen Mongar, all from Beldangi – II refugee camp armed with M-36 grenades and a pistol were directed to attack the Tashilakha out-post and carry out sabotage of Tala Hydro Project after proper surveillance. On reaching Jaigaon in West Bengal, India, Shanti Ram Acharya went ahead to carry out surveillance on the Tashilakha out-post and deployment of security forces at Tala Hydro Project, while the others waited at Jaigaon. Shanti Ram Acharya was however, arrested by the RBA duties at the Tashilakha Outpost, while he was found taking photograph of the RBA out-post with a digital camera. By undergoing militant training, conspiring, preparing, planning and aiding terrorists to carry out subversive and terrorist activities against the Tsa-Wa-Sum, Shanti Ram Acharya has violated Sections 125, 127, 329 of the Penal Code of Bhutan, 2004.

## **5. Submissions before the Court**

- 5.1. The defendant, Shanti Ram Acharya was granted adequate time for the preparation of filing his written statement (defence reply).
- 5.2. Translation of statement submitted by the defendant, Shanti Ram Acharya dated 26/03/07 consisting of 01 page in Nepali pleading guilty to the charges framed by the prosecution.

In accordance with the copy of charge-sheet provided to me at the High Court on 16/03/07 during the preliminary hearing as to whether I accept or deny the charges. I hereby submit the following.

Since, I am responsible for the activities contained in the charge sheet; I fully accept and take responsibility for the same. I fully acknowledge and accept the charges framed against me. I plead guilty to the charges on my own free will without any duress or coercion from any quarters.

- 5.3. Submission of the Prosecution dated 27/03/07 consisting of 04 pages in Dzongkha submitting the available evidence regarding the charges had the case proceeded to trial.

**དོན་ཚན་དང་པ།**

ངོམ་ཤན་ཉི་རམ་ཨ་ཅར་ཡའ་འདི་ སྤྱི་ལོ་ ༡༩༩༢ ལོ་ནང་ དར་དཀར་རྫོང་ཁག་ལས་པ་གཞི་ཚུ་ཡང་ གཞུང་ལུ་བཙོང་ས་ཉི་ས་རིན་དུལ་ཀྲམ་ ༢༡༣༠༠ ། རྒྱ་གཉིས་མི་གཅིག་སྟོང་གསུམ་བརྒྱ། ཐམ་ པ་ལེན་ཉི་ རྒྱལ་ཁབ་སྤངས་ཉི་འགྲོ་བའི་ མཐའ་མ་ འབྲུག་གཞུང་གི་དབང་བཙུག་ཐོག་བདའ་ བཏང་ཏང་མ་ཨིན་ཟེར་ བེ་སྤལ་རྒྱལ་ཁབ་ཀྱི་ས་གནས་རྫོང་པ་ལུ་ བསྐྱབས་བཙོལ་པ་སྤོ་བཀོད་ འབད་ཡོད་པའི་ཁར་ ད་རེས་ཁོ་རང་སྟོན་གནས་ རྫོང་པ་ལུ་སྤོ་བཀོད་ཡོད་མི་ བེལ་དང་གི་ རྒྱ་ཁག་གཉིས་པ་ སྤོ་བཀོད་ ག - ༡ སྤོ་བཀོད་ཨང་ ༥༥ (Beldangi-II, Sector D-1, Hut No. 85) ལུ་ཨིན་ཟེར་བྱོཞི།

**དོན་ཚན་གཉིས་པ།**

ངོམ་ཤན་ཉི་རམ་ཨ་ཅར་ཡའ་གིས་སྤྱབ་མི་ནང་དོན་ བེ་སྤལ་ལུ་ཡོད་པའི་སྐྱབས་བཙོལ་པའི་སྤོ་བཀོད་ བཏང་ འབྲུག་ ཀ་ལུ་ཞི་སྟོན་ཚོགས་པ་ [Bhutan Communist Party, Marxist Leninist Maoist (MLM)] བཙུགས་ཉི་ཡོད་ཟེར་ཨི་མས་ ཁོ་གིས་སྤལ་མི་ཚོར་པའི་སྤོ་བཀོད་འདི་ (Organizational Chart of the Bhutan Communist Party) ཞི་མས་ཞབས་ལུ་བྱུར་སྤྱོད་དང་པ་ སྤོ་བཀོད་ལུ་སྤལ་ཡོད་ལུ། ཚོགས་པའི་འགོ་དཔོན་གྱི་མིང་ཡང་ ཚ་བི་ལཱ་ཁ་རེལ་ (President of the Bhutan Communist Party) དང་ མི་གཞུང་པ་ཚེད་ཉི་རི་ (General Secretary of the Bhutan

