



# Human Rights e-Newsletter

## National Human Rights Commission of Nepal



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### Harnessing HR Offenders with Promotion, Mockery of Rule of Law: Chairperson

**L**alitpur : Chairperson Justice Kedar Nath Upadhyay has expressed outright indignation over the promotion granted to few security personnel accused of human rights violations.

Addressing an interaction program organized on August 30, 2012 to mark the International Day of the Disappeared, the Chairperson said that such a step of the government has further encouraged the accused of human rights violations and crushed down the morale of the victims.

Adding that there are still around 1400 disappeared citizens to be publicized, the Chairperson said that the condition of the victims must be made public at the soonest to punish the perpetrators and to provide justice to the victims.

Expressing solidarity to the campaign launched by the families of the victims, he also urged the stakeholder parties to respect the right of victims' families to know the condition and whereabouts of their near and dear ones.

On the occasion Secretary Dhruba Prasad Sharma of Peace and Reconstruction Ministry presented the details of the relief

#### 29<sup>th</sup> International Day of the Disappeared - 2012

distributed to the victims. He informed that the relief as such is distributed to the victims on the basis of the decision dispensed by the Commission.

Noting that searching for the disappeared persons being difficult in global spectrum,

Secretary Sharma said it is indeed difficult task in such a country like Nepal.

At the program, Former CA Member Ek Raj Bhandari flayed the Govt. for unilaterally issuing TRC related ordinance that wouldn't be admissible in anyway. It would have been wise on the part of the government if the common concept was had been built through unanimous consensus prior to introducing such ordinance, Mr Bhandari said.

Ganesh BK, Chairperson of Human Rights Alliance, expressing solidarity to the campaign launched by the victims' families, urged to internalize the woes of the victims and move ahead towards the path of justice.

The formation of the transitional justice mechanisms such as TRC and the Commission

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### 29th Int'l Day of the Disappeared Marked in Nepalgunj



Participants at a rally organized on the occasion of the 20th Int'l Day of the Disappeared in Nepalgunj, Banke

*Photo: Umesh Rana Magar*

**B**anke: The NHRC Regional Office, Nepalgunj, Human Rights Alliance, Conflict Victims Society for Justice, Himrights, Advocacy forum, Fatima Foundation, INSEC, Conflict Victims and Single Woman Network, Women Welfare Forum jointly organized a rally on 30th

August, 2012 to mark the 29th International Day of the Disappeared- 2012.

A massive rally was taken to the thoroughfares of the city starting from Ganeshman Chok to Dhamboji Chok and converged into a gathering at Swastik cottage where an

interaction program was organized entitling "Searching for Justice and Challenges."

With the objective to cultivate pressure on the government to publicize the condition and whereabouts of the disappeared citizens of the mid-western region, the program was participated by the stakeholder organizations associated with the kin of disappeared, representatives of the government and non-governmental organizations, media persons, family members and relatives of

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Prison and Detention Centers Monitoring

NHRC Officials on Monitoring Mission at Dhulikhel Prison

**K**avre: Chairperson Justice Kedar Nath Upadhyay and the Commissioner Gauri Pradhan surprised the prison administration while they dropped by the Dhulikhel prison for monitoring mission on August 10, 2012. During the monitoring, they met with inmates and detainees at the district prison premises.

Most inmates came up with their disgruntlement by saying that 158 inmates have been kept in the prison cells that could hardly accommodate 61 inmates. They said that they can hardly move around and the problem goes to its height when they find it very much difficult in sleeping. They also placed their grievances before the NHRC Officials by saying that the daily allowance RS 45 provided to them was quite meager.

The inmates unveiled that the documents sent from the court do not reach to them in time. They also revealed that mentally ill

inmates were compelled to shelter underneath the same roof together with other inmates which creates another problem.

During the visit to the Dhilkhel prison Chairperson Upadhyay and Member Gauri Pradhan said that the prison management can address the minor problems which can be resolved at the disposal of district prison only. The Commission forwards orders and directives to the concerned agencies including the prison management at the central level if the problems can only be solved through the center, said the Chairperson.

During the monitoring, the team comprising NHRC Director Bed Bhattarai including the HR Officers duo Shyam Babu Kafle and Bhim Prakash Oli discovered that 144 inmates in total including 70 detainees and 74 inmates were accommodated in the above prison. Among them, 35 were mentally ill inmates and detainees. The prison lacked the basic infrastructure for dining and sleeping. Above all, the prison wasn't found to comply with



NHRC Officials including the NHRC Chairperson Upadhyay, Member Gauri Pradhan and Director Bed P. Bhattarai during the monitoring of the Dhulekhel prison in Kavre district

Photo: NHRC Monitoring Team

the Prison and Detention Center Guidelines 2067 adopted by the Commission.

