

INFORMAL

Vol. 23, No. 4 & 5, January-June 2008 (Joint Issue)



Foundations of Free and Fair Elections

INSEC's Quarterly Publication on Human Rights & Social Justice



INFORMAL

South Asian Human Rights Solidarity

Vol. 23, No. 4 & 5, January-June 2008 (Joint Issue)

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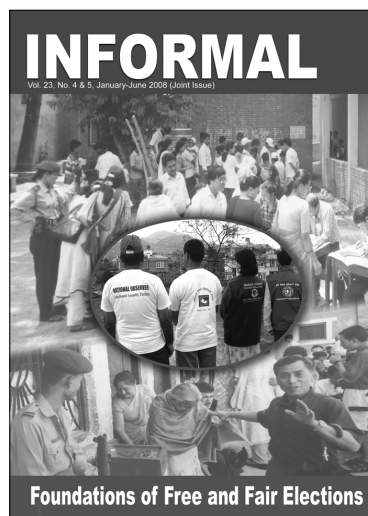
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Formal–Informal

Press is the strongest pillar which makes the other three pillars-executive, legislature and judiciary-transparent and shapes public opinion. I call upon journalists to help from their places for making the CA the threshold of the change.

Girija Prasad Koirala

Prime Minister, March 22, 2008

Speaking with Journalists at his Residence in Kathmandu

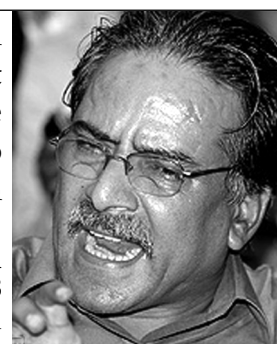


The media that played a crucial role in bringing the transformation by writing in favour of the people during the people's movement are not sincere towards enhancing the peace process. It is right time for media sector to unite in order to make the elections to Constituent Assembly (CA) a success so as to establish a republican set up in the nation.

Pushpa Kamal Dahal

Chairman, CPN (Maoist), April 6, 2008

Speaking at the Inauguration Program of a New Radio Station in Kathmandu



Constituent Assembly (CA) election is a proper solution to transforming the country into a republic and ensuring people's rights making them sovereign.

Madhav Kumar Nepal

General Secretary, CPN (UML), March 23, 2008

Addressing to the Election Campaign in Kathmandu



The high command of Maoist party has been directing its cadres to prohibit Rastriya Janshakti Party (RJP) workers from entering my electoral constituency for campaigning. There is an anti-election movement. I do not see any seriousness on the part of the government to check such atrocities being unleashed by the Maoists in the districts.

Surya Bahadur Thapa

President, RJP, March 12, 2008

Speaking at a Press Meet in Kathmandu



Ensuring Free and Fair Elections

Nepali people are going to outline their own constitution through the elections to Constituent Assembly, scheduled for April 10, 2008. This election will be a crucial step towards framing a new constitution for institutionalizing the achievements of people's movements in the past. More importantly, it will decide on future of monarchy, which had been ruling over Nepal for last 239 years.

Free and fair elections cannot be achieved unless a wide range of human rights and fundamental freedoms can be exercised on an ongoing basis without discrimination based on race, colour, sex, language, religion, region, political or other opinion, national or social origin, property, birth or other status, including among others disabilities, and without arbitrary and unreasonable restrictions. One should remember that genuine democratic elections serve to resolve peacefully the competition for political power within a country and thus are central to the maintenance of peace and stability.

Elections to Constituent Assembly in Nepal has become a matter of concern for international organizations, just as it is the concern of national institutions, political competitors, citizens and their civic organizations. Hundreds of international observers have already arrived here for the much awaited CA election. The pre-election reports of the international observers are focused on civil and political rights as a part of international human rights monitoring. In this regard, the national observers must be aware about the highest standards for impartiality concerning national political competitors. They must be free from any bilateral or multilateral considerations that could conflict with impartiality. It is necessary for observers at the field to understand that election observation is potential to enhance the integrity of election processes, by deterring and exposing irregularities and fraud and by providing recommendations for improving electoral processes. Presence of international observers can promote public confidence and electoral participation, and mitigate the potential for election-related conflict. In addition, it enhances international understanding through the sharing of experiences and information about democratic development.

To ensure conducive environment on Election Day and post election period, the major political parties should stop intimidating voters during the election campaign and recommit themselves to abide by the election code of conduct and outcome of the elections. To this end, the parties should not underestimate the deaths of thousands of Nepali citizens including many people being disappeared and displaced during a decade long war, sacrifice of lives in 19 days April movement and series of accords reached among the government and parties including Maoist to ensure the elections to constituent assembly. It is important to note that the Assembly members will draft a new constitution for Nepal to decide on monarchy's fate. It is vital for the government to bring action against those involved in the killing, abduction or beating of candidates and party workers.

Criminalization of Nepali Politics

Crimes Forgiven and Forgotten

But the country was destined for a painful political course. After taking the rein by the first elected government, people lost their lives due to the state atrocities. The government not only hesitated to bring the officials responsible for killing into the justice, but also compromised with the elements which were responsible for the loss of lives and property during the pro-democracy movement in 1990. Mallik Commission Report was neither brought to the public nor studied for the implementation. The commis-

sion was formed after the success of pro-democracy movement to probe into the loss of lives and property. Simultaneously, the violence after the first elections increased. Inter-party violence spread up in many parts of the country. Politicians including Ram Brikcha Yadav were killed and tens of them injured during the period. A lot of clashes between different political parties were reported showing an attitude of negation others. Acts of the violence were interpreted by these parties for their own ends. Clashes between the parties which fought for multi-party in 1990 gave a way for *panchas*, to strengthen themselves in the political arena. They were demanding for mid-term polls which took place in Nepali Congress

and its sharpening rift with other parties in parliament. Such a situation was fertile ground for violence. Violence was widespread in 1994 mid-term elections. It erupted in almost all the districts. Bullets ruled in Dang, Saptari, Ilam, Mahottari and Janakpur. The present home minister Khum Bahadur Khadka himself allegedly opened fire among the crowds. Four people died in Dang incident. A team organized by national Election Observation Committee (NEOC-1994) comprising of national and international members investigated the cases in Dang and reported that he was responsible for the deaths of these people. The case was in court.

- Krishna P Upadhyaya
Vol. 6, No. 1, March 1996

Letter to Editor

Dear Editor,

I am glad to write for your well-famed magazine and really want to appreciate you for bringing such an outstanding magazine to public, which generally introduces about Human Rights and Social Justice to the public and attempts to create public awareness about the human rights issues. Among many good articles the article "Local Issues and the Peace Process" by Bishnu Prasad Pokhrel drew my attention and was compelled to write about it.

I was so astonished and felt very bad after reading this article, which has clearly shown that how irresponsible our government is, and the cruelty of Maoists. This was the issue of Surkhet and Jumla districts only may be there are many

Nepalese being compelled to face intimidation by Maoists. The sad news is that most of the victims are unaware on what type of justice they are seeking for. Why the official bodies are not investigating these issues? If the Truth and



Reconciliation Commission is the main entrance to address these

issues, then I feel that they should not give any place for criticism in their work. I hope they will be able to incorporate effective provision for ending impunity and would like to request the Informal to continue monitoring the TRC.

Athilisha Thapa
Kalikasthan-32 Kathmandu

Dear Editor,

I was delighted, as Informal magazine has come up with its issue to the public with the theme "Building Foundations of Peace". When I went through this magazine, I found it quite informative. Every youth of today should be aware of social and political issue of the country. Informal magazine can be the best magazine to all the read-

ers as it gives us the information regarding social and political issue of the country.

It refers to the article "Deadlock in Nepali Peace Process". Can CA polls rebuild peace process in Nepal? In the present time, we are nearing to elections to CA. Mean while different violent activities are taking place. Many people have lost their lives since the beginning of election campaigns. Current rate of murders, abductions, intimidations and violation of law and orders is continuing. Parties are quarreling to gain their position in various parts of the country. In this situation, many voters remain cautious about whether to vote or not based on events on the election day due to insecurity of life.

I am in dilemma whether the election to Constituent Assembly will bring back peace or another revolution in the history of Nepal. Hope of Nepali people to see new Nepal with the re-establishment of peace are unlikely to be fulfilled unless the political leaders uphold the ethos of

democracy.

Anisha K.C.

Class – XI, Journalism

National Integrated College, Kathmandu

Dear Editor,

I am fortunate to read Informal October-December edition, which gives a depth interpretation to theory and practice of peace building. Under the topic, "Building Foundation of Peace", the cover story provides the best idea for the peace building. "There never was a good war or a bad peace", line speaks clearly for stepping towards peace. All the contents and examples included in this article are so much strong that they easily catch the readers' eyes.

Interview with the Roman Magsaysay Award winner under the title Community leadership, Mahabir Pun, is quite interesting, knowledgeable and inspiring. We must salute him and praise him to continue his work spreading all over the country. The people of rural area live with computer and Internet is

not a simple and easy thing but Pun's contribution has made it possible. Villages' local product being advertised by Internet throughout the world is an example that the whole world is being a small village. Article "Structural Violence and the Peace Process", by Geeta Gautam clearly talks about the subject. Structural violence is the biggest defect to go towards development. Absence of war cannot bring peace but all the root causes of conflict present in the society should be solved for permanent peace. All the voices of victims if come in public than the problems can be solved easily. Therefore, the Informal should bring this type of voice out in the public.

I found all the contents and regular columns readable, which give the best idea for human rights and peace process. I hope Informal will bring more serious issues in to public notice concerning permanent peace in the country.

Kshitiz Silwal

Limithana-2, Parbat

Dear Readers

How did you find this issue of

Informal ?

What do you prefer to read in our publication related to

Human Rights Issues ?

Please do write us.

Comments and suggestions are always appreciated.

informal@insec.org.np

- Editor



Laxman Datt Pant

Foundations of Free and Fair Elections

The political agreement reached among seven political parties and the government in December 2007 announced a new date for the elections to constituent assembly that will take place on 10 April 2008 amid high hopes to abolish monarchy from the country.

1. Background

The Constituent Assembly is a representative body approved by the Interim Constitution of Nepal to draft a new Constitution. It will be elected by the people of Nepal to make it representative ensuring all groups' participation in the same. The Interim Constitution legislates for the creation of a 601 member Constituent Assembly, with 575 of these members being directly elected and 26 being appointed by the Cabinet after the election. The political agreement reached among seven political parties and the government in December 2007 announced a new date for the elections to constituent assembly that will take place on 10 April 2008 amid high hopes to abolish monarchy from the country.

1.1 Electoral System

Nepali citizens are going to use their voting rights under a mixed electoral system in the elections to the Constituent Assembly. The First Past The Post system will be used to elect 240 members of the Constituent Assembly and 335 members will be elected under a

Proportional Representation System. Each voter will receive two ballots, one to vote in the First Past The Post election and next to vote in the Proportional Representation election. For the purpose of the First Past The Post Election, Nepal is divided into 240 geographic electoral constituencies. Each constituency elects one member to the Constituent Assembly. The ballot for this system shows the electoral symbols of the candidates registered to stand for election. Candidates can be both representatives from political parties or independents. Each voter casts one vote for preferred candidate. The votes cast for each candidate are counted and the candidate with the most votes is elected. Candidates are allowed to compete in up to two constituencies. Should a candidate win in both constituencies, she/he selects the one she/he wishes to represent, and a by-election is held in the other constituency.

The 335 proportional representation seats are elected using one ballot which all voters receive, and with Nepal being a single electoral constituency. Only political parties registered with the Election

Commission can stand for election under this system. When submitting lists of candidates to the Election Commission, political parties are required to ensure inclusive representation from women, *dalits*, oppressed castes/indigenous ethnic groups, backward regions, *Madhesi* and others. Election Commission may reject the lists which do not comply with these quotas and ask parties to correct the list within seven days to re-submit to the Election Commission.

The proportional election system being used for the Constituent Assembly Election is a 'closed list' system, in which voters cast a vote for their party of choice but do not have control over which individuals the party selects to become members of the Constituent Assembly. Each voter can cast one vote for one party on the Proportional Representation ballot. The votes cast for each party are totaled for the entire country. This determines how many seats out of 335 each party will be allocated. The seats are allocated to the parties according to the proportion of the total votes that each political party

receives. Once a party knows how many seats it has won, it must choose the candidates to be elected from the party list of candidates. The political parties can pick from anywhere on their lists. They do not have to select the candidates from the top of their lists in the order in which they were submitted to the Election Commission. However, parties do have to ensure that the candidates they choose meet the quota requirements for representation of different groups.

1.2 Responsibilities of the Constituent Assembly

The duration of the Constituent Assembly will be for two years from the first meeting. The first meeting of the Constituent Assembly should take place within 21 days of the final election results. The Constituent Assembly can be dissolved before the stipulated time and such a decision can be taken by the Assembly itself. The major responsibilities of Constitution Assembly are to write a new Constitution for Nepal, to exercise legislative functions until elections are held under the new Constitution and to decide the future of the monarchy. The assembly will first decide about the future of monarchy with a simple majority in its first meeting so as to confirm the decision already taken by the Interim Parliament to dissolve the monarchy and establish a republic Nepal.

2. Free and Fair Elections

Free and fair elections depend on an enabling legislative framework, the impartial and neutral practices of election administrators, the media and the forces that maintain law and order including acceptance of the competitive electoral process by all the political forces in the country. The government, political parties, election adju-

dicating bodies, and civil society and any other groups should accept and support the process and not undermine it through violence, intimidation or any other unlawful practices. We need to recognize that elections can be undermined as much by state actors as they can be undermined by non-state actors and factor these considerations when trying to secure free and fair elections.

Free and Fair elections should mean universal and equal access to the electoral process and to ballots, which are secret and free. This requires an absence of fraud and intimidation and that the votes are translated fairly into legislative seats in a transparent manner and in accordance with the law. Thus to determine that a given election is free and fair, calls for scrutinizing not just the laws that provide for elections and the election event but the run-up to the elections as well. The scrutiny of a process inevitably calls for more than a documentation of the chronology of events leading up to the elections it calls for a scrutiny of the actions and the behavior of all actors involved in the electoral process and a review of the outcomes.

2.1 Electoral Standards

Various UN declarations and charters have contributed to developing standards on which to base the protection of human rights (which include the civil and political rights of people) and link human rights to access to free and fair political participation.

During the election processes where the political parties and their candidates meet each other, and the election management bodies and representatives of the media to agree on a code of conduct and agree the framework, there is more likely to be a higher rate of trust in the whole process. In addition, it goes a long

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.....
Observing the electoral process is an important tool to check and balance the viability and honesty of election administration, political parties, candidates and the interest groups. Monitoring of elections promotes obedience with the legal framework and discourages questionable activities that take place during or after elections by the political parties and the other stakeholders of the elections.

Nepali Organizations

Organization	No. of Observers
National Election Monitoring Alliance (NEMA)	23,000
Nepal Election Observation Committee Nepal (NEOC/N)	20,000
National Election Observation Committee (NEOC)	12,700
Democracy and Election Alliance Nepal (DEAN)	12,000
Common Movement for Human Rights Preservation and Peace (CHRP)	7,500
CA Election Observation Joint Forum (CAEOF)	5,000
General Election Observation Committee (GEOC)	1,900
Nepal Bar Association (NBA)	1,000

International Organizations

Organization	No. of Observers
The Carter Centre	60
Asian Network for Free Elections	100
Forum-Asia	8
Universal Human Rights Network	
European Observation Mission	
The Asia Foundation	20
American Embassy	50
British Embassy	26
Japanese Embassy	37
European Union	125

way in ensuring a free, fair and credible process. What is most important is that it is publicly known and that provisions are not introduced in stealth to advantage or disadvantage any specific political forces. The legal framework for elections must relate to the management of the election machinery. It should define the entitlement to vote, criteria for drawing constituency boundaries, selection of candidates including the registration of electors, political parties, the conduct of the campaign, secrecy of the ballot, the vote count, settlement of electoral disputes, constitutional protections to secure the periodicity of the electoral process and access to the media.

2.2 Election Observation

About ninety three thousand persons will be mobilized as Election Observers across the country on election day. The number is 30 times higher than the number of volunteers observing Nepal's third general election in 1999. A total of 92,245 Nepali citizens affiliated with 148 non-government organizations and around hundred foreign observers from seven international organizations will observe the voting in 9,801 polling centers and over 20,000 polling booths, according to the Election Observers' Resource Centre (EORC) at the Election Commission. The National Election Monitoring Alliance (NEMA) will be mobilizing a quarter of the observers. The

Constituent Assembly Members Election 2008 (2064) Proportional Electoral System Election Schedule

February

- February 20, 2008 Submission of closed list of candidates by political parties, between 10 am to 5 pm, at the Election Commission, Kantipath, Kathmandu.
- February 21 to 27, 2008; Notification to political parties regarding the correction of closed list of candidates, between 10 am to 5 pm, at the Election Commission, Kantipath, Kathmandu (For those who registered closed list on 20th February 2008)
- February 24, 2008 Submission of closed list of candidates by political parties, between 10 am to 5 pm, at the Election Commission, Kantipath, Kathmandu
- February 25, 2008 to March 2008 Notification to political parties regarding the correction of closed list of candidates, between 10 am to 5 pm, at the Election Commission, Kantipath, Kathmandu (For those who registered closed list on 24th February)
- February 28, 2008 and March 9, 2008 Submission of amended closed list of candidates by political parties, between 10 am to 5 pm, at the Election Commission, Kantipath, Kathmandu (For those who registered closed list on February 20, 2008)

March

- March 2, 2008 Submission of closed list of candidates by political parties, between 10 am to 5 pm, at the Election Commission, Kantipath, Kathmandu
- March 3 to 9, 2008 Notification to political parties regarding the correction of closed list of candidates, between 10 am to 5 pm, at the Election Commission, Kantipath, Kathmandu (For those who registered closed list on March 2, 2008)
- March 3 to 16, 2008 Submission of amended closed list of candidates by political parties, between 10 am to 5 pm, at the Election Commission, Kantipath, Kathmandu (For those who registered closed list on 24th February)
- March 10 to 16, 2008 Submission of amended closed list of candidates by political parties, between 10 am to 5 pm, at the Election Commission, Kantipath, Kathmandu (For those who registered closed list on March 2, 2008)
- March 17, 2008 Making Public closed list of candidates, between 0 am to 5 pm, at the Election Commission, Kantipath, Kathmandu
- March 18 to 24, 2008 Submission of application to make an objection regarding the eligibility of candidates in the closed list of candidates, between 0 am to 5 pm, at the Election Commission, Kantipath, Kathmandu
- March 25 to 31, 2008 Investigation on the objection made regarding the eligibility of candidates in the closed list of candidates and taking a decision, between 10 am to 5 pm, at the Election Commission, Kantipath, Kathmandu

April

- April 1, 2008 Publication of notice regarding the removal of candidate's name from the closed list of candidates, between 10 am to 5 pm, at the Election Commission, Kantipath, Kathmandu
- April 2-3, 2008 Submission of application by candidates listed in the closed list of candidates to withdraw their names, if they so wish, between 10 am to 5 pm, at the Election Commission, Kantipath, Kathmandu
- April 4, 2008 The concerned political party to be informed of candidates withdrawal from closed list of candidates. Between 10 am to 12 noon, at the Election Commission, Kantipath, Kathmandu
- April 4, 2008 Publication of final closed list of candidates-12:15 pm to 1 pm, at the Election Commission, Kantipath, Kathmandu
- April 4, 2008 Allotment of election symbols- 1:15 pm to 5 pm, at the Election Commission, Kantipath, Kathmandu

NOTE:

- o According to the notice published by the Election Commission on January 12, 2008, polling shall take place on Thursday, April 10, 2008, from 7am to 5 pm.
- o The Returning Officer will start counting the ballots as the boxes from all the polling stations from constituencies across the country, start arriving.
- o Upon completing the counting of ballots by the Returning Officer, the Election Commission shall receive details of total valid votes obtained by the political parties from across the country. Then, in proportion to the total number of valid votes obtained by each political party, the Election Commission, as mentioned in the Constituent Assembly Member Election Act, 2064(2007), shall declare elected, the candidates from among the closed list of candidates submitted to the Election Commission by the parties.
- o As election symbols were allotted at the time of party registration, the allotment of the election symbols mentioned in S.N. 17 is included here for statutory purpose only.

- Election Commission

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*Observing the electoral
 process is an important
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 ties that take place dur-
 ing or after elections by
 the political parties and
 the other stakeholders of
 the elections.*

observers were selected from four-
 teen different organizations affiliat-
 ed with NEMA.

Asian Network for Free
 Elections (ANFREL) is mobilizing
 one hundred foreign observers,
 while others are undecided about
 their numbers.

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 tionable activities that take place
 during or after elections by the polit-
 ical parties and the other stakehold-
 ers of the elections. Public reporting
 by monitors increases transparency
 and helps ensure accountability in
 the elections.

Election observation is an
 effective tool to examine the appro-
 priateness of the legal framework,
 information and education pro-
 grams, registration of political par-
 ties and candidates, freedom of
 assembly and movement, freedom
 from fear and intimidation, freedom
 of expression and equal access to the
 media. It also examines the use of
 public resources for campaign pur-
 pose, activities on election day, vote
 counting and compilation of the
 results including the appropriate-
 ness of election results, and legiti-
 mate procedures for resolving the
 same.

A transparent election height-
 ens the prospects of its credibility
 and puts additional pressure on all
 parties to ensure that it is free and
 fair. There is greater international
 interest in observing elections in
 transitional elections like ours. There
 is also a greater increase in numbers
 and capacities of domestic observer
 groups. Many legal frameworks pro-
 vide for observation of elections by
 international as well as domestic

observation in addition to the pres-
 ence of the media, political parties
 and candidates to ensure full trans-
 parency. While international
 observers have no direct stake in the
 outcomes and their reports are cred-
 ited with impartiality, they often
 come in for a shorter period and
 rarely follow the whole campaign
 and context. They also do not know
 the local languages and context and
 therefore lack in depth knowledge.
 Domestic observers have the capaci-
 ty to monitor the whole campaign
 period, know the language and con-
 text but may be subject to accusa-
 tions by one or the other party that
 they have vested interests and there-
 fore must fight more to establish
 their own credibility.

2.2.1 The Pre-election Period

A good electoral system dis-
 courages political manipulation
 before elections are held. One way
 that parties and/or candidates can
 try to manipulate the outcome of an
 election is by gerrymandering.
 Gerrymandering is the drawing of
 electoral district boundaries to
 favour a particular party or candi-
 date. Countries using a First Past
 The Post (FPTP) single member dis-
 trict electoral system are especially
 susceptible to gerrymandering activ-
 ities. The reason is that this system
 will generate large numbers of wast-
 ed votes. The usage of large multi-
 member districts in Proportional
 representative (PR) systems elimi-
 nates the benefits of redistricting.

One gerrymandering tech-
 nique is called cracking. The objec-
 tive is to reduce the support of a
 party by drawing the boundaries in
 such a way that the party's support-
 ers belong to several districts rather
 than one district. The chances of this
 party's candidate getting elected are
 then significantly reduced. Another
 technique employed to enhance the
 chances of becoming elected by

using gerrymandering is called packing. If cracking strives to break up a political stronghold, packing intends to create a stronghold that did not previously exist. Thus, the boundaries of an electoral district are redrawn to bolster the support of a particular party and increase the chances of its candidate being elected.

The complexity or simplicity of the ballot directly affects the efficiency of the voting and counting process. The ballot should be designed in a manner that is easy to fill out. Observers should determine who printed the ballots, and what safety features are employed to preserve the integrity of the ballot prior to Election Day, in order to avoid duplication or illegal production of ballots – for example, how the packages containing ballots are numbered, and who signs for them during distribution. It should be noted where and how ballots are stored and distributed to the different regions, and at what time this was done prior to the elections. In instances where envelopes are used to authenticate a vote, similar observation should be carried out to ensure their security.

One of the most important aspects of the electoral process to observe is legal appeals process. For an election to be considered legitimate and fair, contestants should be able to seek reasonable legal redress for their complaints, and the time-frame for such rulings should be sensitive to the electoral timetable, ensuring complainants are not adversely hindered in seeking election. Typical issues for complaint include denial of the right to register to vote, denial of the right to stand as a candidate or party in the election, complaints against activity of a party or candidate, irregularities in the voting process and counting procedures. Election campaign related

Legal Framework Governing Elections in Nepal

1. The Interim Constitution of Nepal

The Interim Constitution of Nepal was promulgated on Dec 10, 2006 with a view to institutionalize the achievements made by the Comprehensive Peace Agreement, signed between the GoN and the CPN (Maoist) in November 2006. The interim constitution has been made with a political understanding between the seven parties and the CPN (Maoist) through a resurrection of the 1999 House of Representatives as the interim parliament and a new legislature of 330 members with powers for an interim time period, until a new constitution is framed by the Constituent Assembly. The Interim Constitution has gone through two rounds of amendments thus far.

The Interim Constitution of Nepal of 2006 has 26 parts, 167 sections and two annexes. The preamble of the Interim Constitution states that in view of the people's aspirations for democracy, peace and progress expressed through various historical struggles and movements since and before 1951, serious efforts are made to progressively restructure the state for the resolution of the problems of class, ethnic, regional, and gender prevalent in the country. The interim constitution is for a competitive multiparty democratic system, people's liberty, fundamental rights, human rights, adult franchise, periodic elections, complete freedom of press, independent judiciary, rule of law and democratic principles. Signatories declare that the Interim Constitution of Nepal of 2006 has focused on democracy, peace, prosperity, progressive socio-economic transformation and sovereignty of the country, integrity, independence and dignity to institutionalize the results of the struggles and revolutions launched by the people until then.

