

Summary of the Report on the Status of Human Rights under the Comprehensive Peace Agreement

Unofficial translation

The National Human Rights Commission has been publishing monitoring reports on general human rights situation following the signing of the Comprehensive Peace Accord between the GON and the CPN-M on 22 November 2006. This report "**Status of Human Rights under the Comprehensive Peace Accord**" has been made public with a view to providing information about status of human rights between the period of 26 February 2007 and 16 July 2007, and about the Kapilvastu incident.

The monitoring and investigations conducted in 37 districts of the country by the Commission and information received through various sources demonstrate that there has been no remarkable achievement in human rights situation during this period. Human rights situation became vulnerable after the movement initiated by *Madhesi Janadhikar Forum (MJF)* demanding federal autonomy in Terai region and due to the other agitations in the Eastern and Mid Terai regions. In Gaur incident, MJF cadres brutally killed 27 CPN-M cadres injuring over 42 persons. *Chure Bhawar Pradesh Yakta Samaj* also launched agitation demanding federal autonomy and many lives were lost during their agitation. Acts of killings and abductions relatively decreased to some extent on the part of CPN-M but human rights situation could not improve due to the atrocities and acts of abductions, beatings, property seizure, extortion and donation campaigns being carried out in some places by Maoist's sister organization Young Communist League (YCL).

Human rights situation in Terai became fragile due to the continuing incidents of killings, abductions, arsons and vandalizing by various groups including JTMM (Goit and Jwala Singh) factions, Madhesi Mukti Tigers Group, Terai Cobra, Madhesi Tigers, Terai Bagi and other armed groups. The National Human Rights Commission has received information over the killings of 115 persons in various incidents in the involvement of various groups during this period. This death toll also includes the Kapilvastu incident. According to the information received by NHRC, 30 persons were killed by MJF, 11 persons by JTMM (Jwala Singh), 9 persons by JTMM (Goit), 5 persons by CPN-M, 16 persons by unidentified groups and other 5 persons by other parties. The NHRC has also received information about the killings of 10 persons by Nepalese Army and Police. The received information also reveals that 15 persons were killed and over 47 people injured in stray bomb explosions. Similarly, killings of 14 persons have been verified in the Kapilvastu incident.¹

The act of beating civilians by some members of the Nepal Police still continues. The CPN-M yet continues to take political reprisals by beating and misbehaving various individuals in the name of maintaining law and order, criminal investigations and

justice delivery even after having joined the government. They continue to attack government officials, vandalize and torch government offices, threaten and abduct people and seize properties. The effort to return houses and properties confiscated by CPN-M and security forces in the past is going on, but all those seized properties and houses have not been returned yet. Similarly, Madhesi Mukti Tigers Group, Terai Cobra, JTMM (Goit and Jwala Singh) factions, Madhesi Tigers and other groups under various covers also continue to threaten people and create an atmosphere of fear and terror.

Despite the caste based discrimination being punishable by law, instances of society giving it continuity are reported frequently. There has been no stop in discrimination, dislike and suppression against dalits by so-called upper castes. One student was not allowed to take an exam related to PAK education in Parbat district merely for being a dalit. Dalits of Baitadi district continue to suffer due to discrimination. Similarly, dalits (Musahars) of 28 houses in Siraha district had to displace due to life threats issued against them by JTMM (Jwala Singh). These incidents clearly demonstrate that the socially and economically backward Dalit Community is still facing obstructions in enjoying right to life with dignity.

The law and order situation could not improve as expected due to the Terai Movement, CPN-M's highhandedness and security force's reluctance. The incidents of lootings and robbery including other criminal activities are increasing but the police administration has not been able to arrest and bring the guilty within the confinement of law. Likewise, CPN-M and the Terai based agitating groups have attacked various police stations and beaten and mistreated government staff.

At the beginning of this period, some improvements were observed in the educational sector but in later days, it can not improve as expected due to the closure of educational institutions, lock up programs and strikes called on by various organizations with their own demands. Similarly, Terai movement, almost daily *bandas* and transport strikes including other incidents completely affected the education institutions. Even the education offices at various districts of the country were locked up over the issue that the government failed to implement the agreement reached between the GON and the *Ganatantrik Shakshik Manch*.

Media personnel are being attacked and threatened almost daily. They are deeply dissatisfied over the administration's reluctance to take actions against guilty even upon their identification. The bomb attack on a vehicle carrying media people and incidents of attacks and threats against human rights workers have increased deeper insecurity among human rights defenders and media society.

There have also been some positive improvements in human rights sector during this period. The government's fixing of date to the CA election at November 22, starting of

verification of Maoist combatants in the cantonments, government's budget allocation for the maintenance of Maoist combatants and cantonments management, adoption of various acts and legislations related to the CA election, etc can be viewed as some positive efforts made in protection and promotion of human rights during this period.

The NHRC received total 726 complaints related to human rights violations through its various offices during this period. The highest 196 complaints were received by the Commission's central office and the lowest 15 complaints were received by its contact office in Khotang. Among the total complaints, the highest 141 complaints were related to abduction/disappearance. 140 complaints were related to torture and mistreatment and 102 complaints were related to killings. The lowest complaints were received with regard to the violation of right to information. Most of the complaints of killings were related to the period before the report period. However, most of the complaints of abduction, threats and property seizure are related to the report period. The complaints and monitoring facts reflect that abduction, property seizure, torture and mistreatment and threats still persist in the country.

National Human Rights Commission carried out 104 monitoring and 445 on-the-spot investigations during this period. On the basis of the facts gathered through the monitoring and investigations in relation to the complaints of violations of human rights and atrocities, situation of human rights was made public and the concerned parties were also appealed to be sensitive towards human rights. National Human Rights Commission has the prime responsibilities to respect, protect and promote human rights and for its effective enforcement. However, the lack of commissioners at the Commission for a long period seriously affected in the protection of human rights of civilians and in making recommendations for prosecution against the guilty and providing compensation to the victims. Yet, involvement of various parties is increasing for improvement of human rights.

