



INSEC bulletin

South Asian Exchange

Vol. 1 No. 4

Published by: INSEC

September, 1991

EDITORIAL NOTE

We are very much pleased that we have been able to publish this issue of our bulletin after a gap of short period. Our bulletin was to be published in every three month, but due to some technical difficulties we could not do so.

This bulletin consists of information on human rights violations (though only a few) committed by the elected government, in contrary to people's expectation and aspirations, especially for the protection and promotion of human rights.

We hope it will help you know the functioning of our government and its attitude towards human rights as well as INSEC activities and areas of concern.

Not only in Nepal, INSEC is also concerned over the deteriorating human rights situation in Bhutan as well as in South Asian region. The report included in this bulletin presents in details.

We hope to be in touch with you in future as

Recently, we changed our organisation's name from Informal Sector Research Centre (INSEC) to Informal Sector Service Centre (INSEC).

Our Mailing Address:

Informal Sector Service Centre (INSEC)
P.O. Box : 2726
Kathmandu, Nepal.

Tel : 977-1-272267
Fax : 977-1-226820 (Attn: INSEC)

CONTENTS

BHUTAN

- Brutality Beyond Bounds,
Barbarity Beyond Belief ? 2

BANGLADESH

- INSEC Co-ordinator Interrogated
at Bangladesh International Airport 5

NEPAL

- No Right to Association ? 5
- Fact Finding Mission
(to Khotang Bullet Incident) 8
- News 10
- INSEC Activities 11

INSEC Publications, 1991

1. Nepal & Its Electoral System :
An Introduction
2. South Asia : Human Rights in Difficult
Circumstances
3. Nepal : Awareness Programme in Election

INSEC Coming Publications

1. Bhutan : Cry for Human Rights...!
2. Nepal : Human Rights Year Book 1991

BHUTAN :

BRUTALITY BEYOND BOUNDS, BARBARITY BEYOND BELIEF ?¹

- Dr Clarence J. Dias²

I. PREFACE

Recently, two disturbing Reports have been released depicting the human rights situation in Bhutan. The first of these Reports has been prepared by the People's Forum for Human Rights, Bhutan (PFHR) which is made up of Bhutanese citizens forced to flee repression in their own country and human rights in Bhutan. Their Report is truly personal drawing upon their own experiences, their own sufferings and also their own courage and aspirations that will not die. The second Report has been prepared by Informal Sector Service Centre (INSEC), a Nepal NGO which, having played crucial roles in Nepal's own struggles for human rights and democracy, is now devoting its attention and resources to provide vital and much-needed support to PFHR (Bhutan) and the thousands of Bhutan refugees now seeking shelter in Nepal.

This note seeks to undertake two tasks:

1. It examines the factual assertions made in the two above mentioned Reports in terms of the norms and standards of international human rights law.
2. It explores roles that the concerned people and human rights NGOs in the SAARC countries can and must play if barbarity is to be banished not only from Bhutan but from the entire SAARC region.

II. BHUTAN AND INTERNATIONAL HUMAN RIGHTS LAW

Bhutan, as a member of the United Nations, is clearly bound to adhere to the Universal Declaration of Human Rights. However, Bhutan has a poor record when it comes to signing, ratifying, and implementing the various

international human rights covenants and conventions that have come into existence since the adoption of the Universal Declaration. Those covenants and conventions set the human rights standards for any civilized member of the world community of nations. Yet it is notable that of the 75 human rights instruments listed in the UNESCO Chart, as of March 31, 1990, Bhutan had signed only one (the Convention on Elimination of all Forms of Discrimination against Women) and had failed to subscribe to any of the Red Cross Conventions.

Below, we roster the factual assertions made in the two Reports on Bhutan and assess their human rights implications:

1. The enactment, since 1985, of a series of "Nationalization" policies and laws which discriminate against the Southern Bhutanese who are primarily a community of Nepali ethnic origin. Such laws violate the non-discrimination provisions contained in Articles 1, 2 and 7 of the Universal Declaration. Further laws insisting that people of Nepalese origin provide written proof of their citizenship before 1958, are alleged to be tantamount to disenfranchisement of them, given the fact that villagers had "never been granted any document to indicate their citizenship before the initiation of the 1985 policy (PFHRB Report)."^{*} This would amount to a clear violation of Article 15 (right to nationality) and Article 7 (equal protection) of the Universal Declaration.