Highlights of the Interim Constitution of Nepal of 2006 are:

- New National Anthem
- New coat-of-arms (logo)
- Sovereignty with the people;
- Formation of an interim unicameral legislation of 330 members
- Provision of 33 per cent reservation for women in the parliament
- Prime Minister is to call and conclude parliament sessions, and to present annual programs and policy of the government;
- Executive power vested in Council of Ministers;
- Election for a Constituent Assembly of 425 members;
- Two-year tenure for the Constituent Assembly from the date of its first session;
- A Constituent Assembly Court for settling the disputes and complaints about the election for a Constituent Assembly
- Provision for taking human rights as the guiding principle of the state.
- National Human Rights Commission to be upgraded as a constitutional body;
- Formation of interim local governments such as district development committees, municipalities and village development committees Requirement of at least 10, 000 voters' signature for forming a new political party and participating in an election;
- Council of Minister to appoint the Army Chief of Staff;
- Amendment to the Constitution only by two-third majority of parliamentarians;
- Provision for Referendum on any issue of national importance;
- Prime Minister to wield all executive powers of the Head of State;
- Decision on the monarchy by the first session of the Constituent Assembly;
- Transfer of the property of late King Birendra, late Queen Aishwarya and their relatives to a Trust Fund managed by the Government of Nepal for the nation's betterment;
- Nationalization of the property inherited by Gyanendra as a king;
- Fresh oath of office to be taken by justices of Supreme Court, Appellate Courts, and District Courts;

- The current House of Representatives and National Assembly will automatically be dissolved with the promulgation of the interim constitution;
- The Constitution of the Kingdom of Nepal of 1990 will be annulled after the promulgation of the interim constitution.

The Interim constitution signed by the SPA leaders and the Chairman of the CPN-Maoist is the sixth Constitution of Nepal. The first constitution was introduced by hereditary Prime Minister Padma Shumsher Jung Bahadur Rana in 1948 to consolidate the rule of his clan. The second constitution was an interim constitution declared by King Tribhuvan in 1951 after the fall of the Rana regime. The third was a democratic constitution promulgated by King Mahendra in 1958. The fourth constitution was the Panchayat Constitution of 1962.

2. The First Amendment to the Interim Constitution of Nepal

In response to demands made by various groups, especially the Madeshi movement, the parliament proposed amendments to the Interim Constitution, which was promulgated on January 15, 2007. The proposed amendment required a proportional share in all state mechanisms for historically marginalized groups and regions, such as Madhesis, Dalits, indigenous ethnic groups, women, laborers, peasants, and disabled people. This included a revision of the 205 electoral constituencies in existence at the time. Similarly, an amendment to Article 138 proposed a federal structure for the state under the Constitution to be written by the Constituent Assembly, in order to protect these groups in the future.

Article 154 was added to create the Constituency Election Delimitation Commission (CEDC), which was tasked with revising the existing electoral constituencies under the leadership of a retired Supreme Court Justice. A number of constituencies were to be added in the Terai region based on its proportion of population, and in the hill and mountain districts, the account for population growth.

In addition to the elected members of the Constituent Assembly, a further 17 members, people recognized for making significant contribution to the country, were to be nominated by the new Council of Ministers.

3. The Second Amendment to the Interim Constitution of Nepal

On June 13, 2007, the second amendment came in effect to the Interim Constitution, which empowered the parliament to table a motion for the abolition of the monarchy by a two-third majority if the monarchy was found to be interfering with the Constituent Assembly Election (Article 159). The Prime Minister was required to summon a special session of the interim parliament within 15 days of such a motion being tabled. A new clause was added to allow the removal of the Prime Minister through a parliamentary vote. One fourth of the members in parliament are able to table a motion of no-confidence against the Prime Minister, up to twice a year and summon a special session for this purpose. The amendment also defers the Constituent Assembly Election poll till Mangshir (mid-December, 2007) at the latest.

The amendment also made Supreme Court Justices and ambassadors subject to parliamentary hearings before their appointment (Article 155). The cabinet was also empowered ask the Constituency Delimitation Commission to review its report (for one time) if it found any technical errors (Article 154). Clause (57A) was added to provide for an opposition bench in parliament, however, a separate law is required for the opposition bench to come into existence.

4. The Third Amendment to the Interim Constitution of Nepal

Based on the 23-point agreement signed by the seven parties, the government presented a bill on the third amendment to the Interim Constitution, which was approved by the Legislative Parliament on December 28, 2007. With this

access to the media is usually determined in either the Election Law, media law or associated instructions issued by either an election commission or media institutions. Such access is usually predicated upon one of two criteria: equal access for all election contestants, or equitable access for all contestants, dependent upon the number of candidates competing or the size of a party's representation in the out-going Parliament. State-owned media usually have a special responsibility for ensuring impartiality. They can also be vulnerable to political partiality. The job of an observation mission is to determine firstly whether the rules determining access are fair, and secondly whether they were implemented properly.

The role of the security agencies including police and military in the electoral process is one of the most sensitive issues as well as one of the most difficult aspects of the process to observe. There is a designated role for the police and/or security forces or military in providing for public safety during the campaign and security on the day of the election. This may include a general presence at public rallies to ensure crowd safety; the distribution of election materials, the authority to issue a certificate of permission for a public rally and presence on the day of the election at each polling station. The observers should also check a security escort during the transportation of ballot materials from the polling station to the district headquarters, and the provision of special barrack-bound polling stations for the security forces. Security presence should be moderate where possible, adequate to the task and sensitively handled. Election observers should note the scale of the presence in relation to the need, and the conduct of the security presence.

2.2.2 The Election Day Observation

Observers should be present prior to the opening of a polling station, to observe the opening procedures. Of particular importance is the proof that the ballot box is empty prior to being sealed. It is also important to observe that authorised domestic observers and party observers are also afforded their rights. Invariably voters are required to prove their identity by showing a citizenship card or other form of identification. Sometimes a specific Voter Card is distributed to the electorate as the sole means of identification acceptable at polling stations. Observers should be familiar with the permissible forms of identifying document. Observers should be highly vigilant in checking that persons are only presenting their own identifying document and thereby only receiving their own ballot paper. Observers must also look out for family (group) voting, whereby the "head of household" leads other family members through the process, often by taking control of identifying documents and even marking, or at least giving instructions to other family members about marking the ballots.

After presentation of the identifying document, the responsible member of the Election Commission will find the name in the register, confirming their eligibility at that particular polling station. Observers should verify that the Commission is only allowing registered persons to vote. Observers can check that names are being searched for, rather than a straightforward acceptance of the identifying document, or could stand by the Commission and discreetly verify that the names are on the register. Observers should note any pattern of disputed cases of voter registration.

It is common for the Voters' Register to be marked in some way,

amendment, Nepal has turned into a federal republic (Article 159). However, the creation of the republic needs to be endorsed by the first meeting of Constituent Assembly. A simple majority of the Constituent Assembly will implement the federal republic. The amendment provides for the Prime Minister to bear all responsibilities of the head of the state until the Constituent Assembly election.

The ratio of the Constituent Assembly members elected under the proportional and first-past-the-post electoral systems was also amended. Two hundred and forty members will be elected first-past-the-post electoral system, while three hundred and thirty five members will be elected under the proportional electoral system. A further 26 members will be nominated by the Council of Ministers (Article 63). Therefore, the amendment increased the number of members in the Constituent Assembly to 601 from 497.

Finally, a provision was added in Article 61 to allow the appointment of a Secretary General and Secretary to the parliament by the Prime Minister, upon the recommendation of the Speaker. The new deadline for conduct of the Constituent Assembly Election was also set for mid-April, 2008, the end of the current Nepali calendar year.

indicating that the person in question has voted, possibly with a voter signing the register. If a voter is unable to sign because of a physical disability or the inability to write, then there will likely be a provision for them to be assisted in voting, either by a voter of their choice or a member of the Commission. It is important to observe this, checking that the voter is not being intimidated into being assisted.

In some systems, a finger of a voter will be marked with indelible ink after they have voted, to prevent them from voting again somewhere else. In such cases observers should verify that the fingers of voters are indeed being inked. Observers should also check that the fingers of new voters are being checked for ink at the polling station to prevent multiple voting. If the ink is of poor quality, it is easy to wash off and try to vote again, so observers should always question the quality of ink when in use as a voting control.

Observers are not automatically entitled to observe in prisons. National authorities often restrict the observers' rights for security reasons. However, in practice, even with permission, observers can be refused access to the prisons by guards. In such a case, observers should refer to the law or the rele-

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Elections in the Context of Human Rights Treaties – Universal Instruments

The Universal Declaration of Human Rights, adopted unanimously by the United Nations General Assembly in 1948, recognises the integral role that transparent and open elections play in ensuring the fundamental and universal right to democratic participatory and representative government. operation in Europe.

The Universal Declaration of Human Rights, Article 21

1. Everyone has the right to take part in the government of his/her country, directly or through freely chosen representatives.
2. Everyone has the right of equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret ballot or by equivalent free voting procedures.

Although Article 21 sets out the basic premise for election rights, these were further developed in Article 25 of the 1966 Covenant on Civil and Political Rights, which identifies elections as a central component of participatory government and defines a number of minimal election-related elements necessary to guarantee participation:

Covenant on Civil and Political Rights, Article 25

Every citizen shall have the right and the opportunity...

- a) to take part in the conduct of public affairs, directly or through freely chosen representatives
- b) to vote and to be elected at genuine periodic elections, which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expressions of the will of the electors
- c) to have access, on general terms of equality, to public service in his country.

This provision formulates a right and an opportunity of every citizen to take part in the conduct of public affairs, directly or through freely chosen representatives. The necessary elements of an election are established in general terms. The concept of an electoral cycle, and therefore the continuous right to participate in the conduct of public affairs, is clearly introduced through reference to periodic elections.

However, such a formal provision might be of little use in terms of practical application and substantive impact, were it not for the political and campaign rights that are essential for a meaningful election process. The right of political participation presupposes adherence to fundamental human rights, such as freedom of expression, movement, peaceful assembly and association.

Covenant on Civil and Political Rights, Articles 19, 21 and 22 are particularly relevant,

Article 19

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

vant Election Commission to try to gain access. If they are still refused access, this should be the reported observation.

Observers are often requested to gather information as to the number of registered voters on the voters' list at a specific polling station. In addition, observers have to note the number of persons who have voted up to the time of their visit. On the basis of this, it will be possible to calculate the turnout rate during polling day in the grounds observed. An aggregation of all these figures will result in the observed turnout during polling day. A further inspection of the data may help identify irregularities regarding reported turnout figures. The level and nature of the security presence at polling stations is important to note. The observers must report any intimidation of voters or interference with the process by security forces.

At the end of voting and before the ballot box is opened, most laws will require Election Commissions to take account of the number of unused ballots and determine the number of persons indicated in registers as having voted. This will, in theory, prevent some manipulation of the votes casted, as it will determine the maximum number of votes available. Prior to opening the ballot box, the Election Commission is normally required to confirm to all present that the seals are still intact. Observers should pay close attention to this. Observers should pay attention that the number of ballots in the box is properly determined. When the vote tallies for each party/candidate are determined, observers should assess whether the declared totals were reasonable or whether they were fabricated. Pay attention to the count, and ensure that ballots are properly counted and that votes for one party/candi-

date are not transferred to another party/candidate or that votes cast for a particular candidate/party are not invalidated.

The secret ballot is vital to ensure that there is no intimidation, harassment or vote-buying on Election Day and that the voter may truly express his/her will by casting a secret ballot or other equivalent secret voting procedure. The individual vote should not be traceable to the voter by way of a traceable serial number or any other identification.

General Observation Techniques

- ▶ Introduce yourself to polling station Chairperson
- ▶ Be polite and do not interrupt process
- ▶ Find suitable place from which to observe process
- ▶ Approach table and check Voters' List if required
- ▶ Speak to other observers – note their comments, but not as your own observations
- ▶ Do not speak to voters inside the polling station
- ▶ Do not give instructions
- ▶ If you see a serious violation – diplomatically bring it to attention of Chairperson
- ▶ Do not give direct advice or instruction – refer to law if necessary
- ▶ If you meet other international observers at polling station – move on to another polling station
- ▶ If you are refused entry/information/freedom of movement – remind the polling station officials of the law, but comply with their wish. Note on form and report to mission at convenient time.
- ▶ You might also raise it with relevant district commission
- ▶ In general remain at least 20–30 minutes at each polling station

- (a) for respect of the rights or reputations of others;
- (b) for the protection of national security or of public order, or of public health or morals.

Article 21

The right of peaceful assembly shall be recognised. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protections of the rights and freedoms of others.

Article 22

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protections of the rights and freedoms of others...

The following eight principles are enshrined in the Universal Declaration on Human Rights and the Covenant on Civil and Political Rights. Their practical application for the democratic process is extrapolated below, for the benefit of the observer.

1. Periodic Elections : Periodicity requires a recurring election cycle. Observers should note whether the legal and/or constitutional provisions reflect:

- the obligation of periodic elections,
- the procedures for calling an election, and
- the provisions for an adequate and responsive election administration framework.

2. Genuine Elections : The term 'genuine election' refers to the overall environment in which elections take place. For example, whether:

- the legislative procedures for establishing "ground rules" are transparent and inclusive,
- the election administration is independent, impartial, transparent and accountable,
- rights to freedom of expression, association, movement and assembly are upheld,
- a timely judicial review and accessible dispute resolution mechanisms are guaranteed,
- rules on campaign financing grant all with reasonable access to campaign funds,
- equal access to the media permits all parties /candidates to convey their message, and
- security forces do not place undue restrictions on certain parties/candidates.

3. The right to stand for election. The right to be elected does not mean that all citizens would have a subjective right to become a member of an elected body. Rather, it means that all citizens that qualify under the provisions of the law should have not only the right but also the opportunity to stand as a candidate. Relevant issues for observers include:

- the nomination procedures for candidates,
- the registration procedures for candidates, both independent and party affiliated,

- the right to equal opportunity regardless of gender, race, or national minority (where applicable), and
- the identification of any unreasonable restrictions.

4. Universal Suffrage : The principle of universality is understood to ensure access to an effective, impartial and non-discriminatory registration procedure for all voters. While the right is limited to every citizen of the state, with some reasonable restrictions such as a minimum voting age, it is unreasonable to impose restrictions based on gender, religion, ethnic origin, party affiliation (past and present), language, literacy, property requirements, registration fee and/or physical disability. However, the focus on “every citizen” could justify the exclusion of a substantial number of linguistic and/or ethnic minorities that may reside permanently in a given country without citizenship status. When efforts are undertaken to enfranchise such a potential category of persons, this will improve the credibility of the election process. Relevant issues for observers may include:

- the voter registration process/Voters’ Register,
- the issuance of voter identification documentation/Voter I.D., the citizenship process/Citizenship Law,

- ▶ Report observation in the agreed upon format and within the agreed upon time-frame.

A transparent, meticulous and honest count, tabulated and consolidated in the presence of representatives of the parties, candidates and election observers ensuring that the entire process that led to the winner being declared is open to public scrutiny is essential. The process and formula by which votes are translated into legislative seats must be clear and unambiguous. The legal framework should address all details of the electoral formula relating to thresholds, quotas and deal with contingencies such as ties, withdrawals or the death of candidates.

2.2.3 The Post-election Period

The election observation team should remain presence until

the final official verification of the results and their public announcement. The observers should compare announced results with results recorded by observers and follow reports in the media, and from political parties directly, on reaction to the results. They should carry follow-up on any reports of claims by political parties that the results are wrong in some way and any official complaints through the resolution process.

The main point is to check whether the results of the election are respected and that the duly-elected members are allowed to take up their positions. The election observers should particularly look out for legal proceedings against individuals, in order to de-register the elected candidates and intimidation of the elected members, intend-

ed to exert pressure on them to stand down. The observers shall also follow complaints and review process during the post-election period. Complaints concerning the election process that are submitted by candidates or voters alike must be dealt with equitably and according to due process of the law. Voters and candidates should have access to the appropriate documentation that they may need in order to present their case. A response should be provided in a timely manner, and all rulings should be recorded, made public and enforced.

3. Conclusion

It is necessary for observers to assess the degree of impartiality shown by the election management body and the degree of freedom of political parties, alliances and candidates to organize, move, assemble and express their views publicly. They shall also appraise the fairness of access to state resources made available for the election, the fairness of access for political parties, alliances and candidates to the media, in particular the state media and the registration of voters without discrimination on the basis of gender, racial or ethnic origin. The election observers should keep in mind the any other issue that concerns the essential freedom and fairness of the election and the conduct of polling and counting of votes as described in the electoral law.



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Insisting on Peace: El Salvador's Successful Transformation to Post War Peace



David von Kalckreuth

"FMLN successfully transformed to a political and well respected party, which may have lost the 1994 elections (and all the others until today), but which on the other hand, is directly taking part in the political dialogue... Moreover, FMLN finally secured its right to affect public policy and its access to the political post war process".

1. Background

In March 1994, elections were held in El Salvador, which drew a final line under 12 years of ongoing civil war. Only shortly, after the signing of the "Chapultepec Peace Agreement" in 1992, United Nations Secretary-General Boutros Boutros-Ghali called this accord "a revolution achieved by negotiations" (Holiday/Stanley, 1993, p.415). Indeed, many analysts consider the Salvadorian case among the most prosperous peace implementation in the post cold war period (cf. Stedman, 2001, p.4). - Kinkaid (2001, p.108) even describes El Salvador's transformation to peace as a "major success story".

In fact, the initiative of democratic institutions, the triumphant reduction of security forces, the creation of a national civil police, and the implementation of a new system of military education, "that would incorporate programs and mechanisms to promote the revised mili-

tary doctrine", are demonstrating that El Salvador has achieved more than just a brittle peace (Kinkaid, 2001, p. 105). Moreover, breaking the vicious circle of violence and preserving an extremely instable peace, left-wing guerilla group "Farabundo Martí National Liberation Front" (FMLN) resisted going back to violence after losing the elections against right-wing "Alianza Republicana Nacionalista" (ARENA) under Alfredo Cristiani. Since this time the Salvadorian government is arising from free, transparent, fair, and open elections, where the FMLN remained in the opposition, but is playing an important part in controlling the government as the strongest opposition party and through various victories at the local level.

2. Growing Discontent and Escalation to civil War

The history of El Salvador's civil war is a bitter history of military stalemate and political impasse.

The reasons of its civil war are rather rooted in class and ideological dimensions and divisions, than in ethnical or religious ones. Fighting for equitable economic equality, for fair and open elections, and for a righteous distribution within a country where a small landed elite was controlling the overall majority of ground and resources, five guerilla groups started a guerilla war in 1979 against a semi repressive military government, which was responsible for the murder of thousands of people and the failure of a land reform. (cf. Kyle, 2001, p.3). Trying to avoid another July-1979-Nicaragua-Revolution, the right wing government under Carlos Humberto Romero was overthrown in 1979 by a military junta, which afterwards was responsible for a new era of injustice, threats, and violence.

By 1980 "a record number of political murders - over 1000 per month - were recorded" - the bulk of this were killings by this new military junta (Call, 2002, p.546).

.....
*In the early 1980s, the
foreign ministers of
Colombia, Mexico,
Venezuela, and Panama
formed the "Contadora
Group". Trying to deal
with the military con-
flicts in Nicaragua,
Guatemala and El
Salvador - which already
threatened the political
and economical integrity
of whole Central
America - this group
attempted to solve prob-
lems through "continen-
tal cooperation".*
.....

Entrapped by the choice between right wing government and alleged communist left wing guerilla, the country was deeply polarized either in favour of the ruling regime - whose repressions and displacements focused principally upon peasants, workers and the opposition - or of the guerilla groups, which were strongly supported by Cuba and most probably also by the former Soviet Union¹.

Providing a catalyst for the discontent of the population, the assassination of San Salvador's archbishop and human rights activist Óscar Romero in March 1980 launched a widespread civil war in this very religious country. In his famous speech Romeo required the stop of military aid given by the US in favour of the Salvadorian government². He further appealed the military staff to desert: "No soldier is obliged to obey a law contrary to the law of God. In the name of God, in the name of our tormented people, I beseech you, I implore you; in the name of God I command you to stop the repression". Only one day after this, he was killed by Salvadorian death squads. Unified by this murder, by ongoing repressions against the political resistance, and by the will to seek office through open and democratic elections, the five guerilla groups - the "Popular Liberation Forces" (FPL), the "Popular Revolutionary Army" (ERP), the "National Resistance" (RN), the "Workers Revolutionary Party" (PRTC), and the "Communist Party's Armed Forces of Liberation" (FAL) - merged to the "Frente Farabundo Martí para la Liberación Nacional" (FMLN) in October 1980³.

With about 4000 active guerillas and another 5000 militia members in 1981, the FMLN posed a continuously growing threat to the ruling military regime (cf. Kyle, 2004, p.21).

In the early 1980s, the foreign ministers of Colombia, Mexico, Venezuela, and Panama formed the "Contadora Group". Trying to deal with the military conflicts in Nicaragua, Guatemala and El Salvador - which already threatened the political and economical integrity of whole Central America - this group attempted to solve problems through "continental cooperation". The agreements this coalition presented in 1983 and 1984 promoted the intent to settle the political instability of Central America through democratization and cooperation. Although this could not be achieved - among other things due to the successful blocking of the US - the "Contadora Act" formed the basis of the "Esquipulas Peace Agreements I and II", which had been signed also by the freely elected and moderate Salvadorian president José Napoleón Duarte Fuentes. Encouraged by these agreements and confronted by a stalemate, in which neither the military nor the FMLN could win, Duarte induced negotiations with the leaders of the FMLN, which failed, because of the decision of the Salvadorian government to block guerilla party's candidacy for the upcoming elections.

Trials were not credibly held until the freely elected and moderate Salvadorian President Alfredo Cristiani accepted office in 1989. He resumed negotiations with the FMLN, which began in Mexico City in September 1989. However, the

1. Cf. <http://www.truthcommission.org/commission.php?lang=en&cid=2&case.x=55&case.y=8> (Truth Commission)

2. <http://news.bbc.co.uk/2/hi/americas/1891145.stm> (British Broadcasting Cooperation)

3. The group was named after Farabundo Martí - a Salvadoran Communist revolutionary - that led an unsuccessful and brutally-repressed revolt in 1932.

military was kept active in counterinsurgency operations against the opposition. However, because of the killings of six Jesuit priests and two servants by special military officers, the US finally withdrew military aid and Cristiani brought those persons responsible for that assassination to justice.

The following serious and continual peace talks led to the signing of the "Acuerdo de San José" - the "Agreement of San Jose". Compromising now to respect human rights, the Salvadorian government and the FMLN also promised to investigate human rights violations committed by any party in the conflict. The 1991 formed "Truth Commission" quickly began to investigate the most serious and prominent human rights violations. Since the goal of this Commission was to promote national reconciliation, no Salvadorian national was allowed to be hired. - With a budget of 2.5 million US dollar this commission was further well resourced⁴.

Accusing the military of human rights violations in 1993, the Truth Commission did not pass over its reports to the courts, knowing about the partiality of the Salvadorian judges at that time (Ibid.). On January, 16th 1992 President Cristiani and the leaders of the 5 guerilla groups finally signed the "Chapultepec Peace Accord", ending a nine month ceasefire, which has never been broken by any party. In 1994 general elections were held under the electoral cycle of the 1983 constitution, which encompassed important amendments. Having not demobilized its troops until the beginning of the election campaigns and suffering the split of the party, because of tensions within the factions, the FMLN had little

potential to win. Additionally, the election registration process was jeopardized by a weak supreme electoral tribunal, "that rejected 74.000 applicants for reasons that generally reflect a deficient process rather than deficient or cheating voters" (Call, 2002, p.581).

However, free, transparent, open, and more or less fair elections took place with the help of the United Nations. Besides that, the UN also guaranteed free and fair election campaigns. In the end, Armando Calderón Sol - the candidate of the "Alianza Republicana Nacionalista" (ARENA) - won after an intense fierce battle against Rubén Zamora of the FMLN. Accepting this result, and knowing that their main political aims (democratization, equitable distribution of land, fair and open elections) have been already realized, the FMLN went into the opposition and were guaranteeing a still fragile peace. Later Zamora took part in the Presidential Commission, which was formed to make important recommendations to the ruling ARENA-government. Among other things, this Commission proposed a single document that would serve both as official I.D. and voter I.D. (cf. Call, 2002, p.583). They further recommended elections by more decentralized neighborhoods and the proportional representation within municipal council polls (Ibid.).

The suggestions were actually never converted due to the ARENA dominated parliament. Nevertheless, FMLN successfully transformed to a political and well-respected party, which may have lost the 1994 elections (and all the others until today), but which on the other hand, is directly taking part in the political dialogue. Being the biggest opposition party in parliament, the

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4. Cf. <http://www.truthcommission.org/commission.php?lang=en&cid=2&case.x=55&case.y=8>
 (Truth Commission)

former guerilla group is now gaining more and more voters and is "influencing" the ARENA government through succeeding victories at the municipal level⁵. Moreover, FMLN finally secured its right to affect public policy and its access to the political post war process.

3. Generating a New Stalemate

The triumphant implementation of the "Chapultepec Peace Accord" and the highly successful elections can not only be explained by FMLN's renunciation of force, but also by the crucial role of the UN and a changing international political climate, which was subsequently generating a new "Mutually Hurting Stalemate". Due to the military aid given by the US during the civil war, the Salvadorian government was emboldened by an unfettered support of a major power, which was concerned about the alleged communist FMLN. - Indeed, Cuba cooperated with the FMLN by providing "military and intelligence training, weapons, guidance, and organizational support"⁶. Hindering the collapse of the Salvadorian government, obstructing destabilization, chaos as well as anarchy in the whole region, and preventing a second communist state on its doorstep, the US provided rising military help per fiscal year. While the US government spend 1980 US dollar 6 million, allowances quickly increased to US dollar 197 million in 1984, "staying between US dollar 80 million and US dollar 137 million per year for the reminder of the war"

(Call, 2002, p.547). Using the moderate image of José Napoleón Duarte Fuentes for convincing a skeptical US-Congress, US officials supported the 1984 elections with an additional US dollar 1.8 million (Ibid.): "US economic aid from 1980 to 1991 totaled \$ 3.15 billion and military aid totaled \$ 1.1 Billion" (Ibid.)⁷.