CDO Rudra Nath Basyal, Administrative Officer Anil Poudel including Jailor Matrika Prasad Poudel were also present during the prison monitoring.

Prison and Detention Center Monitored in Rautahat District



NHRC staff from the Regional Office obtaining information from Shivahari Upadhyay, CDO of Gaur District during the prison and detention center monitoring in Gaur district.

Photo: NHRC Regional Office, Janakpur

**G**aur: The NHRC Eastern Regional Office launched monitoring mission at the district prison and the detention center situated in district police office premises in Rautahat district on August 11, 2012. The monitoring was the follow-up of the mission conducted in the district prison and the detention center of the district police office way back in September 27, 2005 and the appeal made to the then His Majesty's Government of Nepal for the unsatisfactory measures adopted for the improvement of

prison and the detention center.

The Monitoring team met with the officials of Prison Administration, District Administration Office and inmates and obtained the on-the-spot information about the prison and its activities.

The district prison of Gaur in Rautahat district is situated in the center of the town which had been renovated at times along with the improvement made in internal administration of the prison. The overall condition of the prison, however, appeared to have gone to dogs due to the inadequate budget allocation by the prison management department and thus the prison administration was found to be dispirited in further improving the condition of the prison.

Besides, the prison is found accommodating more inmates than its capacity requiring minimum basic amenities for health and sanitation of the inmates. The infants were found accommodated along with the adult inmates. One of the inmates with ailment wasn't given any medical treatment, the monitoring report says.

The Regional Office of the Commission

(Janakpur) has, therefore, forwarded the recommendations with regard to the prison condition and the problems faced by the inmates. The recommendations include the renovation of the district prison, adequate budget allocation for the prison management, alternative home for the inmates in the event of overflow of the detainees.

The recommendations have also been made to the district administration office and the concerned stakeholder authorities for the regular inspection and monitoring of the prison and detention centers situated in the district.

Apropos the mandates bestowed by the interim constitution of Nepal, 2007 for the prison monitoring across the country, the Commission has been conducting the monitoring and publicizing the report with the recommendation inclusive of the appeal sent to the concerned stakeholders authorities for the improvement of the wretched condition of the prison, legal services to be made available to the inmates, health and sanitation including, reintegration of the inmates into the society upon their release from the prison.

Monthly Status of the NHRC Decisions (August, 2012)

The National Human Rights Commission, in course of its action, has finalized a number of cases including 1 case on the Convention against Torture (CAT) and 3 cases on disappearances in the month of August, 2012. Similarly, 1 case on ICCPR and 1 case on CAT have been dismissed whereas 7 cases on ICCPR, 2 cases on ESCR and 1 case on CAT remain as pending.

Thus, the recommendations have been sent on 12 cases on ICCPR, 8 cases on ESCR on and CAT and 7 cases on Disappearances this past month.

## Dispute Settled through NHRC Mediation in Prison in Jumla District

**J**umla: NHRC Sub-Regional Office, Jumla conducted monitoring on the protests staged by the inmates in Jumla prison against the prison administration following a dispute over denial of access of visitors to the prison. The dispute erupted when the friends and kin were not allowed to see the inmates in person to hand over the puja-offering to them, says the monitoring report sent by NHRC Sub-Regional Office Jumla.

As a sign of protest, therefore, the inmates were reported to have confined within the cells by locking themselves from inside from August 21 to 23, 2012 without letting the administration to conduct regular checking of the prison cells, the report reads.

Meanwhile, following the incident, the 22 irate inmates had submitted the petition to the District Administration Office and the Commission respectively for necessary investigation.

The Monitoring team including the HR Officer Jhanker Bahdaur Rawal, in-Charge of Sub-Regional Office, therefore, met with the Chief District Officer, Chiefs of Security

Agency of the district and inmates and obtained the factual information with regard to the incident.

Infuriated by the ill-treatment, the inmates have placed their demand asking action against security personnel on duty for using abusive words and also intimidating them with death threat. They have also demanded the transfer of the personnel involved in dispute elsewhere. Asking adequate power to be given to the 'Boss' who is vested with the power of control on the inmates inside the jail, the inmates have also urged to provide entry allowance to the kin of inmates during their regular visits upon strict checking.



NHRC office-in-charge HR Officer Jhanker Rawal during the meeting held between the Prison Administration and District Administration Office following the dispute in Jumla prison

Photo: NHRC Sub-Regional Office Jumla

Keeping in mind the future occurrences of untoward incident as such, the situation was brought to normalcy with compromise made through dialogue mediated by the NHRC Sub-Regional office between of the prison administration and inmates.