2. When a delegation of Southern Bhutanese government officials including Teknath Rizal and a few senior civil servants made a representation to government to review and reconsider the above policies, the act was labelled "high treason" and Mr Rizal was forced to resign his post as a Royal Advisory Councillor and flee the country. This violates Article 19 (freedom of opinion and expression), Article 12 (arbitrary interference with privacy) and Article 10 (right to fair hearing) of the Universal Declaration. Subsequently, Mr Rizal and two of

¹ This paper is prepared to be presented in "Symposium on Bhutan" to be held in New Delhi, India, September 27, 1991

² President, International Centre for Law in Development (New York)

^{*} PFHR Report and INSEC Report have been published in the book entitled "SOUTH ASIA: HUMAN RIGHTS IN DIFFICULT CIRCUMSTANCES".

his associates "were abducted from Nepal by agents of the government of Bhutan and are now under confinement in Bhutanese prisons" (PFHR Report). This violates Articles 13 (freedom of movement and right to leave and return to one's own country) of the Universal Declaration.

3. The introduction of laws making compulsory "the wearing of national dress at all times"; deleting the Nepalese language from the school curriculum, and banning the practice of the Hindu religion in public places (PFHR Report), violates Article 1 (equality in dignity and rights), Article 2 (non-discrimination), Article 18 (which includes freedom to manifest religion in public or private), Article 26 (right to education including parents' prior right to choose the kind of education that shall be given to their children) and Article 27 (cultural rights) of the Universal Declaration.

4. When, as a reaction to the above discriminatory laws, students and citizens of Southern Bhutan protested peaceably and commenced a human rights movement, the government of Bhutan responded with a wave of arrests, detention without trial and torture in clear contravention of Article 3 (right to life, liberty and security of person) Article 5 (torture), Article 9 (arbitrary arrest and detention), Article 10 (fair hearing), Article 12 (arbitrary interference with privacy and home), Article 19 (freedom of opinion and expression); Article 20 (freedom of assembly and association), and Article 21 (right to participate in government).

5. "During the months of September and October 1990, the public of the southern districts held a series of peaceful rallies to vent their grievances against the excesses of the Royal Government" (PFHR Report). The government officially termed the act as "dissidence" and cracked down on those who had participated in the rallies terminating civil servants without any pension benefit, arresting a number of the participants "Further all schools, hospitals and postal services were closed to Southern

Bhutanese as a form of mass 'punishment' for having participated in the demonstration. These services remain closed to date" (PFHR Report). These acts, in addition to violating all the Articles of the Universal Declaration enumerated under (4) above, also violate Article 25 (right to health) and Article 26 (right to education) as well as Article 2 (non-discrimination).

6. After October 1990, the southern belt of Bhutan has been declared as a "disturbed" area and is now under the control of the Royal Bhutan Army and security forces. There are reports of widespread and repeated gang rapes by the security forces; of midnight raids; of burning of houses; of looting of valuables. The victim testimonies contained in the INSEC Report* reveal a pattern of barbaric violence directed especially against women to punish them for the acts of male dissident members of their family. A law has been enacted, summarily, depriving not only any dissident of citizenship rights but so, too, all members of the dissident's family. The repeated gang rapes have resulted in several of the women becoming pregnant. The wanton contempt for human dignity is also evident in the behaviour of the security forces who force villagers to carry their own valuables to the camp of the security forces where they are illegally confiscated. It appears that a deliberate reign of terror has been launched by the security forces to intimidate and silence all dissent and to crush all opposition. The victim testimonies reveal not only gross violations of all human rights but sheer contempt for human dignity and humanity. There are reports of entire villages being burned to the ground with the security forces compelling the owners of the houses to light the fires often with their family members still inside and released only at the last minute.