US policy shifted after the collapse of the USSR, producing a new strategic environment for both sides. On the one hand, the gradual breakdown of the Soviet Block made any kind of military help given by the US in favour of a right wing government in El Salvador non-essential and on the other hand, it "reduced the likelihood of continued support from allies such as Cuba" on behalf of the left wing FMLN (Call, 2002, p.549).

Moreover, the decay of the USSR promoted the "shatter" of an ideology, which strongly influenced FMLN's thinking. When the "Sandinistas" in Nicaragua lost the 1990-elections, the FMLN lost its last important arm-supplier. (cf. Suhrke, 2002, p.69).

Convincing the last hardliners in the country, the failed military attack by the FMLN in November 1989 can serve as proof of this new political stalemate. Launching coordinated attacks upon key military bases, the FMLN could not get control over the capital San Salvador. Nevertheless, these failed actions can be seen as a political success in favour of peace, because they were persuading not only the last hardliners on both sides, but also "signifi-

cant sectors within the economic elite" (Call, 2002, p.550). This perception facilitated the role of the United Nations, which could subsequently enlarge its Mandate to verify the "implementation of all agreements between the Government of El Salvador and the Frente Farabundo Marti para la Liberacion Nacional."⁸. Reconciliation was not only facilitated by that, the UN and also the Contadora Group effectively prevented a return to civil war by their proposed solutions including one of which paved the way to the "Chapultepec Peace Agreement", which can be seen as a catalyst for the institutionalization of democracy in El Salvador. - Ending 12 years of political and military impasse, the United Nations and the Contadora Group played a decisive role in reaching peace in El Salvador.

Representing the new political and military stalemate of two sides that lost important international supporters, this peace agreement paved the way to various successful political reforms, which are among others:

1. Disarmament and Demobilization: Within the DDR-Process the armed Forces got restructured. This also included the "70% reduction of the Armed Forces, the dissolution of the battalions of immediate reaction, of the National Guard, of the National Police, of the Treasury Police, and the transfer of the State intelligence agencies to the Presidency of the Republic"⁹.

2. Reintegration: Introducing an economic and social develop-

5. In the 2006 legislative poll, FMLN gained nearly 40%. 38% of the Salvadorian population voted for the former guerilla party in the municipal election in 2006. - The capital San Salvador is ruled by the FMLN. (cf. <http://www.envio.org.ni/articulo/3252>) (Revista Envio - Central American University)

6. <http://dosfan.lib.uic.edu/ERC/bgnotes/wha/cuba9010.html> (Electronic Research Collection)

7. In 2007 the US sent about 35 million US dollar to El Salvador cf. <http://www.usaid.gov/policy/budget/cbj2007/lac/sv.html> (US Agency for internal Development)

8. http://www.un.org/Depts/dpko/dpko/co_mission/onusal.htm (United Nations)

9. <http://www.elsalvador.org/home.nsf/0/2fd6010e5830065b85256b12006fcf51?OpenDocument> (US Embassy of El Salvador)

ment project for former soldiers, mostly affected population groups, and the reconstruction of the infrastructure, the peace agreement also hindered the occurrence of a second civil war in El Salvador.

3. Creation of Democratic Institutions: Newly created institutions in the hand of the civilian authorities such as the "National Civilian Policy", the "Truth Commission", and Ombudsmen were guaranteeing public security functions and human rights protection.

4. FMLN's Participation as Political Party for the Upcoming, Democratic and Fair Elections in 1994: Being blocked by the ARENA government, the guerilla party was not able to candidate for any election until 1994.

4. Conclusion

Elections ending civil wars are always a definite referendum about the past and the future of a country. "Invoking" a final decision, the chance of backsliding to violence is highest within a peace process. Indeed, it was the defeat of UNITA

in 1992, why Angola relapsed into a new "Inflationary Spiral of Violence". Refusing to accept the outcome of the UN monitored election Jonas Savimbi - the leader of UNITA - and with him Angola, sled-ded into a new civil war, which could not be brought to an end until 2002.

El Salvador is another extreme. It is a shining example of the peaceful implementation of an agreement. It also shows that peace agreements do not have to fail, because one side loses the elections. Since FMLN could resist going back to violence, the country was able to recover from 12 years of ongoing civil war. This war finally killed more than 75.000 people. It further made another 8000 missing, one million homeless and one million exiled. Most of these people were simply civilians at the wrong place at the wrong time. Insisted on peace by a new stalemate, the two parties could no longer expect any kind of foreign military help. This facilitated the role of the United Nations and the Contadora Group, helping to find new peace solutions through

which no adversary had to lose its face.

The Salvadorian example of peaceful democracy after civil war is not unique. Countries like Guatemala (1960-1996), Mozambique (1976-1992), and Nicaragua (1977-1990), all suffered bloody and partly continuous civil wars, which somehow could be ended. And in each of these countries elections were held after which the losing party rejected going back to violence. El Salvador and the other countries mentioned above, may give hope to those people in Nepal who might be concerned about the outcome of the upcoming elections and the future of the country. Elections and recurrence of violence do not necessarily correlate: Moreover, El Salvador is showing us that „Ballots are the rightful and peaceful successors of bullets“ (Abraham Lincoln 1809-1865).

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Monitoring the Pre-election Period



Jochen Riegg

There is no difference whether you wander around in the rural areas or in the capital.

At nearly every street corner, there is an election rally. That is no wonder, since elections are sine qua non for the transformation right up to democracy. Furthermore, there is no other country worldwide, which is going through such rapid social and political transformation.

1. Review

During last fifty years, numerous elections for Constituent Assembly around the world were held. A current example beside Nepal is the CA-election of the Republic of Montenegro. If you go back to the 20th century one can notice that nearly every country went through this process. In order to name but a few: Russia 1918, Germany 1919, Italy 1946, India 1946, Columbia 1991 and Ecuador 2007. Just like the election of the CA, also the observation has a long history. The UN was first called to observe elections on the Korean Peninsula in 1947. From that day onward, it was usual and requested to observe elections in order to guarantee a free and fair election environment. After an official end to a decade long conflict, Nepal is also in the position to hold elections for drafting a new constitution to restructure the state according to the needs of all Nepalese people. It will be the first constitution in the histo-

ry of Nepal to be written by directly elected representatives.

2. Background

In these days in Nepal, there is no issue as much talked about as the issue of upcoming elections for the Constituent Assembly (CA). In other words, one can say "election fever" has hit Nepal. There is no difference whether you wander around in the rural areas or in the capital. At nearly every street corner, there is an election rally. That is no wonder, since elections are sine qua non for the transformation right up to democracy. Furthermore, there is no other country worldwide, which is going through such rapid social and political transformation. After the date for elections has been postponed twice, 10 April will be a very important date for the ongoing peace process as well as for the implementation of democracy in Nepal. For this reason, nearly everybody is talking about the importance of free and fair elections. The media,

especially the newspapers, put this issue on the top of their agenda and monitor the phase of pre-election in a detailed manner. Also the UN in their UNMIN Election Report No 1, 22 March 2008 comes to the conclusion that: "Nepal is today better positioned than at any time since the signing of the Comprehensive Peace Agreement (CPA) in November 2006 to hold a credible Constituent Assembly election, a critical milestone in the peace process." Furthermore, the election environment has changed rapidly after the successful negotiations between the interim Government and the UDMF (United Democratic Madhesi Front) and the FRNF (Federal Republican National Front). Despite the progress, the violations against of code of conduct and human rights still occur in many parts of the country, which is creating security threat. For example, the JTMM (J) faction published an announcement at the end of February, which delineates actions during the pre-election time,

aimed on disturbing the elections. Furthermore, in mid March other four-armed groups issued similar statements. These announcements include physical threats against candidates and members of political parties, as well as people in general.

3. Violations of the Electoral Code of Conduct

There have been scores of reports regarding violations of the electoral code of conduct and human rights on a daily basis. These news stories describe threats, clashes between party candidates and supporters, abduction, and in some cases even killings. Consequently, suspicion and mistrust is growing among the political parties and their cadres. The following tables show the dimension of violence in a period of two months previous to the elections:

In the last weeks, there were further reports of clashes among supporters of different parties. One of the most sensational and fatal

incidents happened at the 12th March in Ramechhap district. CPN-M cadres beat up around 19 UML local level leaders and cadres, including a local candidate. Yet, the tables indicate violence is not only committed by Maoists. Supporters of nearly every party are involved in undemocratic behaviour and violence against human rights and the electoral code of conduct. This poses the question if there is a true interest in free and fair elections on behalf of the parties and the political elite. Elections will not start on April 10; they already started months ago with the campaigning of the parties. In this sense, it is inevitable that one can recognize a will to engage in a free and fair democratic process.

Besides threats and beatings, other violations against the code of conduct occur nearly on a daily basis, like the use of children for political campaigns in a freely or involuntary manner, wall paintings, abductions, and attacks on rallies. Moreover, candidates of governing parties misused state resources by using government vehicles for their political campaigns. It is no secret that human rights issues are violated during the pre-election time. In order to name but a few human rights violations are right to life, right to physical integrity, right to freedom of movement, right to vote in a peaceful environment, right of peaceful assembly. The security situation in the country in the pre-election period is characterized by daily occurrence of violent activities, insecurity of the candidates for the CA election, threats against voters, public violations of law, and a culture of impunity. In fact one can recognize some major actors who are strongly involved in violations: YCL, CPN-Maoists, CPN-UML, Nepali Congress, Terai armed groups and some unidentified groups, simpli-

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Supporters of nearly every party are involved in undemocratic behaviour and violence against human rights and the electoral code of conduct. This poses the question if there is a true interest in free and fair elections on behalf of the parties and the political elite.

No. of Victims Killed	
16 Jan 2008 – 18 Mar 2008	
Perpetrator	No. of victims
By State	9
JTMM(G)	3
JTMM(J)	8
SJTMM	1
Madeshki Mukti Tigers	1
Terai Madesh Mukti Morcha	1
Unidentified	20
Total	43

No. of Victims Abducted	
16 Jan 2008 – 18 Mar 2008	
By Maoist	14
YCL	7
JTMM(G)	2
JTMM(J)	12
SJTMM	6
Madeshki Mukti Tiger	6
Defence Army	1
Unidentified	40
Total	88

fied all the big parties and major political interest groups are deeply mired in violating the code of conduct and human rights.

4. One Week in the pre-election Period

In order to clarify the preceding explanation the following example of a week in Nepal shortly before the elections, shall be interpreted from a human rights perspective and on a basis of monitoring the code of conduct.

5. Conclusion

Even though, all political parties have made commitments to create a conducive and secure environment for successful CA elections, there are numerous political motivated violations of human rights. The violation of electoral code of conduct is increasing on a daily basis, as intimidation carried out by supporters and engaged people of political parties against candidates and supporters of competing parties, as well as threatening of voters

and the increase of physical violence. Nevertheless, there is more to it than that, because the incidents violate the Universal Declaration of Human Rights 1948 and article 25 of International Covenant on Civil and Political Rights 1966 in a constant manner. In order to make the elections successful in the sense of being free and fair, the Election Commission has published an election code of conduct. These guidelines should be handled as a framework, for "good elections". With this

Friday, 21.03.2008

- Maoist cadres mistreated CPN-UML cadres and burnt their flags afterwards at Hekuli VDC-4, Mouli in Dang.
- On the same day in Hattibang of Kaule VDC in Chitwan district, seven Maoist cadres seized constituent assembly materials from the CPN-UML village party office. It is important to annotate that just an hour before that incident happened CPN-UML and CPN (M) signed an agreement, convincing not to attack each other.
- UML cadres have beaten up YCL cadres in the same district after they returned from an election campaign.
- Similarly, Maoists surrounded UML's constituency number 3 candidate Devi Gyawali and 54 UML cadres as they were having dinner at Soltee Hotel in Ramnagar of Bharatpur. The police was able to avoid clashes between them.
- In Sera of Ghansikuwa VDC-6 in Tanahun district NC cadres have beaten up an UML cadre. UML's student wing Annfsu district chairperson was beaten up in his house by three NC cadres.
- Also on the same day Maoist cadres trashed CPN-UML cadre at Churiyamai VDC-2 in Makwanpur, after they smashed him at Mayurdhap.

Saturday, 22.03.2008

- On 22nd March one Maoist cadre was shot dead in Hathiawa VDC of Kapilbastu district after an attack by an unidentified group. Maoists' district committee, Kapilbastu has issued a statement on 22 March accusing the NC of the killing.
- Besides that, there were several reports of Maoist cadres obstructing the election campaigns of other parties. According to the police report, Maoist cadres vandalized the NC's election contact office in Taulihawa.
- On the same day, a former NC cadre, Bir Singh Budha, 29, of Jhula VDC-7 of Rukum district was hacked to death at Thulakhara. Until now, it is not clear if the killing was politically motivated.
- At Tilpung VDC-6 in Ramechhap Maoist cadres

attacked the vehicle of the election campaigning team of CPN-UML with stones.

- At about the same time, a group of CPN (UML) cadres have beaten up a member of YCL village committee in the course of election campaign in Kaski district.
- In a row between Maoist and UML cadres in Dailekh district, the Maoist smashed the UML cadres
- Last but not least an UML election team including three candidates has been attacked by Maoist cadres in Baunpanti of Gotri VDC-7 in Bajura. One UML candidate sustained injured.

Sunday, 23.03.2008

- At Ghasikuwa VDC in Tanahun district a teacher was abducted by a group of Maoists cadres. The police found him, about ten hours later, seriously injured.
- Eleven NC cadres including NC candidate for constituency number 1 of Rolpa district Madhav Acharya were attacked by Maoist cadres.
- In the afternoon Maoists attacked the NC candidate Angtawa Sherpa and his supporters in Himganga VDC-8 of Ramechhap district. Five members of the NC, including Sherpa, received injuries as a result of these attacks.
- At the same time Maoist cadres looted musical instruments belonging to a cultural team of Jana Morcha Nepal (JMN) from Keurini of Khimit VDC-8 of Ramechhap district.
- Furthermore, there was a fight between Maoist cadres and policemen at the Pakadi Area Police Office. This attack was a reaction to the death of a Maoist cadre who has been killed only one day before in the same district. Six Maoists sustained injured in that incident.
- Maoist cadres have set ablaze the constituency number 1 of Kapilbastu district election contact offices of Nepali Congress situated at Motipur, Patana and Gorusinghe VDCs on 23 March night. Maoists torched the election contact offices of NC accusing them of killing the Maoist cadre Shivapujan Kurmi on 22 March.
- UML has begun pasting posters with pictures of its can-

didates at public places of the district headquarters Manthali of Ramechhap district and other places. This is a violation against the electoral code of conduct. They defended their act by noticing that the other parties also behave like this and do not get punished.

- Four NC cadres have been abducted and later released by the Magar Mukti Morcha in Suntale VDC-1 of Khotang. The cadres were released after six hours on the condition of not getting involved in election campaign.
- The last report of the 23 March is about weapon trainings of the YCL for locals in the district of Kalikot. Locals reported, the involvement of about 100 persons, including children, in the training in their VDC, adding that the training was about handling weapons and booth capture. Similar trainings also took place at Kamalgaon of Ruksa VDC.

Monday, 24.03.2008

- YCL cadres have thrown stones, targeting the stage of RPP Nepal (Rastriya Prajatantra Party Nepal), while the chairperson Kamal Thapa was addressing the public in Pokhara. One politician of RPP Nepal got injured by stones hitting his face. The YCL cadres started to attack due to the speech of the RPP chairman. In his explanations he criticized the political agenda of the seven party alliance and mainly the politics of Maoists.
- On the way from Baniyani of Jhapa district to Birtamod, YCL cadres have attacked an UML election team, because their vehicle hit a motorcycle in an election rally organized by Maoists. In this heated atmosphere the YCL cadres started to attack the UML vehicles. It is reported that two Maoists were injured in this motorcycle accident.
- At about the same time at Rajput VDC-2 in Baglung district, Maoists abducted a candidate of RPP Nepal and released him three hours later. According to the reports of his family, Maoists declared their action with charging the RPP candidate of advocating the monarchy.
- About hundred YCL cadres have obstructed the NC election programme in Dandagao VDC of Khotang district. The YCL cadres captured microphones, flags and instruments of cultural groups.
- Only a few hours later in Ramechhap district Maoists obstructed a NC candidate team from campaigning.
- YCL cadres have beaten up another RPP Nepal candidate in Sunwal VDC-1 in Nawalparasi district, accusing him of being a monarchist.
- PLA personnel of the main camp of Maoists' Fourth division situated at Rankachuli VDC in Nawalparasi, have been directly participating in the party's election campaign. Locals reported sighting PLA persons in combat dress, who were involved in the campaign near the main camp.

Tuesday, 25.03.2008

- According to some reports and declarations of Maoists, three trucks loaded with weapons were brought in from India through Sunauli transit point of Rupandehi district. Consequently Maoists reacted on this incident by calling out a bandh.
- As a consequence of this incident, six policemen and 12 YCL cadres were injured in Rupandehi. In Nawalparasi, during their attempt to block the road, the Maoists also beat up the former Makar VDC chairperson. In Myagdi district, the YCL held transportation strike for three hours. In Kailali district, the Maoists arranged a protest rally in order to demand the public display of the weapons. Another goal was to archive the attention of UNMIN, concerning to this issue.
- Two UML cadres have sustained injuries in an attack by the YCL cadres. The incident happened on their way home from an election campaign. The YCL cadres also destroyed three motorcycles belonging to UML cadres.
- Maoists have obstructed the 'Face to Face with candidates' programme, organized by Reporters Club Nepal at Bharatpur in Chitwan district. Locals were not able to ask questions to the CA election candidates, as the Maoist cadres shouted when CPN-UML candidate for constituency number 2 Kashinath Adhikari was addressing the programme.
- Maoists looted publicity materials of RPP from the house of a party central member in Tamku VDC-2 Sangkhuwasabha district. RPP sources said that Maoists had threatened him, in order not to get involved in publicity campaigns for his party.
- Two RPP cadres sustained injured in YCL attacks in Sindhupalchok.
- In the same district seven RPP cadres have been abducted by Maoists.
- Few hours later Maoist cadres attacked NC cadres and vandalized their office at Manaharipur in Kapilbastu.
- Similarly, eight persons were injured when a clash occurred between Nepal Students Union (NSU) and Young Communist League (YCL) in Gaidakot VDC-5.
- The editor of Sindhuprawaha, which is weekly published in Sindhupalchok district and Purna Prasad Shrestha has been threatened by a Maoist district committee member. Maoists accused him and other journalists of publishing news and photographs against their politics and party.
- An unidentified group attacked the election publicity team of Nepali Congress in Katunje VDC of Okhaldhunga by throwing stones. One NC activist sustained injured.
- Maoists have been threatened for on the life of a Nepali Congress activist at Phulpinkot VDC-8 of Sindhupalchok district. He was threatened because of being involved in the election campaign of the NC.

Wednesday, 26.03.2008

- One Maoist cadre was killed in a clash between the cadres of NC and Maoists at around 11 am in Kerung VDC-1 in Solukhumbu. The clash occurred when Maoists attacked the election campaign of a NC candidate. A statement, issued by the Maoists after the incident, said that over 10 cadres were injured in the clash. Furthermore, AFP had fired 16 rounds of bullets to quell the clash.
- YCL cadres pelted stones at the stage of an election programme in Chyama VDC-4 in Dolakha and injured four persons.
- YCL cadres have abducted the former VDC chairman and vice-chairman of Buchang VDC-1, as well as a NC regional member and a NC cadre.
- In the evening YCL cadres abducted four UML activists on their way home from an election campaign. The abductees were released on the next day whereas two of them sustained injured.
- Other six UML activists, who were returning from the same electoral campaign got injured in a Maoist attack.
- On the same day in the evening other three UML cadres have been beaten up by Maoists at Dhodeni VDC of Lamjung on their way home from a party meeting. The victims were also threatened not to get involved in politics anymore.
- At Purakot VDC two NC cadres were beaten up by UML cadres.
- Maoist cadres have obstructed an RPP team, including a candidate for constituency number 1 of Gorkha during their electoral campaign, on the grounds that monarchists are not allowed to campaign for elections.
- On 26th March in the evening a pressure cooker bomb has been detonated in the office of Pathari VDC in Pathari VDC-1, Morang, and burnt furniture and

documents.

- In Bhojpur, also a bomb was placed in the Area post office situated in Ghodetar Bazaar. Likewise, pressure cooker bombs have been detonated in the offices of ward committee situated in Dharan Municipality-16 of Sunsari and Garamani VDC in Jhapa in the same night. In the sites of crime leaflets of Samyukta Rastriya Morcha have been found.
- Likewise, Maoist cadres have beaten up a NC cadre in Kulung VDC of Bhojpur district.

Thursday, 27.03.2008

- NC cadres were injured after an attack of Maoist cadres with self made weapons in Baseri VDC of Dhading district.
- At the same time a member of the Maoist student-wing ANNISU-R sustained injured in a clash with NC cadres.
- In the afternoon an election campaign team which was led by UML candidate of constituency number 2 in Ramechhap district was attacked at Pakarbas VDC-7 by YCL cadres.
- Maoists forced locals of different villages to attend a political assembly organized at Damouli in Tanahun district. Most of the villagers from Dulegouda, Bhimad, Raipur, Purkot, and Bhanu were women and children. According to a local, from Purkot VDC, the Maoists had issued orders to be compulsory present in their electoral assembly. He added that they also ordered to vote for the Maoists.
- Addressing the assembly, Maoists leader Baburam BhatTerai said that they would not accept the result if they lost in the polls. "If Maoists are made to lose the elections, we would initiate a new kind of revolution", he said.

guideline the civil society, mass media and the Nepali people are given a tool to monitor the behavior of the political parties and the candidates. In some way, one can call it a gain for transparency.

Intrinsically, the logical consequence should be a change of behavior of the political class in order to avoid the loss of their authenticity. Violating this code of conduct on a daily basis can lead to disenchantment with politics. In a worst-case scenario, the result could be an insufficient turnout of voters thus potentially turning the election into a farce. In this context, it is of primary importance that the political parties bethink their function and

reflect on their role in a democratic renewal. They are a key link between masses and elites and play a crucial role in building a sustainable democratic polity. According to the situation, it is inalienable that the leaders of the political parties and their members stop the violence and start to put their commitments into action. Last but not least, security, freedom, and fairness of the elections should be of peculiar interest for all parties, due to an incorrect election victory would undermine legitimacy and authority of the state and hinder a democratic renewal. Free and fair elections are an elementary tenet of a democratic process. In addition to the pre-elec-

tion atmosphere, the political parties should also think about the post-election time.

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Restorative Justice and Gender Equality



Irene Pietropaoli

In particular, education is central to the reconstruction of society, and vital to the cause of gender equity. Education and training are frequently what women lack, and these should be offered through assistance programs.

1. Background

Women in Nepal have had limited access to peace negotiation processes and little representation during the drafting of transitional justice mechanisms.¹ This lack of involvement seriously reduces the possibilities to address women's different perceptions of the conflict and their needs in the post-conflict environment.

Women have played a crucial role during the conflict and its aftermath in searching for victims, sustaining families and communities and demanding justice. Nevertheless, transitional programs are not designed with an explicit gender dimension in mind.² One of the problems is that the discourse concerning transitional justice has

been focused on political violence, with significant influence on the exclusion of harms suffered by women. More importantly, it leaves little scope to explore the extent to which dynamics of the violence have affected the societal experiences of women.³

2. Gender and Reparations

While women's experiences during the conflict in Nepal differ and they do not all share the same priorities in the post-conflict context, for all of them reparation programmes are essential.⁴ When consulted about the preferred forms of redress, many female victims express preference for services to meet their basic needs and those of their family members.⁵ Common

demands of women include services for their medical and psychological rehabilitation and that of their families, as well as scholarships for their children.⁶ They have asked for housing assistance, as well as return of land and property confiscated during the conflict, and installation of health facilities in their communities.⁷

In particular, education is central to the reconstruction of society, and vital to the cause of gender equity.⁸ Education and training are frequently what women lack, and these should be offered through assistance programs.⁹ This argument is particularly true in the case of female ex-combatants. Women former soldiers must be assisted in trying to find an alternative way of

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1. David Bloomfield, "Reconciliation: An Introduction", in David Bloomfield *et al.*, eds., *Reconciliation after Violent Conflict: A Handbook*, Stockholm (2003) at 14.
 2. Ruth Rubio-Marín, "The Gender of Reparations: Setting the Agenda", in Colleen Duggan and Ruth Rubio-Marín, eds., *What Happened to the Women? Gender and Reparations for Human Rights Violations*, New York, 2006, at 23.
 3. Fionnuala Ní Aoláin, "Political Violence and Gender During Times of Transition", (2006) 15 *Columbia Journal of Gender and Law* 829, at 842.
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 8. Christine Chinkin, "Gender, Human Rights and Peace Agreements", *op. cit.*, at 880.
 9. Elise Fredrikke Barth, "Peace as Disappointment: The Reintegration of Female Soldiers in Post-Conflict Societies: A Comparative Study from Africa" (2002) *PRIO Repor*3.

living and education programmes are an important way to achieve it.

Security Council Resolution 1325 encourages "all those involved in the planning for disarmament, demobilization and reintegration to consider the different needs of female and male ex-combatants and to take into account the needs of their dependants."¹⁰ It is unfortunate that disarmament, demobilization and reintegration (DDR) programmes in Nepal have not considered the gendered aspect of the conflict. While male ex-combatants are viewed a serious threat to the political stability and they are target for reintegration support, women ex-combatants are not perceived in the same way.¹¹ As a result, DDR programmes in Nepal have not reached adequately female ex-combatants.