## National Human Rights Commission

### Progress Updates of F/Y 2068/069 (July 2011-June 2012)

| S.L. | Themes  | NHRC Central Office | Regional Office- Biratnagar | Regional office- Janakpur | Regional Office- Pokhara | Regional Office- Nepaljung | Regional Office- Dhangadhi | Sub-Regional Office- Khotang | Sub-Regional Office- Butawal | Sub-Regional Office- Jumla | Total |
|------|---|---------------------|-----------------------------|---------------------------|--------------------------|----------------------------|----------------------------|------------------------------|------------------------------|----------------------------|-------|
| 1    | Complaints Received   | 92                  | 28                          | 43                        | 38                       | 13                         | 10                         | 19                           | 31                           | 2                          | 276   |
| 2    | Monitoring Missions   | 50                  | 33                          | 34                        | 21                       | 37                         | 10                         | 12                           | 11                           | 9                          | 217   |
| 3    | Investigation Accomplished ( upon No. of complaints )                     | 100                 | 41                          | 60                        | 50                       | 51                         | 43                         | 11                           | 70                           | 10                         | 436   |
| 4.   | No of complaint files referred by subordinate offices for final decisions | -                   | 8                           | 30                        | 117                      | 136                        | 36                         | 12                           | 2                            | 9                          | 350   |
| 5    | No of complaints under consideration                                      | 793                 | 1057                        | 496                       | 305                      | 1523                       | 410                        | 210                          | 452                          | 134                        | 5,380 |
| 6    | Complaints settled ( pending and dismissal )                              | 338                 | 20                          | -                         | -                        | -                          | -                          | -                            | -                            | -                          | 358   |
| 7    | Recommendations upon Complaints   | 104                 | -                           | -                         | -                        | -                          | -                          | -                            | -                            | -                          | 104   |
| 8    | Policy Recommendations  | 35                  | -                           | -                         | -                        | -                          | -                          | -                            | -                            | -                          | 35    |
| 9    | CSO/NGO Collaboration   | 15                  | 22                          | -                         | 16                       | 33                         | 7                          | 6                            | 14                           | -                          | 113   |
| 10   | Capacity Development (events)   | 14                  | 11                          | 5                         | 20                       | 11                         | 6                          | -                            | 4                            | 3                          | 74    |
| 11   | No. of NHRC Resource Persons in Trainings/CB programs organized by others | 35                  | 25                          | -                         | 19                       | 13                         | 22                         | 28                           | 7                            | 2                          | 151   |
| 12   | No of Participants in NHRC organized Trainings /CB programs               | 356                 | 355                         | 147                       | 876                      | 163                        | 175                        | -                            | 162                          | 86                         | 2320  |
| 13   | HR Advocacy (workshop, seminar, interaction etc)                          | 35                  | 22                          | 21                        | 23                       | 40                         | 21                         | 16                           | 11                           | 7                          | 196   |
| 14   | Dialogues- with Govt. officials, Stakeholders and CSO etc                 | 12                  | 6                           | -                         | -                        | 24                         | 30                         | 4                            | 5                            | 2                          | 83    |
| 15   | Press Conference  | 2                   | -                           | -                         | -                        | -                          | 3                          | 1                            | 1                            | -                          | 7     |
| 16   | Press Release and Press Notes   | 26                  | 2                           | 2                         | 1                        | 2                          | 4                          | -                            | -                            | 1                          | 38    |
| 17   | Publications ( Reports, booklets, Brochure )                              | 28                  | 3                           | 1                         | 2                        | 3                          | 2                          | -                            | 3                            | -                          | 42    |
| 18   | Newsletters ( Nepali + English)   | 1+12                | -                           | -                         | -                        | -                          | -                          | -                            | -                            | -                          | 13    |
| 19   | Advisory (Recommendations to GoN on Bills, Rules)                         | 8                   | -                           | -                         | -                        | -                          | -                          | -                            | -                            | -                          | 8     |
| 20   | No of HR Guidelines Adopted by NHRC                                       | 2                   | -                           | -                         | -                        | -                          | -                          | -                            | -                            | -                          | 2     |

## Prosecute the Perpetrators of HR Voilation : NHRC

**L**alitpur: The Commission, by issuing the press release, has said that it has been almost ten years now that, on this day, 19 innocent individuals were brutally killed at Doramba, Ramchhap district on August 17, 2003 by the state security forces on the suspicion of Maoists rebels while the peace dialogue between the then state party and the rebel group CPN (Maoists) was going on at Hapure in Dang district.