Communist Party) གཉིས་ཨིན་པའི་ཁར་ ས་གནས་ལག་གི་ཚོགས་ཚུང་ (Sector Committee) ཚུ་ལུ་བཀོད་བྱ་ཡང་ ཁོང་གཉིས་ཀྱིས་ བཏང་དོ་ཡོད་པ་མ་ཚད་ ཁོང་འགོ་དཔོན་ཚུ་གིས་ན་གཞོན་གང་མང་ ཀམ་ལུ་ཉེས་ཚོགས་པའི་འཐུས་མི་ནང་འཇུག་ལུག་ འབད་ཐབས་ལུ་རྒྱུད་བསྐྱེད་འབད་དི་ འབྲུག་གཞུང་ལུ་དོ་རྒྱུ་བརྒྱུ་ལུ་ཨིན་མ་སྟེ་ལོ་རྒྱུ་བཤམ་པ་ལྷོ་མས་ཟེར་ལུ་ཉི།

**དོན་ཚན་གསུམ་པ།**

སྤྱི་ལོ་ ༢༠༠༦ དབྱིན་ཟུང་དང་པའི་ནང་ལུ་ ཤུག་ཉི་རམ་ཨ་ཙམ་ཡ་གིས་ འབྲུག་ཀམ་ལུ་ཉེས་ཚོགས་པའི་འཐུས་མི་སྡེ་ འཇུག་ཡོད་པ་མ་ཚད་ ཁོ་གིས་གཙོས་པའི་མི་དོ་མ་བདུན་ ། ཁྱིམ་རི་རྩལ་ལྷན་ལུ་བྱུང་ལུ་མོང་གར་ ལུག་ཉི་རི་རྩལ་ ཨ་གམ་རྒྱས་ཞེན་ གོ་སྤུལ་པ་ལུ་གཉིས་དང་ ཉེ་མ་རི་རྩལ་ གིས་ནེ་སྤུལ་མཁུས་གཡིབ་དམག་རྒྱ་ཁག་ཅིག་དང་མཉམ་ ཅིག་རྒྱ་ན་བ་རི་ནགས་ཚལ་ནང་ལུ་ དོ་རྒྱུ་དམག་སྡེ་གི་སྡེ་བ་ལྷན་ལུ་ལུག་ཚུ་ན་འབད་ཡི་ཟེར་ལྷོ་མས། ཤུག་ཉི་རམ་ ཨ་ཙམ་ཡ་གིས་མཁུས་ལུ་གཡིབ་དམག་སྡེ་བ་དར་ནང་བཅའ་མར་གཏོང་པའི་སྐབས་སུ་པར་བཏབ་ཡོད་མི་རྩུར་སྐྱེག་ གཉིས་པ་དང་ སྡེ་བ་དར་འབད་བའི་སྐབས་རྩུར་བམ་བཟོ་ཐང་དང་བཅུག་ཐང་དམག་བརྒྱུ་བ་ཐང་ཚུ་ལྷན་པའི་ཟེན་ བྲིས་ཉེན་དེ་བཅུ་རྩུར་སྐྱེག་གསུམ་པར་སྡུན་འབུལ་སྤུལ་ཡོད་ལྷ། ཁོ་ལུ་དམག་སྡེ་བ་ལྷན་ལུ་ བེ་སྤུལ་མཁུས་ལུ་ ཚོགས་པའི་སྡེ་བ་དར་དམག་སྡེ་འགོ་དཔོན་ (Training Camp Commander of Nepal Communist Party) ཨ་བི་ཡན་གི་པར་རྩུར་སྐྱེག་བཞི་པར་སྡུན་འབུལ་སྤུལ་ཡོད་ལྷ། ཚོགས་པའི་འགོ་དཔོན་གྱིས་འབད་ཨ་ཙམ་ དོ་རྒྱུ་

དམག་སློང་གི་སྐྱེད་བའ་འབད་དགོ་མི་གནད་དོན་གཙོ་བོ་རང་ འབྲུག་གཞུང་ལུ་ངོ་ལོག་སྟེ་ འབྲུག་  
བརྒྱུད་འཛིན་གྱི་ རྒྱལ་ཁབ་འདི་ཙམ་མེད་གཏང་སྟེ་ བོ་དུལ་མཉམས་རྒྱུ་ཚོགས་པའི་དམིགས་དོན་དང་  
ཚོགས་འབམ་འབད་ སྤྱི་མཐུན་ རྒྱལ་ཁབ་ཀྱི་གཞུང་ (Republic form of Government) གཞི་  
བཙུགས་འབད་ཐབས་ལུ་ཨིན་ཟེར་སྐབ་ཨྱི་མས་ཟེར་ལུ་ནི།