7. As a result, thousands of refugees have fled the country and seek refuge in India and Nepal. Their plight is pitiful. They are hunted down both

by the police of the country and by the Bhutan army. At least on instance has been recorded of some 810 refugees being forcibly returned from Assam and delivered into the hands of the Bhutanese army. This act not only violates well-established principles of international law but also violates the terms of the Indo-Bhutan treaty. The most urgent requirements is for funds to purchase food and medicines, the absence of which will lead to starvation and death in the refugee camps.

8. Meanwhile, the atrocities go unabated in Southern Bhutan and refugee toll in Nepal is expected to rise from 3000 to 10,000 in the very near future. Blatant racial discrimination continues in South Bhutan where all development activities have been suspended in the last year; supplies of necessities like salt and cooking oil are being controlled. Income of businesses in the South who sold produce to Third World countries through the State trading agency have been blocked. All grants and permissions for South Bhutanese students and officials attending schools and seminars abroad have been cancelled. No independent media is allowed access to the area so the atrocities go unreported. Instead, the official newspaper attributes all atrocities to anti-national terrorists. They claim that several security force members have been killed by the terrorists. But so far they have not been able to release a single name of those alleged killed.

III. TOWARDS A SAARC PEOPLES RESPONSE

Bhutan, as a member of the United Nations, the Non-Aligned Movement, and the SAARC, cannot evade its responsibilities. Moreover, what happens in Bhutan is of deep and abiding concern to the peoples of all the SAARC countries. If barbarity is allowed to continue unabated in Bhutan, we will be inviting similar barbarity in our own countries and genocidal violence against our own ethnic minorities. If we turn a blind eye to the desperate plight of

thousands of Bhutanese refugees, we will be denying ourselves the most basic of all human rights -- the right to be human.

At an urgent minimum, we the people of the SAARC region acting individually, collectively and through our own human rights and other NGOs need to embark on a number of activities.

1. We need to contribute to and help facilitate immediate and effective relief and rehabilitation for the Bhutanese refugees in our countries. We need humanitarian initiatives both to ensure their physical security and integrity and their material well-being.

2. Our constitutional experts and human rights lawyers need to undertake a critical review of Bhutan's constitutions and laws in terms of their compliance with the standards of international human rights law. We cannot allow the "rule of law" to degenerate into the absolute and autocratic "Law of the Ruler" in Bhutan and indeed in our own countries as well.

3. We need to mount a SAARC fact-finding mission which can visit Bhutan as well as the refugee camps. Access to Southern Bhutan is likely to prove to be very difficult if not impossible. But the effort must be made.

4. We need to organize in each of our countries, a series of public meetings to:

(a) inform our people of the situation in Bhutan;

(b) generate public sympathy and support and to raise the financial and human resources needed for effective relief and rehabilitation programs for the Bhutan refugees;

(c) petition our own governments to mediate and intervene in the most constructive way possible, or at the very least to refrain from providing encouragement and support to those perpetrating barbarity in Southern Bhutan;

(d) organize demonstrations and protests which will bear eloquent testimony to the fact that despite all odds, the SAARC people will exercise their own freedom of expression to rise to the defense of those whose freedoms are in peril;

(e) devise appropriate action strategies and action campaigns to support the struggles of the Bhutanese people for human rights and genuine democracy.

5. We need to work together to evolve and implement concrete strategies aimed at:

● creating pressure on the Bhutanese authorities to halt human rights violations and abate the atrocities being perpetrated by the Bhutanese forces;

(b) securing the release of the detainees and the cessation of torture;

(c) protecting the properties of Bhutanese now in exile;

(d) securing the reopening of schools and hospitals and the resumption of health services and supplies of essential commodities in Southern Bhutan;

(e) utilizing existing mechanism within the UN human rights system to demand that the Bhutan government respect the UN Charter and

● Universal Declaration of Human Rights; comply with all the standards of international human rights law; desist immediately from genocidal violence directed against a specific ethnic community in Bhutan, and repeal all of its racial and ethnically discriminatory policies, laws and practices.

The future of Bhutan may well portend the future of all peoples of the SAARC. It therefore behooves us all to make common cause and "go not gently into the night -- but rage, rage against the dying of the light".

