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## Deal for International Inaction on Nepal in Geneva

**(7<sup>th</sup> to 9<sup>th</sup> weekly briefing paper on the key human rights concerns in  
Nepal from 16 March – 6 April 2005)**

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## 1. International community's role for weakening of the democratic movement

The deadline for the submission of draft resolutions on country situations under item 9 of the 61st session of the United Nations Commission on Human Rights expires at 3 pm on 11 April 2005. But, a country resolution on the situation of human rights in Nepal increasingly appears elusive. India, despite calling for the restoration of democracy and the release of political detainees, journalists and human rights activists, has maintained a thunderous silence on a country resolution on Nepal. The United States also failed to formally announce an embargo on the sale of arms to Nepal although training programmes for the RNA has been cancelled.<sup>1</sup> The position of both the United States and India has not helped those countries such as Denmark and Switzerland which have been advocating appropriate action to address the coup of 1 February at the Commission on Human Rights.

According to informed diplomatic sources, the Ambassador of the United States on behalf of those interested for the restoration of democracy in Nepal has reportedly set 8 April 2005 as the deadline to King Gyanendra to release political leaders and restore freedom of press or face a resolution on country situation under item 9.

As a part of the assurance given by King Gyanendra to US Ambassador, G P Koirala was released on 1 April 2005 as promised. New Delhi immediately welcomed it. But on 3 April 2005, the Nepali Police arrested two leaders of the Nepal Student Union (NSU)- a pro-Nepali Congress (NC) student wing, NSU vice-president Pradip Poudel and NSU leader Dharma Khanal from the residence of NC president Girija Prasad Koirala, indicating King Gyanendra's views on democracy. It remains to be seen as to whether King Gyanendra releases Madhav Nepal and others and restores the press freedom by 8 April 2005. Even if King Gyanendra were to release Madhav Nepal and others and restore press freedom, there is no reason to expect full restoration of democracy.

International community often blames the over ground political parties of Nepal for the lack of unity and lack of public support because of corruption. While the allegations are true to some extent, international community has also contributed to the weakening of the democratic movement in Nepal and instead, strengthened the autocratic measures of King Gyanendra.

International community remained a mute witness to dissolution of the parliament on 22 May 2002 and subsequent dismissal of Prime Minister Sher Bahadur Deuba on 4 October 2002.

Most importantly, in April-May 2004, the five-party alliance of Nepali Congress (NC), CPN-UML, Peoples Front Nepal (PFN), Nepal Workers and Peasants' Party (NWPP) and Nepal Sadbhawana Party (Anandi Devi)

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<sup>1</sup> . US puts off RNA training, The Kathmandu Post, 6 April 2005

launched anti-regression movement against King Gyanendra. The Ambassadors of the United States, United Kingdom and India reportedly advised the leadership of the five-party alliance to reconcile with King Gyanendra as their movement might strengthen the Maoists. In fact, King Gyanendra categorically told then Indian Ambassador and India's present Foreign Secretary, Shyam Saran that neither G P Koirala nor Madhav Nepal would be accepted as Prime Minister.<sup>2</sup> Therefore, Sher Bahadur Deuba was appointed as the Prime Minister. International community accepted such undemocratic role of King Gyanendra.

The United States, United Kingdom and India have also supported the only approach adopted to resolve the Maoist conflict i.e. military approach in the name of launching united fight to weaken the Maoists before initiating any substantive peace process. Little attention was paid to the processes and substance of dialogue between the government of Nepal and the Maoists.

The fact that talks between the government of Nepal and the Maoists never reached beyond discussion on agenda has not been considered. As the talks on agenda became serious in August 2003, the Royal Nepal Army perpetrated Doramba massacre on 17 August 2003 to derail the peace process. It is clear that the Narayanhiti Palace is against peace with the Maoists. Only continued conflict with the Maoists could justify the intervention of King Gyanendra. India's objection to third

party involvement in Nepal and the treatment of the Maoists as "untouchables" by international community have helped King Gyanendra. The demand of the Maoists on 5 April 2005 for an international monitoring team to probe human rights abuses in Nepal is unlikely to find echo in Geneva.

The consensus between New Delhi and other members of the international community is limited to restoration of democracy and the release of detainees. While New Delhi would like to play a central role for resolution of the conflict in Nepal, it is increasingly running out of options.

In an attempt to counter New Delhi, on 17 March 2005 Nepalese Foreign Ministry issued a statement expressing unequivocal support to the controversial law recently enacted by China that authorises the use of force against Taiwan - if the island decides to press for independence.<sup>3</sup> This was followed by the visit of Chinese Foreign Minister Li Zhaoxing to Kathmandu on 31 March 2005. Kathmandu believes that forthcoming visit of King Gyanendra to China to attend the annual meeting of Boao Forum for Asia (BFA) from 22 to 24 April 2005 and Pakistan's offer of military assistance<sup>4</sup> will counter New Delhi's overtures to the democratic forces of Nepal.

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<sup>2</sup> . 'Anyone but Koirala, Nepal agreeable to king' The Kathmandu Post, 14 April 2004

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<sup>3</sup> . King plays diplomatic card over Taiwan - Nepal scratches China's back, The Statesman, 17 March 2005

<sup>4</sup> . Pak will provide military aid if demanded, Kantipur Online, 30 March 2005

International community has no roadmap to resolve the Maoists conflict in Nepal apart from the restoration of democracy. By offering a deal to drop the country resolution on the situation of human rights in Nepal in exchange for the release of political detainees and restoration of press freedom, international community in many ways legitimises the coup of King Gyanendra. International community underestimates his insatiable craze for power. A country resolution without the cooperation of the government of Nepal might mean nothing but it is a statement of disapproval of coup by the international community.

As this Briefing Paper shows, there is no improvement of the situation in Nepal. The RNA and other security forces continue to perpetrate gross human rights violations including extrajudicial executions. In late March 2005, three school students— Narayan Bahadur Kanauji Magar (17), Tek Bahadur Gaha (15), and Dal Bahadur Darlami (15) – had been shot dead at the highway near Tansen, the district headquarters of Palpa by plain-clothes security personnel suspecting them to be Maoists. The victims who were in their school uniform were collecting ‘donations’ from vehicles and passengers for ‘Fagu Purnima,’ a festival of colours.

“Kathmandu valley” increasingly appears to be equivalent to the whole of Nepal. As the Maoists’ bandh came into effect from 3 April 2005, businesses and transport in most districts came to standstill. But life in the capital remains unaffected. So long the supply line to Kathmandu remains open, peripheries do not matter to King Gyanendra. On 3

April 2005, the RNA personnel reportedly escorted over 800 vehicles leaving Kathmandu along the Prithvi highway.<sup>5</sup> On 4 April 2005, the road permits of seven oil tankers owned by the private sector were cancelled for not cooperating with Nepal Oil Corporation, Western Regional Office, Bhalbari in transporting petroleum products from the Indian Oil Corporation to Bhairahawa and to Kathmandu.<sup>6</sup> There are no reports of the humanitarian crisis in rural Nepal as reports relating to the Maoists cannot be published without the prior sanction of the RNA. Mass influx of Nepalese into India speaks of a humanitarian crisis in the making. Around 300 Nepalese have been crossing over to India every day at Dhangarawa point alone.<sup>7</sup>

King Gyanendra continues to suppress all forms of dissent and continues to confine key leaders to Kathmandu valley. On 25 March 2005, security personnel at the Tribhuvan International Airport in Kathmandu barred Prof. Dr. Lok Raj Baral, Prof. Krishna Khanal and Dr. Krishna Hachhethu from taking the Jet Airways flight to Delhi on the way to Goa to attend a conference. On 5 April 2005 afternoon, security personnel at the Tribhuvan International Airport barred three politicians including former MP and central committee member of CPN (UML), Pradip Gyawali, joint general secretary of Rastriya Prajatantra Party, Khem Raj Pandit, and spokesman of Nepali Congress (Democratic), Dr

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<sup>5</sup> . RNA escort vehicles to and from capital, Nepal News.com, 3 April 2005

<sup>6</sup> . 7 tankers' road permit cancelled, The Kathmandu Post, 5 April 2005

<sup>7</sup> . Displaced families, children languish in India, The Kathmandu Post, 20 March 2005

Minendra Rijal from flying to Colombo to take part in a seminar.

