

# **The report of Human Rights situation during the period of Ceasefire between the Governments of Nepal & <sup>1</sup>CPN (Maoist). (Baishak 13<sup>th</sup> to Ashar 13<sup>th</sup>, 2063)**

## **1. Introduction**

### **1.1.Objectives of monitoring**

- ❖ To recommend the Government after monitoring & investigating about the possible & happened incidents of <sup>2</sup>HR violation during the period of Ceasefire.
- ❖ To appeal/request the CPN (Maoist) about the possible & happened incidents of HR discouragement after monitoring & investigation during the period of Ceasefire.

### **1.2.Methods/ procedure of monitoring**

- ❖ The incidents of HR discouragement & violation have been monitored & investigated on the basis of available information, field visit of different places & mass media by the team of <sup>3</sup>NHRC.
- ❖ The team of NHRC had followed the method of enquiry, discussion, explanation & field observation to collect facts & information.

### **1.3.Limitation of monitoring**

This report is based on the happened incidents of HR violation & discouragement after the period of Ceasefire by CPN (Maoist) in 13<sup>th</sup> Baishak, 2063 & Government in 20<sup>th</sup> Baishak, 2063.

### **1.4.Background of monitoring**

The Mass Movement got success because of composition between Seven Parties' Alliance & CPN (Maoist) in 7<sup>th</sup> Mangsir & Chaitra, 2062. After the succession of Mass Movement-2, CPN (Maoist) & Government of Nepal declared Ceasefire in 13<sup>th</sup> Baishak & 20<sup>th</sup> Baishak, 2063 respectively. After formatted Government of Nepal & CPN (Maoist) have signed the 25<sup>th</sup> points Code of Conduct.

NHRC had recommended & appealed concerned parties about the incidents of HR violation & discouragement after monitoring & investigation during the period of Ceasefire.

NHRC is involved in actively monitoring & investigating about HR situation in this Ceasefire too. NHRC had completed monitoring in Rautahat, Bara, Dhanusha, Mahottari,

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<sup>1</sup> Communist Party of Nepal (Maoist)

<sup>2</sup> Human Rights

<sup>3</sup> National Human Rights Commission

Kavrepalanchowk, Sindhupalchowk, Ramechhap, Dolakha, Kathmandu, Lalitpur, Bhaktapur, Dhading, Chitawan, Lamjung, Kaski, Kapilvastu, Baglung, Tanahun, Saptari, Siraha, Morang, Banke, Bardia, Surkhet, Pyuthan, Rolpa, Dang, Doti & Achham altogether 29 Districts. The Program of monitoring & investigation has been completed with the objectives of recommendation to concerned parties on the basis of available facts by such monitoring & investigation.

From monitoring & investigation, it is found that the Maoist has been continued to murder after kidnapping, torture, got to be present in their own name of Peoples' Court by forcedly, get to pay donation etc. From the state, it is found that six people were killed by firing of Nepal Army in the joint security camp situated at Belbari, Morang, the death of one person in the custody of Chitawan National Park because of torture after arrested in the accusation of stealing the horn of rhino <sup>4</sup>(Khag), Some person are beaten by Nepal Army, the Government is unable to maintain the peace & security in health institution for damaging because of the death of patient by the so-called negligence of health institution. Similarly, it is found that the activists of Seven Parties' Alliance are involved to publish black list & to disgrace the dignity of civilian by rubbing black powder and it is found that some got death in some districts by the explosion of ambush & bomb left carelessly by conflicting group.

## **2. Facts obtained by monitoring & investigation**

### **2.1. State party**

#### **Right to life**

Six people died & 41 persons got injured by excessively/extravagantly firing of army over the local people/ inhabitant while demonstrating the protest against the murder of Sapana Gurung aged 22 years & inhabitant of Belbari -2, Morang District. NHRC has investigated about this incident. The preliminary investigation of the incident shows that Army has seriously violated HR by killing six innocent people using excessive use of force. The preliminary investigation found that death of Shikha Ram Chaudhary is due to torture in custody of Chitawan National Park.

#### **Torture & Threats**

A person/inhabitant of Dhangadi Municipality-1, Kailali got injury in his eyes because of physical torture while keeping in the custody of <sup>5</sup>DPO, Kailali in 8<sup>th</sup> Jestha 2063, a Maoist activist got injured & some people's houses got destroyed by the firing of security forces while the Maoist having mass assembly in Sunwal, Nawalparasi, a 16 years student of Saphari got seriously injured by beating of army, beaten to the staff of public transportation, it is found that some Journalists got molested/scuffled by security forces in the investigation of NHRC & news paper publication.