### དོན་ཚན་བཞི་པ།

བོ་དུལ་རྒྱལ་ཁབ་ཀྱི་ས་གནས་རྒྱ་པ་ལུ་ཡོད་མི་སྐར་ཚུ་ནང་གཞི་བཙུགས་འབད་ཡོད་མི་ འབྲུག་ཀ་  
ལུ་ནི་སྐར་ཚོགས་པ་ [Bhutan Communist Party, Marxist Leninist Maoist (MLM)] བཙུགས་  
ཏི་ཡོད་མི་འདི་གཞི་བདེ་དང་གོང་འཕེལ་གྱི་ དོན་ལུ་མིན་པར་ ང་བཙས་རའི་གཞུང་དང་རྒྱལ་ཁབ་  
མགོ་མཇུག་སློག་ཐབས་ལུ་དམིགས་ཏེ་ གོ་མཚོན་འབག་སྟེ་ དྲག་ཤུལ་དབང་བཙུག་ཐོག་ མི་སྡེ་  
མང་རབས་ལུ་འཛིགས་སྐྱེད་བཀའ་ལེན་དོན་ལུ་ཨྱི་མས་ཟེར་ལུ་ནི། བཟོ་དབྱིན་ ལོ་2006 དབྱིན་  
ཟླ་12 པའི་ཚེས་2 ལུ་ སུན་ཚོཌ་གླིང་ལུ་རྒྱུ་བཟོ་གས་མི་ལས་བརྟེན་ཏེ་ མི་དང་ཁྱིམ་ འགྲུལ་  
འཁོར་ཚུ་ལུ་གོད་པ་སློམ་རྒྱབས་མི་ཡང་ ཀ་ལུ་ནི་སྐར་ཚོགས་པའི་ (Bhutan Communist Party,  
MLM) འབྲུག་མི་ ལག་མཚམས་ཏེ་དེ་གི་སྟེ་ཚན་གྱིས་བཙུགས་ཡོད་པ་སྟེ་སྐབ་ཡོད་ཟེ་ལུ་ནི། སུན་  
ཚོཌ་གླིང་ལུ་རྒྱུ་བཟོ་གས་མི་ལས་ བརྟེན་ཏེ་གོད་རྒྱུ་བཟོ་མའི་སྐབ་ལུ་དང་པར་ཚུ་ ཁྱིམ་ས་  
ཞབས་ལུ་བྱུར་སྐྱུག་ལུ་པར་སྐྱུག་འབུལ་སུལ་ཡོད་ལུ།

### དོན་ཚན་ལྔ་པ།

འབྲུག་ཀ་ལུ་ཞེ་སྤྱི་ཚོགས་པ་འདི་ འགྲུལ་དབང་བཙུག་ཚོའ་པ་གཅིག་ཡིན་མ་ཤེས་བཞིན་ཏུ་ འགྲུ་  
 ཏི་རམ་ཨ་ཙམ་ཡ་ གིས་འབྲུས་མི་འབད་འཇུལ་ཞུག་འབད་ཡོད་པ་མ་ཚད་ ཞེ་སྤྱི་མ་འབྲུས་ཏུ་  
 དང་ཅིག་ཁར་གཡིབ་དམག་གི་སྤྱོད་བཟུང་ རྒྱབ་སྐྱོར་ཚུ་ནང་ཡོད་མི་ བ་གཞོན་གཞན་ཚུ་ལུ་  
 ཡང་སྤྱད་བ་བྱིན་ཡོད་པའི་ཁར་ མཚོན་ཆ་པིས་ཏོལ་དང་ ལག་བུམ་ ལུ་ཀྱི་རི་ཚུ་འབག་སྟེ་འགྲུ་  
 འགྲུལ་དབང་བཙུག་ཐོག་བཀྲིས་ལ་ཁ་སྤྱད་སྤྱོད་འགོག་སྤྱད་དང་ དར་ལ་སློག་མེ་ ལས་འགྲུལ་  
 གཏོར་ཤིག་གཏང་ནིའི་དོན་ལུ་ ལྷོང་ལྷོང་དང་རྒྱུད་བསྐྱུལ་ ཉེས་ཚན་ལྟོག་གོས་དང་ རྒྱལ་ཁབ་མགོ་  
 མཇུག་ སློག་ཐབས་ལུ་དམིའ་ཏི་ རྒྱུ་ནང་ཡོད་མི་མ་འབྲུས་ཏུ་གཡིབ་དམག་དང་ཅིག་ཁར་ཁ་འཆམ་  
 སྟེ་ འགྲུལ་དབང་བཙུག་ གི་བྱ་སྤྱོད་བཟུང་ཡོད་པ་ལས་ ཁོ་རའི་ལུ་དང་བྱ་བ་ལས་བརྟེན་པའི་  
 ཉེས་འཇུག་བཙུགས་ཡོད་མི་ཚུ་ལུ་ ཉེས་ཁྲིམས་ སློན་དགོ་པའི་ལུ་བ་ཕུལ་མ་ཡིན་ལཱ།