Complete restrictions on the press freedom continue and at least a dozen journalists including Lavadev Dhungana (Panchthar district), Gopal Baraili (Dhankuta), Manohar Pokhrel and Arjun Shah (Saptari), Rishiram Pokhrel (Tanahun), D. R. Panta (Dadeldhura), Sharad Adhikari (Dang), Ganesh Lama and Surya Thapa (Kathmandu) and Madhu Acharya (Kavre) remain in custody.<sup>8</sup> The judiciary and National Human Rights Commission have abysmally failed to address such gross violations.

Yet, international community including India appears to be obsessed with supporting national mechanisms to address the crisis in Nepal and therefore suggest a resolution on technical cooperation under item 19 of the 61st session of the CHR. The term of the NHRC expires in May 2005 and the terms of many members will not be renewed. There is also no guarantee that even members of the NHRC attending the UN Commission on Human Rights can return to the country if they truly speak about the prevailing situation in Nepal. On 4 April 2005, ten major human rights organisations of Nepal criticised the National Human Rights Commission (NHRC) of Nepal for issuing an "incomplete" statement on April 1 regarding human rights violations and excesses committed by the vigilantes in Kapilavastu.<sup>9</sup> Like the

Supreme Court, the much-vaunted NHRC too succumbed. The NHRC can never replace the judiciary and when the judiciary fails, the NHRC cannot be expected to deliver.

When the international community fails, NHRC cannot be expected to stand alone but fall in line. Yet, it might be easy for international community to blame the Nepalese over ground political parties who are battered by King Gyanendra and his RNA and the Maoists, and often restrained and abandoned by international community.

Time has come for international community to retrospect their own role in Nepal.

## 2. Extrajudicial killings by RNA

The Royal Nepal Army (RNA) personnel continue to be responsible for gross human rights violations including extrajudicial executions. While it is difficult to verify all claims of the RNA, the reports of executions of innocent civilians continue to pour.

On 22 March 2005, three youth – Narayan Bahadur Kanauji Magar (17) of Class IX, Tek Bahadur Gaha (15) of Class VIII, and Dal Bahadur Darlami (15) of Class VI– had been shot dead by plain-clothes security personnel taking them for Maoists. The youth were shot at when they were collecting 'donations' from vehicles and passengers plying on the highway, some 19 km northeast of Tansen, the district headquarters of Palpa. The youth in their school uniform were raising money to observe 'Fagu Purnima,' a festival of colours. Police claimed that they were killed in

<sup>8</sup> . Ten journos still in detention, Nepal News.com, 24 March 2005

<sup>9</sup> . HR groups slam NHRC, The Kathmandu Post, 5 April 2005

encounter. Following protests from the relatives of the deceased and civil society groups, the police reportedly acknowledged that the boys had died “due to bullet injuries”.<sup>10</sup> On 31 March 2005, chief of the Western Divisional Headquarters of RNA, Amar Panta, said that a board of inquiry into the killing of three school students by security personnel at Dhaireni in Chidipani in Palpa district on March 22 has been formed and the probe is underway.<sup>11</sup>

On 16 March 2005, the security forces reportedly killed at least eleven alleged Maoist rebels in separate security operations. Three Maoists were killed in Nijgadh of Bara district, two Maoists were killed in Matela of Dailekh district and one in Jumla. Arms and ammunition and Maoist-related documents were recovered from the incident sites.<sup>12</sup> At least five Maoist rebels were gunned down during search operation at Siundanda area of Nawalparasi district.<sup>13</sup>

On 20 March 2005, security forces shot dead a Maoist rebel identified as Kumar Pandey alias ‘Prabhat’ at Salme area of Nuwakot district.<sup>14</sup> On the same day, security forces also killed two Maoists – Ramjulum Yadav alias ‘Birupan’ and Dilip Yadav alias ‘Dilpa’ at Gadha area, and shot dead another identified as Satma Raya at Mohanpur area of Siraha

district. The security forces reportedly recovered two pistols, bullets, socket bombs and explosives.<sup>15</sup>

The security forces claimed to have killed at least nine alleged Maoists in separate incidents on 21 and 22 March 2005. On 21 March 2005, security forces killed a rebel each in Mahadebdanda area of Sindhuli, Dalapur area of Kapilvastu and Kalyanpur area of Surkhet district. They also recovered some arms from the incident sites. On 22 March 2005, two Maoist rebels were shot dead at Lekfarsa area of Surkhet district and one rebel at Ishma area of Gulmi district. In Pokhara, security forces shot dead Sundar Oli, a Maoist, at Hulake area of Ishma Rajsthal VDC-1 and an unidentified Maoist at Arje VDC of Gulmi district. Hasan Kasahi, another Maoist, was killed at Dalpur VDC of Kapilvastu district.<sup>16</sup>

On 22 March 2005, at least five alleged Maoist rebels were reportedly killed in security actions in different parts of the country. According to the Public Relation Directorate of the Royal Nepal Army, three Maoists were killed at Dhareni area in Palpa district, and two Maoists were killed in clashes at Arje and Hulaki areas in Gulmi district.<sup>17</sup>

On the morning of 24 March 2005, security forces killed two alleged Maoists in an encounter at Wegashivapur VDC in Dhanusha district. The deceased have been

<sup>10</sup>. Last rites of three youths carried out, Nepal News.com, 26 March 2005

<sup>11</sup>. Army to probe killing of students, The Kathmandu Post, 1 April 2005

<sup>12</sup>. Six Maoists killed in latest security actions, Nepal News.com, 17 March 2005

<sup>13</sup>. 5 Maoists killed, The Kathmandu Post, 19 March 2005

<sup>14</sup>. Rebel gunned down, bus torched in Siraha, The Kathmandu Post, 21 March 2005

<sup>15</sup>. 3 Maoists killed, 3 kids injured, The Kathmandu Post, 22 March 2005

<sup>16</sup>. Nine Maoists killed, The Kathmandu Post, 23 March 2005

<sup>17</sup>. Five Maoists killed, Kantipur Online, 24 March 2005

identified as Shrawan Kumar Mandal (30) of Bhunhipartewa VDC-4, and Nathuni Kapar (29) of ward 9 of Dhanusha district. The security forces reportedly recovered some empty rifle magazines from them.<sup>18</sup>

On the night of 24 March 2005, an RNA personnel Gobind Karki allegedly opened fire in a drunken frenzy leaving Arjun Lamichhane, a civilian from Manmaiju-8, seriously injured in Lamabagar, Kathmandu. He died while being shifted to Bir Hospital for treatment.<sup>19</sup>

On 25 March 2005, the RNA issued a statement claiming to have killed three alleged Maoists in security actions on 23 March 2005. According to the statement, while a Maoist company member identified as 'Geeta' was shot dead at Jhungakhola area of Sindhuli district, Shrawan Kumar Mandal and Nathuni Kapang were shot dead in Begashiwapur area of Dhanusha district. The security forces reportedly recovered two pistols, some bullets and socket bombs from the incident sites.<sup>20</sup>