#### **Peace & security**

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<sup>4</sup> Horn of Rhino which is used as medicine and listed as valuable things

<sup>5</sup> District Police Office

It is found that health workers got misbehaved & Lumbini Zonal Hospital & Everest Nursing Home got sabotaged/damaged in the accusation of negligence for treatment of patients in this period. And, it is found that the incidents of looting/dacoiting increased in Kathmandu valley & people have not guaranteed of security.

## **CPN (Maoist) Party**

### **Right to Life**

It is found that Shiva Bahadur Khadka of Malu-3, Dolakha abducted by CPN (Maoist) in 22<sup>nd</sup> Jestha got committed suicide because of physical & mental torture after escaping from their abduction in 7<sup>th</sup> Ashar. NHRC had investigated about that incident.

It is found that Prem Bahadur Thokar of Jagatpur, Chitawan got abducted while sitting in Dipendra Chowk near his house in 29<sup>th</sup> Baishak, 2063 saying that some thing has to be asked to him & murdered while taking & beating on the way in Krishna Chowk. NHRC had investigated about this incident.

It is found that Bishal Lama inhabitant of Thulo Pakhar-1, Sindhupalchowk & student of Kakling Harisiddhi Ma. Vi., Studying in Class-10 got abducted by Maoist in 26<sup>th</sup> Jestha, 2063 & murdered in following day/next day. NHRC has investigated about this incident. It is found that the brother of same house Shyam Sundar & Shambhu Sahani, inhabitant of Basantapatti-6, Rautahat kidnapped by Maoist in 8<sup>th</sup> Jestha, 2063 & destroyed dead body found in bank of Lal Bakaiya River Inaruwa in 13<sup>th</sup> Jestha, about this incident NHRC had investigated & reported that those brothers got murdered while they are in abduction by Maoist.

NHRC is investigating about that complaint registered in Commission against Maoist activists Dilip, Bipin, Saral & Lokesh for abducting to Man Bahadur Karki of Lekhgaun-4 , Surkhet nearly 7 A.M. & murdered by torturing him at 8 P.M. same day in Lekhgaun-4, Dhanigadh.

### **Threats & Torture**

According to the news published in 9<sup>th</sup> Jestha, 2063 from Dhangadhi, it is found that more than 16 women in Dhodara -7, Kailali got seriously beaten by a group of Maoist to get give up/ get rid of from sexual business <sup>6</sup>(Dehabyapar).

It is being investigated by Commission about the Complaint of beaten Case/incident to a person in Khairala-5, Kailali by Maoists.

It is found that Maoist activists gave seriously torture to Khagendra Khanal, ex. <sup>7</sup>FSU secretary of Mahendra Multiple Campus, Jagadish Badal & Shanta Dev Panta kidnapped from Bharatpur while keeping in abduction & reaching in Kavre.

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<sup>6</sup> Sexual business

<sup>7</sup> Free Students' Union

The NHRC team has postponed the investigation case of a person of Basgadhi, Rupandehi on request of his family to stop it while Maoists were threatening them.

It is found that CPN (Maoist) got seriously injured to a person of Baidam-6, Pokhara & a person of Kapilvastu by threatening, beating & asking donation. It is found that the two storeyed house has been destroyed & three years Kailash Rawal & Smriti Sharma, three years Susmita Dhamala & one & half years Amit B.K. got injured by the bomb explosion set down by Maoist in 16<sup>th</sup> Ashar, 2063 at 8:30 A.M. in Sugurkhal-8, near Pitamary Bazaar, Kailali.

## **Internally Displaced**

The Commitment of Maoist to the displaced person to return in their home/village & according to the statement of Local Leadership of Maoist in Ramechhap & Dhading with NHRC teams about the creation of positive environment to return home is found to be positive aspect.

But most of the houses & land of the displaced persons are found to be in capture of Maoist till now. It is found that in most of the places, the inventory/goods & domestic animals have not been returned yet even though the Capturing houses are opened.

Ganga Ram Yadav & Badri Yadav inhabitant of Mirchaiya- 8, Kushan, Siraha are obligated to leave the village & found that recently they are living in District Headquarter.

It is found that the Maoist have replied to the people that the case of returning property is the responsibility of state, they have not disturbed to return home, after the discussion with Maoist in Arghakhanchi.

It is found that the person so called internal displaced persons is being converted/changed in shelter & foodless <sup>8</sup>(Sukumbashi) Camps now. (There are 2200 families beginning to live as shelter & food less person in the part of Banke, Kohalpur & same condition is available in Dang & Bardia).