གོང་ལུ་ཞུ་མི་དོན་ཚན་ཚུ་ ཆེ་མཐོ་ཁྲིམས་ཁྲིའི་ལྷན་རྒྱུས་ཡོངས་ཀྱིས་ འདྲ་ཁྲིམས་ཁོ་ནར་དམིགས་  
 ཏི་ ཁོ་ལུ་ཉེས་ འཇུག་བཙུགས་ཡོད་མི་ཚུ་ ཉེས་འགོལ་ཁྲིམས་དེ་བཀྲི་དོན་ཚན་ ༡༢༥ དང་ ༡༢༦  
 ༣༢༩ ཚུ་དང་འཁྲིལ་ཏི་ཉེས་ ཁྲིམས་བཀའ་གནང་ཟེར་ཞུ་བ་སྐྱེ་གསུང་བྲགས་དམ་པ་མཚུན་  
 མཚུན་ མཚུན། ཞེས་རང་ལུགས་གནམ་ལོ་ མེ་མོ་མགའོ་ ལྷ་བ་<sub>2</sub> པའི་ཚོས་<sub>9</sub>འམ་ སྤྱི་ཚོས་  
 ༢༦-༣-༢༠༠༦ ལུ་གྲུས་པས།

- 5.4. List of the Exhibits dated 27/03/07 and 30/03/07:**
- a. Details pertaining to the defendant’s family members in English dated 28/03/07;
  - b. Copy of agreement executed with the government while emigrating in Dzongkha dated 20/02/92;

- c. Application submitted by the defendant's father as head of the family in Nepali dated 05/12/91 confirming their desire to leave for Nepal;
  - d. Forwarding note from the Dzongkhag administration to the Court in Dzongkha dated 10/12/91 to process the request of the defendant's family to leave for Nepal along with list of family members in English on an official form;
  - e. Organizational chart of Bhutan Communist Party in English;
  - f. Photograph of the defendant in Maoist (camouflage) uniform with right hand raised and fist clenched;
  - g. Photograph of Avyan, Commander of the Nepal Maoist Training Camp;
  - h. Gist of training material contained in the diary recovered from the defendant consisting of two pages in English;
  - i. Police report no. RBP/Div-III/A-116/2007(5587) dated 09/12/06 in English, along with photographs pertaining to the bomb blast at Phuentsholing consisting of 11 pages.
- 5.5. Translation of defendant Shatiram Acharya's closing statement dated 30/03/07 in Nepali consisting of 01page and completed form no. 50.

In connection with the presentation of diary and photographs as exhibits by the prosecutor, I have identified the photographs and clarified regarding the diary in open court. However, as required by the Court, I hereby submit a written confirmation as follows.

With regards to the two diaries produced as exhibits by the prosecution on 27/03/07, I confirm that one diary belongs to me while the other one belongs to Prakash a Nepali Maoist cadre. At the same time, one photograph is mine while the other one is Avyan, Commander of the B-Company, Battalion II, and Division IV of the Nepal Maoist.

The above statement and the statements submitted to the Police are true to the best of my knowledge and submitted on my own free will without any coercion.

**Translation of Form No.50 from Dzongkha:**

I Shanti Ram Acharya, male, aged 20 years, resident of Jhapa, Nepal

submit the following truthfully.

In accordance with §92 of the CCPC, I have been granted full opportunity to present my rebuttals, produce evidence, conduct cross-examination to my satisfaction in keeping with due process of law. Therefore, as I have no further submissions to make, I rest my case.