On 28 March 2005, at least four alleged Maoist rebels were killed in security actions. While security forces shot dead two Maoists identified as Tilak Chaudhari alias 'Sunil' and Suresh at Laxmipur area of Morang district, they killed a Maoist at Bisunpurwa area of Bara and another rebel Tej Bahadur

Khadka at Chaukhutte area of Achham district.<sup>21</sup>

On 31 March 2005, security forces gunned down two alleged Maoists during a clash at Chhuplu Bhanjyang area in Solukhumbu district.<sup>22</sup>

On 1 April 2005, security forces shot dead an alleged Maoist rebel identified as Mangal Singha Ghalan in Paurahi area of Rautahat district, and an unidentified Maoist at Bhagawanpur area of Kapilvastu district. Three Maoists and two security personnel were killed in a clash at Likhuphalate area in Gaighat. Two security forces were injured in the clash that occurred after Maoists attacked a security patrol.<sup>23</sup>

On 2 April 2005, Directorate of Public Relations (DPR) of the RNA issued a statement claiming to have killed at least nine alleged Maoist rebels over the last 24 hours during encounters in different parts of the country. According to the statement, the head of a self-styled 'village people's government', Purna Bahadur Pulami was killed in a security action at Dana area of Mygdi district on 2 April 2005. Three Maoists, one each in Manpur area of Sarlahi district, Dikhuwakhola of Taplejung district and Molangakhola of Okhaldhunga were killed on the same day. On the same day, one Maoist was allegedly killed at Bhagwanpur area of Nawalparasi district. The security forces reportedly recovered socket bombs, explosives,

<sup>18</sup>. Forces claim 2 Maoist scalps, The Himalayan Times, 25 March 2005

<sup>19</sup>. RNA soldier kills man in drunken frenzy, The Kathmandu Post, 26 March 2005

<sup>20</sup>. Three Maoists killed, The Kathmandu Post, 26 March 2005

<sup>21</sup>. Four rebels killed, The Kathmandu Post, 30 March 2005

<sup>22</sup>. RNA captain, 2 Maoists killed, The Kathmandu Post, 1 April 2005

<sup>23</sup>. 10 killed, rebels torch ambulance, The Kathmandu Post, 2 April 2005

detonators and Maoist documents from the Maoists.<sup>24</sup>

On 3 April 2005, security forces reportedly shot dead four alleged Maoist rebels in different security operations. In Dang district, a Maoist was killed in Riya Chaukhola area, while two others were gunned down near Amaliya of Lamahi-Kohalpur road. Another rebel identified as Shambhu Rajbanshi was killed in Debighada area of Jhapa district.<sup>25</sup>

On 4 April 2005, at least three alleged Maoist rebels were killed in clashes with security forces in different parts of the country. According to a press release issued by the Directorate of Public Relation (DPR) of the Royal Nepalese Army on 5 April 2005, two 'district committee members' of the Maoists – Pashupat Mahato and Bidur Baitha – were killed in Kanakpur area of Rautahat district, while a Maoist 'area committee member' identified as Tal Bahadur Shahi was killed in Seri area of Mugu district. The security forces have reportedly recovered a pistol, socket bombs, combat dresses and different materials of logistical support from the slain insurgents.<sup>26</sup>

### 3. Suppression of Political Activists

Though President of Nepali Congress Girija Prasad Koirala has been released

from house arrest along with 258 others on 1 April 2005, repression on the political activists continues unabated.

#### Political leaders:

On 18 March 2005, security personnel arrested seven political activists from Pathivara Campus premises in Taplejung district. They have been detained at District Police Office. Security forces also arrested Gopal Baral, chairman of the student wing of People's Front Nepal Dhankuta People's Campus unit and local correspondent of the Gorakhapatra daily in Dhankuta district.<sup>27</sup>

On 20 March 2005, over 300 political party workers were reportedly arrested by the police for staging protest rallies demanding peace and restoration of democracy across the country. Nine activists including former state minister Suresh Malla and party leader Chiranjivi Nidhi Tiwari were arrested in Ason, Kathmandu. More than 100 political activists including 79 cadres of NC and 22 of CPN-UML were arrested in Sarlahi. The arrested political activists have been kept at the premises of the local Customs Office. At least 28 activists including former assistant minister Ajay Chourasiya, were arrested in Birgunj. 25 NC activists were arrested in Biratnagar, seven women cadres were arrested in Narayangadh. Police also arrested 18 cadres in Bardiya, 16 in Mahottari, 11 in Dang, 13 activists including NC central leader Farmullah Mansoor in Bara, eight in Janakpur, four in Bhairahawa, three in Pokhara and two in Dhangadhi. Out of 24 arrested in

<sup>24</sup>. Nine Maoists killed in clashes, Nepal News.com, 2 April 2005

<sup>25</sup>. Four Maoists killed, The Kathmandu Post, 4 April 2005

<sup>26</sup>. Three Maoists killed in latest security operations, Nepal News.com, 6 April 2005

<sup>27</sup>. 8 political activists arrested, The Kathmandu Post, 19 March 2005



Nawalparasi, 19 were released in the evening. Five cadres were injured when police baton-charged protesters in Tanahun.<sup>28</sup>

Most of the arrested persons were released on 21 March 2005. However, out of the 16 arrested in Mahottari, five have been served 90-day detention orders under Public Security Act.<sup>29</sup> Six of the 18 political activists arrested from Guleriya in Bardiya district on March 20 were sent to jail under Public Security Act on 21 March 2005.<sup>30</sup>

On 21 March 2005, at least 175 demonstrators belonging to five-party alliance were arrested across the country for staging protest demonstrations demanding restoration of democracy. Forty-nine of them were reportedly released in the evening. In Kathmandu, police arrested five persons including CPN-UML standing committee member Keshav Badal. General Secretary of Nepal Tarun Dal, Surendra Pandey and Treasurer Kamal Shah were arrested from Satdobato in Lalitpur. 42 demonstrators including journalist Kushal Babu Basnet were arrested in Gaighat of Udaypur district. District Secretary of CPN-UML Mani Raj Upadhyay, NC (D) chief Narayan Karki, NC's acting President Himal Karki and former District Development Committee chairman Bed Prasad Pokharel were among those detained. In Bara, police detained 31 protesters. In Birgunj, among the 29 arrested, 21 were released

after brief detention. Police also arrested 15 persons, including former minister Shiva Raj Joshi, in Nepalgunj, 6 in Pokhara, 6 in Tanahun and 28 in Dang.<sup>31</sup>

On 22 March 2005, over three-dozen Nepali Congress (NC) leaders and cadres were arrested during protest demonstrations demanding restoration of democracy and civil and political rights. Five protestors of NC, including 72-year-old Chandra Kanta Neupane, the NC regional representative, were arrested in Chitwan district. In Lamjung, police arrested six NC leaders including former minister Ram Bahadur Gurung and former lawmaker Haribhakti Adhikari. Eight protestors belonging to NC were reportedly arrested in Rupandehi district. In Birgunj, police rounded up eight NC cadres.<sup>32</sup>

On 23 March 2005, police cracked down on Nepali Congress (NC) leaders and cadres who took out *Satyagraha* rallies for restoration of democracy across the country. At least 20 party leaders and activists were arrested – 9 in Siraha, 8 Bhairahawa and 3 Chitwan.<sup>33</sup>

In Nawalaparasi, police reportedly handed down a three-month detention warrant to NC district president Krishna Chandra Nepali, who was arrested along with four other activists during a demonstration on 21 March 2005. The four were released on 23 March 2005. In Birgunj, eight NC activists, including Parsa President Rajendra Bahadur