It is particularly disturbing that women that have been abducted for sexual services during the fighting do not benefit from DDR programmes, as they do not qualify as ex-combatants.¹² Special attention should be given to the social reintegration of women who have experienced sexual abuse and are often rejected by the patriarchal structure of their families and communities of origin.¹³

Adequate reparations in cases of enforced disappearances are also a key gender issue in Nepal. Experience shows that the missing person was often the family breadwinner.¹⁴ Women whose male relatives have died or disappeared may

remain permanently dispossessed as they do not own property and cannot remarry. The trauma that results from the absence of the loved one is exacerbated by the fact that the needs of the families are denied.¹⁵

3. Dealing with Structural Discrimination

Repairing the past in a reconciliatory way requires immediate restorative justice of the damage inflicted on the victims, but other, long-term, investments are also needed. The conflict in Nepal exacerbated pre-existent inequalities that should be addressed through a repa-

It is unfortunate that disarmament, demobilization and reintegration (DDR) programmes in Nepal have not considered the gendered aspect of the conflict.

ration policy.¹⁶ Nepal has suffered not only from violent conflict, but also from a structural violence of marginalization of ethnic groups, lower castes, and women. In a new democracy, social problems of inequality must be addressed. This means to not only investigate and take action against violation committed during the war, but also to take into account violations and dis-

crimination pre-existing the conflict. The conflict in Nepal must be viewed as a catalyst for long-term legal and social changes and implying the rectification of underlying discrimination and unequal social and economic conditions.

Sometimes different terms are used to express similar concepts: reparation, restitution, rehabilitation, or redress. They traditionally refer to the re-establishment of the situation that existed before the violation was committed. However, this is not what women need. Many women want to use the opportunities that arise in periods of conflict to remove traditional gender restriction permanently.¹⁷ Restorative justice and reparations measures should help to challenge some of the pre-existing structural gender inequalities. This approach may help to recognize the fact that women's traditional roles may change because the armed conflict. It recognises the real need that women feel for social transformation, rather than the reconstruction of the past.¹⁸ Reparation should be thought as a way to advance, rather than simply redress, the rights of the victims.

4. Conclusion

While women's experiences are necessary both to understand the dynamics of the past abuses and to settle rebuilding programmes, they have been largely absent from forums that design transitional justice projects.¹⁹ Women in Nepal rely

10. S.C. Res. 1325 on Women, Peace and Security, U.N. ESCOR, 4213th Sess., At 3, U.N. Doc. S/Res/1325 (2000), October 31, 2000, para. 13.

11. Massimo Fusato, "Disarmament, Demobilization, and Reintegration of Ex-Combatants" (2003) *Beyond Intractability*.

12. *Ibid.*

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14. "The Missing and their Families", *International Committee of the Red Cross* (2003) at 3.

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17. Sheila Meintjes et al., "There Is No Aftermath for Women", in Sheila Meintjes et al., eds., *The Aftermath: Women in Post-Conflict Transformation*, London, New York (2001) at 4.

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on structures that do not encourage them to think about the ways in which they have been victimized and in their consequent ways of reparations.²⁰ Women in Nepal suffer from traditional and cultural discrimination, which tend to underestimate their role during the conflict and negate their sufferings and new responsibilities.

Gender balance is a democratic principle that should apply at every stage of transition to democracy. Gender balance means listening and responding to the diverse experiences of women who have lived through the conflict.²¹ Without this balance it is impossible to think about real reconciliation and lasting democracy because their very foundations would be ignored. The government, political parties, civil institutions and organizations involved in the transitional process must recognize that women are linked intrin-

sically to the conflict, and they must be key parties of the transitional initiatives.

Transitional justice must take into account the deep transformation to families and communities, in order to pursue its objective of dealing with the past and promoting justice. The search for justice in Nepal requires challenging pre-existing structural violations and discrimination against women. Patriarchal social structures and laws placing restrictions on women's rights must be addressed as a priority. The end of the conflict in Nepal may provide an opportunity to examine how women's roles are transforming in the country.

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Gender balance is a democratic principle that should apply at every stage of transition to democracy. Gender balance means listening and responding to the diverse experiences of women who have lived through the conflict.

India and Nepal's Constituent Assembly

Kanak Mani Dixit

The Indian government is duty-bound to prevent the criminal-militant nexus from using Bihar and Uttar Pradesh as a base from which to threaten the Constituent Assembly process in Nepal.

The citizens of Nepal go in for Constituent Assembly elections on April 10, to put in place a 601-member House that has the dual responsibility of drafting a new constitution and serving as Parliament during the interim. The Constituent Assembly is a necessary condition for the country to achieve political stability, sustainable peace and a return to pluralism, nine years after the last general elections. In between, the population has suffered the Maoist "people 217;s war," a dirty reaction by the state, the autocracy of Gyanendra, an unprecedented people's movement that rejected royal autocracy and Maoist violence, and heightened identity-based assertions that continue to this day. The hope is that the Constituent Assembly will define a democratic constitution that will simultaneously address the many conflicting and complementary demands of marginalised minorities and, at long last, provide stable politics as a platform for economic progress.

India too seeks stability in

this country that runs along the northern frontier of Uttar Pradesh and Bihar, and it has done its bit as an interlocutor in the recent past. Having facilitated the discussions in New Delhi in the autumn of 2005 that brought the Maoists to an understanding with the parliamentary parties, New Delhi is now asked, specifically, to rein in militants who have been engaged in bombings and targeted killings in Nepal's Terai plains while taking refuge across the open border. These militants — most importantly the one known as the Janatantrik Mukti Morcha-Jwala Singh — hold the ability to destabilise the country as it goes in for elections.

Meanwhile, the Indian intelligentsia should be alert to attempts by Hindutva forces, especially political elements along the borderland, to force their agenda on the Nepali people. This January, L.K. Advani of the Bharatiya Janata Party launched a blistering attack on the UPA's Nepal policy and advocated a Hindu monarchy, while exaggerating links between Nepal's Maoists

and Indian naxalites.

To be sure, there are more than enough extremist threats to the polls from within Nepal. Having come to open politics barely two years ago, the Communist Party of Nepal (Maoist) is capable of widespread intimidation during its first electoral exercise, to try to stave off humiliation at the ballot box. The polls could also be destabilised by a welter of violent newborn groups. Many of these are receiving encouragement, if not support, from the royalists, who believe (correctly) that the political parties will use the Constituent Assembly to do away with the monarchy once and for all.

While the Maoists, militants and arch-conservatives within Nepal are to be tackled domestically, it is the responsibility of the Indian authorities to halt the ongoing activities of the JTMM-JS, which over the past two years have operated with impunity from Indian towns such as Sitamarhi, Raxaul, Darbhanga and Gorakhpur. The State governments in Patna and Lucknow must not allow local politics to wreck Nepal's

return to normalcy. It must also insist that the Madhesi militants lay down arms and talk to Kathmandu, or at the very least submit to a ceasefire. New Delhi has the clout, and should put it to good use when so much is at stake.

Madhes Rises

The mass upsurge of the People's Movement of April 2006 sought peace and pluralism, and mandated the writing of a new constitution to redraw state-society relations. What is known as the Madhes Movement of last winter was a spontaneous uprising by the people of Terai-plains origin who have long felt excluded amidst the highlander identification of the nation-state. 'Madhesi' is an amorphous term referring to caste categories of the eastern Terai in particular, but the movement represented a historic demand of plains people for inclusion in the national mainstream. And indeed, the mass mobilisation of the Madhes Movement has changed the face of Nepali society, and new political forces have emerged to take advantage of the space that has opened up.

Prime Minister Girija Prasad Koirala was unable to countenance the identity-led nature of the agitation in the Terai, heretofore a docile vote bank for his Nepali Congress party. He was therefore slow in addressing the Madhesi demands, which referred to recognition and compensation of those killed during the previous year's agitation, proportional representation in state organs (including the army), changes in electoral laws to enhance Madhesi participation, and so on. As the government procrastinated, the demands became more strident and even unrealistic, including self-determination and the declaration of

the 500-by-20 mile Terai plains as a single province — "Ek Madhes, ek Pradesh."

Though riding a wave of anti-Kathmandu sentiment across the Terai, the most critical weakness of the Madhesi leadership was perhaps that it tended to represent the eastern-Terai caste categories. It would be difficult to maintain the pan-Terai momentum for long, because, like the country taken as a whole, the plains too are divided by language, faith, caste, class, religion, indigeneity and point of origin.

As time went on, it became clear that quite a few among the Madhesi leadership were seeking consortium with the royalists of Kathmandu, as well as the Hindutva forces across the border. Hindu-right organisations in Nepal have a limited base, and for long drew their influence and power by proximity to the royal palace. But combine the Indian fundamentalists, sections of Madhesi militants, royalist politicians and the criminal gangs of Bihar and Uttar Pradesh acting in loose concert, and you suddenly have quite a vicious brew to upset the election cart.

At the Narayanhiti royal palace, Gyanendra seemed energised by the turn of events, which included strikes across the plains over the month of February and what amounted to an economic blockade of Kathmandu Valley by the Madhesi activists. He sent emissaries to meet with Hindutva and BJP stalwarts in India in a bid to revive the flagging fortunes of the monarchy. For a while, a couple of weeks ago, it suddenly looked as if the Constituent Assembly would be held hostage by the BJP-Congress rivalry within India, with the former all set to loudly proclaim the restoration of the Hindu monarchy in

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Nepal as a political plank.

Fortunately, while the role of other Indian entities and organisations cannot be vouched for, at this stage the Foreign Ministry in South Block played its card in favour of a pluralistic, representative evolution in Nepal. By extending the tenure of Indian Ambassador Shiv Shankar Mukherjee until after the April elections, the Manmohan Singh government also sent a message committing its own agenda and standing to the holding of elections on schedule in Nepal.

The polls having already been rescheduled twice before, the polity would have been unable to sustain another postponement, which would in all likelihood have led to a right-wing, militarist shift in government. With the Koirala government becoming suddenly flexible in negotiations, the Madhesi leadership known to favour a poll postponement had no option but to call off the agitations in the Terai. By the end of February, all the credible political forces had been dragged and cajoled into election mode, and the people of hill and plain alike were finally certain of being able to exercise their franchise.

Towards April 10

The sovereign, elected Constituent Assembly is as close to a magic wand as the Nepali people can hope for. It is certainly one that they deserve, to deliver them from the extreme instability, political violence and the democracy deficit of the last decade. The economy is currently at a standstill, even while the northern and southern neighbours grow at near double-digit rates. The people of Nepal have not had a whiff of the so-called peace dividend, nor any post-conflict rehabilitation to speak of, almost two years after the "people's war" ended.

For the 601-member House, the challenges of constitution-writing, as well as government formation, will be enormous. To begin with, the legislators must rise above the extreme populism that has gripped Nepali politics like a malignancy over the last two years, and the lists of party candidates are not inspiring. Besides, the modalities of the Constituent Assembly's functioning have not been discussed and there is the possibility of great confusion and anarchy immediately after the elections. That is clearly an urgent matter to be discussed in the days ahead, but for the moment the job is to protect the elections from two quarters: those parties inclined to participate but influence the polls through fear and intimidation, and those forces within and without who will try to disrupt the elections through killings, kidnappings and bombings.

Fortunately, we know the potential spoilers. The Nepali intelligentsia and civil society must keep an eye on the domestic forces — royalist politicians, militants, criminals as well as the unruly ranks of the CPN (Maoist) — to prevent an election derailment. India's opinion-makers can help Nepal in its return to normalcy by watchdogging the Hindutva-inclined monarchists so that they have no scope to interfere in the affairs of a neighbour. The Indian government, meanwhile, is duty-bound to prevent the criminal-militant nexus from using Bihar and Uttar Pradesh as a base from which to threaten the Constituent Assembly process. A peaceful, prosperous Nepal will reverberate in the Ganga plains as well.

(Mr. Dixit is the editor of the Himal Southasian monthly magazine.)

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 Newspaper, 7 March, 2008



Nepal: Vacuum at the Top

(Monitoring Report on the Performance of National Human Rights Institutions)



Biaya Raj Gautam

Following the success of the People's Movement in restoring democracy in April 2006, it was expected that an effective, impartial and independent NHRC would be created with constitutional status.

1. Introduction

The National Human Rights Commission (NHRC) of Nepal has been left in limbo for more than a year, due to the government's failure to appoint Commissioners to the body. Following the success of the People's Movement in restoring democracy in April 2006, it was expected that an effective, impartial and independent NHRC would be created with constitutional status. While the Interim Constitution – enforced from January 2007 – did uplift its status to that of a constitutional body, the government has not appointed Commissioners as had been eagerly awaited. Hence, the NHRC has not been able to perform its functions since 9 July 2006, after the resignation of members appointed by the government that the King had set up.

Under Article 163(3) of the Interim Constitution, the law on the NHRC remains in existence until it can be duly enforced. Pending petitions and complaints have been transferred to the Commission constituted under the Interim Constitution, for action in accor-

dance with the Interim Constitution and the laws made under it. The new law on the NHRC had yet to be enforced at the time of writing.

The absence of leadership has affected the Commission's decision-making process, its ability to take up issues concerning human rights violations, and investigation of complaints. As a result, alleged perpetrators are not being penalized, while victims and their families are not receiving the justice they seek.

In a bid to overcome these difficulties, the government decided at a cabinet meeting on 17 July 2007 to make the Secretary of the Ministry of Law, Justice and Parliamentary Affairs the administrative head of the Commission. However, widespread criticism from the human rights community and Commission staff-members led to the directive being held in abeyance.

The cabinet decision was clear indication that government intends to cripple the Commission and weaken its independence, so as to prevent probes into human rights violations. It further demonstrated the government's reluctance to protect human rights and maintain the

rule of law. This is a flagrant breach of the Paris Principles, Interim Constitution and the Human Rights Commission Act 1997.

National and international human rights organizations have been urging the government to expedite the appointments and to make the process an inclusive and transparent one. Civil society members and NHRC personnel made a unanimous decision on 20 July 2007 to conduct a 'Save National Human Rights Commission Campaign' and have organized activities to exert pressure on the government and political parties.

The prime minister and government have been giving verbal assurances that the appointments will take place. On 21 August 2007, Prime Minister Girija Prasad Koirala told members of the Parliamentary Committee on Human Rights and Social Justice that political parties had almost reached consensus on the candidates and that the appointments would be made very soon.

The urgency of appointing Commissioners is partly linked to challenges anticipated in numerous areas of human rights in 2007. Apart

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Apart from investigating human rights violations, there is a need to monitor implementation of the Comprehensive Peace Accord (CPA) of 2006; facilitate access to justice via available mechanisms; and ensure that human rights concerns are upheld in the context of the Constituent Assembly elections.

from investigating human rights violations, there is a need to monitor implementation of the Comprehensive Peace Accord (CPA) of 2006; facilitate access to justice via available mechanisms; and ensure that human rights concerns are upheld in the context of the Constituent Assembly elections.

2. Independence

2.1 A Constitutional Body

Established in May 2000 under the Human Rights Commission Act 1997, the NHRC bears primary responsibility for protecting and promoting the human rights of the people. It also serves as a voice of those who are not able to speak up for their rights and as a monitor of State obligations.

The NHRC has a mandate to conduct inquiries and investigations on its own or upon a petition or complaint filed in regard to violation of human rights; and carelessness and negligence in the prevention of violation of the human rights by any person, organization or authority. It may inquire into a matter with the permission of the court in respect of any claim on violation of human rights; visit and observe any authority, detention centre or jail, or any organization under the government; and submit recommendations on required reform of functions, procedures and physical facilities for the purpose of protecting human rights.

The Act provided independence to Commissioners through a fixed five-year tenure and the authority to fulfil their mandate. However, after the coup led by King Gyanendra in 2005, the Commission came under the grip of the Executive, thereby losing its impartiality, independence and effectiveness. The royal government amend-

ed the 1997 Act through an ordinance, made changes to the Recommendation Committee and appointed pro-coup members to the Commission. In short, it became the appointed government's mouth-piece.

2.2 Appointment and Terms of Office

Article 131(1) of the Interim Constitution provides for a NHRC headed by a Chairperson who shall be a retired Chief Justice or Judge of the Supreme Court who has made outstanding contributions in the protection and promotion of human rights; or a person held in high regard and who has rendered outstanding contributions and has been actively involved in protection and promotion of human rights or social work.

Four other members may be appointed from among persons who have made outstanding contributions and have been actively involved in protection and promotion of human rights or social work. Article 131(2) states that the appointments shall maintain inclusive representation, including women.

Article 131(3) stipulates that the Chairperson and Commissioners should be appointed by the prime minister on the recommendation of the Constitutional Council.¹ The Interim Constitution has set the tenure of the Chairperson and members at six years.

However, there is a grave flaw in the Interim Constitution, which places the Constitutional Council under the prime minister. Its members comprise the Chief Justice, Speaker of the Parliament, and three ministers who the prime minister appoints and are therefore likely to be loyal to him. In any debate, the

1. The Constitutional Council consists of the Prime Minister as Chairperson, the Chief Justice, Speaker of the Parliament and three ministers. The Council makes recommendations for appointment of officials to constitutional bodies.

Chief Justice and the Speaker of the Parliament could be in the minority, leaving the prime minister in complete control of decisions. As such, there is the danger that the prime minister's political interests could influence the NHRC composition. To prevent this, there should be a mandatory provision in the Interim Constitution that the selection of Commissioners should pass through a parliamentary hearing.

2.3 Duties and Functions

As set out in the Interim Constitution, the NHRC has a duty to ensure respect, protection and promotion of human rights through effective implementation. Article 132(2) outlines its functions:

- i. Conduct inquiries into and investigate violation of human rights and make recommendations.
- ii. Forward recommendations to the relevant authority to take departmental action against those who fail to perform their duty or responsibility or who show recklessness or negligence in performing their duty in regard to preventing violations of human rights.
- iii. Publicize the names of the person or bodies that do not follow or implement NHRC recommendations and directions in relation to human rights violations, and record them as violators.
- iv. Forward recommendations to the relevant authority to take departmental action or impose penalties on human rights violators.
- v. Make recommendation to lodge a petition in court against those who violate human rights.
- vi. Work with civil society to enhance awareness of human rights.
- vii. Periodically review laws affect-

ing human rights and recommend necessary reforms.

- viii. Recommend that the government ratifies international treaties and instruments on human rights, and monitor the implementation of those treaties to which Nepal is a State Party.
- ix. Forward recommendations to the government for effective implementation of human rights instruments.

These functions, however, remain on paper as there is no mechanism or mandate within the Commission to implement them at present. This is again due to inherent flaws in the Interim Constitution, which hold back the effective and independence of the Commission, and leave it without options when its recommendations are flouted or not implemented.

For instance, the NHRC is currently unable to take to task government officials and agencies that fail to implement its recommendations. It requires specific powers in order to exert its authority. The Interim Constitution should therefore be amended to grant the Commission the power to clear the appointment or promotion of government officials and security personnel by issuing a 'no objection' letter. Otherwise, there is the danger that human rights violators being slipped into the system to promote vested interests.

2.4 Powers

Article 132(3) provides the NHRC with following powers:

- i. Require any person to appear to give a statement or information; receive and examine evidence; and order any physical proof to be produced;
- ii. Whenever the Commission receives information that violation of human rights has occurred or is imminent, to enter

without prior notice any residence or office to conduct a search-and-seize exercise to obtain relevant documents and other forms of proof;

- iii. Whenever the Commission receives information that a person's human rights are being violated at government premises or other places, to enter without prior notice to rescue the victim;
- iv. Order that compensation be paid to victims of human rights violations; and
- v. Exercise or cause to be exercised any other power in line with its duties as prescribed by law.

The Commission does not have jurisdiction on any matter that comes under the Army Act. This could have an impact on the NCHR's ability to fulfil its mandate under the broader framework of promoting and protecting human rights.

2.5 Annual Report

The NHRC has to submit an Annual Report to the prime minister who will then place it before Parliament. There are several issues over this – the Interim Constitution does not spell out when the prime minister should submit the report or the penalty if he fails to do so; or how the government should proceed in relation to the comments and recommendations in the report.

It would be more practical if the Interim Constitution empowers the NHRC Chairperson or a Commissioner to appear before Parliament to report to Members of the Parliament, including the Parliamentary Committee on Human Rights and Social Justice, and clarify issues raised in the report.

2.6 Minimum Qualifications

Article 131(6) of the Interim Constitution states that no person

may be appointed Chairperson or a member of the NHRC without being in possession of a Bachelor's degree from a university recognized by the government; the person must also be of high moral character. These limited requirements create many loopholes.

It already appears that the criteria are not being taken seriously in the on-going selection process, thereby potentially endangering the independence, impartiality and effectiveness of the Commission. Some candidates being considered have previously been criticized over their 'character' or for lack of impartiality and insufficient experience or expertise in the field of human rights. If candidates are active members of a political party or do not have a commitment to human rights, democracy and the rule of law, there is a high probability of political influence creeping into their decisions.

To ensure that only qualified people are appointed, the eligibility criteria should specify that the Chairperson and Commissioners must have made special contributions through long-term involvement in the human rights sector, judicial or legal profession. They should have knowledge of peace and conflict studies and should not have been involved in violations of human rights and humanitarian law.

2.7 Government Funding

The government has allocated NPR67.8 million² to the NHRC for its general administration and delivery of services for the 2007-08 fiscal year.³ The sum is insufficient to cover needs in monitoring and investigating human rights violations. This makes up only 0.04 percent of the national budget by sectoral distribution, which leaves it

standing last but one among constitutional bodies. It is a reflection of the government's disinterest in turning the NCHR into an effective mechanism by strengthening its resources.

3. Mandate

3.1 Complaints Handling

The NHRC's processing of complaints was found to be inefficient. It has received some 7,000 complaints since its inception in 2000.

According to a Commission official, some 1,320 complaints (or 19 percent of the total) have been concluded up to July 2007, while 11 percent of the cases have been rejected over the last seven years. Of the 2,400 complaints received in 2006 and 2007, only around 700 have been processed. Of the cases pending investigation, 60 percent were registered from 2005.

This poor performance is reflective of how badly weakened the Commission became after the royal coup of 2005; subsequent arbitrary selection of Commissioners by the government appointed by the King; and absence of Commissioners since 2006.

It is especially disappointing that only 2 percent of the complaints registered since 2000 have been forwarded to the government for action. The figure for 2006-07 was only 3 percent of the caseload.

3.2 Implementation of Recommendations

The Commission made 147 recommendations to the government from 2000 to mid-April 2007, with a view to seeing perpetrators being brought to book and victims compensated. However, the government has only acted fully on 16 cases and partially on 35 others. In some

cases, victims were compensated but the perpetrators were not prosecuted; in other cases, violators were prosecuted but the victims were not given compensation.

Seventeen of 48 recommendations on cases of killings by security forces, and 11 of the 13 by the Communist Party of Nepal (Maoists), have yet to be implemented. The government has fully implemented only two such recommendations.

It has done little about cases of disappearances and torture, with 9 out of 11 recommendations having been ignored up to now. None of the recommendations on re-arrest by the security forces, explosions, unidentified killings, injury by security forces, killings of innocent civilian in crossfire, and killings by Maoist retaliation committees have been implemented (See Table).

Although the Maoists have time and again expressed commitment to principles of human rights and international humanitarian law, and have joined the Interim Government and the Interim Parliament after a formal end to the decade-long armed conflict in November 2006, they have not respected NHRC recommendations. They have not even responded to communication from the Commission, to follow-up of the recommendations. Now that the Maoists are the part of State and government, how they translate their commitments into practice is a matter of concern.

3.3 Impact of Recommendations on Policy

It is not difficult to determine the effectiveness of the NHRC based on the number of policy-related recommendations that the government has implemented to date. It amounts

2. US\$1.06 million (NPR64 = US\$1)

3. Annual Budget 2007-08, Ministry of Finance, Nepal Government available at www.mof.gov.np

Status of NHRC Recommendations (2000-mid-April 2007)

Issues	Recommendations	Fully Implemented	Partially Implemented	Not Implemented
Policy-related	29	1	-	28
Witchcraft	13	13	-	-
Killings by security forces	48	2	29	17
Killings by Maoists	13	-	2	11
Disappearance and torture by security forces	11	-	2	9
Ambush by Maoists	2	-	2	-
Re-arrest by security forces	2	-	-	2
Unidentified explosions	2	-	-	2
Killing by unidentified person	1	-	-	1
Killing of civilian in crossfire	1	-	-	1
Wounded by security forces	1	-	-	1
Killings by Maoist retaliation committees	2	-	-	2
Miscellaneous	22	-	-	22
Total	147	16	35	96

Source: NHRC, 2007

to just one out of 29 recommendations – on allowing the Commission's officials to visit detention centres without hindrance. In practice, though, there are obstacles to visits to army barracks or undefined detention centres widely used by the government to detain those arrested during the years of armed conflict.

3.4 Commission's Activities

Even without the presence of Commissioners, the NHCR personnel have been conducting regular activities in a better way than during the king's regime. It routinely exerts pressure on the government, conducts fact-finding missions, issues press statements and gives recommendations to the government on actions required. However, in many cases there has been delay in publicizing the findings of NHRC monitoring conducted at regional level. The Commission has been organizing various programmes like interactive sessions, seminars and workshops in relation to transitional justice, the peace process, internal dis-

placement, impunity and monitoring of implementation of the CAP.

4. Interaction with NGO's

There is limited collaboration between the Commission and NGOs with regard to activities and initiatives. In a few matters – such as discussions on Internally Displaced Persons, transitional justice mechanisms and issues of impunity – the NHRC has established co-operation through invitations to its programmes. However, there is an absence of consultative mechanisms that could facilitate regular discussions and communication with NGOs on issues at the national level.