5.6. Prosecution’s closing statement dated 30/03/07 in Dzongkha consisting of 01 page and completed form No. 50.

སྒོ་མཉམས་ལྷན་ཁག་གི་སྐུ་ཚབ་ ཚུན་དཔོན་ཡོངས་ཁྱབ་ཡིག་ཚང་ལས་ཕྱག་བཅས་ལུ་གསོལ་དེ་ནི་  
སྤྱི་ཚེས་ ༢༠-༣-༠༧ ལུ་ ཁྲིམས་ཞབས་ཀྱིས་ བཀའ་དང་བསྟུན་ རོམ་ཤན་ཉི་རམ་ཨ་ཙམ་ཡ་གི་  
ནང་ཚན་ཁ་གསལ་དང་ བ་གཞི་ཚུ་བཙོངས་ཉི་ ཁོང་རའི་སློབ་འདོད་ དང་འབྲེལ་ རྒྱལ་ཁབ་  
སྤངས་ཉི་འགྲོ་བའི་སྐོར་ལས་ ཡིག་ཆ་ཚུ་བྱུར་སྐྱབ་སྐྱབ་འབུལ་ཕུལ་བ་གཤམས་གསལ་ལུ།

- ༡༽ རོམ་ཤན་ཉི་རམ་ཨ་ཙམ་ཡ་གི་ནང་ཚན་ཚུ་གི་ཁ་གསལ་ཤོག་གངས་། །
- ༢༽ དར་ཚོང་ཁྲིམས་ཀྱི་འདུན་སར་བཟོས་པའི་རྒྱལ་ཁབ་སྤངས་འགྲོ་མིའི་གན་རྒྱ་ཤོག་གངས་། །
- ༣༽ ཚོང་ཁག་འཛིན་སྐྱོང་གིས་ཁྲིམས་འདུན་ཕུལ་མི་ལུ་ཡིག་ཤོག་གངས་། །
- ༤༽ རྒྱལ་ཁབ་སྤངས་སྤྱི་འགྲོ་མིའི་ལུ་ཡིག་ རེ་པ་ལི་སྐད་ཡིག་ནང་ ཤོག་གངས་། །
- ༥༽ རྒྱལ་ཁབ་སྤངས་ཉི་འགྲོ་མིའི་མིང་ཐོ་ ཤོག་གངས་། །

གོང་ལུ་ཕུལ་མི་ཡིག་ཆ་ཚུ་ ཆེ་མཐོ་ཁྲིམས་ཁྲིའི་ལྷན་རྒྱུས་ཡོངས་ཀྱིས་ དབྱེ་ཞིབ་མཛད་གནང་ཟེར་  
ལུ་བསྐྱབ་གསུང་ ཐུགས་དམ་པ་མཁྱེན་ མཁྱེན་ མཁྱེན། ཞེས་རང་ལུགས་གནམ་ལོ་ མེ་མོ་  
ཕག་ལོ་ལྷོ་བ་༢ པའི་ཚེས་༡༢ ལམ་ སྤྱི་ཚེས་ ༣༠-༣-༢༠༠༧ ལུ་གུས་པས་ ཕྱག་བཅས་ ཕུལ།

**Translation of Form No.50 from Dzongkha:**

I Pema Rinzin, Chief Attorney, Office of the Attorney General on behalf of the Government submit the following truthfully.

In accordance with §92 of the CCPC, I have been granted full opportunity to present my rebuttals, produce evidence, conduct cross-examination to my satisfaction in keeping with due process of law. Therefore, as I have no further submissions to make, the state rests its case.

**6. Summary Trial:**

- (a) The defendant was asked to comment on the charges during which his submissions were heard uninterruptedly.
- (b) The Court pronounced that the defendant shall have full opportunity to deny or make further submissions, if he so desired.
- (c) The Court informed both the prosecutor and defendant that their testimonies may be questioned at any time during cross-examination.
- (d) The Court pronounced that the prosecutor and the defendant shall be granted full opportunity to cross-examine witness and produce relevant evidence if the case proceeded to trial.

**6.1. The Defendant having pleaded guilty the Court issued the following orders:-**

- (a) Having submitted a written statement (guilty plea) acknowledging guilt to the charges, the defendant was inquired whether the statements had been made voluntarily and confirmed that the defendant was mentally competent, intelligent and able to comprehend:
  - a. The nature of the charge to which the plea is offered;
  - b. The mandatory minimum and maximum penalties provided by law;
  - c. That having pleaded guilty, he waives his right to a trial.
  - d. That the court has discretion to order the defendant to make restitution and pay compensation to the victim if applicable.