<sup>28</sup>. More than 300 political cadres arrested, The Kathmandu Post, 21 March 2005

<sup>29</sup>. Hundreds of protesters arrested, The Kathmandu Post, 22 March 2005

<sup>30</sup>. Dozens of political activists detained, Kantipur Online, 22 March 2005

<sup>31</sup>. Hundreds of protesters arrested, The Kathmandu Post, 22 March 2005

<sup>32</sup>. Dozens of NC protesters arrested, The Kathmandu Post, 23 March 2005

<sup>33</sup>. 20 Nepali Congress demonstrators held, The Kathmandu Post, 24 March 2005

Amatya, who were detained on 21 March 2005, were sent to jail for three months.<sup>34</sup>

On 24 March 2005, two-dozen Nepali Congress (NC) cadres were reportedly arrested from various districts. 13 cadres, including district members Somnath Sharma and Udayaraj Kafle, were arrested from Rupandehi district. In Dadeldhura district, 8 NC cadres, including district president Sher Bahadur Dhant, were arrested. NC general convention member from Taplejung constituency, Junga Bahadur Basnet was arrested from Taplejung district.<sup>35</sup>

On 27 March 2005, police arrested at least two-dozen<sup>36</sup> activists of Nepali Congress during a 'civil disobedience' campaign in different parts of the country against the February 1 royal takeover. At least seven NC activists were arrested in Kathmandu including former state ministers, Mahadev Gurung and Pushkar Nath Ojha, Bhojpur district leader of the party Chitra Bahadur Karki, Dan Bahadur Baniya of Okhaldhunga, Jagat Prasad Joshi of Bajhang, Bal Bahadur Kunwar of Achham and Purna Bahadur Dhakal of Jhapa. Six were arrested in Narayanghat in Chitwan district. They included Chhabi Dhawaj Budhathoki, Ram Mani Neupane, Devi Prasad Neupane, Bishnu Prasad Bhushal, Rameshwor Basnet and Jhalak Gurung.<sup>37</sup>

At least half-a-dozen protestors were rounded up in Tansen in Palpa district.<sup>38</sup>

On 28 March 2005, over 150 Nepali Congress party workers were arrested during protests staged across the country. Police detained 80 NC activists, including former parliamentarians Chin Kazi Shrestha and Mukul Humagain, in Kathmandu. In Liwang, the district headquarters of Rolpa, police arrested 11 political activists including erstwhile parliamentarian Lekhnath Acharya. At least 41 NC cadres were arrested in Tanahun, Shaynga and Kaski districts. 23 NC activists were detained in Hetauda, Chitwan, Birgunj and Nepalgunj.<sup>39</sup>

On 29 March 2005, police arrested 42 political activists from across the country during anti-King protests.<sup>40</sup>

On 29 March 2005, the Kathmandu district administration gave three month's detention orders for nearly 46 political cadres arrested in the past including two former parliamentarians Chin Kazi Shrestha and Shiva Humagai arrested on 28 March 2005.<sup>41</sup>

On 30 March 2005, at least 29 Nepali Congress cadres were arrested across the country during *satyagraha* rallies demanding immediate restoration of democracy. Police arrested 12 cadres in

<sup>34</sup>. 20 Nepali Congress demonstrators held, The Kathmandu Post, 24 March 2005

<sup>35</sup>. NC continues Satyagrah, The Kathmandu Post, 25 March 2005

<sup>36</sup>. Dozens of political activists arrested, Nepal News.com, 27 March 2005

<sup>37</sup>. Democracy demos continue, The Kathmandu Post, 28 March 2005

<sup>38</sup>. Dozens of political activists arrested, Nepal News.com, 27 March 2005

<sup>39</sup>. Over 150 Nepali Congress members detained, Kantipur Online, 29 March 2005

<sup>40</sup>. Parties continue to protest, 42 arrested, Kantipur Online, 30 March 2005

<sup>41</sup>. Parties continue to protest, 42 arrested, Kantipur Online, 30 March 2005

Biratnagar, 10 in Narayangadh and six in Birgunj.<sup>42</sup>

On 30 March 2005, seven NC party workers including National Assembly member Khagendra Raj Regmi who were arrested on 28 March 2005 were handed over three-month detention orders. In Rolpa, seven more NC cadres including former parliamentarian Lekhnath Acharya were given three-month detention orders.<sup>43</sup>

On 31 March 2005, about five-dozen Nepal Workers and Peasants' Party (NWPP) activists were arrested in Patan, Dailekh, Surkhet and Kailali during protest demonstrations against the February 1 royal takeover. 18 NWPP activists including central leader Buddhi Kumar Gosain and Gobinda Duwal were arrested in Patan. Party's youth wing leader Jagya Bahadur Shahi was arrested in Dailekh, along with 26 others. Police also arrested two youth leaders in Surkhet and one in Kailali. Besides this, 9 NC cadres were arrested by police in Rupandehi and two in Narayangadh while they were staging satyagraha. Those arrested in Narayangadh are Maha Prasad Bagale and Mani Prakash Khatiwada.<sup>44</sup>

On 1 April 2005, nearly two dozen activists of the United Left Front (ULF) were reportedly detained by police in Kathmandu and Rautahat districts while they were protesting the royal move of

February 1. A statement issued by president of ULF, C. P. Mainali, said 15 CPN (Marxist-Leninist) leaders including former MPs Tanka Rai and Gopal Basnet were detained from Kathmandu while eight other ULF activists were detained in Rautahat.<sup>45</sup>

On 4 April 2005, Police arrested six political activists and two Nepal Student Union leaders from Birgunj for taking out protest rallies, demanding the restoration of absolute democracy and civil rights in the country.<sup>46</sup>

On 4 April 2005, Police reportedly denied former Prime Minister and president of Nepali Congress (Democratic), Sher Bahadur Deuba access to meet detained UML general secretary Madhav Kumar Nepal at his house at Koteswore.<sup>47</sup>

### Student leaders:

On 17 March 2005, various student organizations took out protest rallies against the February 1 royal take-over in various parts of Kathmandu, including Bhotahity, Bangemuda, Ason and Mahaboudha. Protest rallies were also held in major towns across the country like Biratnagar, Janakpur, Pokhara, Butwal and Nepalgunj.

Police launched crackdowns and immediately detained around two-dozen student and youth leaders from various parts of the Kathmandu Valley. Those

<sup>42</sup>. 29 NC cadres arrested, The Kathmandu Post, 31 March 2005

<sup>43</sup>. Over two-dozen NC activists arrested, 14 others handed detention orders, Nepal News.com, 30 March 2005

<sup>44</sup>. 57 demonstrators arrested nationwide, The Kathmandu Post, 1 April 2005

<sup>45</sup>. Two dozen ULF workers detained, Nepal News.com, 2 April 2005

<sup>46</sup>. 8 more activists arrested, Kantipur Online, 5 April 2005

<sup>47</sup>. Deuba denied meeting with Nepal, journos manhandled, Nepal News.com, 5 April 2005

detained included Padam Palunge and Niranjan KC, central members of Nepal Tarun Dal, Bharat Shahi of Nepal Student Union, Santosh Kattel, vice-president of NSU's Pashupati Campus unit, Kamal Regmi, chairman of NSU's Amrit Science Campus unit, Om Gurung of Ratna Rajya Campus and Phanindra Niroula and Laxmi KC. In similar crackdown, Police also detained Hari Rai, central member of Democratic National Youth Federation (DNYF), DNYF Lalitpur district president Hera Kaji Maharjan from Bangemudha, DNYF Bhaktapur district committee president Bachan Deuja, and central committee member Abdul from Bhaktapur.<sup>48</sup>