Human rights defenders (HRDs) and NGOs are generally critical of the Commission and hold the opinion that it is not worthwhile joining hands with the administration in the absence of Commissioners. However, there are some who believe that they cannot avoid building a working relationship with the NHRC since it has been established to protect and promote human rights.

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The NHRC has four regional offices and at least five contact offices in various districts. How they co-operate with HRDs and NGOs should not just involve daily operational activities, but also a policy implementation framework and institutional structure.

Although administrative personnel have been co-operative in some areas, there are still questions about the Commission's effectiveness, considering that this is a body without a head. Its recommendations are not being properly implemented even in an environment of restored democracy. The overall political system has allowed better enjoyment of human rights among the people, but this remains threatened by armed activities and lack of compliance by the government and political parties with human rights principles.

There is space for the Commission to work with NGOs and HRDs, as in the campaign for immediate appointment of Commissioners. Meetings, demonstrations and lobbying with stakeholders have pushed this to the top of the political agenda. In the transition to democratization and peace, the role of the NHRC is imperative and this demands efficient leadership without delay.

5. Recommendations

To the government:

- ▶ Immediately appoint members of the NHRC, based on expanded qualifications and a transparent process that satisfies the Paris Principles.
- ▶ Amend flaws in the Interim Constitution that relate to the functioning of the NHRC.
- ▶ Allocate additional resources for NHRC operations.
- ▶ Monitor current cases of human rights violations and follow up on past cases.

To the NHRC:

- ▶ Engage with civil society groups, victims' groups, HRDs, political parties, government agencies and the international community to broaden efficacy, impartiality and independence, in line with accepted norms and standards.
- ▶ Create and strengthen internal mechanisms, and build capacity to deliver multiple functions, especially in relation to implementation of the CPA and scrutinizing the election process.

6. Conclusion

The Government of Nepal has appointed the Chairperson and members of the NHRC on 18 September 2007. The Former Chief Justice Kedar Nath Upadhyay has been appointed as the Chairperson on the recommendation of the Constitutional Council. The Government appointed the Chairperson and four other members after the unanimous approval of the nominations by the Parliamentary Special Hearing Committee. The Chairperson of the commission and other members received their oath of office on 19 September, administered by the Acting Chief Justice Kedar Prasad Giri. Other appointed commissioners are Former Supreme Court Justice Ram Nagina Singh, human rights activist Gauri Pradhan, former bureaucrat Lila Pathak and university teacher and human rights activist KB Rokaya.

Major stakeholders have taken the recent appointment of commissioners as an important development for the protection and promotion of human rights in Nepal and also an opportunity to develop the NHRC into a credible human rights institution that maintains its independence and upholds national and international human rights standards. However, the appointment

process has drawn criticism from a number of human rights groups regarding its incompliance with the Paris Principles, including that the appointment process which should have ensured pluralism, respect for diversity and active and broad participation of all civilian forces in society.

An appropriate appointment process is fundamental to a strong and effective commission. It is necessary that the process for the appointment of National Human Rights Commissioners in Nepal should be transparent and broadly consultative. Broad consultation among civil society while appointing commissioners at the Commission is one of the best international practices. Experience in Nepal has demonstrated that when names of candidates for public bodies are made public after their appointment, there is often intense criticism, particularly in the issue of inclusion on representatives. This is very important in Nepal given the NGOs' strong historic link to the establishment of the Commission and the appointments process for Commissioners should not be politicized. International experience has shown that an effective Commission should reflect a balance of gender and diversity within society, especially with regard to vulnerable groups. Non-partisanship is fundamental to an independent and effective Commission and the Commissioners should represent and be responsible to all the people of Nepal regardless of their political affiliation. They should be independent and professional.

(Mr. Gautam, Director of INSEC, presented this paper in the First Regional Workshop of Asian Network of National Institutions (ANNI) held in Bangkok, Thailand from Feb 20 to 21, 2008)



In Search of an Identity: Terai or Madhesh ?



Bhuwan Adhikari

"It is Madhesh since the most of the Migrants are from Madhya Pradesh of India .How the Madhesh can be one while there is Tharuhat?"

This is what all of us talk about. Editorial reads about and analysts' lauds about. Virtually no one knows to draw the demarcation between these two geographies of same land .It is the epicenter of unrest in Terai. "So called *Khas* community has been identifying southern plain land as *Madhesh* which is inhabited by the people who are less cultured and do not posses nominal human value and civilization." The aboriginal *Tharu* has been identifying this chunk of land as *Terai* where they are living since human ancestors. The confusion is more reinforced by the *Madhesh* Community who are alleged to be migrants from India. "It is *Madhesh* since the most of the Migrants are from Madhya Pradesh of India .How the *Madhesh* can be one while there is *Tharuhat*?"

It is said like this whenever I have tete e tete with the face of any extreme, an analyst, or an activist fighting for peace or an agitator fighting for right. Being attracted by such faintly defined boundaries an analyst or a scholar can find himself engulfed in dilemma of ownership and origin. The race for the right is clear but the rights are still at illusion. Again the

communication has lagged behind in awaking the people who are less adherent to media .The scant access to media and low indicating literacy has made the people to live in confusion. In such a scenario all the agitating parties, rebellion groups and human rights activists must disseminate the message of the ongoing race is to be secured not to own.

Unfortunately the fight has been tagged as the contest for geography not for the rights. This is the breaking point of communal harmony if the issues are not dealt with sincerity the country can plunge itself into the grasp of communal violence. The intentional marginalization is the cause for the agitation to attain the desired equality. If this dark facet of the Nepalese history would have been made clear to the government and the to the *Pahadi* Community, the state would not have been so indecisive and fragile. The accordingly put forwarded demand and the proper acceptance by the government would have easily brought two extreme to a coinciding point. Rather *Pahadi* community dominated government became more stiff, rigid and skeptic towards the genuine demands of

the agitating faction. Secondly, the agitating parties were not in point to compare and contrast between the regional autonomy and rights to self-determination. It was the fight for inclusion, it was to be welcomed but all the doors are closed .It was formative process of new Nepal but was taken as the disintegrating will of the millions of people. State and its institution violated the rights of every citizens living in Terai. By the time this piece of material will be published, the matter may lose the context but this is the material for the time and for New Nepal.

The proportionate representation in all the state mechanisms and its machinery constitutionally is not the trump card for separation. It is the most democratic way of multi ethnic representation where majority of the community is marginalized by people in minority. The gap between rulers and the ruled is what the *Madhesh* agitation wants to fill. Eventually, the agitating faction will have to be offered their autonomy within a federal structure. The interim government would not have been pressurized to such an extreme by the agitation and its major demands if there would not had been any major dec-

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Regional autonomy is the only the metamorphosis of the decentralization, it is not the right to self-determination. A right to self-determination ensures people to feel more independent, righteous, sovereign, and autonomous.

laration by legislature parliament previously. Therefore, the mistake is into vicious cycle. Regional autonomy is the only the metamorphosis of the decentralization, it is not the right to self-determination. A right to self-determination ensures people to feel more independent, righteous, sovereign, and autonomous. Some strongly binding clause in the agreement seeking right to self-determination on the issue of independency must be worked out in detail keeping national integrity in mind. One is not to mistaken at any time is that optimum rights to the people do not make a country less integrated. The government and Seven Party Alliance must replay the history in order to view why and how the people of southern plain were marginalized to such a wide boundary.

Maoist's insurgency has bowed the seed of mixed fruit. It has made the rights as most perceivable ideology to the Nepalese people whereas in contradiction it has made the activist fighting for identity an armed cadre. The rem-

nants of war and warrior psyche not only prevail on the country rather it is more widespread. The citadel of the conflict and it upheavals in southern plain is the fruit of the seed bowed for right in a wrong way. The issues of the *Terai* or *Madhesh* will linger for long until and unless the people are offered optimum rights from regional autonomy to dignified identity. The new demarcation of boundaries after the promulgation of constituent assembly is to be drawn so that all the people are in win-win situation. The lands of southern plain inhabited by *Madheshi* people along with the indigenous *Tharu* and the people having origins at hilly uphill in northern mountains are a jigsaw puzzle. One needs vision to make it complete. The issues will prevail until and unless people dwelling here are made to exercise their rights to an extent as much as other citizens do. So it is better to redefine both of the terminologies. It is to be taken in mind while demarcating the geography that both are adherent to each other.



What are the foundations of free and fair elections?

Following are the yardsticks to measure free and fair elections:

- ▶ Voters are not deprived of their human rights and basic freedom before, at the time of and after the election.
- ▶ Every voter must have the freedom to keep one's vote confidential.
- ▶ When the voters have information on the candidates and the electoral procedure.
- ▶ When the civil society is able to conduct awareness programs on election, freely.
- ▶ When all those who have reached the correct voting age have been granted the right of inclusion on the voters' list.
- ▶ When all the citizens, political parties and candi-

dates have the freedom of expression, to assemble or to open parties.

- ▶ When the election procedure is free of any temptation, threats, violence, excesses or punishment.
- ▶ When media is at freedom to gather and disseminate news about election freely
- ▶ When those who have offered their candidacy for election are able to freely campaign.
- ▶ When national and international observers and mediators are able to observe the election freely.
- ▶ When the role of the office bearers deployed in election is fair.
- ▶ When the role of the government is transparent.
- ▶ When there are no hindrances to access to the polling booths.

Source: Election Commission

UNITED NATIONS MISSION
IN NEPAL



नेपालस्थित संयुक्त
राष्ट्रसंघीय मिसन

UNMIN Election Report No 1, 22 March 2008

This report has been prepared by the United Nations Mission in Nepal (UNMIN), in conjunction with the Office of the High Commissioner for Human Rights (OHCHR) in Nepal. The United Nations was requested to assist in creating a free and fair atmosphere for the election of a Constituent Assembly, including through UNMIN's monitoring of the ceasefire and the management of arms and armies and OHCHR's human rights monitoring.

Conditions for Constituent Assembly election on 10 April 2008

Nepal is today better positioned than at any time since the signing of the Comprehensive Peace Agreement (CPA) in November 2006 to hold a credible Constituent Assembly election, a critical milestone in the peace process. Significant political hurdles that had seriously threatened to derail the process have been overcome, although not entirely removed.

The signing of the 28 February agreement between the Interim Government and the United Democratic Madhesi Front (UDMF) and the 1 March agreement with the Federal Republican National Front (FRNF) significantly transformed the electoral climate. Nomination of candidates has been completed and the code of conduct has come into effect. Political parties are campaigning, and the entire country is now in an election mode. This is no small achievement. Nevertheless, this positive movement toward an election has brought new challenges and difficulties, which need to be

addressed promptly. These include violence by groups opposed to the election, serious violations of the electoral code of conduct and of human rights, and the need to maintain full respect of obligations regarding arms and armies.

1. Violence by groups opposed to the election

The overall security situation, particularly in the Terai, improved markedly immediately after the signing of the UDMF and FRNF agreements. However, in the past two weeks the activities of forces opposed to these agreements, particularly the armed groups, has intensified. There has been an upsurge of killings, violence, intimidation against candidates and voters and threats to disrupt the electoral process. On 29 February the Janatantrik Madhesi Mukti Morcha, Jwala Singh faction (JTMM-JS) issued a statement outlining a series of actions it said it plans to carry out to disrupt the election, and on 13 March four other armed groups

issued a statement making similar threats: both statements threatened physical action against candidates and others engaged in the election. Other armed groups have expressed willingness to engage in dialogue with the Government.

Numerous reports have been received of candidates being pressured to withdraw their nominations. A candidate of the Janamorchha party was reportedly abducted by an armed group in Kapilvastu on 7 March, and when released after three days stated that they had pressed him to withdraw his candidacy. Several candidates have reported receiving death threats over the telephone and candidates' houses and party offices have been targeted with improvised explosive devices (IEDs). On 18 March, Kamal Adhikari, the Rastriya Janamorchha candidate for Banke-2 constituency was assassinated: the JTMMJS was the first group to claim responsibility, but there have also been other claims or attributions of responsibility. On 19

March, Ashok Kumar Yadav, a candidate of the Communist Party of Nepal -Unified Marxist-Leninist (UML) was stabbed in Saptari-2 constituency, allegedly by the Akhil Terai Mukti Morcha (formerly JTMM-Goit). A number of armed groups took responsibility for the detonation of IEDs at or near government, party and media offices, and the residences of candidates and government officials. Such explosions have been particularly prevalent in the eastern Terai. The situation risks becoming increasingly volatile.

2. Violations of the electoral code of conduct and of human rights

The electoral campaign is increasingly taking a violent turn, with daily reports of clashes between party supporters, use of other forms of violence, intimidation and threats. There is a marked gulf of distrust and hostility among political parties. There have been two campaign-related deaths. In addition to the killing of the Rastriya Janamorchha candidate, at least nine members of the Communist Party of Nepal-Maoist (CPN-M) were injured in Arghakhanchi District on 23 February when local villagers reportedly led by UML members beat them after a campaign event: one of the injured CPNM members died the following day. It is unclear at the time of this report whether the killings of two CPN-M cadres in Rolpa on 19 March were related in any way to the election or not.

There is growing evidence of action by CPN-M cadres, including members of the Young Communist League (YCL), to restrict in various ways freedom of assembly of other parties in different areas of Darchula, Dhankuta, Sindhupalchowk, Chitwan,

Bardiya, Baitadi, Lalitpur, Okhaldunga, Gorkha, Kaski, Kalikot, Dhading, Salyan, among others. This has often entailed the use of violence or threat of violence. A repeated warning from CPN-M cadres has been that other parties should not campaign in its "base areas". Voters have been told that the CPN-M will know how they vote and will take action against those who cast their ballot for other parties.

In one of the most serious incidents, 19 UML members including a local UML candidate were reported injured in an attack by CPN-M cadres in Ramechhap district on 12 March, after they had carried out an electoral campaign programme. OHCHR visited the area of the incident and corroborated reports that the attack was pre-planned. The community was found to be in a state of fear and intimidated by the YCL, and OHCHR was told by multiple sources that students as young as twelve had been taken out of school and enlisted by the YCL. The pattern of these incidents has raised serious questions about whether the CPN-M, or significant parts of it, are willing to engage in a genuinely free and fair democratic process.

There have also been allegations of election-related incidents of violence and intimidation committed by other political parties. On 25 February a CPN-M member was shot in Bardiya district by six persons alleged to be members of the Madhesi People's Rights Forum (MPRF) who reportedly wanted him to join the MPRF. Other more recent incidents which are under investigation by OHCHR include the abduction on 13 March of a Nepali Congress (NC) candidate by supporters of an independent (former NC) candidate in Surkhet, and

an alleged attack on 17 March by MPRF supporters on NC members who were returning from electoral activity in Sunsari: eleven of those attacked received medical treatment.

Other reports continue to be received that children are involved in campaign activities that sometimes put their physical safety at risk. Representatives of youth wings of major political parties have indicated that they plan to deploy large numbers of young people "to provide security" at polling stations on election day. Although the stated reasons for the planned use of volunteers are non-violent and are claimed to be to facilitate the process, the presence near polling stations of organised youth belonging to competing parties would carry a considerable risk of violence. Widespread concern about booth-capturing and fear of violence on election day, and after if results are disputed, have been expressed by police, party activists and members of the local population alike, especially in the more remote areas. This "fear factor" could affect voter turnout.

There have been a number of credible complaints of the misuse of state resources by candidates of governing parties. Accusations range from partisan use of individual ministries, to interference in police recruitment and use of government vehicles for campaigning and similar activities.

The media continues to enjoy a high degree of freedom which is essential for providing the public with balanced and timely information about the political campaign. However there have been cases where UNMIN and OHCHR have investigated incidents on the basis of media reports and found reports to be erroneous. It is important that

the highest standards of accuracy and political neutrality should be upheld to contribute to the public's understanding of the political environment.

3. Monitoring of arms and armies

A fundamental principle of the 12-Point Understanding and the CPA is that the Maoist army and the Nepalese Army would remain restricted to cantonments and barracks respectively while the Constituent Assembly election would be held in an environment free of fear. The CPA stipulates (Art.6.4) that the armies of both sides will not be allowed to publicize for or against any party and to take sides, but shall not be deprived of their voting rights.

UNMIN has drawn to the attention of the leadership of the CPN-M that it is inconsistent with this principle that a number of commanders and members of the Maoist army have been nominated and are campaigning as candidates for election without having been discharged from the Maoist army.

The Agreement on Monitoring the Management of Arms and Armies (AMMAA) provides that no more than 12 per cent of the total retained force at a given cantonment or barracks will be on authorized leave at any given time unless mutually agreed by the parties. However UNMIN strongly recommended to the Government and the Maoist leadership that leave should not be granted to members of either army during the election period except in family, medical or other emergencies. The Joint Monitoring Coordination Committee (JMCC) has been informed that the Nepalese Army has suspended leave for all ranks except in emergencies from 20 March, and that Maoist Chairman

Prachanda has also ordered that no leave be granted for Maoist army personnel except in emergencies and that personnel already on leave should return to cantonments. UNMIN welcomes these decisions. However, before the order to Maoist army commanders was given, significant numbers of Maoist army personnel were already on leave, and UNMIN believes that in some cases this has exceeded the 12 per cent maximum and combatants have engaged in political campaigning. UNMIN will monitor closely compliance with the order for Maoist army personnel to return to and remain within cantonments, including by observing head counts at all cantonments.

An understanding on security arrangements for the Maoist leadership agreed between the Government and the CPN-M permits the retention of a specified number and type of weapons for security at the residence of the Chairman and for 25 central members of the CPN-M, some of whom are election candidates. The understanding states that the weapons are to be used solely for self-defence and are not to be publicly displayed.

Activities by the Nepalese Army permitted under the CPA and the AMMAA include provision of border security as directed by the Government and provision of security of vital installations. Troop and air movements and exercises have to be notified to the JMCC at least 48 hours in advance. The Nepalese Army has informed the JMCC that it has deployed troops to 50 locations including airports and customs offices, but that it received orders from the Government too late to give 48 hours advance notice.

As requested, UNMIN will continue to monitor the compliance of both armies with the AMMAA

during the election period and beyond.

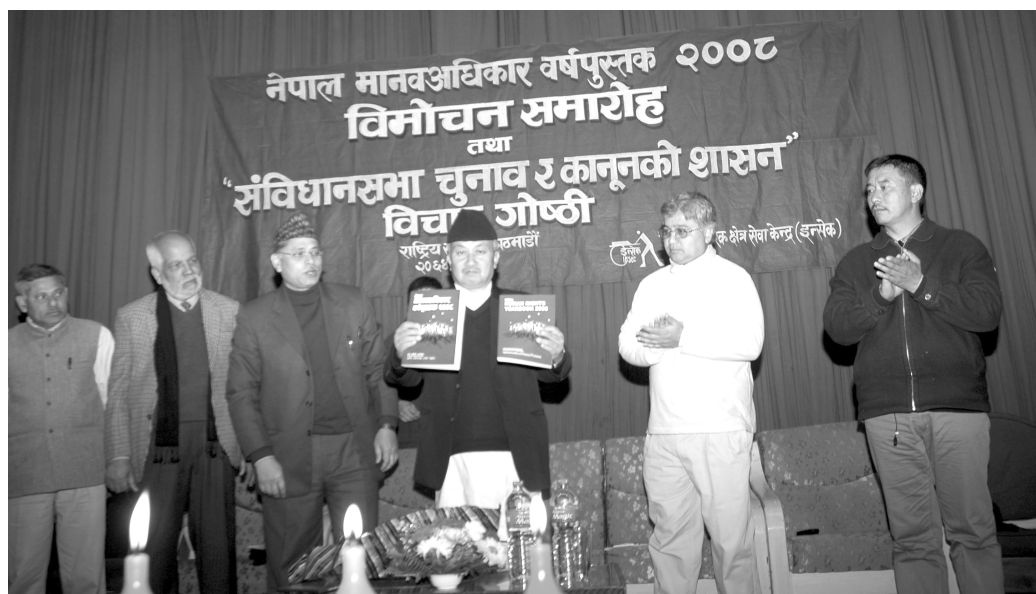
4. Recommendations

Armed groups should seek political accommodation through dialogue and refrain from violence and intimidation or other activities against the election. The Government should persist in efforts to initiate dialogue towards such political accommodation.

- ▶ All political parties should abide strictly by the election code of conduct and respect for human rights of competing parties and voters. It is in their interest to ensure the integrity and fairness of the election, as any "victory" in a seriously flawed election would not command legitimacy.
- ▶ The CPN-M must end the practice of preventing other parties from campaigning in areas where it is strong or which it considers its natural political territory.
- ▶ Intimidation and pressure on voters to vote for or against a party should cease. Political parties should cooperate in arrangements for polling day which avoid any perception of intimidation.
- ▶ All political parties should publicly and unequivocally recommit themselves to abide by the outcome of the election. This is a fundamental tenet of a democratic process.
- ▶ Candidates should scrupulously avoid any misuse of state resources. All state actors should remain neutral and fulfil their duties with professionalism, particularly the Nepal Police and local officials.
- ▶ All media should strive to maintain the highest standards of accuracy and political neutrality.



Human Rights Yearbook Release Ceremony



Informal Sector Service Centre (INSEC) has released the Nepal Human Rights Yearbook 2008 at a programme in Kathmandu on 19 February. Subash Nemwang, the Speaker of the Legislative parliament released the 16th Yearbook. At the function, Nemwang also presented awards to five best INSEC representatives from five regions and one overall best performing INSEC district representative.

Speaking at the opening ceremony, INSEC chairperson Subodh Raj Pyakurel opined there was no norm of rule of law in the country adding that people did not have a sense of security here. Shedding light on the released Yearbook, INSEC General Secretary Kundan Aryal highlighted the increased violence by the non-state actors involved in the Terai. He also expressed that the CA election was the answer to check the ongoing violence. He added the current Legislature had curtailed the rights of the king but was not working for the good of the people.

A seminar on 'CA Election and Rule of

Law' was also held following the Yearbook release ceremony. Speaking at the programme, Speaker Nemwang commended INSEC on the publication of Human Rights Yearbook. In his address, he hoped the seminar would develop into campaign for establishing rule of law. He informed that the representation of all sections of the country has been ensured for CA. He further urged all the people to unite to defeat the conspiracy against CA election.

Speaking at the programme, former member of NHRC Sushil Pyakurel accused some elements in Madhes Movement for threatening Loktantra by getting diverted. He also asked the political parties to consider the people's mandate. Pasang Sherpa of NEFIN and intellect Nilambar Acharya also expressed their views.

According to Yearbook 2008, there were 37 persons killed by the state while 514 were killed by the non-state actors mainly in 10 districts of Terai. Twenty nine persons were killed by the state while JTMM-J killed 39, JTMM-G killed 23 and MJF killed 29 persons. ●

INSEC organized an interaction program on "Protecting the Rights of Human Rights Defender" on 10 January, 2008. Realizing the condition of rights of human rights defenders who are still in risk in the country, INSEC has been launching a campaign to protect the rights of human rights defenders.

As a part of this campaign, INSEC has organized this program to sensitize the political parties, security personnel, government representatives, human rights defenders, and collect the views on ways for protection of rights of HRDs.

Chairperson of INSEC Subodh Raj Pyakurel chaired the program. Tarasama Yangya, Member of Human Rights and Social Justice Committee, Legislative Parliament, NHRC Commissioner Gauri Pradhan, Paysi, Chief of Social Service Committee, CPN UML, Baburam Paudel, Central Committee Member of RPP, Nirendra Prasad Aryal, Chief of

Interaction on Protecting the Rights of Human Rights Defenders

Human Rights Cell of Nepal Army, Kesab Nepal, Office Security of CPN (Maoist) spoke in the program. Bishowkant Mainali, Chairperson of the Nepal Bar Association and Sarmila Karki, Chairperson of Jagaran Nepal, a women rights organization also shared their opinions in the program.

A report about human rights defenders in Nepal was also released at the occasion. Most of Human Rights Defenders are at risk in their professional life. Because of rampant culture of impunity in the country, HRDs are being killed, threatened and harassed. According

to the research report prepared by Stijn Daneyer, human rights defenders continue to be frequently targeted in post-conflict Nepal. The report says that a total number of 43 cases of rights violations of HRDs were reported in the last three months of 2007, in which as many as 66 human rights defenders were victimized. The report further says that the Maoists and the armed groups targeted most HRDs. Journalists and teachers have been the most vulnerable in the last months. Human rights defenders have been deprived of their freedom as well. ●



IDPs

Leave for Home on INSEC's Initiative

Eighty-eight persons who were displaced from mid and far western parts of the country during the armed conflict have left Kathmandu to return home with the initiative of Informal Sector Service Centre (INSEC).

In a programme organized to return the IDPs to their homes on 11 March, Chairman of National Human Rights Commission (NHRC) Kedar Nath Upadhyaya bid farewell to 88 IDPs who were living displaced life in Kathmandu. Twenty-five displaced families from Humla, Mugu, Achham, Kailali, Jumla, Surkhet, Dang, Kalikot and Dailekh had left for home. Likewise, 134 IDPs from 29 families are to return home from Nepalgunj on 12 March. INSEC had made the arrangements for the return of IDPs, who were living in various parts of the capital, with economic support of USAID and government of Nepal. Save the Children US had provided the technical support.



Speaking at the farewell programme, one of the IDPs Netra Bahadur Bhandari regretted over the government's behavior towards them. "I lost my four children during the conflict", he said. Another IDP Bhojraj Timilsina said that another 'revolution' might happen if persons affected by the conflict are not properly dealt with. He demanded actions against those involved in grave human rights violations.