Considered as the crime against humanity at national and international level, the truth about the spine-chilling incident was made public by the Commission upon forming the investigation team in coordination with former Judge of the Supreme Court Krishnajung Rayamajhi.

The Commission had, upon conducting the investigation, recommended to the Government to book the perpetrators of the premeditated incident of extra judicial killing and provide relief, reparation and compensation to the victims' families.

The dilly-dallying of the state to take legal action against the perpetrators and to provide appropriate compensation to the victims, therefore, has been severe injustice to the citizens, the press release says.

This apart, the incidents of Godar killing of Dhanusha, Kotbada Killing of Kalikot and Mudbhara Killing of Doti from the side of the then state party can be taken as the serious human rights violation.

Similarly, the incidents of Madi killing in Chitwan, Bargadwa killing of Nawalparasi including the killing of hundreds of individuals from the non-state party CPN (Maoists) have been investigated by the Commission and recommended to the government for appropriate legal action against the perpetrators and the provision of relief, reparation and compensation to the victims. Though the Government has made progress to certain extent in providing the relief to the victims of late, it is extremely unfortunate that the government hasn't advanced satisfactory process of taking action

against the perpetrators of serious crimes against humanity, the press release reads.

The commitments expressed publicly by the prime ministers in power following the Comprehensive Peace Accord (CPA) to effectively implement the recommendations sent by the Commission haven't been translated into action. Nor has the Truth and Reconciliation Commission been formed as per the CPA. It is the duty and accountability of the Government of Nepal (GoN) to launch independent and fair investigation over the incidents of serious violation of human rights and crime against humanity that took place during the armed conflict and to effectively implement the recommendations in practical term, says the press release.

Thus, the Commission has appealed to the Government for the respect, protection and promotion of human rights for the lesson learned form the past weaknesses and to effectively implement the recommendations sent by the Commission in order to end the ever-stretching culture of impunity.

## NHRC Urges Relief to the Victims of Natural Disaster

**L**alitpur: The NHRC has urged the Office of Prime Minister and Council of Ministers (OPMCM) to provide relief to the victims of flood and landslide caused due to heavy rainfall in various parts of the country. Drawing attention to the outbreak of diarrhea in parts of the country, the Commission has also urged the PMO to make necessary arrangement of medicine to the victims of epidemics.

The Commission has also asked the government to exploit all options to minimize potential harms of communicable diseases like diarrhea and dysentery, as symptoms have already started to surface in remote districts of the country. It is very unfortunate to witness

such common endemic talking the lives of scores of people every year, the letter sent to the PMO says.

Quoting the news published in various media, the letter says that the people have lost their lives and their family members are left high and dry with no arrangement made to address the problems of food, shelter and necessary medication.

Many people are learned to have lost their lives due to the disastrous deluge and landsides in the districts including Dang, Banke, Kailali, Bajura, Darchukla, Manang, Bajura and Kapilvastu whereas many people are rendered homeless and have become vulnerable to epidemics due to flood in the area, the letter reads.

'Health workers and the rescue teams required to combat these epidemics in the flood affected places have been deployed but the victims are facing acute crisis of such services including the arrangement of adequate food stuffs where there are no health posts,' Says the letter quoting frequently published news in various media.

Similarly, the Nepal government hasn't made necessary arrangement for the rescue, relief and medications in the affected areas as per the information received from the Regional and Sub-Regional Offices of the Commission.

The Commission, therefore, has urged the government to act sensitively to combat the crisis by launching the rescue teams along with necessary medical services in the affected areas.

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Rally organized ...



News published in the vernacular dailies/weeklies on the occasion of Int'l Day of the Disappeared in Nepalgunj

Photo: NHRC Regional Office, Janakpur

the victims. At the program, NHRC Member Gauri Pradhan, as the Chief Guest of the program, said that the government has remained oblivion in creating the environment for justice delivery to the families of the victims of enforced disappearance. Instead, the government has shown its propensity to unilaterally issue ordinance which is designed to white-wash the crimes committed during the insurgency.

He urged the government and the political parties to go ahead with appropriate step to prioritize and redress the legacy of disappearance with proper justice delivery.

On the occasion, Basnata Gautam of Advocacy Forum, Murari Prasad Kharel, Director of NHRC Regional Office, Nepalgunj, Janak Nepal of Federation of Nepalese Journalists, Gopal Yogi of NGO Federation, Ashok Rokaya of CPN ( Maoists), Padam Dhital of CPN ( UML), Chakrapani Pandey of District Administration Office, Usha Dahal, member of family of disappeared and the person residing over the interaction program including various other speakers representing the families of disappeared also shared their views.