On 22 March 2005, student leaders of Nepal Students' Union (NSU)- Arjun Rimal and Madhusudan Ghimire were arrested in Nuwakot.<sup>49</sup>

On 23 March 2005, police arrested Bandev Adhikari, the president of Nepal Student Union, Balmiki Campus branch, from Bhaktapur district.<sup>50</sup>

On 27 March 2005 afternoon, security personnel reportedly barged into Ratna Rajya Laxmi Campus in central Kathmandu and arrested six students affiliated with the All Nepal National Free Students Union (ANNFSU), the student wing of the CPN (UML) for organizing a publicity campaign against

the February 1.<sup>51</sup> They included Urmila Karki, Devi Basnet, Bhava Nath Ghimire, Ajay Khanal, Rajesh Prasai and Subash Thapa.<sup>52</sup>

On 29 March 2005, police arrested at least eight students from the protest rallies in Kathmandu. Police also arrested 15 students of Nepal Students Union in Para district, while 9 activists were arrested in Dang and 10 in Surkhet district.<sup>53</sup>

On 30 March 2005, police arrested two student leaders - Free Student Union President of Mahendra Ratna Campus Mohan Gautam and Upendra Poudel - who were organizing a welcome program for new comers in Kathmandu. They had received District Administration Office's approval, but police broke up their program.<sup>54</sup>

On 4 April 2005, plain-clothes policemen arrested Nepal Student Union (NSU) vice-president Pradip Poudel and NSU leader Dharma Khanal from the premises of Girija Prasad Koirala's residence in Maharajgunj. They were returning after meeting the NC president after his release from house arrest.<sup>55</sup>

<sup>48</sup>. Two dozen student, youth leaders held, The Himalayan Times, 18 March 2005

<sup>49</sup>. Dozens of NC protesters arrested, The Kathmandu Post, 23 March 2005

<sup>50</sup>. Police arrests 13 political cadres, 10 freed, Kantipur Online, 24 March 2005

<sup>51</sup>. Dozens of political activists arrested, Nepal News.com, 27 March 2005

<sup>52</sup>. Democracy demos continue, The Kathmandu Post, 28 March 2005

<sup>53</sup>. Parties continue to protest, 42 arrested, Kantipur Online, 30 March 2005

<sup>54</sup>. 29 NC cadres arrested, The Kathmandu Post, 31 March 2005

<sup>55</sup>. NSU leaders arrested from GP Koirala's residence, Nepal News.com, 5 April 2005

### Miserable conditions of detainees:

There are hundreds of political detainees in Nepal. Of them 56 have been detained in Exhibition Road, 57 in Mahendra Yuv Yavapaialai, Jawalakhel, 60 in Kharipati and 8 in Police Training Center, Maharajgunj, 4 in No. 2 Police Barrack in Naxal, 5 in No. 1 Police Barrack, 13 in Armed Police Training Center, Kakani, 3 in Hanumandhoka, 5 in Singha Durbar Police Post, and one in Kalimati Police Post.<sup>56</sup>

The detainees have been denied proper health and sanitation facilities at the detention centers.

Nepali Congress leader Ram Chandra Paudel, who has been kept under custody at District Police Office in Damauli since February 1, is reported to be critically ill. According to Dr Budhi Bahadur Thapa, who is attending him, Paudel is suffering from diseases such as chest, teeth and urine bladder problems.<sup>57</sup> On 3 April 2005, he was reportedly admitted to Western Regional Hospital in Pokhara.<sup>58</sup>

The wife of NC leader Narhari Acharya, Sharda Sharma said on 30 March 2005 that her husband has been kept under security custody in a congested room at Bhaktapur without proper medical treatment.<sup>59</sup>

Nine political detainees including Nepali Congress leader Nara Hari Acharya, former MPs Ram Nath Adhikari and Gopal Rai, Kavre district chief of NC, Madhu Acharya and student leader Kundan Kafle have reportedly been kept in a single room in detention center at Kakani that lacks even minimum facilities such as water supply and toilet. Nine people have to share a single toilet and they are forced to drink water, directly extracted from underground sources. Deep Narayan Shah, a CPN-UML cadre who was arrested during March 14-protest program in Jaleswor, reportedly fainted while in detention. He was rushed to hospital in an ambulance but taken back to the detention center again. Shah was suffering from respiratory and heart problems.<sup>60</sup>

Dozens of political activists detained at the Mahendra Police Club have started indefinite hunger strike from 31 March 2005 complaining they have been served inferior quality food. The club houses 56 political activists, including former members of parliament Mahadev Gurung, Pushkar Nath Ojha and Bhojpur District leader of Nepali Congress Chitra Bahadur Karki.<sup>61</sup>

### 4. Valley detention

The government continues to detain human rights activists, political leaders and academics within Kathmandu valley.

<sup>56</sup>. Detainees start hunger strike, NWPP joins movement, The Kathmandu Post, 1 April 2005

<sup>57</sup>. NC leader Paudel in critical condition, Kantipur Online, 31 March 2005

<sup>58</sup>. NC leader Poudel hospitalized, Kantipur Online, 4 April 2005

<sup>59</sup>. NC leader Paudel in critical condition, Kantipur Online, 31 March 2005

<sup>60</sup>. Some detainees released, others facing harrowing time, The Kathmandu Post, 31 March 2005

<sup>61</sup>. Detainees start hunger strike, NWPP joins movement, The Kathmandu Post, 1 April 2005

On the morning of 19 March 2005, security personnel reportedly prevented Thakur Prasad Sharma, former state minister for Water Resources, from going to his home district, Dhading from Kathmandu. Mr Sharma who was traveling on a private vehicle with five others was stopped at Nagdhunga security checkpoint and asked to return to Kathmandu after an hour of interrogation. The security personnel deployed at the checkpoint cited travel restriction on Mr Sharma as the reason behind their action.<sup>62</sup>

On 25 March 2005, security personnel at the Tribhuvan International Airport in Kathmandu barred Prof. Dr. Lok Raj Baral, Prof. Krishna Khanal and Dr. Krishna Hachhethu from taking their Jet Airways flight to Delhi on the way to Goa saying that they had ‘orders from the above’ not to let them leave Kathmandu. However, according to Dr. Hachhethu, the security personnel refused to give “any reason in writing” for stopping them. They were going to take part in the latest round of seminar entitled “Democracy in South Asia” due to be held in Goa.<sup>63</sup> Earlier, Dr Baral had been arrested from the Tribhuvan International Airport upon his arrival from New Delhi on 7 February 2005. He was detained for 18 days and later released following immense pressure from national and international communities.