BANGLADESH

INSEC Co-ordinator

Interrogated at Bangladesh Airport

On September 15, 1991, Bangladesh police interrogated Mr Sushil Pyakurel, the Co-ordinator of INSEC, at Bangladesh International Airport. He was returning to Nepal with one copy of a report on Chittagong Hill Tracts "Life is not Ours -- land and human rights in Chittagong Hill Tracts" prepared by Chittagong Hill Tracts Commission, Netherlands. After interrogation of one and a half hour he was set free. The police searched all his baggage and luggage and made photocopy of all papers belonging to him.

On August 31, 1991, the Bangladesh police had also interrogated Mr S.M. Shaheedullah, member of Bangladesh Nagarik (Citizens) Committee, regarding the reprinting of the above-mentioned book. Police seized 100 copies of the book from his room and 860 copies from the press and binding shop including the printing materials and dummies.

It is to be noted that the Group Meeting on "Protection and Promotion of Human Rights in Exceptionally Difficult Circumstances" has defined the Chittagong Hill Tracts as "Exceptionally Difficult Circumstances".

NEPAL.

NO RIGHT TO ASSOCIATION ?

After the dawn of democracy in Nepal in 1990 many trade union and professional organisation started to emerge. The civil servants also formed their organisation: "Nepal Civil Servants' Organisation (NCSO) ad hoc Committee. The Committee in the beginning was mainly concentrated on registering the organisation. It presented its statutes before the interim

government for registration. But the government issued a notice prohibiting the government employees to be organised. The decision of the government was widely protested by civil servants. Then, the government was compelled to withdraw its decision.

The first national meeting of the NCSO ad hoc Committee brought forward two demands: increment of salary, allowance and other benefits as immediate relief and registration of the organisation. They also launched protest programme to pressure the government. Regarding the constitutional turmoil, the government assured to fulfil their demands after 15 days of the promulgation of the new constitution.

The Nepal Civil Servants' Organisation (NCSO) was registered on November 4, 1990 (Regd. No. 109/047/048), under National Directive Act, 1961, but their other demands were not fulfilled as assured by the government. Again, the NCSO launched protest programme. Then, the government was compelled to hold talks with NCSO representatives on December 5, 1990. The-then Ministers Jhala Nath Khanal and Marshal Julum Shakya were present at the meeting as the representatives of the government and Messrs Hari P. Upreti, Ananta Raj Dumre, Mohan Bahadur K.C., Prem Prasad Dangal, Bhup Raj Rai and Bala Krishna Giri, the-then members, were present as the representatives of the NCSO.

The meeting reached at a conclusion that the government would, as soon as possible,

a. form a Commission to study and prepare a report within 2 months and submit to the government, regarding civil servants' salary and other benefits (such as leaves, health care allowances, travel allowance, provident fund, salary increment, insurance, etc.), and

b. take suitable necessary action against corrupt officials as well as those officials who were involved in suppressing the pro-democracy mass movement.

The Commission presented its report after 2 months.

According to the agreement reached between the NCSO and the government, the demand for increase in salary was to be fulfilled by April 15, 1991 and the rest by July 17, 1991.

But, the government did not fulfil these demands by April 15, 1991. Regarding this, the NCSO representatives met with the-then Prime Minister K.P. Bhattarai and apprised him of the situation. But, there was no response. Then, the NCSO gave an ultimatum of April 23, 1991 as deadline to fulfil their demands, otherwise they would launch their protest programme. However, considering the forthcoming general election of May 12, 1991, after 30 years of tyranny, the NCSO suspended its protest programmes.