Chief guest of the farewell

programme Upadhyaya said that the government should take responsibility of the security of the IDPs. INSEC Chairperson Subodh Raj Pyakurel urged the Maoists to be responsible by returning the captured property. He added such programmes to return the IDPs would continue. Representatives from NC, CPN-UML, Maoists, Jana Morcha, USAID and Norwegian Refugee Council (NRC) had bid farewell to the IDPs. ●



Discussion Program on Peaceful Constituent Assembly Election and Its Challenges



INSEC organized a program on "Peaceful Constituent Assembly Election and Its Challenges" in Kathmandu on 20 March. The leaders of political parties have expressed commitment to make sure the CA election in peaceful environment. Speaking at the programme attended by party leaders, human rights activists and journalists, they said they would hold a discussion to abide by the election code of conduct and avoid human rights violation.

Addressing the programme, INSEC chairperson Subodh Raj Pyakurel said the more the public participation, more impartial would be the election. Criticising the Home Ministry for failing to provide security, he said that the government's inability to punish the criminals had exposed its weakness. Stressing on the need to proceed with national cause, Pyakurel hoped that participation by all political leaders and

cadres would rule out the possibility to dismissing the election results by anyone.

Speaking at the programme, UML leader Amrit Kumar Bohora conceded that the peaceful conclusion of the CA election was a challenge. He stressed on the need of a commitment to avoid human rights violation when the pro-democratic republic parties go to the public. Saying that election was the soul of democracy, Bohora requested Maoist leadership to allow free movement of party cadres in the rural areas. Likewise, NC leader Laxman Ghimire accused that the Maoists were trying to capture power without contesting election. He asked the Maoists to give up such attempt and not to disrupt other parties' election campaigns. Mentioning the Terai problem, he said the security of the candidates depended on better security situation.

Saying that his party was willing to accept the competition among the parties, Maoist leader Dinanath Sharma claimed the win would be for the federal democratic republic system. Alleging some groups of trying to foil the election, Sharma said an evaluation on the violation of code of conduct should be made by the all-party discussion. He also said that any weakness committed by his cadres could be resolved by holding a discussion. RPP leader Prakash Chandra Lohani said all parties should accept the election result. Male's Narayan Acharya urged the Maoists to create a fearless election environment.

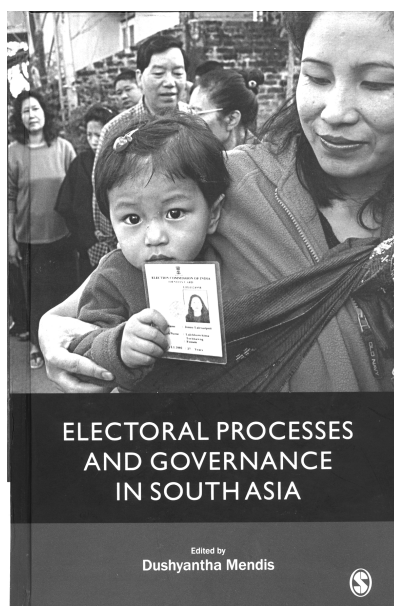
At the end of the programme, Maoist leader Dinanath Sharma, NC's Laxman Ghimire and UML's Amrit Kumar Bohora answered the questions asked by the participants.



Analyzing Electoral Processes in South Asia

Although most of the South Asian countries have enjoyed democratic transformations after being part of the British colonial system or - in the case of Nepal - after a long autocratic rule through a royal family, electoral processes are still lagging behind this conversion. Manipulation of elections by governments and electoral malpractices are of critical concern in nearly all South Asian countries.

Underlining that electoral processes are a reflection of the status of democracy within a country, "Electoral Processes and Governance in South Asia" seeks to analyze and understand reasons for these democratic lacks. Investigating electoral processes in Bangladesh, India, Nepal, Pakistan, and Sri Lanka, this book offers an overview about electoral arrangements, procedures, and malpractices. Divided into three chapters, it provides the reader in its first section a general outline and criticism about election-laws and government-politics in the selected countries mentioned above. In its second chapter "Electoral Processes and Governance in South Asia" is setting out a legal and institutional framework of these processes. Moreover, this section examines how these schemes were generally undermined over different time periods. The last paragraph gives a constricted frame over group-discriminations in south Asian coun-



Electoral Processes and Governance in South Asia

Edited by: Dushyantha Mendis

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Pvt Ltd., New Delhi

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Price: NRs. 1,360.00/

ISBN: 978-0-7619-3577-3

tries before, during, and after elections.

Taking the three House of Representative (HoR) elections in Nepal in 1991, in 1994, and in 1999 as examples, Mendis - the editor of this book - criticizes among other things the former "First-Past-The-Post-

System". An electoral system like that was more efficient in countries where a two-party system exists. However, since Nepal had multiple, quarrelling parties, the winning candidate was likely to be elected with less than a majority of total vote casts and was further confronted by alleged opposing coalition partners. The author underlines that because of this all examined Nepali governments had been suffering large instabilities. Furthermore, the former "First-Past-The-Post-System" had to tolerate huge anomalies and electoral injustices through discrepancies between "seats" and "votes". One example will clarify this: In the 1991 election, one party scored more than six percent of the popular votes, but failed to get representation, whereas another party, which scored only 1.3 percent, won five seats. - Furthermore, this system, where the loser loses everything and the winner takes all out of the election is - in the author's opinion - inefficient in a multi-ethnic country like Nepal. Another general point of criticism in the first chapter is arising from the partial and divided Nepali government itself: As elections were generally not in the interest of an office-seeking, weak, and obviously futureless government, Nepali voters could not expect any kind of neutral assistance by this government in favour of the independence of the EC. In its second chapter, "Electoral Processes and Governance in South Asia" determines the legal and institutional framework of the elections process itself. Verifying how these frameworks had been undermined in the three Nepali elections mentioned above, this book points out some critical issues:

1. Government and Administrative Machinery Malpractices

Nepali electoral rolls contained a multitude of errors. Moreover, the exclusion of eligible voters and the inclusion of ineligible ones arose from these errors - although many loopholes could be closed, when in 1996 the provision for temporary voters had been dropped and permanent residence had been made a prerequisite to be enrolled as a voter. Nevertheless, exclusion still occurred because of eligible voters without permanent residence, for example. Inclusion of ineligible voters now emerged because of underage enrolment. The author further criticizes government's and administrator's malpractices that arose from errors on voter's ID cards and from lacks of required funds.

2. Candidates and their Coterie

In the second chapter the author continues, stating that although the independence and impartiality of the election commissioners was of primary importance, the appointment process itself was not free from party politics. This procedure became questionable - emphasizes the author - when the number of election commissioners had been increased to six in order to accommodate the political interest of the incumbent government. Furthermore, the independence of the EC as a whole was subject to suspicion.

Since the government scheduled the elections, it had been able to use this opportunity. By reshuffling, transferring administrative, and security personnel before the announcement of elections, the government had violated the code of conduct. Moreover, the government

had also used state-facilities and -resources in order to gain voters. Furthermore, there was also a strong tendency for the incumbent government to influence voter's behaviour. By violating the code of conduct, the government had been adopted new programs and commitments after the proclamation of elections.

3. Electoral Malpractices by Political Parties and Mass Organizations:

"Electoral Processes and Governance in South Asia" also criticizes electoral malpractices by Nepali political parties and -organizations. Harassing and attacking prospective candidates and party-workers in the other's stronghold areas - before, during, and after the election - political parties and organ-

.....
"Electoral Processes and Governance in south Asia" is one of the only books concerning electoral processes in the selected region. Although the data it used might be sometimes biased due to the general difficulty of this topic, this book provides the reader a good, neutral, and objective overview about electoral processes in south Asian countries.
.....

izations tended to influence voter's behaviour.

Accusing, that the excluded or non-included categories in the 1991, 1994 and 1999's elections were peasants, ethnic minorities, *Madhesis*, women as well as illiterate, poor and lower caste people, "Electoral Processes and Governance in South Asia" gives - in its third chapter - a very detailed overview about electoral group-discriminations in Nepal. Not only that these groups had been more or less excluded from candidature, they had been also excluded from voting. Although, women's electoral participation had become little better within the last three elections, the corresponding share of marginalized groups (such as the *Chepang*, *Kumal*, *Majhi* and the *Rajbanshi*), *Madhesis* or *Dalits*, had remained too low. The same groups are - following the author - targets of electoral fraud. By threatening, obstructing, and harassing these groups, political parties and mass organizations tried to change their voting behaviours.

"Electoral Processes and Governance in south Asia" is one of the only books concerning electoral processes in the selected region. Although the data it used might be sometimes biased due to the general difficulty of this topic, this book provides the reader a good, neutral, and objective overview about electoral processes in south Asian countries. By showing that these processes are troubled in the south Asian countries to greater or lesser extents, the book is not only crucial for those readers who are interested in the democratic transformation of Nepal, but also for those who seek to understand democratic procedures in the whole south Asian region. ●

- David von Kalckreuth

A report on 'Monitoring of the Violation of Election Code of Conduct'

January 16, 2007 - April 2, 2008

Executive Summary

All concerned parties related to the Constituent Assembly Election are arriving at the final stage of preparation in the run up to the elections.

Informal Sector Service Centre (INSEC) has been monitoring the pre-election situation on the basis of code of conduct with international human rights norms and values. INSEC's monitoring has found that the code of conduct is not being adhered to by the parties.

Since 15 January 2008 till 2 April 2008, when the code of conduct was issued, 58 persons were killed, 117 were injured and 151 were beaten up

During the period, 24, 4, 76 and 64 persons were beaten respectively by NC, CPN-UML, Maoists and YCL. Similarly, 38, 20, 41 and 16 persons were injured by NC, UML, Maoists and YCL.

On the basis of INSEC documentation, Code of Conduct no 33 has been violated in maximum number of cases.

Recommendations

- ▶ Strict legal action should be taken against offenders involved in violent incidents
- ▶ Strict legal measures should be carried out against groups attempting to foil peaceful elections including groups involved in atrocities
- ▶ Essential security management should be launched by identifying critical places
- ▶ All parties should come to healthy competition and follow code of conduct
- ▶ 23 points Agreement and 10 point agreement along with Comprehensive Peace Agreement should be followed
- ▶ Immediate investigation should be carried out about complaints registered at the election commission regarding violation of code of conduct and action should be taken accordingly

Background

INSEC has been monitoring the pre-election environment from different perspectives. The monitoring carried out by its 75 district representatives and five regional offices shows that the government and the major political parties have been unable to create environment conducive for free, fair and fearless election to the CA.

The sub-article 1 of article 21 in the Universal Declaration of Human Rights (UDHR) has guaranteed everyone with right to take part in the government of his country,

directly or through freely chosen representatives. Likewise, the International Covenant on Civil and Political Rights (ICCPR) guarantees the right to take part in the conduct of public affairs, directly or through freely chosen representatives in its sub article (a). Sub-article (b) in the same covenant provides citizens with right to vote and to be elected at genuine periodic elections, which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.

Nevertheless, the govern-

ment has been unable to guarantee fearless environment to voters and candidates participating in the election. Political parties also seem to be exercising all possible means to win election including that of power, threat and motivation. The election code of conduct issued by the Election Commission has set some limitations. According to this, the political parties should not organize publicity campaigns against human rights standards and independence of judiciary, creating hatred by any means, using election graffiti at religious, archaeological or public

places, demonstrating of weapons, explosives, chemicals, batons, knives, swords or any other vulnerable weapons during election publicity. The code of conduct also bars political parties from using any government property in the election publicity. It is against election code of conduct to obstruct or control election candidates from participating in the elections or stopping them from election publicity. However, political parties were not adhering to the election code of conduct.

Violation of Comprehensive Peace Agreement

It is discernible that one of the points of limiting Maoist combatants to cantonments was to ensure they are not able to inflict any kind of intimidation and fear during the CA election campaign. Comprehensive Peace Agreement and the Agreement on Arms and Ammunition Management have mandated UNMIN to monitor the activities of the Maoist combatants living in the cantonments. But, the past events show the Maoists had failed to abide by the spirit of CPA by not ensuring their combatants stay in the cantonments while the Election Commission had to request the UNMIN for more effective monitoring of the Maoist combatants.

A report says that over 350 Maoist combatants left the cantonments of Surkhet for different districts. It is learnt that the Maoist combatants are conducting night patrol barring the locals from travelling in the night. Parties claim about 12 plain-cloth combatants tried to disrupt the political programme there. In Jutepani of Chitwan, the UML village committee under-secretary Bhojram Thapaliya was threatened for raising alarm when the Maoist combatants were whispering outside his house in the night. They misbehaved with his wife after calling her in the cantonment for inves-

tigation.

Maoist combatants were present along with APF and Civil police for the security of Maoist chairperson Prachanda during an assembly in Rautahat. The combatants from Shaktikhor cantonment were carrying modern weapons with UNMIN stickers. There was another incident reported where the combatants from Rakachuli cantonment in Nawalparasi came out in combat dress for election publicity. They went back after the opposition from locals. Earlier too, the combatants in combat dress were present in Prachanda's address in Rolpa.

UNMIN head Ian Martin said his office had taken the matter seriously. Election Commission also called on UNMIN to make its monitoring body Joint Monitoring Coordination Committee more active for the purpose.

Though, the Maoists are said to be gearing up for election preparation, their activities have become an issue of criticism for the other political parties. The Maoists' sister organization has been training locals to use khukhurs and batons in the districts including Dadeldhura and Sindhuli.

Kali Bahadur Gharti alias Bhisani, also known as Basant Gharti of Markabang VDC-2 in Pyuthan and currently staying in Tribhuvannagar Municipality in Dang was arrested with a pistol at traffic chok of the municipality by APF. He is the YCL district chairperson. He said that he was posted in the district nearly three months ago.

Police arrested Maoists' full time cadre Karna Bahadur BK, 50, of Raya VDC-1 of Humla district with 37 pieces gun parts as he was manufacturing weapons at home. Maoists' office secretary Urja demanded BK's unconditional release.

When asked, UNMIN head Martin said the finding of weapons with UNMIN stickers meant for

leaders' security, outside the cantonment was a breach of AAAM.

Maoists looted two pistols and their 21 magazines and one revolver from policemen deputed for the security of UML Rukum constituency no. 1 candidate Devi Oli which was returned five days later but the Maoists leaders remained silent on the issue.

Candidates' Security Issue

With the date of CA election nearing, there is not only an increase in violation of code of conduct, but also the concerns for the security of the candidates. One candidate was killed during this period. There are many cases documented in INSEC on the candidates being subjected abduction, beating, obstruction and attack.

NC candidate from Okhaldhunga constituency no 1 Bal Krishna Dahal, state minister for Local Administration Office and UML candidate from Siraha constituency no 5 Dharmanath Prasad Sah, Dev Shankar Poudel of Ramechhap, NC candidate Bal Chandra Poudel were attacked. Bal Bahadur KC was attacked by Maoists in Solukhumbu while Maoists' Ganga Bahadur Bhujel alias Gajendra was shot dead in the same incident. The disappearance of Jana Morcha Nepal candidate Bijay Mahato is suspected to be a possible abduction by some Terai group. Abduction of Hari Bahadur Basnet, Morang constituency no 3 candidate from Nepal Rastriya Bikas Party is admitted by Nepal Defense Army, while the attack on Madheshi Janadhikar Forum Kapilbastu Chakradhari Pandey was admitted by new group Alliance of Terai. The government's failure to provide sufficient security is reflected from these incidents.

Voters' Security

INSEC monitoring shows the

cadres on publicity campaign are more vulnerable to attacks by groups including the Maoists. There were numerous incidents of threats to one party cadres by another, beating and abduction of the party cadres. The Maoists are found to be threatening the locals to cast their votes for them otherwise face consequence because they would be using binoculars observe their voting.

The armed groups active in Terai are also adding to the terror among the voters. Two persons were killed and two were severely injured when Terai Defence Army carried out a bomb attack in a mosque in Biratnagar. Other groups have also made their schedule for election disruption starting with 10-day bandh.

Clash between Parties

The competition among the parties is getting bitter. The party activists are carrying out acts like tearing banners and flags, obstructing programmes and rallies of their competitors. In Dadeldhura, local administration imposed curfew for two days after similar incident led to ugly clash among Maoists, UML and NC. In Tahanhu, 16 were injured when the Maoists tried to disrupt an address by NC leader Govinda Raj Joshi while 19 others were injured in similar attack in Humla. Besides that, there are incidents of looting and destruction of publicity materials.

Voters' Education

Several organizations are conducting voters' education campaign across the country for the upcoming election. Election commission has mobilized educators in villages while alliances like NEMA and NEOC are also running their share of the programme. Organisations including INSEC and UNMIN are also disseminating educational materials through several media.

But, the political parties are

competing for attracting voters by giving deceptive promises. Some are claiming themselves as post-election president while others are claiming to be prime minister after the election. There are others promising for development work.

EASTERN REGION

As per the reporting from the district representatives of the eastern region and other sources, the situation in mixed there. The Madhes Movement that started on 15 January, Limbuwan Movement and other bandhs and strikes they had called, left the people in uncertainty till 27 February. The political parties were not that active during that period for publicity. The groups including Madhesi ones and Limbuwan who were strongly raising voice against the CA election called for bandh and the curfew imposed by the administration left the election environment muted.

With the understanding between agitating groups and government on 28 February, the situation got better for the leaders and the cadres to venture into rural areas. The people were convinced of the possibility of the election after the agitating Madhesi party filed its nomination for the elections on 6 March.

In Taplejung district, the splinter group of Limbuwan State Council is still threatening locals against participating in CA election. Likewise, UML and Maoists are not in good terms in Jhapa after YCL attacked UML leaders there and in Ilam. In Morang, though there were no clash between the Maoists and the NC, there are reports of NC candidate for constituency no 1 Amod Prasad Upadhyaya receiving death threats. Likewise, in Dhankuta, Maoist cadres have repeatedly beaten up, looted and misbehaved with Jana Shakti Party cadres.

The anti-CA elements and

extremists have carried out series of bomb attacks in Terai districts. A hindu group Nepal Defence Army carried out bomb attacks in a mosque in Biratnagar with an aim of disrupting religious harmony and creating terror.

Bandh called by Terai groups from 2 April has also affected normalcy in the region. Southern belt of Siraha, Saptari and Sunsari are still untouched by election environment.

Siraha and Saptari are relatively sensitive districts in the region. Constituencies no 6 and 2 of southern part of Siraha and 6 of Saptari in particular are even more sensitive. In Saptari only, four candidates were abducted by armed groups. Though incidents by Maoists in Saptari are few, attack by Maoists in Siraha is significant.

Similar is the situation of southern parts of Sunsari. NC and MJF are bitter competitors in the area while the armed groups are equally active. Two satellite cantonments in eastern parts and open southern border with active armed Terai groups pose security threats even in Morang district. Locals say districts of Solukhumbu and Okhaldhunga also had clashes between Maoists and NC. Dhankuta can be sensitive because of possibility of tension Rastriya Jana Shakti Party and RPP.

There are relatively less conduct violations in the districts of Terathum, Sangkuwasabha, Khotang and Udaypur during this period.

MID REGION

Some districts of Central Region are facing activities affecting smooth run up to the election. The incidents of killing, abduction, beating, threats and disruption of assemblies are increasing each day. On the one hand, candidates are being assaulted while on the other, ascertaining the secure environment for

the voters to come to polling stations is emerging as a challenge.

The candidates were attacked before the ink on the agreement among top leaders of three major parties dried. Even the security persons who had gone for the investigation of the incidents were attacked by YCL. The candidates who are avoiding venturing into the rural areas citing insecurity are instilling a sense of insecurity among the voters.

There were over 100 incidents of violation of code of conduct since it was issued. The districts of Ramechhap, Dhading, Rasuwa, Sindhupalchok, Chitwan and six districts of Terai had more number of violations. Maoists are in the lead for the violation of code of conduct.

Beating and Attack on Candidates

There were 21 incidents of beating and attack on the candidates of Ramechhap, Dhading, Rasuwa, Kavre, Sindhupalchok, Chitwan, Dolakha and Nuwakot. Among them, UML candidate for Ramechhap constituency no 1 Dev Shankar Poudel was attacked on 12 March and Rasuwa candidate Bal Chandra Poudel on 1 April was seriously injured in YCL attack. Likewise, Kavre constituency no 1 Jana Morcha Nepal candidate Kaman Singh Lama was attacked with khukuri by CPN (United) on 31 March. Sindhupalchok constituency no 2 candidate of CPN (United) was abducted by the Maoists. Likewise, RPP chairperson Pashupati Shamsheer Rana was barred from going to Nagarche VDC on 8 March.

Maoists and its sister organization YCL disrupted election campaigns of Ramechhap constituency no 2 UML candidate Kailash Dhungel, constituency no 1 NC candidate Angtawa Sherpa,

Dhading constituency no 3 UML candidate Rajendra Pandey while Sindhupalchok constituency

no 1 UML candidate Arun Nepal faced misbehaviour from the Maoists.

Unstable Terai

Announcement of indefinite strike by armed groups from 2 April has severely affected the political atmosphere of six districts lying in Mid Region of Nepal. Political activists of different parties are busy in attracting ethnic votes. These districts are categorized as sensitive areas due to the presence of several armed outfits in the region.

The political environment has deteriorated further in the recent days even with the implementation of code of conduct. There has been dramatic rise in intimidation, bomb blasts and abduction cases by those outfits. Altogether four persons have died until 2 April.

Use of children in election campaign and wall painting

Regardless of the request for the adherence to the code of conduct, all the political parties were found using children during their election campaign. UML used child for attracting votes in Kathmandu.

Despite, the directives issued by Election Commission, political parties are using colourful posters and pamphlets for election campaign and are not keen on removing their wall paintings.

Fearful environment

It is found that Maoists are using several means of intimidation to attract people's vote. Calling of strikes, bandh by several armed outfits in six districts of Terai has further created adverse environment for polls.

WESTERN REGION

In the face of approaching CA elections, big political parties are increasingly violating code of conduct. Obstructing each other's elec-

tion campaign, waving black flag at the other party, chanting slogans against each other, non removal of wall painting, tearing of posters and pamphlets have been usual events in the region.

They are also found of intimidating, abducting, threatening and beating the supporters of other parties.

Two Maoist cadres were shot dead in Kapilvastu and one Maoist cadre was killed in clash in Arghakhachi.

HR violation cases are increasing in Terai regions especially in Kapilvastu, Rupandehi and Nawalparasi districts where heavy presence of various armed groups can be felt.

Various measures of intimidation are used to threaten the public for polls by the political parties. Incidents of distributing money, organizing feast as a means of attracting votes in election polls are also heard of which are however difficult to verify.

Unfair competition is increasing among candidates of different political parties in the recent days.

Thus it has been increasingly realized that the political parties should be responsible enough to create an environment conducive for CA polls.

MID WESTERN REGION

Maoists are taking the lead among political parties in defying election code of conduct. Requests to remove the wall paintings by Election Commission have been disobeyed so that the Commission itself was forced to erase the paintings in several districts. Maoists are found to be using several tactics like pressurizing voters, thrashing candidates, attacking activists of other parties as a means of obstructing election campaign of other political parties. Incidents of attack on Maoists by other political parties are

also found in some areas. Gyan Bahadur Nepali, 22, of Tarigaun VDC-7 was thrashed by Maoist local activists Bhumilal Chaudhary and Tulsiram Basnet on 26 March night. He was accused of organising election program of Nepali Congress. Maoists had also abducted 11 UML activists during their election campaign and were released only after one week.

Probability of free and fair election is diminishing with the killing of four persons including Jana Morcha candidate Kamal Prasad Adhikari for constituency no 1 of Banke.

Maoists vandalized and locked up RPP party office in Rolpa on 20 March.

They have also restricted the free movement of local people and activists of other political parties.

They are found to be using PLA army in their election campaign activities and are threatening local people on the consequences they would have to bear upon in case they fail to vote for Maoists.

However all political parties are involved in violating election code of conduct like using children in political activities, organizing political programmes in schools etc.

FAR WESTERN REGION

Violation of code of conduct is mounting up in the face of approaching CA elections. Eighteen such cases including five in Baitadi, four in Dadeldhura, three in Darchula, three in Achham and one each in Bajhang, Bajura and Kailali district have been documented.

Among them, 14 cases are associated with Maoists, four with UML and six with NC.

Incidents of attack, destruction of election publicity materials, publishing and distributing colourful posters, pamphlets, using vehicles with Indian number plate during election campaign, obstructing

campaign programmes of other parties etc. are common in the region.

Clash that occurred between the cadres of Maoists, UML and Congress forced the local administration to clamp curfew in Dadeldhura.

Also, Maoist candidate of Achham district threatened to capture local FM Ramaroshan.

Maoists surrounded and thrashed the election campaign team of NC's former education minister Dilendra Prasad Badu on 5 February at Ritthanne of Latinath VDC.

Similarly, UML and Maoists activists vandalized Congress party office in Dadeldhura on 30 March accusing them of torching their party flags the previous night. This induced the clash among three parties which left many injured. Owing to the exacerbating situation in the district, local administration was forced to clamp curfew for two days from 30 March.

Likewise, 10 UML activists including Puran Singh Dayal, candidate for proportional system from Baitadi constituency no 2 were also attacked in Amchaur VDC by Maoists on 19 March in which Dayal's both hand were broken. Clash among UML, NC and Maoists during the election campaign have also been reported in several other districts.

Police are also found to be charging batons in the election campaign programme of NC and UML in Bajura in which some police personnel and UML activists were injured.

Maoist also attacked the election campaign team of UML in Gotri VDC in Bajura in which UML women candidate Basundhara Rokaya for proportional system sustained leg injuries.

Similarly, the case of death threat issued to the proportional candidate Kali Bahadur Shahi by Maoists has also been published.

Such types of incidents reveal that the political parties have failed to comply with election code of conduct despite their repeated commitments.