On 5 April 2005 afternoon, security personnel at the Tribhuvan International Airport barred three politicians including

former MP and central committee member of CPN (UML), Pradip Gyawali, joint general secretary of Rastriya Prajatantra Party, Khem Raj Pandit, and spokesman of Nepali Congress (Democratic), Dr Minendra Rijal from flying to Colombo to take part in a seminar. No reasons were given for prohibiting movement of the political leaders.<sup>64</sup>

## 5. Restrictions on Press Freedom

The restrictions on press freedom continue. On 17 March 2005, the Home Ministry re-issued a public notice that action would be taken as per the Press and Publication Act 2048 BS if anyone published prohibited interviews, articles, news, information, reading materials, opinions or personal views that directly or indirectly abet terrorism against the intent and the spirit of the Royal proclamation on February 1.<sup>65</sup> Following the directions of the Home Ministry, on 22 March 2005, the District Administration Offices (DAO) of Parsa<sup>66</sup> and Birgunj<sup>67</sup> issued a fresh 21-point directive for local newspapers. The DAO said reports or write-ups critical of Rastrasewaks (civil servants) or affecting their morale is banned throughout the district from March 22. It said any reports that provoke or affect public morale, directly or indirectly shall also be illegal and punishable. On 28 March 2005, the Local Administration of

<sup>64</sup>. Three leaders barred from flying to Colombo, Nepal News.com, 6 April 2005

<sup>65</sup>. Govt. alerts on prohibited publication, Kantipur Online, 18 March 2005

<sup>66</sup>. Govt directive against press, The Kathmandu Post, 23 March 2005

<sup>67</sup>. Stringent directives issued to Birgunj media, Kantipur Online, 25 March 2005

<sup>62</sup>. Ex-state minister prevented from traveling, The Kathmandu Post, 20 March 2005

<sup>63</sup>. Three academics barred from flying to India, Nepal News.com, 26 March 2005

Narayangadh (Chitwan district) again issued the same 21-point directives to the local media with instructions not to publish any news that discourages civil servants.<sup>68</sup>

On 17 March 2005, Kathmandu District Police Office summoned and interrogated Narayan Wagle, editor of the Kantipur daily, for about 45 minutes about the news that reported arrest of 750 political leaders and activists in the March 15 issue of Kantipur.<sup>69</sup>

The Appellate Court of Tulsipur has issued an order to the District Administrative Office, District Police Office and Tulsipur jail to give written reply clearly stating the reason behind the arrest and detention of journalist Sarad Adhikari, who was arrested by police on 14 March 2005. The court also ordered to produce Adhikari before it on 21 March 2005.<sup>70</sup>

On 21 March 2005, the police reportedly detained journalist of Nepal Samacharpatra daily, Kushal Babu Basnet who was covering the protest rally in Gaighat of Udaypur district.<sup>71</sup>

On 22 March 2005, Police seized photographs of protest rallies from Krishna KC, president of Federation of Nepalese Journalists (FNJ) Lamjung branch, when he was covering the protest rally of Nepali Congress in

Lamjung. Police also allegedly warned KC against taking photographs of rallies in future.<sup>72</sup>

In a statement issued on 23 March 2005, the Federation of Nepalese Journalists (FNJ) said at least ten journalists are still in custody in various parts of the country. They include Lavadev Dhungana (Panchthar district), Gopal Baraili (Dhankuta), Manohar Pokhrel and Arjun Shah (Saptari), Rishiram Pokhrel (Tanahun), D. R. Panta (Dadeldhura), Sharad Adhikari (Dang), Ganesh Lama and Surya Thapa (Kathmandu) and Madhu Acharya (Kavre).<sup>73</sup>

On the morning of 29 March 2005, police reportedly intervened into a peaceful rally organized in Nuwakot by the Nuwakot district branch of the FNJ. They confiscated the banner that pleaded for restoration of press freedom and briefly took FNJ Nuwakot president, Biswamitra Khanal, and other journalists into custody.<sup>74</sup>

On 4 April 2005, security personnel guarding the residence of the UML general secretary Madhav Kumar Nepal under house arrest reportedly manhandled journalists who were covering Sher Bahadur Deuba's visit. The security forces reportedly snatched away note pads, camera and cassettes and forced the photojournalists to delete the snaps they had taken. They even

<sup>68</sup>. Directives for media, The Kathmandu Post, 29 March 2005

<sup>69</sup>. Police interrogate Kantipur editor Wagle, The Kathmandu Post, 18 March 2005

<sup>70</sup>. Court order on journo's arrest, The Kathmandu Post, 18 March 2005

<sup>71</sup>. Dozens of political activists detained, Kantipur Online, 22 March 2005

<sup>72</sup>. Dozens of NC protesters arrested, The Kathmandu Post, 23 March 2005

<sup>73</sup>. Ten journos still in detention, Nepal News.com, 24 March 2005

<sup>74</sup>. Journos take out rally demanding full press freedom, Nepal News.com, 29 March 2005

forced TV cameras to delete their footage.<sup>75</sup>

On 4 April 2005, Chitwan District Administration Office (DAO) and the Police quizzed three district reporters of Kantipur Publications - Prabhakar Ghimire, Narayan Sharma and Khuman Singh Tamang separately. They were reportedly interrogated about the news item published in the Kantipur daily regarding the seven trucks torched by the Maoists. The acting Chief District Officer Top Narayan Sharma and Deputy Superintendent of Police Surendra Bahadur Shah interrogated them for about two hours. During the interrogation, they were asked why the news source was not mentioned while reporting. Sharma also asked the journalists to verify the news from district administration or security source before reporting.<sup>76</sup>

The state-run Radio Nepal has reportedly blocked news transmissions of BBC World Service that it had agreed to relay over 103 FM in Kathmandu. No reasons have been given. Radio Nepal had started relaying the BBC World Service programmes from early November 2004 after entering into a contract with the latter.<sup>77</sup>

The royal government has already barred over 50 FM radio stations in the country from airing news and current-affairs based programmes immediately after the

imposition of the state of emergency on February 1.<sup>78</sup>

## 6. Lack of independence of judiciary

On 31 March 2005, the Supreme Court decided to accept writ petitions related to fundamental rights, which have not been suspended during the state of emergency. After the imposition of emergency since February 1, the apex court has been only taking the cases related to habeas corpus. In its verdict, the apex court said it is illogical to think that right to constitutional remedy has been suspended during the times of emergency.<sup>79</sup>

On 1 April 2005, the Supreme Court in its full text verdict of a habeas corpus case said, "It is inappropriate and unconstitutional to strip citizens of their personal liberties, arrest and detain them in illegal and arbitrary manner; to deprive a detainee from his right to being informed of the reasons of his arrest at the earliest possible, and meeting a lawyer of his/her choice; to refrain a detainee from his right to be presented before a judicial authority." It also said the declaration of emergency, and any order issued during an emergency period by the king, which remain effective as law throughout the emergency stretch, cannot limit habeas corpus since habeas corpus is an independent constitutional provision. The Supreme Court also ruled that only the chief district officer not the police

<sup>75</sup>. Deuba denied meeting with Nepal, journos manhandled, Nepal News.com, 5 April 2005

<sup>76</sup>. Kantipur journos questioned, Kantipur Online, 5 April 2005

<sup>77</sup>. BBC 103 FM blocked, Nepalnews.com, 6 April 2005

<sup>78</sup>. BBC 103 FM blocked, Nepalnews.com, 6 April 2005

<sup>79</sup>. SC to accept writ petitions, Kantipur Online, 1 April 2005



can exercise the Public Security Act. In many cases police have been found exercising the Public Security Act to detain supporters of democracy.<sup>80</sup>

However, the Supreme Court continues to play dilly-delaying tactics. On 24 March 2005, the Supreme Court deferred the final hearing on the habeas corpus petition questioning the legality of Dalit leader Man Bahadur Biswakarma's detention citing "lack of time" within office hour. He was arrested on February 28. On 14 March 2005, the apex court had deferred the hearings on five habeas corpus cases on the same ground.<sup>81</sup>

There is little respect for the court. On 30 March 2005, some detainees including Dalit Sangh leader Man Bahadur Bishwokarma and student leaders Prakash Rawat and Tika Dutta Adhikari were released following Supreme Court orders. The Court on 29 March 2005 had asked the government to release the leaders, but the process was delayed as the police officer guarding the detention center refused to comply with the court's orders, saying he was responsible to the district administration, not the Court. A court official had to rush to District Administration Office of Kathmandu to serve the order.<sup>82</sup> But no action was taken against the concerned police officer for blatant contempt of court.