# NHRC Letter to the Prime Minister on the Formation of TRC

Excellency

Having learned about the Nepal Government being all set to bring the law regarding the Truth and Reconciliation Commission (TRC) with the blanket amnesty provision inclusively through ordinance, and also upon receiving the request from the representatives of various human rights organizations and members of the network for victims families, I am writing this letter to your Excellency to caution the government for the necessary initiative in connection with above cited matter.

Undeniably, the transitional justice and the problems of conflict victims are the issues of paramount national concern. Similarly, it is a regular process that the Govt. needs to consult with the Commission whether or not the promulgation of such an important law related to human rights serves to protect the rights and interest of the stakeholders and lives up to the standard of international norms and values. The prevalent law makes it expedient for the government to do so.

I would like to remind your Excellency about the letter dated April 17, 2012, dispatch no.1264 concerning the request on the above matter. Prior to this, the Commission has time and again presented its advisory since the year 2007 with regard to the Bill prepared to form the TRC.

Ever since, the Commission has been very clear in its stance that the conflict victims must be placed at the centre of any provision made to address transitional justice. It wouldn't be plausible for the Commission to accept any law to form TRC which, in principle, contradicts with the international norms and values sidelining the reparation, relief, compensation and justice to be delivered to the victims. Similarly, it is

perceptible that values of human rights wouldn't allow the institution like National Human Rights Commission to give a positive nod for the establishment of such Commission.

In this concern, it can't be forgotten that it has been against the values and spirit of justice for the governments of various political parties in power to withdraw the cases sidelining the relief to be provided to the conflict victims as per the international standard. The purpose of transitional justice, therefore, isn't meant for the case withdrawal in favor of the perpetrators or the provision of general amnesty; whereas it must accede to the situation in which the victims can take the sigh of relief eventually with their problems being address through relief, reparation and compensation and the solutions available through judicial remedy.

Indeed, a few among conflict victims have been relieved through certain amount of relief and reparation provided by the Government of Nepal (GoN) in the past. But, justice is still a far-off dream for them. Yet, the state accountability hasn't been fulfilled as the perpetrators of the past are still at the helm of the government and security establishment obliterating justice delivery to the victims of human rights violations and to create an environment of new feelings and culture in which they can lead their life without any fear and anxiety in the changing post-war scenario of the country.

Secondly, the trend of granting promotion to such violators of human rights is found to have been set up as a culture which is against the recommendations of the Commission. Justice to the victims by the state is to entertain the case in accordance with the NHRC recommendations

or to punish the offenders depending upon the seriousness of crime, part of which may be departmental action. In this regard, the TRC provision would act as a confirmative to transitional justice but not a mere alternative for it. Therefore, the TRC should not be instituted as the medium by design to offer general amnesty without ensuring with it peace, reconciliation, compensation, relief and reparation. Likewise, the formation of TRC should avail the atmosphere of repentant over the violation of human rights in the past and also duly check the repercussion of such act in the future. If not, justice would remain as a mere dream.

Last but certainly not the least, the Commission expresses its expectation to render advisory inputs to the draft relating to the ordinance if the Commission receives the draft well in time whenever the government deems it necessary to engage in that process.

I would also like to request your Excellency to keep the door open for the support and consultation from the stakeholders on the law making process with adequate attention of the GoN to the common concern of the civil society and National Human Rights Commission on Transitional Justice.

Thank you

Enclosure: The copy of the letter dated April 17, 2012 (dispatch No. 1264)

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## Government Cautioned against TRC Ordinance with Blanket Amnesty

**L**alitpur: Chairperson Justice Kedar Nath Upadhyay has said that under no condition should the perpetrators of war-time crimes and crimes against humanity be granted blanket amnesty.

The Chairperson shared this at a discussion organized during the visit of the human rights defenders and the representatives of conflict victims to the Commission in the wake of the government's decision to bring the ordinance related to TRC.

Since the case withdrawal has tendered immunity to the criminals, conflict victims have become yet confused with no justice in hand, the Chairperson claimed.

He added that the ordinance tabled via political consensus as such will not receive any positive nod for approval if contradicts

with the international norms and values.

At the discussion, Member Ram Nagina Singh said, "The Commission has been incessantly raising its concern with regards to the formation of the Truth and Reconciliation Commission (TRC) that paves ways for justice to the armed conflict victims"

He also informed that the Commission has corresponded to the Office of Prime Minister and Council of Ministers and issued press releases in this concern on various occasions. But it is utterly unfortunate and against the expectation of the general citizens for the Government to offer immunity to the persons convicted by the Supreme Court.