Depriving people from their right to vote with their conscience is against universal declaration of human rights (UDHR), international covenant on civil and political rights (ICCPR) and the interim constitution of Nepal. Government seems weak in maintaining fair and conducive environment for elections. Political parties seem to be escalating violence. The incidents are increasing due to government's failure to take any action against persons involved in violating election code of conduct.

More or less, all political parties have share in disrupting election environment. Violent incidents adversely effecting election have reached the peak. INSEC has documented incidents of killing, beatings and attacks on or over election candidates targeted with an intention to thwart election assemblies. Maoists are found being quite intolerant towards candidates and activists of other political parties. Maoists have targeted political parties including UML and Nepali congress. Scores of scuffles are observed between Nepali Congress and UML in some places. These activities have jeopardized numbers of fundamental rights including right to freedom of movement, right to vote, right to peaceful assemblies and right to freedom of expression and opinion. Political parties are found using children in their publicity campaigns in spite of being called the peace zone.

The activities to foil election carried out by armed groups in eastern and central Terai have made the peace and security situation critical. The incidents of explosions, attacks, abductions and killings have really added to worsening of the situation.



Representative Incidents

(January-March, 2008)

1. By Maoists

1.1 Abduction

Surkhet, Kasiram Woli, 34, a teacher of Nera Primary School in Malarani VDC-9 and Rajendra Shahi, 40, of Sare VDC-4 have been abducted by the cadres of Young Communist League- sister wing of CPN (Maoist)- from their houses on 2 January. However, reason behind the abduction and the present location of the victims remains unknown.

Sindhupalchok, YCL cadres have held former Thokarpa VDC chairperson and UML district member Indra Bahadur Khatri from Sunkhani VDC-2 on 19 March. According to Khatri, the YCL cadres had dragged him away saying "they would take action against him as UML was prohibited from the area" when he reached the VDC to prepare for an election programme on 21 March. Khatri said he was released by the YCL after the locals opposed its acts. He added the YCL cadres had threatened even to kill anyone coming to VDC for publicity. Similarly, the Maoists tried to foil UML pro-

gramme in Thulodhading VDC on the same day. UML district leader Kamal Nepal said a group of about six Maoists attempted to throw stones at the stage when the UML candidate Arun Nepal was addressing a public assembly saying UML was banned in the VDC.

Ramechhap, Maoist affiliated YCL cadres have held RPP candidate from Ramechhap constituency number 1 Dil Bahadur Tamang of Kathjor VDC and his cadres for an hour on 18 March. They were held in Makhlo Pipaldeep of Nagdaha VDC-7. The YCL cadres released them after capturing their publicity materials and tools and threatening to kill them if they re-enter the VDC.

Maoist cadres have abducted four UML activists from their home on 29 March morning. Among those abducted are Dharma Bahadur Khatri, Raj Khatri, Udaya Khatri. The name of one abductee hasn't been disclosed.



People's Front cadre Dil Bahadur Shrishbeaten by Maoists in Baglung

UML district committee member Tul Prasad Kandel informed that their activists were abducted on the charge of actively participating in election mass gathering program organized on 28 March. We have been informed by CPN (UML) about the incident and we have sent our team to the site of the incident said Pushpa Kamal Shrestha, a Police inspector of district police office, Ramechhap.

Tanahun, Basu Neupane a teacher at Janajyoti Primary School of Ghasikuwa VDC has been abducted from Dharampani by a group of 10-12 Maoist cadres on the night of 22 March 2008. Situation of the abductee is still unknown. NC supporter Neupane was threatened several times by Maoist cadres in the past. Locals informed that he was beaten and taken away from his rented house in Dharampani at 12 am towards a forest in the east direction. Prior to his abduction, the other members were locked up inside the house and was beaten by baton on his head through the window.

INSEC district representative and journalists have inspected the incident on 23 March. The team reported that blood stains were found on the way and have suspected that the abductee must have been severely beaten. It is assumed that Maoists have abducted the NC activist in order to foil the mass gathering program of NC scheduled for 23 March in the same VDC.

Baglung, Maoists abducted proportional candidate of Rastriya Prajatantra Party Nepal (RPP-Nepal) Deepak Kunwar on 24 March at 4 March from his home at Rajput VDC-2. Kunwar, 38 was three hours later released in the presence of his relatives. According to a family source, the Maoists had

abducted him charging him of advocating for monarchy and making statements against republicanism. Meanwhile, Maoists district committee said that Kunwar was released after some hours of 'discussion'.

Khotang, Four NC cadres have been abducted and later released by the Maoists-affiliated Magar Mukti Morcha in Suntale VDC-1 on 23 March. The cadres including NC village chairperson Shalikram Banjara, Tirtha Banjara, Bhola Pariyar and Narmani Banjara were abducted by Morcha's district chairperson Yuvraj Magar and VDC secretary Rajan Rai. The cadres were released after six hours on the condition of not getting involved in election campaign. One of the abducted cadres Salikram said the Maoists also tore the NC posters and threatened to take action if they keep the materials.

Dhading, The Maoist affiliated YCL cadres have abducted four UML activists including Top Bahadur Shrestha, Indra Bahadur Shrestha from Matyamkhola of Kunapara VDC at 7 pm on 26 March. They were abducted on their way to home from electoral campaign. The abductees have been released on 27 March among whom Indra Bahadur and Top Bahadur were severely beaten.

Bardiya, Maoists have abducted district member of CPN-UML affiliated Loktantrik Tharu Association Louti Choudhari on 10 March. Choudhary of Baganaha VDC-1 Dhongrahawa was taken away from home in the pretext of some work by the Maoists.

According to Laxman Gyawali, UML zonal secretary and candidate for CA poll from constituency no. 3, Choudhari acknowledged that Choudhary is a UML cadre. He

urged the rights activists and media persons to take steps for his release. Maoists' candidate from same constituency Santaram Tharu denied involvement of his party cadres in Choudhary's abduction. Saying that Choudhary was in his contact, Tharu added that he is an area party member of Maoists party.

Meanwhile, former chairman of Baganaha VDC Bhikkhu Choudhary said that Choudhary has been released on 14 March. Bhikkhu informed that Maoists had forced him to campaign for them for the CA poll.

1.2 Beatings/Intimidation

Sankhuwasabha, Maoist cadres have thrashed police inspector Amrit Thapa of investigation department on 5 January morning while he was asleep at his residence. A group of seven Maoist cadres led by district committee member Lokendra Gadai dragged Thapa out of the place he was sleeping at 6 am and beat him up. Thapa has been airlifted to Biratnagar for treatment. Gadai has stated that he beat Thapa for calling him a Maoist while Maoist district secretary Nabin showed his ignorance on the incident. Meanwhile, assistant Chief District Officer Krishna Subedi has said that action will be taken against the perpetrators.

Bishnu Maya Rai, 37, of Barhabise VDC-3 has been injured in the beating by YCL VDC chairperson Gyan Bahadur Rai on 5 March. Injured Bishnu Maya is admitted to Khandbari Hospital for treatment.

According to Bishnu, she was beaten by Gyan Bahadur following a dispute with his daughter Rita. When Rita beat my son Devendra, I reprimanded her for doing so and that led to the dispute, Bishnu said.

She added Gyan Bahadur had beaten her up saying 'he was an YCL's person'.

Sindhuli, A group led by Maoists joint-district secretary Bandana Subedi alias Saru has thrashed Kalpana Pokhrel, 20 of Hatpate VDC-7 on 8 January. The group had abducted Kalpana, who was a former Maoist cadre and had later joined CPN-UML, from Chandanpur in front of the Solu Salleri Brigade in Ranibas VDC-6 while she was heading for Sindhulimadi from home. She was later beaten up at Chandanpur Village in ward no. 7 of same VDC and taken to Janata Secondary school for a 'discussion'.

According to office secretary of CPN-UML Kamal Jung Rai, the group had ill-treated her publicly without allowing her to speak and released her at 2 in the afternoon. CPN-UML area no. 1 incharge Dambar Karki informed that the victim has blue marks all over her body due to the beating. Kalpana was the former district secretary of Maoists affiliated All Nepal Women's Association Revolutionary (ANWAR). Six district level Maoist cadres including Kalpana had left the party last month to join CPN-UML. The victim has said that Saru was the only one in the group who beat her. Kalpana's husband Narayan Bhattari, who had also left the Maoist's party, informed that Maoists joint-incharge of area no. 3 Ajay had threatened six of the party quitters that he would not spare them.

Arghakhanchi, At least 11 Maoist cadres and four civilians were injured in a scuffle between the Maoist cadres and the locals at Mahendra Primary School in Nuwakot VDC-3 on 22 February. A dispute had erupted after the school

management committee requested the Maoist cadres, who were painting slogans on the school's wall, not to do so. The Maoist cadres had beaten up civilians Shanta Shrestha, Mausam Shrestha, Pom Narayan Shrestha and Dayaram Shrestha after the debate. Similarly, Maoist cadres Pashupati Paudel, Ambika KC, Kamala Roka, Govinda KC, Chudamani Dhungana, Kajiman Raymajhi, Bishnu Dhungana, Narayan Khanal, Rajendra Banjade, Suman Magar and Mohan Singh Thakur were also injured in the retaliation of the villagers. Among the injured, Rajendra and Kamala were taken to Kathmandu for further treatment after receiving primary treatment at the District Hospital, Sandhikharka while others underwent treatment at the same hospital.

Baglung, Maoist cadres have thrashed district member of National People's Front Dil Bahadur Shrish, a resident of Chisti VDC-9 on 26 January.

According to People's Front, Maoist cadres Prem Thapa, Dambar Bahadur Shrish, Min Bahadur Shrish and Purna Bahadur Shrish had beaten Dil Bahadur when a



NC Candidate Dilendra Prasad Badu Injured in Maoist Attack in Darchula

meeting of the party was taking place. District secretary of People's Front said, in a press statement, that the Maoists led by former people's government head Prem Thapa had attacked Dil Bahadur with a sharp weapon. The victim, also a former member of district development committee Baglung, is undergoing treatment at Chisti sub-health post. Locals have said that he has sustained injuries in head.

Ramechhap, YCL cadres have beaten up two villagers of Khaniyapani VDC on charge of carrying khukuri. Mandhoj Tamang, 27, and Purna Bahadur Tamang, of Khaniyapani VDC-5 were beaten on the charge as they were sitting in a house near the VDC building on 10 March during a UML programme. Following the beating, the programme, being organized at the courtyard of the VDC building was stalled. Tamang duos were freed after the police took them into custody for investigation.

Bardiya, A group led by Maoists area incharge Hem Narayan Kafle has beaten up Jhuplal Jaisa, 40 of Belawa VDC-9 on 15 March on charge of joining CPN-UML. Kafle, who sustained blue marks all over his body due to the beating, is undergoing treatment at Kohalpur Medical College.

A team led by Maoist district incharge, Jeevan Thapa has beaten Harka Adhikari, 16, and Dipendra Buda, 14, while on the way from their home towards Chitkaiya on 29 March. Both Adhikari and Buda are affiliated with ANNFSU, sister organisation of CPN (UML). Witness of the incident Ratna Adhikari told that Maoists beat them assuring them of not punishing the people who were chanting slogans against Maoists.

Taplejung, UML village committee member Ram Baral, 50, of

Phungling VDC-2 has been beaten by the YCL and Maoist leaders. YCL village committee coordinator Rudra Thebe, 38, and Maoists' village committee secretary Surendra Palungwa, 35 beat Baral, at his home on 15 March. Injured in Maoists' baton attack, Baral had to be admitted at district hospital for treatment. Locals said he was attacked because of old grudge.

The attackers had also threatened Baral's younger brother Yuvraj on the same day for making the incident public. Yuvraj filed an appeal at DPO asking for protection.

Gorkha, Maoist cadres have beaten up two NC cadres on election campaign on 15 March. A team of about 12 cadres led by Gorkha constituency number 2 NC candidate Chandra Prakash Neupane were in Luintel Bhanjyang of Gaikhur VDC-8 when a group of cadres called and beat up Achyut Neupane, 33, and FSU chairperson of Gorkha Campus Amar Dhital, 29.

Rasuwa, YCL cadres have beaten up Ram Kumar Neupane, a resident of Badhare in Bhorle VDC-7 and member of UML affiliated youth organisation Democratic National Youth Association district committee. He was beaten on 16 March night in Bhorle VDC-8 where he was spending night at his uncle's place. According to Neupane, three YCL cadres led by district chairperson Nahakul called him out of the house then took him to nearby jungle. They ran away after Neupane became unconscious because of the beating. Neupane has sustained injuries in head, back and chest among other parts of the body. The injured was taken to Kathmandu for further treatment. Dr Shailendra Karmacharya, who attended Neupane at Jibjibe Health Centre,

Neupane was referred to better medical facilities in the absence of x-ray facility to verify the suspicion that Neupane's both legs were fractured.

Baitadi, Pro-Maoist cadres have attacked UML candidate for proportional system Puran Singh and his cadres in Lada of Amchaura VDC-3 on 19 March morning. The assaulted cadres include Balbhadra Dayal, Prakash Luhar, Kalabati Lawad, Ramesh Ram Dayal, Saraswati Luhar, Parbati Luhar, Ramiram Luhar, Suresh Dayal and Man Singh Ode.

The victims said Maoists attacked them after picketing the village and they were chanting anti-UML slogans. The injured were taken to sub-health post in Melauli. The health workers attending the injured said the Maoists had badly behaved with the women cadres. They reported that the Maoists had forced three of them to undress and then nettled their private organ. Among the injured, candidate Puran Singh Dayal, his son Balbhadra, ANNFSU-Baitadi's chairperson Prakash Luhar and party cadre Kalawati Rawad were in serious condition.

Dailekh, Maoist cadres have beat up a UML cadre following a row between the cadres of both sides on 22 March. Nirak Bahadur Thapa, the UML cadre was beaten after a dispute erupted in Naulekatuwal VDC at around 8 pm as he had gone there for election campaign. It is said that he sustained face injuries for which he got treated at local primary health centre.

Sindhupalchowk, Two RPP cadres have been injured in YCL attacks on 25 March. Arjun Khadka, 44 and Gopal Shrestha, 45 of Thampalkot VDC-4 were injured by the YCL activists with knives on 25 March.

The victims faced head injuries with seven and five stitches in the heads respectively. The YCL cadres attacked over RPP activists while they were preparing for a program said to be attended by RPP election candidate Pashupati Shamsheer Rana after two days.

Lamjung, Maoists have beaten up three UML cadres at Dhodeni VDC of Lamjung on 26 March evening after they were returning back from their party meeting. Maoists had attacked UML VDC secretary Ramesh Adhikari and Purna Bharati at Saranchowk of Dhodeni VDC-1. After the attack, they abducted and beat up UML activist Ganesh Nepali who was later released at 12 p.m. Adhikari has been seriously injured and is undergoing treatment in Poly Clinic located at Manjyangsera.

Bhojpur, Maoist cadres have beaten an NC cadre in Kulung VDC on 26 March. Ganesh Budhathoki, the secretary of NC Bhojpur-Kathmandu publicity department was beaten by Maoists' area no. 1 secretary Pushpa Chaulagain, police said. He was beaten at School Danda of Kulung VDC.

Chaulagain attacked him after listening to the news of death of Ganga Bhujel in Solukhumbu on 26 March, NC Bhojpur chairperson Kumar Rai said. Budhathoki is being treated at local Kulung sub-health post in the VDC. The VDC is situated at a walking distance of one and a half day.

Dolakha, A group of Maoist activists led by Man Bahadur Sunuwar of Hawa VDC-8 have threatened five civilians on 27 March. The Maoists entered the houses of Jhapad Sunuwar, Bharat Sunuwar, Gopal Singh Sunuwar, Sanjaya Sunuwar and Achyut Bahadur Sunuwar of Hawa VDC-7

for the purpose. The activists threatened them to vote Maoists in constituent assembly election or to face consequences. Gopal Sunuwar was beaten by the Maoists in the same incident on same day.

Jajarkot, A group of YCL activists led by Chandra Bahadur Shahi has assaulted Rita Karki of Rangidanda VDC-5, primary committee president of UML affiliated ANNFSU of Gyanodaya Campus on 29 March. Karki was beaten at Rokayagaun VDC-7 during an election publicity campaign. The victim is undergoing treatment at district hospital.

Dhading, Maoists have beaten up Shiva Shrestha, vice-secretary of Duwankot Village Committee of CPN (UML) on 30 March. Maoists had tied his hands and legs before beating him up inside his home with a metal rod. Man Bahadur Shrestha and Laxmi Shrestha, parents of Shiva, got serious injury from the beating at the same time. All victims were sent to Kathmandu for treatment. At least 4 hundreds cadres of CPN Maoist had encircled the house of victim before attacking them. Maoists have also been threatening the locals on charge of publicizing the electoral campaign of CPN (UML).

1.3 Threat

Ramechhap, Maoists' district in-charge Rajan Dahal has threatened to 'finish' Prakash Karki, a member of UML affiliated ANNFSU for speaking against his party. According to Karki, Rajan threatened him on 12 January in district headquarters Manthali accusing him of voicing against Maoists and terminating the party. Criticising the Maoist leader's action, UML district Kailash Dhungel demanded such actions to be stopped. He accused that the Maoists were yet to adapt to the changes brought after Loktantra.

Maoists have not made comment about the issue.

Five teachers have come down to district headquarters Manthali after the Maoists threats against them regarding a dispute between the students and the principal of Prayageshwar Higher Secondary School on 18 January. The teachers arrived at the district headquarters on 19 January which has led to disruption of studies in the school.

They question, "How can we continue to teach when the Maoists threaten us of 'abducting and breaking our hands and legs'?" Maoists charged them of being involved in the beating of school principal by the students. The teachers had also threatened UML cadres.

INSEC district representative for Ramechhap Nabaraj Pathik has been threatened by the Maoists at public places since 3 March 2007 evening in connection of a news story published on 31 January on

He had also written an editorial in local paper on 1 February on the same topic. Pathik's news on Maoist cadres obstructing the construction contractors to file their bid for tender called by Manthali City Development Committee. He had also written an editorial titled

'Rajnitima *Aparadhikaran Kahilesamma*' (Till when criminalisation in politics will continue) on Nayan weekly, of which he is the chief editor.

According to Pathik, a Maoist cadre Bimal Dhungel of Lakhanpur VDC called him to the party office asking him why he had written the news. Pathik responded by saying if they don't agree with the news, they could refute the news and can also move court and that he was ready to face a court case. On 5 March morning too, Dhungel tried to take Pathik to his party office when he was sitting at a local stationery shop. Dhungel further threatened to "break Pathik's legs unless he produces evidence".

Kalikot, Purna Bahadur Bam, 28 of Ramalakot VDC-5, who was repatriated to his village just months ago, has been displaced to the district headquarters Manma following Maoists threat. He left the village with his family of seven persons on 15 January after local Maoist cadres issued him death threats if he did not provide them a 'donation' of 60 thousand rupees. Purna Bahadur, who was displaced since 2001, had returned to village couple of months ago.

Political Parties Violate Code of Conduct Darchula/ 27 March

All political parties in the district have been violating code of conduct despite their commitment against it as the election nears.

They are miking till 8 in the evening asking for votes. UML, NC and Maoists are distributing hundreds of thousands of vests and caps with their election sign to locals. They are yet to delete the wall paintings of election slogans. Election Officer Birendra Swar said the parties said they complete the removal with next five days.

Krishna BK from Kailali reports that here the political parties are faltering to stick to the limits of code of conduct. Though the wallpaintings have been covered in urban areas, nothing has been done in rural parts. Maoists included children as participants in a rally on 24 March held to protest the claim of weapon import.

Dhading, A UML cadre and three teachers have left the village following the threats of hanging them to death by Maoist.

Accusing them of abducting a Maoist cadre Indra Bahadur Karki, Maoist MP said at a programme on 30 January in Simle of Bhumesthan VDC-6 that his party would hang them to death if the government did not take action within the coming three days. Krishna Prasad Aryal, 52, of Bhumesthan VDC-6 and the principal of Mahakali Higher Secondary School, teachers Top Thakuri, 34, and Narayan Aryal, 38 and UML Bhumesthan Village Committee Secretary Krishna Bahadur Thapa, 39, left the village on 31 January.

Krishna Aryal said that they decided to head for district headquarters fearing they might really be killed. Nepal National Teachers' Association Dhading has issued a statement condemning the threat and asking human rights organisations, civil society and media persons to take steps for protection of their rights to life.

Kaski, Dum Bahadur Gurung, 60, of Pokhara Sub-metropolis-1 has appealed INSEC to initiate efforts for his protection saying that Maoist and YCL cadres threatened him of death. "Maoists threatened to kill me if I did not pay Rs 100,000 to Bhumi Nisha Miya of Putali Bazaar Municipality, Syangja after she filed a complaint at Maoists People's Court regarding a financial matter", Gurung told INSEC representative on 12 February. The victim has filed a written appeal at INSEC and asked to help him get justice. He informed that the matter was already settled with Miya's husband Din Mohammad. He complained that no steps were taken for his security though he had already informed

District Administration Office (DAO) and District Police Office (DPO) about the incident. Gurung informed that Maoists had not returned his mini truck which they captured three months ago.

Maoists have threatened to take action against a school teacher on 26 February on charge of spying against them. Buddhi Bahadur Mijar, 26, of Ghachok VDC-6 and teacher at Meghraj Lower Secondary School was threatened by Lamsal, the village in-charge in the direction of Maoists' area number 14 in-charge Jagan Tiwari.

Speaking a village programme, lamsal said the spying act by Mijar had been proved adding Mijar was in the party list of persons with whom action to be taken. Following the threats from the Maoists, Mijar called INSEC district representative requesting for steps for his security. "I am under threat. I don't know what they would do to and when?" Mijar added.

Banke, Maoist acts of intimidation and forceful inclusion of locals in their publicity campaign are on rise in their place of origin- Mid Western Region- as the date of CA election approaches. The YCL cadres have issues death threats two NC cadres. A group led by YCL leader Khagendra Sarki threatened to kill Bhakta Bahadur Sarki and Rudra Bahadur BK of Sanoshree VDC-3 if the Maoists lost the election.

On 13 March, YCL cadres had gone to the houses of the victims, both of them affiliated with NC youth committee. Similarly in Rukum, the Maoists are threatening the NC cadres against supporting the NC in CA election. The local cadres of Magma, Athabiskot, Dandagaon, Gotamkot and Syalakhari VDCs are the ones being threatened.

After his visit to the area, NC leader Harka Singh Gharti said the Maoists are telling the cadres that 'if they continue to support NC, the result would not be good'.

Kalikot, Purna Bahadur Bam, 29, of Thirpu VDC-5 has been displaced with his family on 17 March. Bam family was displaced after the Maoists threatened to kill him unless he pays them Rs 60,000 as donation.

A letter to Bam signed by Maoists' area number 4 secretary Kalyan accused him of removing the Maoists-built gates and resting places by the roadside. The letter threatened of physical action if he did not pay the amount and rebuild the gates and resting places within 15 days. Bam had reclaimed his land that the Maoists had used to build the structures. Following the intimidation, the family of five have arrived in the district headquarters for security. Bam has filed an appeal for steps for protection at District Administration Office and INSEC district representative.

Tanahun, Nepali Congress cadre Narayan Khadka, 34 of Bandipur VDC-2, Parche has been displaced to district headquarters Damauli following threats from Maoists. Issuing a press statement at Damauli on 18 March, Khadka stated that Maoist cadre had attacked him with Khukuri on 10 March regarding repair of sewage in the village and had saved his life by reaching Damouli through the jungle. 'My parents have informed that the Maoists have threatened to beat me and bar me from campaigning in the CA polls,' Khadka said.

Khadka has appealed human rights activists, media persons and representatives of civil society to take steps for his return and create con-

ducive environment for him to campaign for the upcoming polls. Maoist's district member Atindra Keshari Neupane expressed ignorance on the incident.

Sindhupalchowk, Dinesh Thapa, editor of Sindhuprawaha weekly and Purna Prasad Shrestha, a journalist associated with the same weekly have been threatened by Maoist district committee member Madhav Sapkota alias Subodh on 25 March. The Maoists accused them of publishing news and photographs against the Maoists. Subodh threatened journalists in telephone asking them to be ready for any consequence.

Earlier, the journalists published news in Sindhuprawaha weekly on 24 March with photographs of nine people killed by Maoists during war period. The journalists were threatened for life while accusing the journalists of violating election code of conduct by publishing the photographs. 'We are mentally terrorized and feel insecure due to threats,' said the victims.

Maoists have threatened for life to Nepali Congress activist Baldev Tamang, 26, of Phulpingkot VDC-8 on 25 March at night and 26 March at early morning asking him to leave congress and vote them. According to victim, the Maoists have threatened him on charge of being Nepali Congress activist and actively involving in election publicity campaigns in the village for the same party. The Maoists have threatened him twice from cell number 9803446737 to quit Nepali congress party. After feeling insecure in the village, Tamang went to Kathmandu on 26 March.

Dang, Maoist activists including Bhakta Chaudhary have threatened for life to Yogendra Chaudhary, 30,

an election candidate for constituency no. 1 from Lokatantrik Rastriya Manch on 24 March. He was threatened during an election publicity campaign in Madhewa of Gobardiha VDC-4.

Issuing an appeal on 30 March, Yogendra requested INSEC to initiate for his life security. Earlier, the Maoist activists Tilak Gharti and Resham Chaudhary threatened for life Lal Bahadur Nepali, 45, of Bhaishpathara of Dharna VDC-7 on 21 March on charge of distributing election pamphlets of National People's Front.

Parbat, Maoist cadres have threatened to kill Toyannath Bhusal for speaking on the Maoists' violation of CA election code of conduct. He had told the election commission office and media persons about the pressure by Maoists to NC Pakhapani village unit chairperson Dev Bahadur Bhandari to quit the party.