On 31 March 2005, security personnel re-arrested Bhala Kaji Tamang, a resident of Taping VDC-8 of Solukhumbu district, after he was released on 30 March 2005 pursuant to an order passed by the Supreme Court on a habeas corpus petition. Tamang was earlier arrested on 11 February 2005 and detained under TADO.<sup>83</sup>

On 28 March 2005, in response to separate habeas corpus petitions, the Supreme Court ordered the release of three students and a youth activist affiliated to opposition political parties. Upon hearing the petition filed on behalf of student leader, Medini Sitaula, a division bench of the apex court, comprising Justices Ram Nagina Singh and Rajendra Kumar Bhandari, held that Sitaula had been detained illegally and ordered his immediate release. A former vice president of Nepal Student Union, the student wing of opposition Nepali Congress, Sitaula had been taken into custody nearly a month ago from Kathmandu. The apex court has also ordered release of student activists, Lochan KC, and Mahesh Devkota who are affiliated to ANNFSU, the student wing of the CPN (Marxist-Leninist), and Mahesh Basnet, central committee member of Democratic National Youth Organisation – the youth wing of the CPN (UML).<sup>84</sup>

On 1 April 2005, three student activists including president of the student wing of the Nepali Congress (Democratic), Kishore Rathore, were released as per

<sup>80</sup>. SC strictures on citizens' detention, The Kathmandu Post, 2 April 2005

<sup>81</sup>. Habeas Corpus case deferred, The Kathmandu Post, 25 March 2005

<sup>82</sup>. Some detainees released, others facing harrowing time, The Kathmandu Post, 31 March 2005

<sup>83</sup>. Man rearrested, The Kathmandu Post, 1 April 2005

<sup>84</sup>. Court orders release of student, youth activists, Nepal News.com, 28 March 2005

the order of the Supreme Court.<sup>85</sup> The Supreme Court held that Rathor, president of Nepal Students' Union, was being "detained illegally without any justification" since February 1.<sup>86</sup>

## 7. Atrocities by the Maoists

The Maoists continue to be responsible for gross violations of international humanitarian laws. The Maoists continue to target the schools. On 2 April 2005, Maoist rebels reportedly abducted Begam Bahadur KC, head teacher of Janata Secondary School at Bagdula in Pyuthan district.<sup>87</sup> On the night of 2 April 2005, suspected Maoists exploded a bomb at the Dipendra Police Boarding School at Guleriya in Dang district. The explosion reportedly caused a loss of an estimated Rs 1.6 million. The school was serving as an examination center for students taking School Leaving Certificate examination.<sup>88</sup> On 3 April 2005 at around 5:00 p.m., a student was killed and two others were seriously injured when a bomb planted by suspected Maoists went off at a shopping complex at Mahendrapul in the western town of Pokhara. Earlier on the morning of 3 April 2005, four persons - two school girls on their way to their SLC examination centre and two security personnel - were reportedly injured when a bomb planted by suspected

Maoists went off at Dharmachowk in Bharatpur Municipality in Chitwan.<sup>89</sup>

In order to impose their bandh, the Maoists also targeted health care facilities. On the morning of 1 April 2005, Maoist rebels reportedly set on fire an ambulance at Chhinchu VDC in the mid-western district of Surkhet. The ambulance (plate no. Ba 3 Cha 8654) was on its way to Birendranagar, Surkhet carrying patients from Kohalpur of Banke district. The armed rebels stopped the ambulance and set it ablaze after forcing the patients and other people out of it.<sup>90</sup>

## Killings

Many families had to flee their homes in Kapilvastu due to violence between vigilantes and Maoists. One of those displaced is Raju Nisha from Hathihawa VDC. She said Maoists burnt three of her brothers-in-law to death on 26 February 2005 "on the charge that they were involved in the (anti-Maoist) resistance movement". 13-year-old Indra Mani Pandey, a grade five student from Pithuwa VDC says, "Maoists will chop off our heads if we go back home. 12-year-old Arjun Yadav from Bishanpura said, "The Maoists said they will behead me and my parents."<sup>91</sup>

On 20 March 2005, at least three children were injured when a bomb allegedly left behind by the Maoists

<sup>85</sup>. Two dozen ULF workers detained, Nepal News.com, 2 April 2005

<sup>86</sup>. Order on Rathor's release, The Kathmandu Post, 2 April 2005

<sup>87</sup>. Four people freed, head master abducted, Nepal News.com, 4 April 2005

<sup>88</sup>. Four people freed, head master abducted, Nepal News.com, 4 April 2005

<sup>89</sup>. Student killed in blast in Pokhara, Nepal News.com, 3 April 2005

<sup>90</sup>. Ambulance set on fire, Nepal News.com, 2 April 2005

<sup>91</sup>. Displaced families, children languish in India, The Kathmandu Post, 20 March 2005

exploded at Dhangadi bazaar, headquarters of Kailali district.<sup>92</sup>

On 27 March 2005, three minors were killed and three others injured when a bomb left by suspected Maoists exploded in Mujeyliya of Janakpur, Dhanusha district. According to Ratnaraj Pandey, the Chief District Officer of Dhanusha district, the victims have been identified as Saroj Yadav (10), his 14-year-old brother Ashok and another 15-year-old Mahesh Yadav.<sup>93</sup>

Alleged Maoist rebels reportedly killed Madhav Prasad Sedhai, chairman of Small Peasants' Cooperative in Jiwanpur VDC in Dhading district after his abduction. His body was recovered from a forest near the village on 27 March 2005.<sup>94</sup>

On 27 March 2005, the Public Relations Secretariat of the RNA confirmed that three unarmed security personnel kidnapped by the Maoists on 26 March 2005 from the Khimti area of Ramechhap district have been found murdered. They were taken to the Jafe area of the district, their hands tied up and were attacked with a Kukri (a type of curved knife) before being gunned down.<sup>95</sup>

On the morning of 29 March 2005, at least nine people, including two minors, were injured when Maoists detonated a pressure cooker bomb at the shop of a

local businessman Hira Bahadur Shrestha in Butwal. Victims Binu Pun and her son have been brought to Kathmandu for treatment, while a rickshaw puller Jhagat Gupta has been rushed to Lumbini. The rest are being treated at Lumbini hospital.<sup>96</sup>

On 30 March 2005, Maoists shot dead Deputy Superintendent Officer Mahesh K.C. of National Investigation Regional Department in Pokhara. According to Gopendra Bahadur Pandey, Spokesperson at the Home Ministry, two Maoists traveling on a motorcycle had fired three shots at KC at his house in Rambazaar-15, Pokhara. He later succumbed to his injuries in NORVIC Hospital, Kathmandu.<sup>97</sup>

On the evening of 31 March 2005, suspected Maoist rebels reportedly shot dead the chairman of Sindhuli Chamber of Commerce and Industries, Narayan Kumar Shrestha (64), at his residence at Dhungrabas of Kamalamai Municipality. Shrestha was also an active social worker.<sup>98</sup>

On 1 April 2005, editor and publisher of 'Dharan Today' newspaper, Khagendra Shrestha reportedly succumbed to his injuries while undergoing treatment at a hospital in Indian town of Siliguri nearly three weeks after he was fatally shot at by suspected Maoist rebels in March 15.<sup>99</sup>

<sup>92</sup>. 3 Maoists killed, 3 kids injured, The Kathmandu Post, 22 March 2005

<sup>93</sup>. Three minors killed in Janakpur, Nepal News.com, 27 March 2005

<sup>94</sup>. Chairman of cooperative killed, The Kathmandu Post, 28 March 2005

<sup>95</sup>. Kidnapped security men murdered: RNA, The Himalayan Times, 28 March 2005