At the program, Mr. Charan Prasai, the coordinator of "Campaign against Blanket Amnesty" opined that the Commission

should send the follow up letter to the Office of the Prime Ministers and Council of Ministers asking about the progress made on the concerns raised in the previous correspondence.

He further suggested to invite the Chief Secretary of the Government of Nepal (GoN) and ask about the detailed information about the ordinance.

At the program, Reshma Thapa, Ram Kumar Bhandari, Gopal Krishna Siwakoti, Bhawani Kharel and the members of Conflict affected families shared their views and urged the Commission to caution the Government to end pervasive impunity to uphold Rule of Law. Member Gauri Pradhan was also present during the discussion.

## Stakeholders Trained on Transitional Justice in Dolakha



Secretary Bishal Khanal along with the participants during the training on the Transitional Justice held in Dolakha district

Photo: Purushottam Phuyal

**D**olakaha : The NHRC organized a Training on Investigation and Monitoring of Transitional Justice (TJ) Issues Relating to Human Rights in Dolakha district for the representatives of the government agencies viz. District attorneys of three different districts of central region namely Sindhupalchok, Dolakha and Ramechhap, officer of the district administration offices, coordinators of local peace committees, journalists, Nepal Police and Civil society.

At the outset, inaugurating the training, NHRC Secretary shed light on the transition phase and its ongoing impact.

Illustrating the systematic human rights violations and abuse in the conflict period, he said that the formation of the transitional justice mechanisms has become inevitable. He, however, said that the doubts loom large if the soon-to-be formed Truth and Reconciliation Commission (TRC) and the Commission on the Inquiry on Disappearance (CoID) would meet the expectation of the people.

He added that the formation of the TRC and CoID would help redress the punitive human rights violations appropriately giving enough space for the environment to punish the accused of cold blooded killing.

NHRC Director Bed Prasad Bhattarai threw light on the objective and rationale of the training program. He also described in detail about the NHRC initiatives on transitional justice since its establishment. The Chief District Officer, District Judge and the representatives from the civil society, media and local peace committee were present during the training session.

Thirty three participants including the representatives of Police, Women Commission, District Peace Committee,

District Bar Association, Officer of Attorney General. DHoO, DEO, Civil Society members participated in the training in which Secretary Bishal Khanal, Director Bed Prasad Bhattarai and the District Judge of Dolakha Ms Prabha Basnet were the resource persons

During the program, the participants shared about the scenario of social justice in local level. The training was followed the sessions with the presentations made by the resource persons thereafter. The core themes of the training focused on to familiarize the participants on the concept on transitional justice in international perspectives, NHRC initiatives on Transitional Justice, judicial response through transitional justice related cases, international experience on the TJ System with the example of countries such as South Africa and Cambodia, Truth and Reconciliation Processes, Investigation and Prosecution process, the role of the civil society and local organizations on the Transitional Justice related cases.

Meanwhile the participants were made aware of the process and status of TRC / CoID Bills, the role of the civil society and NGOs in the period of the transitional justice and NHRC initiatives on the TJ Process. The participants urged in unison that the NHRC take initiative for the formation of the TRC with adequate consultation with the stakeholder institutions.

Training was conducted on August 3 and 4, 2012 with the support extended from the Finland Government.

## Development Actors Trained on HRBA to Development in West

**T**anahu: As per the plan laid out in the NHRC strategic plan, the NHRC Regional Office Pokhara organized an orientation-cum-training on Human Rights Based Approach (HRBA) to Development among different stakeholders representing the District Administration Office, District Education Office, District Development Committee, Pokhara Sub-Metropolis, District Health Office, Armed Police Force, Nepal Police, Office of the Land Revenue etc. at Damauli, Tanahu district.

With the objective to help the stakeholders to internalize HRBA in executing the developmental works, the training was first of its kind organized in the district of Tanahu in Western region.

At the program, human rights experts Yagya Prasad Adhikari, Director of NHRC Regional Office Pokhara and Rudra

Prasad Paudel, Chief District Officer presented the paper on HRBA to Development and Good Governance Action Plan- 2068 respectively.

Participants expressed their commitment to apply the knowledge received in the training in their works. They also suggested the Commission to garner its coordination with other stakeholders as and when deemed necessary. The participants also unanimously stressed to give impetus to such program with the follow-up programs organized from time to time with the involvement of the various stakeholders concerned including the representatives of the government agencies in the area.

Sixty eight participants took part in the orientation-cum-training.



Rudra Prasad Poudel, the Chief District Officer of Tanahu district presenting the paper on the over all situation of Tanahu district during the training held on HRBA to Development in Tanahu district.