## **Kidnapping/Abduction**

CPN (Maoist) haven't returned motorcycle & Rs.39 thousands by kidnapping a person, inhabitant of Rajapur-5, Siraha.

Kidnapping of a police working in Siraha Police Office, Siraha while going from Lahan to District Headquarter.

Five civilian dressed with weapon police are abducted & getting rid of within 2 days in Nawalparasi.

It is found as information, a person is kidnapped from his house in Bhotewadar-8, Lamjung & asked to pay five lakhs & he has given three lakhs & being left in the Condition to pay two

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<sup>8</sup> Those persons who are shelter less and foodless

lakhs latter. Obtained information of kidnapping to a former member of <sup>9</sup>DDC of Lamjung & made to pay one lakh & he is in serious condition because of torture.

Kidnapping of a member of defensive group on the accusation of murdering a three years old son of Maoist activist in Kapilvastu.

Abducting to Mr. Dhata Ram Bhattarai a former Mayer of Tansen, Palpa & decided to keep in Labor Camp for three years by the decision of Peoples' Court. (Janaadalat).

Abducting to two persons by Maoist in Hatihawa-5, Kapilvastu.

A pregnant woman of Tansen-3, Palpa has been abducting for a month.

Abducting to three police soldiers of Bajura from Bramhatola-Serha of Bajura & getting rid of after three hours while going to duty station Dadeldhura, Kailali & Kanchanpur respectively being transferred.

Kidnapping of three persons of Gadaria-9, Kailali & kept in labour Camp by CPN (Maoist).

A person of Dhangadhi kept in capture/control for more than a month & got rid of in the presence of concerned family & Civil Society.

Abducting to three students of Alliance Boarding School studying in Class-8 in Dhangadhi by CPN (Maoist).

The abducted Army in different time have not got rid of & have not been informed about their condition to respective family.

It is getting information that the kidnapped persons in different time are killing instead of giving security. (Bishal Sunuwar of Taplejung).

Using of school children in Mass Assembly in different districts has been found.

## **2.3. Other Parties**

### **Right to Life**

According to Regional Police Office Surkhet, 12 years old Hom Bahadur Rana & Sher Bahadur Karki are Army ranked Nike of Shivadal Gana, Kapilvastu who have come to celebrate leave in house got died & Mrs. Manasara Rana & Rajesh Rana got seriously injured by the explosion of bomb left carelessly by Maoist while playing with it bringing from the Jungle of Pagma, Hariharpur-6.

Mandhura Bahandari, a shopkeeper of teashop situated in Laxmi Bazaar, Kailali got general injured by the explosion of bomb left carelessly in 24<sup>th</sup> Jestha, 2063.

It is found that, a three years old Manjit Barai son of Ghanshyam Barai inhabitant of Pulika VDC, Kapilvastu has been murdered & five years Sonu Barai, 17 Years Bhagawati Barai

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<sup>9</sup> District Development Committee

have been made injured seriously and Bhagirath Kurmi (Rajendra) & Keshav Bhar of same district have found to be murdered by defensive group/committee .

It is found that two children of aged seven years Sachin Gahatraj & Parbati Gahatraj of Bandi Pokhara, Palpa got seriously injured by the explosion of bomb left carelessly.

## **Misbehave**

Misbehaved by the activists of political parties to Gobinda Panta, inhabitant of Amargadhi, Dadeldhura by keeping biasness for the accusation of playing role to control the Mass Movement in 21<sup>st</sup> Jestha, 2063.

Behaved inhumanly to Anita Devi Rawal, inhabitant of Amargadhi, Dadeldhura after entering to her house by the student of <sup>10</sup>NSA & <sup>11</sup>ANNFSU in 21<sup>st</sup> Jestha, 2063.

Destruction in DDC and rubbing black powder to the former Chairman of DDC by leader & activists of Seven Parties' Alliance in Gulmi.

Rubbing black powder to the former Mayer in Shyangja.

To rub black powder & publish black list by political parties in different districts in different dates are found against human dignity.

## **Donation/Confiscated Properties**

It is found that the CPN (Maoist) are taking donation continuously for parties in different districts till now.

It is found that the documents & properties/house of Hem Gurung situated in Besishhar-2, Tribeni tole, Lamjung have been captured by CPN (Maoist).

Similarly a complaint letter is registered in NHRC in 8<sup>th</sup> Ashar, 2063. About the request to getting rid of abducted person/people, to remove contact office from house, to return house & goods because his families member living in the same house are abducted & are not allowed to contact with another member of families.