(b) By pleading guilty or nolo contendere the accused accepts punishment for the charged criminal activity. In exchange for this acceptance, the system i.e., the prosecutor and the Court permit's the accused to avoid some of the uncertainty endemic in any litigation system in which human beings must decide crucial questions of fact and law and often can exercise broad discretion in implementing social policy.

(c) **By Pleading guilty, the defendant:**

- i) Aids in ensuring prompt and specific application of correctional measures;
- ii) Avoids delay and increases the probability of prompt and certain application of correctional measures to other offenders;
- iii) Acknowledges guilt and manifests the willingness to accept responsibility for his conduct;
- iv) Avoids public trial when the consequences outweigh any legitimate need for such; and
- v) Prevents undue harm to the defendant from the form of conviction.

**7. The trial was conducted on the following dates:-**

- |                                  |            |
|----------------------------------|------------|
| - Preliminary Hearing            | : 16/03/07 |
| - Defence Reply (Guilty Plea)    | : 26/03/07 |
| - Evidence                       | : 27/03/07 |
| - Exhibit                        | : 27/03/07 |
| - Defence Explanation to charges | : 27/03/07 |
| - Closing Argument               | : 30/03/07 |

**8. Summary Judgment (§ 195.5 CCPC):**

**8.1. Charge No. 1:**

In January 2006 Shanti Ram Acharya, Khina Rizal, Ash Bahadur Mongar, Mukti Rizal, Agam Basnet, Gopal Powdel and Hem Rizal were selected from Beldangi II refugee camp in eastern Nepal and sent for militant training in a deep forest at Danabari under Ilam District in Nepal for five months together with one Company of Nepal Maoist militants. Shanti Ram Acharya also registered himself as the members of the Bhutan Communist Party

(MLM) a terrorist organisation and paid NC Rs 100/- as membership fees. During the training, he was given weapon training on various types of arms and learnt the technique of making landmines and hand made bombs and the art of guerrilla warfare. On completion of their training, each of them was issued with one M 36 hand grenade as their personal weapon and with the instruction to use it against the Royal Government of Bhutan without wasting it. On reaching the refugee camp, Shanti Ram Acharya imparted theoretical training to several youth in the camp. On 14 January 2007 on instruction of Chabilal Kharel, President and Vikalpa Chetri, Secretary General, Bhutan Communist Party (MLM), Shanti Ram Acharya accompanied by five other terrorists Amar Dahal, Dipesh Mongar, Ram Mongar, Mahesh Mongar and Praveen Mongar, all from Beldangi – II refugee camp armed with M-36 grenades and a pistol were directed to attack the Tashilakha out-post and carry out sabotage of Tala Hydro Project after proper surveillance. On reaching Jaigaon in West Bengal, India, Shanti Ram Acharya went ahead to carry out surveillance on the Tashilakha out-post and deployment of security forces at Tala Hydro Project, while the others waited at Jaigaon. Shanti Ram Acharya was however, arrested by the RBA duties at the Tashilakha Outpost, while he was found taking photograph of the RBA out-post with a digital camera. By undergoing militant training, conspiring, preparing, planning and aiding terrorists to carry out subversive and terrorist activities against the Tsa-Wa-Sum, Shanti Ram Acharya has violated Sections 125, 127, 329 of the Penal Code of Bhutan, 2004.

- 8.2.** The defendant having pleaded guilty to the above charges was granted an opportunity by the Court to furnish an explanation to confirm his guilty plea. During the hearing, his submissions were heard uninterruptedly. The defendant vividly recanted in open Court, all the submissions made by him to the Police coherently and intelligently.
- 8.3.** The explanation furnished by the defendant and the evidence proffered by the prosecution established the following:
  - a) That the defendant is the son of Gopilal Acharya who along with his family members had migrated to Nepal in 1992, after fulfilling the necessary official requirements and being paid compensation by the Royal Government for the properties held by the family at Deorali village, Emiray gewog, under Dagana Dzongkhag.