<sup>96</sup>. 2 minors among 9 injured in bomb explosion, Kantipur Online, 30 March 2005

<sup>97</sup>. Maoists kill DSO, injure RNA Major, The Kathmandu Post, 31 March 2005

<sup>98</sup>. Maoists kill business leader in Sindhuli, Nepal News.com, 2 April 2005

<sup>99</sup>. Editor Shrestha dies, Nepal News.com, 3 April 2005

On the morning of 1 April 2005, Maoist rebels shot dead Ram Lal Moktan (40), an ex-Indian army man of Chungmang VDC-1 in Dhankuta. Three armed rebels came to Moktan's house, took him a kilometer west of his house and shot him dead.<sup>100</sup>

On 1 April 2005 afternoon, a rickshaw-puller was killed in a series of bomb blasts at the Agriculture Development Office, B.P. Chowk, Transport Office, Municipality Office and Tribhuvan Chowk in Nepalgunj. Eighteen other persons were injured in the blasts.<sup>101</sup>

On the morning of 2 April 2005, a civilian identified as Ram Bahadur Gurung (51) was killed on the spot when a landmine planted by suspected Maoists on the highway near Khaireni in Gorkha district went off.<sup>102</sup>

## Kidnapping

On 19 March 2005, an unidentified group abducted seven staff members of the Nepal Electricity Authority (NEA) from Triveni at Sankhejug VDC in Ilam district. They have been identified as technicians Mohan Shrestha, Chakendra Thapa, Man Bahadur Rai, Kumarsingh Damai, Tilak Shrestha, Nagendra Shrestha and driver Ram Bahadur Thapa.<sup>103</sup> Five of them were released on

26 March 2005.<sup>104</sup> The other two were released on 31 March 2005.<sup>105</sup>

On 26 March 2005, Maoists reportedly seized a vehicle and VSAT equipment belonging to the Nepal Telecom (NT) from Wadanda of Pyuthan district. The equipment was being transported to Pyuthan district from Kathmandu. Four NT employees, including three engineers, were taken into custody for a few hours. However, they were released later.<sup>106</sup>

On 4 April 2005, villagers in Rabargunj VDC retaliated against six armed Maoists, who came to abduct Chet Narayan Mahato, the VDC chairman. The previous day, the Maoists had abducted his son, Sunil Mahato when they did not find him. Some 400 villagers chased away the rebels and caught one of them identified as Ramesh Acharya. He was later handed over to the police.<sup>107</sup>

On 5 April 2005, armed Maoist rebels reportedly abducted over 100 students, who had completed their School Leaving Certificate (SLC) examination in the morning of the same day, from Barbote and Sukumbe villages in Ilam district.<sup>108</sup>

<sup>100</sup>. 10 killed, rebels torch ambulance, The Kathmandu Post, 2 April 2005

<sup>101</sup>. 10 killed, rebels torch ambulance, The Kathmandu Post, 2 April 2005

<sup>102</sup>. Civilian killed in landmine explosion, Nepal News.com, 2 April 2005

<sup>103</sup>. 7 NEA staffers abducted, The Kathmandu Post, 21 March 2005

<sup>104</sup>. Maoists release five of seven NEA captives in Ilam, Nepal News.com, 28 March 2005

<sup>105</sup>. Maoists free NEA employees, The Kathmandu Post, 1 April 2005

<sup>106</sup>. Maoists release five of seven NEA captives in Ilam, Nepal News.com, 28 March 2005

<sup>107</sup>. 5 injured in retaliation against Maoists, The Kathmandu Post, 5 April 2005

<sup>108</sup>. Over 100 students abducted in Ilam, The Kathmandu Post, 6 April 2005

## **Destruction of public properties**

On 16 March 2005, suspected Maoists detonated powerful bombs at the offices of state-owned Nepal Telecom Company (NTC), District Survey Office and District Forest Office in Inaruwa in Sunsari district in eastern Nepal. The explosions have disrupted telephone connections in the district. The state-run Gorkhapatra daily said the explosions caused a loss of over Rs 500 million rupees. The explosions at the District Forest Office and District Survey Office have damaged government records including map and field books and caused a loss worth Rs five million.<sup>109</sup>

On the night of 21 March 2005, Maoists bombed building of the Employees' Provident Fund Regional Office in Banke. Office works have come to a halt following the incident.<sup>110</sup>

## **Economic blockade**

On 20 March 2005, Maoist rebels torched a bus at Sambhunath area of the Mahendra Highway in Siraha.<sup>111</sup> On 26 March 2005, alleged Maoist rebels torched two Indian tankers parked in front of the office of Nepal Lever Limited (NLL) at Hetauda. The tankers plated DLIGA 2546 and 2521 were used by NLL to import chemicals from India.<sup>112</sup> On the night of 1 April 2005, suspected Maoists burned down seven

trucks loaded with cement and foodstuff at Jalbire area along the Narayanghat-Mungling highway in Chitwan.<sup>113</sup> On 3 April 2005, the Ministry of Home said the Regional Administration of Hetauda had been directed to provide compensation to the torched vehicles.<sup>114</sup>

On 3 April 2005, Maoists called 11-day strike to protest against the February 1 royal takeover. The impact of the strike was more visible in rural areas, where the Maoists regularly enforce strikes and blockades. Armed Nepali soldiers escorted vehicles to prevent guerilla attacks. On April 3 itself, the Royal Nepalese Army reportedly escorted over 800 vehicles leaving Kathmandu along the Prithvi highway.<sup>115</sup>

## **8. The collapse of the NHRC**

On 1 April 2005, the National Human Rights Commission in a press statement urged the government to immediately form a committee to probe the violence in Kapilvastu, and provide compensation for victims "without any prejudice". The NHRC recommendation came after its team carried out investigation in Kapilvastu district from March 19 to 25. The Commission report also held security personnel responsible for not taking any measure to control the violence. The Maoist Retaliation Committee (MRC) of villagers in the district had killed about three-dozen alleged Maoists, after the latter abducted two villagers in the second week of

<sup>109</sup>. Explosions at Nepal Telecom and other offices, Nepal News.com, 17 March 2005

<sup>110</sup>. Nine Maoists killed, The Kathmandu Post, 23 March 2005

<sup>111</sup>. Rebel gunned down, bus torched in Siraha, The Kathmandu Post, 21 March 2005

<sup>112</sup>. Maoists torch Indian tankers, Nepal News.com, 28 March 2005

<sup>113</sup>. Nine Maoists killed in clashes, Nepal News.com, 2 April 2005

<sup>114</sup>. Compensation for torched trucks, Kantipur Online, 4 April 2005

<sup>115</sup>. RNA escort vehicles to and from capital, Nepal News.com, 3 April 2005

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March 2005. Villagers led by the MRC had also torched over 400 houses of alleged Maoists. Maoists, on the other hand, killed about two dozen villagers on the charge of joining the retaliation committee. The NHRC however failed to name those killed by the Village Defense Committee.<sup>116</sup>

On 4 April 2005, ten human rights organizations heavily criticized the National Human Rights Commission (NHRC) of Nepal for issuing an "incomplete" statement on April 1 regarding human rights violations and excesses committed by the vigilantes in Kapilavastu. A joint statement issued by these human rights organizations said the NHRC remained tightlipped on the number of people killed. The statement also criticized the NHRC for not carrying out the investigation on its own, arguing that probes by the government would be "less effective".<sup>117</sup>

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<sup>116</sup>. NHRC urges govt to probe Kapilvastu violence, The Kathmandu Post, 2 April 2005

<sup>117</sup>. HR groups slam NHRC, The Kathmandu Post, 5 April 2005