With the formation of the newly elected government after the election of May 1991, people were expecting a better understanding between the government and trade unions. Following the fall of the partyless Panchayat system, many trade unions and mass organisations came up and raised voice for their rights. Similarly, Nepal Civil Servants' Organisation (NCSO) started a campaign for higher wages and benefits, and according to the agreement reached between the interim government and NCSO, and once recognised and registered (during the time of the interim government), NCSO asked the government for negotiation. When the members of NCSO approached ministries in order to explain the aims of the NCSO, the government began to arrest them. Since then, NCSO had escalated its protest. The government responded with suspension and dismissal of civil servants. The

opposition parties, human rights organisations and members of parliament representing different political parties asked the government to sit-down with the central office bearers of NCSO. But, the government turned a deaf ear. When Situation began to worsen, then the government announced for negotiation. By that time many civil servants were detained, even death of Mr Manoj Joshi occurred in Khotang. (See Report on Khotang Bullet Incident). Almost all the civil servants were alleged with false charges. On July 31, 1991, the representatives of Amnesty International Ms Kate Hampson and the representative of Article 19 Ms Sandra Coliver visited District Police Office and met with some of the detainees.

When the government initiated dialogue with NCSO, it was still hostile against the civil servants. NCSO had started their agitation from June 30, 1991, and adjourned it on August 24 evening considering the inconvenience caused to people and accusing the government acts as undemocratic.

After the unilateral adjourning of the agitation by the NCSO, the government released civil servants on bail. As Amnesty International pointed out "...there is the possibility that false statements wrongly implicating them in the use of violence could be used against them..." Many civil servants are still in the jail of Khotang, because the day when Mr Joshi died of a bullet firing by the police, civil servants were together with Joshi on demonstration.

As Amnesty International showed concern stating "...some of the detainees may be tried and sentenced as criminals solely for the peaceful exercise of their rights to freedom of association, expression and peaceful protest...", INSEC gathered the following information on arrested civil servants only in Kathmandu. All the following civil servants were arrested and

detained under the Public (Crime and Punishment) Act.

Place of arrest/ Situation	Arrested Number
District Administration Office/ while staging peaceful protest (Satyagraha)	55
General Administration Ministry/ while staging peaceful protest (Satyagraha)	57
Home Ministry/while working in the office rooms with black strips on their arms	7
While to and from office or during holiday time or staying at houses (before or after office hours)	6

The Public (Crime and Punishment) Act (1970) is intended to control and punish certain acts which disturbs public life. Such illegal acts are public wrongs or offence for which a punishment of five months imprisonment or a sum of Rs 500 or both is prescribed for the first time and the punishments would be more than double for every such crime committed again. Such are the cognizable crime and His Majesty's Government becomes the prosecutor as well as the judge. The Chief District Officer (CDO) of HMG would hear the case and the police with public prosecutor investigates and institutes the case before him. The decision is liable to appeal in a court of appeal.

The public crimes are defined in the Act as use of abusive language to another, physical assault, disturbing the peace in public place, creating disturbances in post offices, communications, electricity and the like services, trespass the

government or private houses, damage to the public or individual property, molestation of women in public places, gherao or obstacles or attack on somebody who is travelling or sitting, with the intent of harassing, and damaging the property or vehicle of such person and the like. Any body can claim or inform the police of such activity. The police may arrest without warrant if the accused is found in the place of the crime. In other instances the Sub-Inspector of Police may issue warrants and arrest the accused.

This Act was enacted in Panchayat period to suppress the opponents of the system. The same law is there today without any improvement and without any amendment. The elected government is using the same law today to harass the protesters who are fighting for their genuine causes and legal rights and interests. The present government has registered cases in the office of CDO against the civil servants who are fighting to raise the pay scale so as to fulfil the bare necessities of their life.

Amnesty International Concern

- a. There are apparently inadequate legal safeguards for these detainees, some of whom have been in administrative detention for several weeks without being able to challenge the grounds for their arrest and without any possibility of judicial review.
- b. That some of the detainees may be tried and sentenced as criminals solely for the peaceful exercise of their rights to freedom of association, expression and peaceful protest.
- c. That there is the possibility that false statements, wrongly implicating them in the use of violence, could be used against them.
- d. Several of the detainees, including seven reportedly on hunger strike, are in poor health and in need of medical attention.

