

Asian Centre for Human Rights

C-3/441-C, Janakpuri, New Delhi-110058, India
Phone: +91-11-25620583, 25503626; Fax: +91-11-25620583
Email: suhaschakma@achrweb.org

14 November 2003

Mr. Bertie Ramcharan
Assistant-Secretary General
Deputy High Commissioner for Human Rights
UNOG-OHCHR,
CH-1211, Geneva 10
Switzerland
Fax: +41 22 917 90 04

Subject: Appeal to consider intervention with the government of Nepal against the establishment of a “National Human Rights Promotion Centre” under the Prime Minister's Office of Nepal to undermine the existing NHRC.

Excellency,

Asian Centre for Human Rights (ACHR) is writing to seek your urgent intervention against the proposed establishment of a “National Human Rights Promotion Centre” under the Prime Minister's Office of Nepal. On 4 November 2003, Prime Minister Surya Bahadur Thapa disclosed the decision to constitute a human rights management centre under his chairmanship to look after the issue of rights violations.

On 14 November 2003, government disclosed that it has prepared a blueprint of the Centre empowered to recommend measures to promote human rights and coordinate with other human rights organisations. A seven member directive committee headed by Chief Secretary will advise the Centre. The Centre, among others, will produce an annual report.

The establishment of the National Human Rights Promotion Centre under an executive order of an unelected government is contrary to the Paris Principles of Nations Human Rights Institutions. It is also a direct attempt to undermine the existing National Human Rights Commission, which has been established by the parliament under National Human Rights Commission Act of 1997.

The NHRC of Nepal has been critical of violations of human rights and international humanitarian laws both by the security forces and armed opposition groups. Yet, the National Human Rights Commission is being undermined for performing its duty for protection and promotion of human rights situation in difficult circumstances prevailing in Nepal. The NHRC of Nepal held the Royal Nepal Army responsible for killing 19

unarmed rebels in Doramba, Ramechhap on 19 August 2003 while the government was engaged in dialogue with the Maoist leadership.

On 13 October 2003, the NHRC also condemned the abduction of Mahendra Yadav, leader of the Nepali Congress and former State Minister of Home Affairs from his home in Khutta Pripadi, and the abduction of All Nepal National Free Students' Association's Central Committee President, Rajendra Rai by the Maoists. The NHRC stated, "The CPN (Maoist) should come to terms with the fact that political systems cannot be transformed by means of assassinations, looting and abductions. Instead, such activities only contribute to acts of terrorism".

As Your Excellency is aware on 13 November 2003 the United Nations Commission on Human Rights' Special Rapporteur on torture, Theo van Boven, the Special Rapporteur on the right to freedom of opinion and expression, Ambeyi Ligabo, and the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, Leïla Zerrougui, expressed their profound concern over reports that dozens of individuals are being detained secretly in Nepal and are therefore at risk of suffering torture and other forms of ill-treatment. In the last two months, they have sent 31 urgent appeals, most of them jointly, to the Government of Nepal regarding the alleged detention of 56 people in unknown locations.

On 2 November 2003, Mr Sushil Pyakurel, Honourable member of the NHRC stated "Till date over 600 people have been arrested by the masked security personnel and they also put masks over the faces of those arrested". They are held in incommunicado detention and relatives are not informed of their detention.

About 1000 persons have been killed since the collapse of the cease-fire agreement on 27 August 2003. A total of over 8,184 people were killed since 13 February 1996. The NHRC has played its critical role for promotion and protection of human rights in these difficult circumstances. Unless NHRC is given adequate powers, independence and resources, human rights violations will increase exponentially.

ACHR is writing to fervently appeal to Your Excellency to kindly consider intervening with the government of Nepal to urge the Prime Minister not to establish the National Human Rights Promotion Centre, which has the potential to undermine the existing NHRC. ACHR also fervently appeals Your Excellency to request the government of Nepal to strengthen the existing NHRC of Nepal by giving financial resources and autonomy to establish its sub-offices in all the districts to monitor human rights violations both by the security forces and the Maoists.

With kind regards,

I remain,

Suhas Chakma
Director