- b) That the bomb-blast at 0650 hrs on 02/12/06 at Phuentsholing was carried out by Laxman Chhetri and his group belonging to the Bhutan Communist Party (MLM). The said bomb-blast caused damage to property and serious bodily injury to four individuals.
- c) The defendant knowingly volunteered to join the MLM (Bhutan Communist Party) an organization inimical to Bhutan as a member after paying a sum of N.C. Rs.100/- with the agenda to establish a Republic in Bhutan in line with the Maoist demand in Nepal.
- d) On 09/01/06, the defendant along with following six others from Beldangi II refugee camp in Nepal were asked by Chabilal Kharel, Secretary, Bhutan Communist Party (MLM) to undergo armed training as first batch at Danabari village of Illam District in Nepal.
- e) The defendant was trained along with about 100 other Nepali Maoist cadres (one company) already undergoing training in the camp by Mr. Avyan from Nepal Maoist Party who was the camp Commander. (The defendant identified the photograph of Avyan during the trial).
- f) The defendant underwent training in military tactics, weapons (7.62 SLR, grenade M36, .303 rifles and socket grenade), explosive making (IED), mines and booby traps, jungle warfare and communist ideology.
- g) The defendant trained for a period of 4 months and 3 days, during which period he was paid a stipend of NC Rs.500 per month as pocket money.
- h) After the completion of the armed training by the first batch and the second batch (total 14 of them, which includes the defendant), the trained cadres were given one hand grenade each by the Nepal Maoist party as reward with instructions to use it against the Royal Government of Bhutan without wasting it.
- i) The defendant along with other trained cadres was entrusted with the responsibilities to disseminate the knowledge acquired from the training. They recruited about 50 students studying in classes VIII to X from Krantikari Bydhavati Union (Revolutionary Students Union) affiliated to Bhutan communist Party (MLM).
- j) Mr. Chabilal Kharel, President of MLM, introduced them to Vikalpa Chhetri and briefed them about their mission informing them that since they had completed their training as first batch, "it was time to conduct subversive activities inside Bhutan".
- k) Each cadre was given their task discreetly and the defendant was

tasked with the responsibility to gather information about the security deployment at the Tashilakha out-post and the power house of the Tala Hydro Project. The defendant was to provide the information to the group led by Amar a.k.a Gopal Sharma who was waiting at Jaigoan since 15 January 2007, who were all trained and fully armed.

- l) Based on the intelligence input provided by the defendant, the group was supposed to go to Tala Hydro Project and carry out the subversive activities by destroying the power house of Tala Hydro project and attack the security personnel at the Tala check post.
- m) For the task the defendant was provided with Rs.200/- and a digital camera by Amar in order to take the photographs of the Tala Hydro project, Tashilakha out-post and to make a sketch map leading to Tala.
- n) On 15 January 2007, the defendant along with five of his friends crossed Pani Tanki check post (Nepal) and reached Jaigaon (India) on the same day and halted for the night at Ghayatri Hotel. The following day, the defendant entered Phuntsholing through Jharna area along with Indian workers proceeding to Phuntsholing.
- o) Reinforcement of seven more terrorists belonging to the Bhutan Communist Party (MLM) was supposed to reach Jaigaon on 16 January 2007 and was to enter Bhutan together with the first group after receiving the intelligence input from the defendant. They had arranged to meet at the Jaigaon bus stop on 16 January 2007 and accordingly proceed to Tala to accomplish their task.
- p) The defendant walked all the way till Rinchending avoiding the check-post and proceeded towards Pasakha. After walking about a kilometer, he took a lift in an Indian truck which was going towards Pasakha Dalda factory. Thereafter, he again hitch-hiked and reached Manitaar from where he reached Tashilakha at around 1500 hrs.
- q) The defendant attempted to take photographs of Tashilakha out-post from the road, which is about 10 meters and in the process was arrested and detained at the Tashilakha out-post.

**8.4.** In view of the guilty plea and the evidence (incriminating photographs, diaries and documents recovered from the possession of the defendant) proffered by the prosecution it has been established beyond a reasonable doubt in accordance with § 96.2 CCPC, that the defendant is guilty of the offences as charged. The diary identified by the defendant as belonging to him in open court is deemed to be likely to be useful for committing an act

of terrorism against the people and the kingdom of Bhutan.

- 8.5.** § 329 of the Penal Code, provides that a defendant shall be guilty of the offence of terrorism, if the defendant: (a) with intent to subvert the state, uses, assists, recruits, or trains another person to use a bomb, dynamite, firearm, or other lethal weapons for terrorists activities; (b) participate in financing, planning, or preparation of terrorists acts or in supporting terrorist acts directly; or (c) engages in a violent act or insurrection against Bhutan that is designed primarily to generate fear in a community or a substantial section of the society.
- 8.6.** In every crime, firstly there is intention to commit it; secondly, preparation to commit it; thirdly, attempt to commit it. If the third stage that is attempt is successful then the crime is complete. If the attempt fails, the crime is not complete, but the law punishes the person attempting the act. An attempt is made punishable, because every attempt, although it fails of success, must create alarm which of itself is an injury and the moral guilt of the offender is the same as if he had succeeded.