FACT FINDING MISSION

Khotang Bullet Incident

Name: Manoj Joshi; Age: 19
Birth Place/District: Diktel, Khotang
Sex: M
Religion: 704 / Hindu
Occupation: N / Student
Affiliation: ANNFSU
Current Status: Dead;19910731



Manoj Joshi

After the formation of Nepali Congress government, incidents like killing, shooting, etc. are increasing. In this connection, police resorted to firing in Khotang on peaceful demonstrators leaving one person dead and others injured. The people were demonstrating peacefully in support of the civil servants' movement which was announced by NCSO. The details of the victims are given below. The statement of the government regarding the bullet incident of Khotang is also given below:

Home Minister's Clarification on Khotang Incident :- The processionists turned towards the CDO office when they could not find

the DSP there. They attempted to break into the CDO office premises ignoring the request of the police not to do so. The police had to fire tear gas shells and use lathis. Some rounds of blank shots were fired to bring the situation under control.

Some agitating persons carrying lethal weapons tried to snatch rifles and dragged five employees on duty out of the office and forced them to tie red band in their eyes and gave them grass to eat. The police had to fire two blank shots to rescue the victims.

The police had to fire two shots when some creants broke the curfew imposed by the local administration to maintain law and order in the evening....The local administration had been directed to provide Rs 25,000 (US\$ 1 = Rs. 43) to the family of the deceased.

[The Rising Nepal (government owned English daily), August 2, 1991]

Fact Finding Mission of Nepali Congress

In connection with the Khotang bullet incident, on the orders of Prime Minister and Home Minister, Nepali Congress (ruling party) National Council member Mr Bidur Prasad Poudel and Congress candidate from Khotang-3 Mr Koshal Raj Regmi went to Khotang for a spot investigation on August 5, 1991. They have prepared a report which is the same as that of Home Minister's clarification. Their reports quoted Khotang employees organisation chairman and employees' movement leader Mr Narayan Prasad Joshi (father of deceased Mr Manoj Joshi) as saying that their organisation had been politicized by the CPN (UML).

What Mr Narayan Prasad Joshi is Saying ?

Now, Mr Narayan Prasad Joshi, father of late Manoj Joshi, is in Kathmandu and seeking of impartial investigation into his son's murder.



Manoj Joshi: Dead



Father of the deceased Manoj Joshi

On August 19, 1991, he came to Kathmandu by plane. Police went at Tribhuvan International Airport to arrest him. Fortunately he escaped the arrest.

Giving an interview to a leading weekly newspaper, Chhalphal, in Kathmandu, he said, "During civil servants' agitation my son was killed by police. I feel pity over the undemocratic activities of elected government that the government, quoting the report of National Council member from Nepali Congress Mr Bidur Poudel, propagated false report through its mass media. More than that, the murder of my son was undemocratically politicized by the government. At least, the government would have held an impartial investigation. What kind of injustice there can be when a father, who is coming to Kathmandu to seek impartial investigation into the murder of his son, was about to be arrested?"

Another Fact Finding Mission

Regarding this bullet incident Mr Sushil Pyakurel, Co-ordinator of INSEC and central committee member of FOPHUR, visited the spot along with Jamuna Shrestha, social worker, and have prepared an on-the-spot investigation report.

The report mentions that: On July 31, 1991, about 50-60 students organised a peaceful procession (at 10:30 am) demanding the release of two civil servants who were arrested in the morning (at 7:10 am) the same day. The procession through Diktel bazaar reached at Administrative Building. When some police informed the students about the Administrative Building area as restricted area, the students left that area and gathered at the nearby Helipad.

After a few minutes, police lathi-charged on the civil servants, without any prior information,

who were staging their pre-announced sit-in programme. Then, when the students knew this incident, they became agitated and started throwing stones on police. Slowly, the police left the place. But, suddenly, 4 policemen resorted to firing. Mr Manoj Joshi was killed on the spot, the Helipad, by firing. The report further adds that there was no prior warning before shooting, police did not warn the mass by opening blank firing and firing of tear-gas before shooting Mr Joshi. Mr Joshi was shot dead by first bullet firing. According to the spectators Mr Joshi was about to run away when police directly pointed guns at them. Even the Chief District Officer Mr Bhola Silwal said that though the police had fired tear-gas, it did not explode because it was dead.