After then, a team of NHRC, Regional Office Pokhara including acting director have discussed in 1<sup>st</sup> Ashar, 2063 going in incidental spot, Lamjung - Beshishahar.

After the discussion, Maoist have asked/requested minimum a week time to vacant the house, the team of NHRC has returned to office according to the agreement of Maoist to vacant house completely up to 13<sup>th</sup> Ashar, 2063 after the talks held between Maoist & team of NHRC, Pokhara.

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<sup>10</sup> Nepal Students' Union

<sup>11</sup> All Nepal National Free Students' Union

After then, it is found that Maoist have handover the house to house owner by keeping vacant, taking/removing goods, board and banner in presence of team of Commission.

Maoist have opened the contact office after capturing the post of Chairman in DDC, Parbat in 4<sup>th</sup> Asar, 2063, Monday & removed that after the agreement between other political parties' activist & Maoist.

It is found that the business man got cross obstacle by paying taxes to the CPN (Maoist) & Government in Khakraula Ghat, Kailali.

Asking the donation of Rs.10000 in a Hotel of Dadeldhura, continue to taking tax & donation by CPN (Maoist), asking forcedly donation to local private & Government school, business man & factory owners haven't been stopped yet .

The inhabitant of Bijayashwori <sup>12</sup>VDC, Bazar of Rukum are made to pay the donation according to their ability & taking 500 to 1000 by threatening to punish by Maoist if the peace talk breaks down while they refuse/reject to pay.

An information is obtained that the Maoist have returned back the staff of Post Office to District Headquarter without giving permission/by making obstacles in the conduction of post service in Dailekh & Kalikot which was disturbed from 2063/02 to up to now.

Dharma Bahadur Shah inhabitant of Kholangun-2, Rukum has been displaced by Maoist & leaving in Nepalgunj & it was come to know hat Maoist have conducted Mesh/Canteen in his house & planting rice in field having capacity of producing 2/3 hundreds Muri/Mann rice situated in Kholagaun.

It is known/understood that Maoist are collecting donation in Rukum from VDC Secretaries at the rate of 2000 to 2500, & from the staffs of Women Development Office , District Education Office & another Governmental offices are given pressured/obligated to pay donation as equal to the salary of one month in District Headquarter, Rukum.

It is known/understood that Maoists are taking donation from the contractor of herbs (<sup>13</sup>Yarshagumba) purchasers/buyers according to category.

Maoists are taking taxes like local office/ agency in boarder & river. It is found that the contractors are obligated to pay equal tax to Maoist like paying in DDC in Tanahun, Siraha & Kapilvastu.

## **Peoples' Court (Janadalat)**

Worked against/in opposition of Rule of Law, principle of justice by issuing duration/date, issuing date, made to be present/attendant & giving torture after forming Peoples' Court. It is obtained by information & complaint in NHRC, Maoists have continued to be presenting

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<sup>12</sup> Village Development Committee

<sup>13</sup> A valuable herbs which is used as medicine

forcedly, made to explain, threaten to be present. issuing the date to 12 person in Dhading for 15 days, a person is given threaten frequently from mobile phone to be present in Peoples' Court & given threaten of giving physical action for disobeying, making decision to pay 12 lakhs and 50 thousands by presenting in Peoples' Court after kidnapping two persons in Makawanpur, two person in Jhapa & one in Rautahat have been punished, threaten to public to be present compulsorily, decided to divide the land in Kathmandu valley after forming Peoples' Court, made to pay till 10 Lakhs in Sarlahi socalled name of Peoples' Court decision . It is found that the CPN (Maoist) socalled Peoples' Court has organized two public hearing decisions in the case of compromisation of ownership of Kumudini Homes School, situated in Pokhara. .

### 3. Complaints

There are 382 complaints in NHRC during this period. Most of the complaints are concerned about the incidents happened before the period of Ceasefire. Some complaints are registered about the incidents of this period. All the complaints registered in NHRC are based on disappearance made by Security forces before Ceasefire.

Similarly, kidnapped by Maoist, killing and torture by Maoist & army/security forces, threatening, to given pressure/ to force to be present in Peoples' Court, financial punishment, declaration of punishment, violation of HR, all these are listed below.

List of complaints received in NHRC from 13 Baishak to 12 Asar, 2063.