Whoever, attempts to commit an offence punishable with imprisonment, or to cause such an offence to be committed and in such attempt does any act towards the commission of the offence, shall where no express provision is made for the punishment of such offence, be liable to be punished with imprisonment for criminal attempt or conspiracy. Therefore, in accordance with § 134 of the Penal Code the offender is liable for felony of third degree, if the offence is of first degree felony; or half the penalty if the offence is of third felony, fourth degree felony, misdemeanour or petty misdemeanour.

- 8.7.** The reconnaissance by the defendant as tasked by his militant organization (MLM) if successful would have been a vital element for the execution of their terrorist plan to destroy the Tala Hydro Project Power House and security out-post at Tashilakha. The plan formulated by the militants, to which the defendant was an integral part if executed, could have constituted a grave threat to life, property and revenue loss to the Royal Government. Therefore, having been arrested prior to the execution of the terrorist act, the defendant is liable for criminal conspiracy to commit terrorism against the Tsa-Wa-Sum, under §§ 127, 134, 329 and 330 of the

Penal Code.

**COURT ORDER:**

The Court granted full opportunity and thoroughly considered the explanations made by the defendant concerning the guilty plea. He was given full opportunity to make all his submissions, which were given the utmost consideration.

The Court awards **SEVEN (07) YEARS AND SIX (06) MONTHS** imprisonment term in total to the defendant Shanti Ram Acharya, resident of Beldangi II, Sector D/1, Hut No.85, Jhapa, Nepal in accordance with §§ 127, 134, 329 and 330 of the Penal Code and § 211 of the Civil and Criminal Procedure Code from the day he was arrested for the charges against him that have been proven.

**བཀའ་རྒྱ།**

བྱ་བའི་གནད་ལྟོད་ཀྱི་ཁྲིམས་དེ་བཞིན་ཚུན་༢༤ པའི་ནང་གསེས་ལྟར་ ཁྲིམས་ཀྱི་འདུན་ས་ལས་ ཚུད་བཤེར་གྱི་སྐབས་ལུ་  
རང་སེའི་དོན་ཁུངས་སྒྲགས་ཏེ་ ཞིབ་པར་གསལ་ཞུའི་གོ་སྐབས་མིལ་བུ་གནང་གྲུབ་པའི་ཁར་ ཉེས་འདོགས་པ་དང་ ཚུད་ལྷེའི་  
དོན་ལུ་ བཀའ་གྲོས་རིམ་པར་མཛད་དེ་འཇུག་ཚེད་ཀྱི་བཀའ་སྤྱུལ་གནང་གྲུབ།

རང་གིས་ལས་བྱས་རང་ལ་སྤྲིན་ཅོ་ན། །བཟང་ངན་རང་ལ་རག་ལས་ཤེས་པར་བགྱི། །

དཔལ་ལྷན་འབྲུག་པའི་ཁྲིམས་ཀྱི་དགོངས་དོན་ལྟར་ དོགས་ཚོན་ཅན་ངོ་མིང་ཤན་ཏི་རམ་ཨ་ཅར་ཡ་དེ་ འཛིན་བཟུང་འབད་བའི་  
ཉེ་མ་ལས་ ལོ་ངོ་༧ དང་ལྷམ་༤ ཉེན་གངས་མེད་བཅས་ ཡངས་ཆག་མེད་པར་ཉེས་ཁྲིམས་བཅོལ་དུ་སྤྲིན་གྲུབ་པ་ལས་ སྤན་  
ཆད་གཅོད་ཅིང་སྤོམ་པར་བགྱིའོ། ཞེས་གནམ་ལོ་མོ་མོ་ཕག་ ལྷ་གཉིས་པའི་ཚེས་ཉེར་ལྔ་ལུ་འཇུག་ ལྷོ་ཚེས་༡༢.༧.༢༠༠༧ ལུ་  
དཔལ་ལྷན་འབྲུག་པའི་ཁྲིམས་ཀྱི་བཀའ་རྒྱ།

བྲང་དཔོན།

།སྲིད་ཐར་ནམ་རྒྱལ།༽

།ཆེ་མིང་དབང་ལྷུག།༽