So far the other incidents such as "5 officials given grass to eat by agitated mass" are concerned, all these incidents occurred after the bullet incident when Mr Joshi was killed. It is said that those 5 officials were charged by the mass as instigating the Chief District Officer for repression for a few days.

On the one hand the government through its mass media is propagating and giving false report and violating the rights of people to be informed and, on the other, it is providing Rs 25,000 (US\$ 1 = Rs 43) to the families of the deceased as financial assistance.

NEWS

HURON: Executive Reshuffle

According to the statutes of Human Rights Organisation of Nepal (HURON), its chairman Rishikesh Shah has formed a new central executive committee. He was assigned the responsibility to form the committee by the last

INSEC ACTIVITIES

National Conference of HURON where he was elected as chairman unopposed.

According to the new formation, the committee consists of Ms Parijat, Birendra K. Pokhrel and Kapil Shrestha (vice-chairmen), Prakash Chandra Joshi and Dr Rajendra Gautam (general secretaries) and Devi Jung Gurung (treasurer). The HURON has also allowed to form its sub-committees in 42 districts and is likely to permit to form in other districts too.

INHURED Organised Conference

Recently, Institute for Human Rights, Environment and Development (INHURED) organised the "First International Conference on Human Rights Law-Making and Transition to Democracy", July 29-31, 1991, in Kathmandu, Nepal. The Conference was attended by participants from 20 different countries

100 Days of Elected Government : From Human Rights Perspective

The elected government has completed one hundred days in power on September 5, 1991. During this period, 2 persons were killed by police firing; 4 persons were killed conspiratorially; fires were opened, tear-gas and lathi-charges were made in so many places; price of essential goods has gone up by 50 per cent (in average). Similarly, according to NCSO, more than 5000 employees were asked for clarification, 2000 suspended, 150 sacked, so many were arrested and 2500 charged with false cases. Likewise, according to Mr Khadga Oli, member of parliament, hundreds of political opponents have been arrested and warranted under false charges. Besides, one person in Khotang has been charged with 5 different false cases in connection with the bullet incident.

REGIONAL TRAINING WORKSHOP ON HUMAN RIGHTS INFORMATION HANDLING AND DOCUMENTATION

The 7-day long (April 18-24, 1991) training workshop on Human Rights Information Handling and Documentation was organized by the Informal Sector Service Centre (INSEC) and Human Rights Documentation Systems International, HURIDOCS, in order to train the participants in the use of tools which they can use in their work.

The course was attended by twenty two participants representing fourteen human rights organizations from Asian Countries.

GROUP MEETING ON "PROTECTION AND PROMOTION OF HUMAN RIGHTS IN EXCEPTIONALLY DIFFICULT CIRCUMSTANCES"

Considering the increasing human rights violation in South Asia and human rights in exceptionally difficult circumstances in particular areas, INSEC organised to bring immediate action and solution to this issue, a Group Meeting on "Protection and Promotion of Human Rights in Exceptionally Difficult Circumstances", August 24-25, 1991, in Kathmandu, Nepal, in collaboration with Asian Cultural Forum on Development (ACFOD), Thailand, and International Centre for Law in Development (ICLD), USA.

The representatives of Human and Civil Rights Organisations from SAARC countries -- India, Pakistan, Bangladesh, Nepal, Sri Lanka and Bhutan -- held a two-day seminar here in Kathmandu, Nepal on "Protection and Promotion

of Human Rights in the Exceptionally Difficult Circumstances" and found that situation is extremely grave on this front.

The meeting unanimously passed various action programmes to be undertaken in near future. The proceeding and report of the meeting has been published in the book entitled "SOUTH ASIA : HUMAN RIGHTS IN DIFFICULT CIRCUMSTANCES". The book is available upon request.

The Meeting has also defined the following areas in "Exceptionally Difficult Circumstances":

1. Tibet (China)
2. Punjab, Kashmir, Assam and Nagaland (India)
3. Chittagong Hill Tracts (Bangladesh)
4. Burma
5. Bhutan
6. Sri Lanka

INSEC DIRECTOR VISITS REFUGEE CAMPS

The Director of INSEC Mr Prakash Kaphley visited Bhutanese refugee camps on August 8-16, 1991, in India and Nepal. During his visit he interviewed 60 persons, including 21 women, who now are taking shelter at different refugee camps. Among them he found 11 cases of rape. He has also prepared a long report (including victims' testimonies). By this, one can calculate the gravity of situation. He asked whether there is a court. But the reply was "court is there but justice is somewhere else".