SN	Issue of HR Violation.	Kathmandu	Biratnagar	Nepaljung	Pokhara	Dhangadhi	Total
1.	Kidnapped by/from Maoist	9	10	32	3	7	61
2.	Disappearance made by Security forces	20	19	28	0	5	72
3.	Murdered by security forces	3	8	11	0	5	27
4.	Disappearance made by unknown group	7	2	4	0	1	14
5.	Murdered by Maoist	3	3	8	0	2	16
6.	Murdered by others	1	1	0	1	0	3
7.	Tortured by security forces	6	2	4	0	0	12
8.	Tortured by Maoist	1	0	0	0	0	1
9.	not given Legal treatment	11	0	6	0	0	17
10.	Displaced due to security forces	0	0	0	0	3	3
11.	Displaced by Maoist	4	5	5	0	0	14
12.	Properties confiscated by Maoist	0	3	8	1	3	15
13.	Compensation	46	0	1	0	2	49
14.	Threatening and beating by Maoist	7	5	8	1	3	24
15.	Threatening and beating by security forces	3	0	10	0	4	17
16.	Threatening by unknown	0	0	0	0	0	
17.	Re-arrest	0	0	1	0	0	1
18.	Economical and Social rights	0	0	0	1	0	1
19.	Bomb explosion/Injured	0	0	0	0	2	2
20.	Looting by Security forces	0	0	0	0	1	1



21	Suicide in custody	0	0	0	0	0	
22	Injured in cross firing /death	0	0	0	0	2	2
23	Related to communication	0	0	0	0		
24	Others	0	0	0	1	14	30
	<b>Total</b>	<b>136</b>	<b>58</b>	<b>126</b>	<b>8</b>	<b>54</b>	<b>382</b>

#### **4. Conclusion**

From the monitoring & investigation of NHRC during this period, it is found that Peoples /public have been killed by both the parties. Six people have been killed by the blindly firing of army in Belbari, Morang, a person died due to the torture in the custody of Chitawan National Park. Similarly, it is found that, both parties have continued to giving torture in different cases, it is found that CPN (Maoist) have Continued to killing after kidnapping, to giving torture & making to be present in Peoples' Court forcedly, obligating to pay donation, confiscating of property forcedly, haven't returned illegally confiscated/captured property till now, to take tax, tender & contraction like VDC and DDC etc. Beaten to public in Saptari & Sindhupalchowk by army, the Government is found to be unable to maintain peace & security properly on time in the case of death of a person socalled negligence of health institutions & breaking/damaging over these things.

Similarly, it is found that the activists of Seven Parties' Alliance have published black list against human rights & Rule of Law & rubbing black powder disobeying/disgracing human dignity of civilians , it is found that many people have died & got injured by the explosion of carelessly left bomb & ambush by conflicted parties/groups, it shows that such activities of State & Maoists have violated the Universal Principle of HR, Humanitarian Law, Prevailing Law of Nepal & 25<sup>th</sup> points Code of Conduct & eight Points agreement held between both parties.

#### **Suggestion/ Recommendation**

##### **To Government of Nepal**

- 1). To provide compensation to the family of murdered person by the blindly firing of security force & due to the cause of torture in custody & to give punishment to the accused person involving in incident.
- 2) To punish some security staff/person who have been involved in the case of beating & torture to public.
- 3) To ensure the guarantee of public/peoples security & peace while case of involving in looting in some parts of nation, destruction of health institution & misbehaving to health workers.

##### **To CPN (Maoist)**

- 1) It is found that CPN (Maoist) have continued to kidnapping & murdering against/in opposition of 25<sup>th</sup> points Code of Conduct of Ceasefire & eight points agreements between

Government & CPN (Maoist), so to help the Government to punish those person involving in such crime on the basis of criminal action.

2) To insure the environment to returning home to displaced person & to returning the property to the concerned person confiscated by Maoist illegally.

3) To stop immediately the threatening, beating & torturing after kidnapping (while Maoist have continued such activities).

4) It is found that in most of the districts, Maoist have continued to issuing date to be present in Peoples' Court, threatening, kidnapping forcibly & giving torture, declared fine & punishment, dividing the properties, so to stop completely such action which are against Rule of Law, Universal Principle of Law & bias less decision .

### **To Both Parties, Government and CPN (Maoist)**

It is found that many people have died & injured because of the explosion of bomb left carelessly, so to stop such incidents, to identify such place & explosive things & to manage effective/proper treatment for injured person & provide compensation to respective family of dead person.

### **To Seven Parties**

It is found that the activists of Seven Parties' Alliance have involved in keeping black lists, rubbing black powder & like other activities which are against the human dignity in some districts. So, to stop immediately such illegal activities & to direct the activists of Seven Parties' not to repeat these incidents again.