Photo: NHRC Regional Office, Pokhara

# Discussion Taps Impetus on National Human Rights Action Plan



Dullu Raj Basnet, the Chief District Officer of Ramechhap district addressing the program on the National Human Rights Action Plan held in Ramechhap district

Photo: NHRC Central Office

**R**amechhap: In the wake of the final commencement of the National Human Rights Action Plan (NHRAP) beginning this fiscal year, a one day discussion was held in Ramechhap district on NHRAP of the Government of Nepal (GoN) and its implementation status. The program was organized by the Commission.

The HR Officer Basudev Bajagain presented the paper on the National Human Rights Action Plan. The District Judge Laxmi Krishna Shrestha was the chief guest and CDO Dullu Raj Basnet was the guest of honor of the program.

During the program, the NHRAP of the GoN, which commenced effecting from 2004/05, didn't make implementation breakthrough and its status wasn't brought to light adequately among government authorities, the political parties, human rights

organizations and agencies, representatives of the civil society till its final enforcement towards the beginning of the final fiscal year of the Action Plan. The participants, therefore, urged the concerned to deviate the attention towards its publicity in wider spectrum.

Contrary to the plan, the people in general were found to have been suffering from the lack of access to the health services, voluntary abortions, pitiful physical condition of the community schools and free-ship in school fees.

During the discussions, the concerns were raised on various aspects related to NHRAP. The schools were found suffering from the lack of the female teachers, child friendly teaching and leaning environment including the child and disabled friendly infrastructure in the schools across the district.

The participants urged the Commission to take initiative in helping draw the legal provision relating to the deprivation of shared property to the women involved in polyandry. Similarly, also the first spouse and the offspring of the person involved in polygamy should duly reserve the rights of shared property, the participants stressed.

The peasants, on the other hand, had their woes before the authorities that their harvests had been literally impacted due to the unavailability of the fertilizer and seeds in time.

During the armed conflict period, 268 people had lost their life in Ramechhap district alone whereas by far 216 victims have been provided with relief. Meanwhile, only one Major of Nepal Army among the accused has been dragged to justice. On the other hand, participants simultaneously raised the concern on the delayed justice to the victims of Doramba incident of Ramechhap district.

At the program, the participants urged human rights friendly development works in the district which has remained dormant ever since. Also stressed was that the VDC secretaries be reinstated in their respective VDCs so as to give impetus to the developmental works.

Seventy participants comprising the representatives of the major political parties of the district, all government offices of the district, local human rights workers, media persons, representatives of the civil society, district level Nepal Bar Association including the persons working in the field of human rights participated in the program.

## Continued from page 1 Harnessing of HR ...

of the Inquiry on Disappeared (CoID) ought to take place only through the consensus built through larger consultation preferably with the national institution like NHRC, Mr. Ganesh BK opined.

On the occasion, Ram Kumar Bhandari, the coordinator of the National Network for the Families of the Disappeared, slammed the Government for being oblivion in taking action against those involved in the act of disappearance merely on the ground of their political influence. Also, he expressed his lamentation over the delay in taking legal action against the accused personnel of Nepal Army and Police.

He added that many families are deprived of

using the property for various purposes due to the fact that the whereabouts of their loved ones is still unknown

"We are ready to accept the death of our near and dear ones or provided the state at least shows us the grave of our beloved ones," said Mr. Bhandari urging to publicize the condition and whereabouts of the disappeared citizens.

Regam Maharjan, Human Rights Officer of the Commission presented the paper on the activities accomplished by far from the side of the Commission with regard to the disappeared citizens.

The program was organized by the National Human Rights Commission and co-organized by Advocacy Forum-Nepal, Amnesty

International, Campaign for Human Rights and Social Transformation, Nepal, Himrights, Human Rights Alliance, forum for Human rights and Democracy, Child Workers in Nepal, Collective Campaign for peace, Asian Federation Against Involuntary Disappearance, Informal Sector Service Center, CVSJ Nepal, Nepal Human Rights Association, Human Development and Peace Campaign, International Commission of Jurists, Center for Transitional Justice and Nepal Police (Human rights Cell).

The International Day of the Disappeared on August 30 is a day created to draw attention to the fate of individuals imprisoned at places and under poor conditions unknown to their relatives and/or legal representatives

## Formation of Truth and Reconciliation Commission

### NHRC Toughens Stance on TRC related Ordinance

Lalitpur: At a meeting held with Home Secretary Navin Ghimire and Inspector General of Police Rabinadra Pratap Shah at NHRC, Chairperson Justice Kedar Nath Upadhyay has said that the Commission is utterly dumbfounded and aggravated by the decision of the government to bring ordinance related to the Truth and Reconciliation Commission (TRC).