Similarly, Mr Kaphley also visited the Bhutanese refugee camp at Maidhar, Jhapa district, Nepal on September 12-13, 1991.

IMMEDIATE RELIEF TO BHUTANESE REFUGEES

As an immediate relief to the Bhutanese refugees in Nepal and according to the follow-up action programme of the Group Meeting, INSEC members donated Rs 5,000 for two tube-wells to make drinking water available to the refugees. Before that INSEC channelled US\$ 1000 to the refugees as an immediate relief. On September 5, INSEC again helped to provide Rs 150,000 for refugees to buy food stuffs, which was channelled through People's Forum for Human Rights, Bhutan, working in refugees camp.

INSEC CO-ORDINATOR VISITS BANGLADESH

The Co-ordinator of INSEC Mr Sushil Pyakurel visited Bangladesh and participated in the meeting on "South Asia Human Rights Training Programme", August 26-27. During the meeting a programme to organise "Training for Human Rights Trainers" was discussed and planned.

BONDED LABOUR

According to the objective of INSEC activities, it has started its work from September 1, 1991, on identification of bonded labour in Nepal. As an initial step, a team has been sent to study target areas. The working areas are, now, mainly focused in three districts, viz., Kanchanpur, Kailali and Bardia, which lie in the far-western region of Nepal.

The study is being launched to identify the nature of bonded labour and its problems. We hope the study will help understand rightly in what form or/and in what manner the state of bonded labour exists in Nepal and will reveal the nature and position of bonded labour. It is

planned that the further programme, i.e. liberation and rehabilitation programme, will be launched in large scale according to the outcome of the study.

The study team is visiting the spot and taking interview with concerned persons.

JARI SYSTEM

INSEC is conducting research/study on Jari System in Nepal. The Jari system means the amount (in kind or cash) to be paid to a person by another person who absconds with the latter's wife. The latter person is called Jar and the system is called Jari System.

Though the Jari system has been restricted by law, this system is still existing to a large extent in Karnali zone, the far-western zone of Nepal, as a residual where an amount of 3 thousand is to be paid as Jari. The existing system such as superstition, domination of wizards and the selling of infant girls have helped this system exist. Due to geographical difficulties and backward social status, the people of Karnali zone are seriously haunted by this stigma of the society.

It is to be noted that Karnali is the only zone among 14 zones of Nepal where there are no motorable road, industry and public telephone facility. Similarly, apart from the Jari system, the other marriage systems such as Pandav Marriage System and Jhuma System also exist in this part of the country.

The primary step of the study is in-depth research to identify the basic problem, and to identify those who are suffering from Jari system.

Further action programmes will be launched in compliance with the findings of the study.

WOMEN SECTION

Recently, INSEC has opened a Women Section which will work for the protection and promotion of women's rights. The section will, firstly, conduct a research/study on women trafficking and prepare action programme to be undertaken. The section is also concerned about women in industry and women labour and making programme accordingly. Recently the Section has carried out a case study on women killed for dowry.

HUMAN RIGHTS INFORMATION AND DOCUMENTATION CENTRE

INSEC has set up a "Human Rights Information and Documentation Centre" under Human Rights Section. The Centre is collecting all the information on human rights violation. The Centre is using HURIDOCS Standard Format to document human rights violations and the documents related to human rights (bibliographic).

Recently, INSEC has undertaken the responsibility to set up and operate an "Information and Documentation Centre" at South Asian level, according to the decision of Group Meeting on "Protection and Promotion of Human Rights in Exceptionally Difficult Circumstances", August 24-25, Nepal.

We request you to send your publications, which will be useful for our documentation purpose.

**BY AIR MAIL
PAR AVION**

BOOK-POST

**Informal Sector Service Centre (INSEC)
P.O. Box : 2726
Kathmandu, Nepal.**