Adding that the ordinance accentuating the blanket amnesty won't pave ways for justice delivery to the victims, the Chairperson stressed that it will promote lawlessness in society instead.'

'Without having consulted on such sensitive concern, the government has bypassed the national institution like NHRC by drawing decision unilaterally on the TRC ordinance inclusive of blanket amnesty. We downright condemn such a step of the government.' said the Chairperson.

He argued that such a holistic endeavor would be in vain if the formation of the TRC didn't measure up the reasonable parameters of finding the truth.

The Chairperson further said that the many a time the Commission has written to the Prime Ministers in this concern, but to no avail.

During the meeting, expressing dissatisfaction over the Janakpur (Godar) incident, Member Ram Nagina Singh said that it is sheer obliviousness

of the government to delay in taking legal action against the perpetrators. Member Singh also drew the attention of the government to the violation of right to privacy due to the 'call details' made available to the commoners by the Nepal Telecommunications.

At the program, Member Gauri Pradhan said that the government ought to be extra alert over the extrajudicial killings taking place in various parts of the country in recent days. He also urged the government to issue an official circular to all CDOs and Police in -charge to prevent and control the extra judicial detention. The Commission has been receiving the complaints on this from different parts of the country.

Since these issues are also raised in UN Human Rights Council, coordination between the Commission and the Government should be duly established in this regard prior to sending any report on human rights situation, he said.

Raising the concern on extrajudicial detention, he said that the kin of the detainees including the NHRC officials are not given access to few detention centers of the country which is the core of violation of NHRC mandates laid out in the constitution of the country.

H requested Home Secretary Ghimire and the IGP Shah to update the Commission with regard to the cases related to abduction



NHRC Officials including the Chairperson Upadhyay, Member Ram Nagina Singh, Member Gauri Pradhan, Secretary Bishal Khanal during the meeting held with Home Secretary Navin Ghimire, Inspector General of Nepal-Police Rabinadra Pratap Shah

Photo: Sagar Shrestha

of Chorimaiya Maharjan, killing of Justice Rana Bahadur Bom as to where and how Home Ministry and Police Department have reached with the investigation process.

Responding to the queries raised by the NHRC officials, Home Secretary Navin Ghimire said that the Home Ministry has been advancing its activities with utmost value given to institutionalize and manage the crime investigation.

At the program, IGP Rabinadra Pratap Shah said that the Police Department is committed to performing its duties with due process and legal norms despite several difficulties.

He said that the investigation of the cases relating to Chhorimaiya Maharjan and Rana Bahadur Bom are underway at the disposal of concerned investigation committees. IGP also noted that one of the reasons of the small arms trade to flourish is due to the open border with neighboring country India.

### NHRC holds Donors' Meeting

Lalitpur: The Commission held a meeting with the Donors at its premises on August 17, 2012. Chaired by the Chairperson Justice Kedar Nath Upadhyay, it was one of the biennially meetings held with the donor community.

At the outset, NHRC Secretary welcomed the guests and participants and made a presentation to update on the progress made by NHRC in the first six months of 2012 including progress made through support from SCNHRC Project.

Mr. John Pace, the Quality Assurance and Review Adviser (QUARA) shared his observations from his recent visit to the Project on the progress made by NHRC with the support from the Project.

At the meeting, Mr. Jorn Sorenson, UNDP, Deputy Country Director, thanked Mr. Bishal Khanal and Mr. John Pace for their comprehensive presentation with updates on NHRC progress and the support provided by SCNHRC Project in delivery of its mandates.

H.E. Mr. Morten Jespersen, Ambassador of Denmark thanked the presenters for their updates on progress made by NHRC with performance indicators and acknowledged the achievements made by NHRC amidst difficult political situation.

Assistant Country Director of SDC, Ms Corinne Demenge, the representative of Finnish Embassy Satu Pehu Voima and the representative of the NGO federation, Mr Gopal

Lamsal also shared their comments during the meeting.

Chairperson Upadhyay concluded the meeting by expressing thanks to the UNDP and the donor community for their continuous support in strengthening the capacity of NHRC for the protection and promotion of human rights system in Nepal.

## National Human Rights Commission

Harihar Bhawan, Lalitpur, Nepal

Phone: 00977-1-5010015 (Hunting Line)

Fax: 00977-1-5547973, 5547976

Email: [nhrc@nhrcnepal.org](mailto:nhrc@nhrcnepal.org)

Website: <http://www.nhrcnepal.org>

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Editors: Nawin Chandra Gurung, Yam Bahadur Dura  
Kailash Kumar Siwakoti

Please send your feedback about the NHRC e-Newsletter to [nhrc@nhrcnepal.org](mailto:nhrc@nhrcnepal.org)