1.4 Seizing of Property/Forced Donation

Sangkhwasabha, Maoists have started collecting 'donation' from the vehicles at Katle Bhangyang of Khandbari Municipality-13 from 28 January. The Maoists are taking 10 rupees per vehicle plying on Khandbari-Tumlingtar road "to support the welfare fund of Transport Workers' Union". A total of 45 vehicles ply on the road each day.

The Maoists have been collecting 50 paise per kilo of cardamom being exported out the district. When contacted, Maoists' district committee secretary Rajendra expressed ignorance about the collection.

The YCL cadres have captured the house of Bhuwan Singh Gurung of Guwabari Khandbari Municipality-3. Purna Gurung, Bhuwan's wife said the house was captured on 2

February after they failed to pay Rs 10 m demanded by YCL cadres. She added the cadres had forced out her four grandchildren before hoisting the flag and hanging their banner.

Purna added the YCL had also captured their 80 muri of paddy. She had been living with her husband in Kathmandu since last year after she needed regular medical assistance for her leg. When contacted, the Maoists' secretary Nabin said they had the approval of house owner to house the YCL cadres. He accused the media persons of making public an act carried out with the agreement of concerned persons. But, Purna says the Maoists also captured hay along with paddy. She added her granddaughters Ganga and Goma preparing for SLC exams were affected because of the YCL move.

Bhojpur, Megh Bahadur Bhandari of Nepaledanda VDC-7 has been displaced to district headquarters on 2 February after the Maoists demanded money from him. A letter signed by Maoists' area number 2 secretary Samul asks Bhandari to pay Rs 50,000 for institutionalisation of democracy.

Maoists had earlier captured his land and house on 10 August 2004, displacing him to Kathmandu. Bhandari, who had just returned home, is again displaced after the Maoists demanded money from him. 'Since the Maoists demanded money beyond my capacity, I had no choice than to leave home,' Bhandari said. He informed that the Maoists had also destroyed his house which they had captured.

Bardiya, Maoists have not yet returned the property of Damandhoj Chand, 76, of Rajapur VDC-2. Chand returned home on January 2008, after the 23-point agreement

was signed by the government and the Maoists on 23 December.

According to Chand, he left the village for Kathmandu in 2000 after threats from Maoists. His 30 bighas of land is being used by the Maoists since then. Chand and other IDPs like him have not got back their properties because the Maoists insist on holding them until 'a scientific land reform system' is adopted.

Chitwan, A group of seven Maoist cadres have seized their Party flag and Constituent Assembly materials from the village party office of UML in Hattibang of Kaule VDC on 21 March 2008. They stated that their district leadership had ordered them to do so.

Regarding the incident, Maoists district in-charge, Pathik told INSEC district representative that an order has already been issued to return the seized materials. "After four hours of the incident, the materials have been returned by the Maoists in the initiation of district level leadership of CPN (UML) and District Police Office", says Jayalal Shrestha, an area level UML activist. The incident occurred after just an hour of an agreement between CPN (UML) and CPN (M) for not attacking each other. In another report, YCL cadres have allegedly beaten up a UML cadre on 21 March.

1.5 Obstruction

Chitwan, Maoists have obstructed the election programme organized by the RPP at Sisaubas of Divyanagar VDC-3 on 12 March. The party said the programme was delayed by two hours when they threatened the villagers against attending the programme organized by RPP candidate Bikram Pandey. Meanwhile, the Maoists also abducted Shiva Narayan Chaudhary and

Bikram Chaudhary of Divyanagar VDC-2 on charge of helping to organize the programme. They were released after few hours at 5 pm from Dhruba of Jagatpur VDC.

Gorkha, Maoists affiliated YCL cadres have stopped RPP candidate Indra Bahadur Gurung for constituency number 3 to hold publicity programme on 10 March. The YCL cadres had picketed the house of RPP cadre Ashok Gurung in Bhirsing of Kerabari VDC-9 where the candidate was staying for the night.

Maoist cadres have obstructed an RPP team of Rudra Raj Pandey, a candidate for constituency no. 1 during their electoral campaign on 26 March. RPP team headed for the campaign in the jeep with number plate Ga 1 Cha 3173. But they were returned from the way stating that monarchists are not allowed to campaign for elections.

The Maoists activists have obstructed Nepali Congress election candidate of constituency no. 1 Chirinjibi Wagle to participate in a pre-scheduled election program at Batase of Ghairung VDC on 28 March. Wagle was forced to return by the Maoist activists from Khagidanda of the same VDC. Around one hundred Maoist activists who came wielding khukuris in their hands waved black flag and chanted slogans against Wagle.

Chiranjibi Wagle, a candidate of Nepali Congress (NC) of constituency no. 1 of Gorkha district has been obstructed by Maoist as he was heading for Batase Khagi Danda of Ghairung VDC. An election program was scheduled for 28 March afternoon. At least 100 Maoist cadres armed with sharp weapons including khukuri waved black flags to

Wagle and stopped him at the Khagidanda by chanting slogans against him. Wagle returned to the district headquarters from the middle point of his journey instead of his participation to the program.

Jajarkot, Maoists have barred RPP-Nepal candidate contesting CA election from Jajarkot constituency number 3 on 17 March. Shah, who was in Paik of Paik VDC-5 for the publicity was turned back after black painting his face accusing him of being pro-monarchist.

Following the incident, Shah is staying at Area Police Office Paik for seeking security. Likewise, the Maoists have stopped UML team from conducting election programme in Daha VDC of the same district on 17 March. According to UML district under-secretary Karbir Shahi who was leading the UML team, a group of Maoists led by Amar Budha had stopped them for 'entering their base area without Maoist permission'.

Rasuwa, Maoists have barred the UML cadres from entering the VDC of Thulogaon on 18 March where UML had scheduled a programme. In similar incident, the YCL cadres surrounded a programme being organised by the UML in Dandagaon VDC on 18 March evening. Madhav Prasad Aryal, the UML candidate told INSEC district representative over telephone that the YCL cadres were surrounding the Dandagaon police station where he and his cadres had taken refuge. When contacted, the CDO said a police team was sent in the VDC for the security of UML cadres.

Ramechhap, Kailash Dhungel of Pakarbas VDC-6 and Ramechhap Constituency number-2 UML candidate has been threatened by the

Maoist activists for entering Doramba VDC on 19 March. The cadres were miking from the hilltop as Kandel was heading with his team for the bazaar at around 11 am.

The team headed for the destination ignoring the warning, Dungal informed over telephone from Dahalpatal of Doramba VDC-9 about the incident. Similarly, the Maoists have turned back NC district treasurer Krishna Bahadur Mahat among leaders and cadres from Dhobi Bazaar of Bijulikot VDC on 18 March saying the NC cadres had entered their base area. A member of the team said that when the leaders called for a dialogue, the Maoists cadres said they could not allow the team even if Prachanda tells them to do so. Maoists have reiterated their declaration of barring any UML or NC candidates from entering the villages in a meeting.

Maoists have obstructed NC candidate team from campaign on 24 March afternoon. Ramhari Dungal, contesting from constituency no. 2 was stopped in Gunsu VDC by the Maoists. They surrounded the house of local Bharat Chaulagain, where the NC election publicity team was staying and demanded they leave the VDC immediately. NC cadres added the Maoists were chanting pro-Maoists slogan as they were picketing the house.

The Maoist activists have thwarted UML election publicity meeting at Chyaskubhanjyang of Okhrene VDC on 28 March.

The venue was surrounded by Maoist activists before UML election publicity team reached there. UML office secretary Dhruba Karki informed that UML could not organize its scheduled program due to obstruction created by the Maoists.

Maoists have obstructed the police team which had gone to arrest the Maoist cadres accused of assaulting UML candidate and other cadres in Amchaura VDC. Police had gone to the area to bring Bir Ram Ode, Bir Ram Damain and Ram Damain, accused of attacking UML candidate for constituency number 2 Puran Singh Dayal and other cadres on 19 March to Melauli Area Police Office.

But they were held at Matthalek of Shivrath VDC from 6 pm on 20 March to 1 am on 21 March, police source of election security base camp Melauli told. The source said the Maoists gathered the villagers and chanted slogans against them. The crowd dispersed when the police fired 10 rounds of bullet in the air.

Area Police Office Melauli said the arrested Maoist cadres were sent to District Police Office. The victims are facing treatment problems as Amchaura VDC, over 30 kilometres away from road and could not be transported on stretcher because of the difficult terrain. UML has claimed in a statement on 20 March that Maoists' area in-charge Ishwari Bhatta alias Rajiv had led the attackers while Maoists issued a statement on the same day denying the accusation.

Kaski, YCL cadres have pelted stones targeting the stage of RPP Nepal as its chairperson Kamal Thapa was addressing the public in Pokhara on 24 March afternoon. RPP Nepal Bhuddhi Bahadur Thapa, 53, of Pokhara sub-metropolis-9 was injured after being hit in the face.

The YCL cadres had chanted slogans like down with the monarchists. The YCL attack forced the RPP leaders and cadres to run for cover. More untoward event was averted because of timely intervention by the civil

and APF policemen. Inspector Baburam Pokharel informed that the YCL cadres began the attack when RPP chairperson began criticising seven parties, mainly the Maoists. Meanwhile, RPP Nepal's constituency no. 3 candidate Hari Prasad Adhikari accused the Maoists of trying to disrupt election.

Rukum, Maoists have obstructed the election team of NC candidate of the constituency no. 1 Krishna Man Roka on 27 March. About 50 Maoist cadres had surrounded the house where they were staying for the night in Sera of Taksera VDC and started chanting slogans against them. The policemen from Taksera Area Police Office rescued the team including Roka and kept them at the office, DSP Siddhi Bikram Shah said.

The NC team returned to Kol VDC suspending their scheduled programme on 28 March after the incident. NC Rukum issued a statement condemning the incident. The statement called on the Maoists not to repeat such acts.

Meanwhile, two pistols and 35 rounds of bullets looted by Maoists from the security persons of constituency no. 1 UML candidate Devi Oli on 25 March were handed back to District Police Office by a Maoist team led by district in-charge Purna Gharti on 28 March.

Surkhet, Maoists have been obstructing the program of UML and NC in Mainatada VDC. At least an electoral program each of UML and NC could not be conducted because of the restriction by the Maoists accusing the parties giving away money to the voters of Mainatada VDC-2.

Locals report that almost all dalits voters were deprived of the electoral awareness programme for forth-

coming CA election at ward no. 2 where around 1,000 locals live. It is said that the local committee members of NC have already resigned from the party and any electoral campaigns could not be conducted freely in other wards of the VDC as well due to the threats from Maoists. YCL activists have been obstructing political activists and locals in Gumi VDC to move from one place to another since the last few days. The locals in Gumi VDC say they are now feeling insecure due to YCL's demand 'to vote Maoists otherwise be ready for any consequences'.

They informed that YCL obstructed NC constituency no. 1 candidate Lal Bahadur Ghale and UML's proportional candidate Hasta Bahadur Pun to move after 8:00 pm in their respective VDC's. "It has become very difficult for patients to get treatment and locals to go out for essential business due to YCL's impediment in right to movement," said a local tenant. Earlier, YCL activists had threatened UML VDC secretary Bhimraj Sharma on 11 March on charge of going against Maoist party policy.

Bardiya, Bamdev Gautam, a central committee member of CPN-UML and candidate of Constituent Assembly for constituency no. 1, has faced hinderance for nearly 30 minutes from holding a corner meeting on 29 March. Maoist cadress led by Tek Bahadur Khadka stopped Gautam in Guptipur of Manau VDC, on 30 March 2008 as he was heading to the village along with locals during an electrol campaign. Maoist threatened Gautam by abusing when he tried to address the public assembly after observing the Karnali river damside.

1.6 Attack

Ramechhap, Dev Shankar Poudel of Saipu VDC-3, Ramechhap and UML

candidate of Ramechhap constituency number 3 has been undergoing treatment at Teaching Hospital in Kathmandu. Poudel and other three UML cadres were airlifted to Kathmandu on 13 March from Ramechhap, a day after getting injured in Maoist attack in Chyadalu in Preeti VDC of the district. Other injured being treated at the same hospital include UML district committee secretariat member Chitra Bahadur Karki of Kumbhu VDC-9, UML cadre Sahadev Basnet, 21, of Rasnalu VDC-2 and Raju Karki, 21, of Sunarpani VDC-3. Poudel told INSEC district representative that the Maoists attack all of a sudden as they were returning frn Chyadalu alleging them of being agents of the king.

Another injured Raju Karki said the Maoists had threw them from the cliff but they survived after being stuck in thornebush. "They intended to kill us all", Karki said. Poudel has sustained injuries in eye and abdomen while Chitra Bahadur adn Raju Karki have head injuries. Sahadev Basent also has abdomen injuries. A total of nineteen leaders and cadres were injured in the attack. Besides the four airlifted to Kathmandu, UML district committee member Shanti Prasad Poudel has also sustained serious injuries but could not be airlifted due to lack of space in helicopter. He added a Maoist cadre Nisan, a local of Saipu VDC had led the attackers.

Dhading, UML Tarsarpu village committee joint secretary Rajendra Aryal, cadres Ghalal Syangtan and Krishna Prasad Aryal and Gajuri VDC's Purushottam Pandey have been injured in the attack by YCL on 15 March.

Among the injured Purushottam and Rajendra were taken to Kathmandu for treatment while oth-

ers received treatment at local health centre. One injured told INSEC district representative that a group of about 35 YCL cadres boxed them and beat them with sticks. Following the incident, UML has postponed its cadres meeting in the district. Earlier, a group of Maoist cadres intimidated a local Tejraj Wasti of Thakre for not providing them with a meal.

Over 20 UML cadres have been injured in attacks in three VDCs by the YCL cadres on 20 March. More than 12 cadres were injured when YCL attacked an election programme in Baireni VDC-4 at around 2 pm. The injured included former VDC chairperson Krishna Hari Shrestha, UML village secretary Arjun Rimal, and cadres Ram Sharan Adhikari, Nawaraj Rimal, Sadhuram Khatiwada, Gangadutta Adhikari and Badri Prasad Khatiwada among others.

In similar attack in Dol Bhanjyang of Pida VDC-4, UML district committee members Pramod Rupakheti and Binod Rupakheti were injured. In yet another incident, five UML cadres were injured in an attack by armed YCL cadres at a team in Salle of Bhumesthan VDC-4 at around 4.30 pm. The injured included Krishna Thapa, Shiva Rijal and Rishiraj Regmi. YCL cadres had attacked them with khukuri and spears.

Two UML cadres have sustained injuries in an attack by the YCL cadres on 25 March. Lilanath Rupakheti, former chairperson of Jivanpur VDC ward number 3 and cadre Kedra Prasad Khadka were attacked when they were returning home from an election programme at 3.30 pm. The YCL cadres also vandalized three motorcycles belonging to UML cadres and smashed glass of a police vehicle. Likewise, the

Maoist activists attacked an election mass meeting of CPN (UML) organized at Chandibhanjyang of Jeevanpur VDC-7 in the same day. About 500 Maoists and YCL activists who claimed to be the families of missing people attacked the election mass meeting program of CPN (UML).

Dipak Lamichane, Maoist district secretariat member and Tika Kandel, president of the society of missing persons were jointly leading the activists. The Maoist activists, who came from Kathmandu in six reserved buses, intervened the UML's program by throwing stones and attacking with *lathis* around 3:30 pm. The UML suspended its programme after continuous attack by the Maoist activists. UML's central committee member and candidate for constituency no. 3 Rajendra Prasad Pandey, UML's proportional candidate Pusha Kandel and UML activists including Minraj Kandel, Bhumi Tripathi, Shivaraj Kandel, Netraraj Poudel, Shanker Tamang, Dhruva BK, Ramesh Acharya and Nirmala Adhikary were escorted by police to Kathmandu as the attack continued.

A group of national election observers went to Jeevanpur on 25 March around 1:00 pm as it got information about some new faces arriving at the incident site with the motive to thwart program. The team observed some three hundred people with YCL track suit and two hundred other people having lunch in queue. The cadres informed that they are Maoists activists and deputed according to party order. The team also noticed two tourist buses and three rented vehicles. The Maoist activists chanting slogans against UML and carrying placards of disappeared people, banner, wooden sticks and iron rods tried to enter the UML program venue. In

spite of the police announcement not to intervene the program and to go away, they chanted slogans against the UML and continued their demand to enter the program venue. The Maoists sitting above the program venue continued throwing stones at program. A police van was smashed and three motorcycles were destroyed by the cadres. Police fired two rounds of bullets in the air and two shells of teargas to bring situation into control.

UML activists Lilanath Rupakheti and Kedarnath Regmi were injured by the Maoist activists in the same incident while returning to home from the program. Some others were also threatened for attack at their home later. The Maoist activists are openly involved in violating election codes of conduct in the recent days by terrorizing voters, thwarting election campaigns of other political parties, disturbing political rallies, attacking with weapons and threatening for physical attack to candidates and activists.

Dhading, NC cadres have been seriously injured after over a dozen of YCL cadres attacked them with homemade weapons at 3 am on 27 March. NC Regional President

Bhakta Lama, Junshahi Ghale, Yog Bahadur Tamang, Lal Bahadur Gurung, Jas Thapa Tamang and Kale Tamang were among others injured during the attack. The condition of Usha Lama and Dolma Lama is unknown. The detail of the incident is to come yet.

Siraha, YCL cadres have attacked former minister of state and UML candidate for Siraha constituency number 5 Dhrama Nath Prasad Sah and UML cadre Pashupati Nath Jha on 19 March. The team was beaten up by the YCL cadres led by Moti Chamar as it reached bazaar of Karjanha VDC-4 at around 10.30 am, former state minister Sah said. Sah has sustained minor injuries while Jha has serious head injuries, Area Police Office Mirchaiya informed adding the YCL cadres had also damaged Sah's vehicle with the number plate Ba 2 Cha 2931.

Makawanpur, Maoists have seriously injured the NC cadres who were in the eastern parts of the district for election publicity campaign. The attack by the Maoists near Hattisude of Chhatiwani VDC on 19 March has left at least six NC cadres including Mahendra Raut and Binod Ghimire injured.

CA Candidacy Nomination Day One Shot Dead, Scores Injured in Clashes Kathmandu/ 25 February

One person has been shot dead and scores of others were injured as the cadres of Samyukta Loktantrik Madhesi Morcha (SLMM) tried to obstruct the nomination of candidacy for the CA elections on 25 February. Another 11 persons were injured in clash between UML and Maoists in Sindupalchok.

One civilian has been shot dead by the police in a clash ensued during the nomination of candidacy for first past the post election of the CA in Rajbiraj of Saptari district.

The deceased has been identified as Gulen Das of Biraul in Dighawa VDC-2 who was shot dead in front of the Mini Market in Rajbiraj Municipality-3.

Police fired dozens of rounds of teargas and rubber bullets as the situation got tense following the death.

All were brought to Hetaunda Hospital for treatment soon after the incident. NC stated that its candidate Indra Baniya was attacked by the Maoists as he was coming back to Hetaunda from Raigaon. A dispute had erupted in the afternoon when the Maoists tore the NC flag in the district.

NC Makawanpur chairperson Michael Ram Chandra Aryal said the Maoists had also pelted stones at the candidate's vehicle and snatched the motorcycles. However, the Maoist district in-charge Atal claimed his cadres had not attacked the NC cadres but only retaliated.

Kaski, Over 12 UML cadres have been injured in Maoist attack in Parroha VDC on 20 March. The injured included Khushiram Chaudhary, a teacher at local Parameshwar Primary School, UML district committee member Ram Prasad Bhattarai, village committee joint-secretary Parshuram Sapkota, Parroha VDC-6's Rudra Prasad Bhattarai, Balu Thapa of Motipur VDC-3, Asmin Rana, Krishna Rana and Yubraj Thapa of Motipur VDC-1, Amit Gurung, Dil Bahadur Gurung and Suman Lama of Butwal Municipality-13 and Motipur VDC-2's Thaman Thapa.

Most of the injured have sustained injuries in the head, chest, face, hands and legs. Some of the injured were treated at Bhairahawa Medical College while others were taken to Lumbini Zonal Hospital of Butwal. UML said the Maoist militias had used khukuris, spears, baton and rods. The scuffle began when the local Maoist leader Rishiram Chaudhary leading a group of nine YCL leaders threatened them for entering 'the Maoist area'. They were also opposing the arrival of Ramananda Yadav of Parroha VDC

whom the Maoists announced expulsion from the village.

The militias of combat dress headed from Sainamaina Camp under Maoists' fourth division had attacked the UML cadres when the representatives of local security authority, UML and police were holding dialogue on the issue.

Maoist youth wing YCL has disrupted the programme of Rastriya Prajantanta Party Nepal (RPP-N) in Birauta of Pokhara sub-metropolis-17 on 28 March. Around 12/15 cadres of YCL pelted stones at Jayalal Pun, the candidate for constituency no. 3 of RPP-N after speaking the election program in Birauta. The RPP-N had organized the election assembly after the completing the door to door program at ward no 7 and 17. Nobody was injured in the YCL attack. Pun sustained minor injuries in the attack. Cadres of YCL also destroyed three vehicles including a private car with the number plates Ga 1 Ja 2116, Ga 1 Ja 2240 and Ga 1 Cha 2905 at the same time. According to the locals, the YCL cadres ran away from the spot after attacking at the programme.

Sindhupalchowk, Maoist cadres have attacked Indra Bahadur Thakuri, 45, of Bhotsipa VDC-8 and constituency no. 2 candidate for Muskan Party Nepal on 20 March. A group of about 200 Maoists including Bir Bahadur Tamang beat up the team and set alight the publicity materials picking it up from the vehicle. Organizing a press conference in the district headquarters on 21 March, Thakuri informed that the Maoists also looted 55,000 rupees in cash, one mobile phone set, and citizenship certificate and telephone diary in Bhimtar VDC-2. He added, earlier the Maoists had attacked him in Pokhara VDC-8 obstructing his

programme. Thakuri has filed a complaint at the DPO, Sindhupalchok asking for action against the involved Maoists.

Rolpa, Maoist cadres have attacked a group of 11 NC cadres including NC candidate for constituency no. 1 Madhav Acharya on 23 March. Acharya was having meal with his cadres in Bhalbang of Phagam VDC-8 around 10 am when a group of Maoists arrived there chanting pro-Maoist slogans and attacked them. Following the attack, NC's student wing Nepal Students' Union leader Manoj Mani Acharya, NC's Iman Singh Giri, Nandu Giri, Sher Bahadur Thapa and Indra Bahadur Rana are out of contact. It is said that five of the team including candidate Acharya are arriving in Rolpa's commercial centre Sulichaur.

Nawalparasi, YCL cadres have thrashed RPP Nepal candidate Rudra Bahadur Singh in Sunwal VDC-1 on 23 March. Singh, a native of Ramgram Municipality-3 is contesting CA election from constituency no. 4. According to Singh, a group about 12 YCL cadres had accused him of being monarchist. He sustained injuries in head, hands and legs for which he was taken to district hospital Parasi. He is currently being treated at Medical College Teaching Hospital in Bhairahawa.

Jhapa, Maoist affiliated YCL cadres have attacked a UML election team comprising of KP Oli on 24 March afternoon. Oli sustained minor injuries in the attack. The incident occurred when the vehicle UML team was using hit a motorcycle in the rally organised by the Maoists. YCL cadres attacked the vehicle when the situation got heated. They also vandalised two vehicles boarded by UML cadres. Maoists said two per-

sons on the motorcycle were hurt in the collision.

Bajura, A group of UML election team which included three candidates has been attacked by the Maoists in Baunpani of Gotri VDC-7 on 22 March. UML proportional candidate Basundhara Rokaya sustained leg injuries in the incident as they ran to avoid stones pelted by the Maoists. A team of policemen left for the site from district headquarters Martadi on 23 March. As the location is very remote, the police managed to reach there this morning. DSP Durga Lal Chaudhary said additional force were assigned for the team as it had three candidates.

Achham, Ram Bahadur Bishta, the NC candidate of direct system from constituency no. 2 has been injured in Maoist attack on 26 March morning. The Maoist cadres pelted stones at him and his cadres as they were having meal near a school in Layati VDC. Two cadres have sustained injuries in the hand. The Maoists were carrying their party flags and it is said that they also waved black flag at the NC leaders and cadres.

Dadeldhura, Five UML cadres have been injured in an attack by the YCL cadres in Gaibade of Jogbuda VDC-6 on 28 March evening. UML claimed that the cadres were attacked as they were on their way to attend an election address being organised at Lal Dunga bazaar of Jogbuda. The injured cadres included UML village committee secretary Bahadur Singh Mahata and Bhaktaraj Awasthi among others. They are being treated at Primary Health Centre, Jogbuda. UML claimed that the Maoists had stopped the locals from coming to the programme.

Tanahun, At least 16 people have been injured in Bandipur VDC-3 in a

clash between Nepali Congress and Maoists on 31 March. It is said that more than 100 Maoist cadres attacked at the electoral programme of NC when Govinda Raj Joshi, a central committee member of NC as well as candidate for constituency no.1 was addressing the assembly. Raj Kumar BK, a cadre of Maoists was shot by police. Similarly, Binod Sen, bodyguard of Joshi and other six NC cadres were also injured in Clash.

Dolakha, Four persons have been injured when the YCL cadres pelted

stones at the stage of an election programme in Chyama VDC-4 on 26 March. About 200 cadres including local Maoist cadres Ganga Prasad Sharma, Kulbindra Phunyal and Santosh Phunyal wield batons and stones as Pashupani Chaulagain, the UML candidate for Dolakha constituency no.1 was addressing the meeting at 12.30 pm. Kagendra Sunuwar of Hawa VDC was among the injured.

1.7 Looting

Ramechhap, Maoists have looted UML election campaign team's pub-

Explosion outside SPA Assembly Venue in Birgunj, 30 including CDO Injured Kathmandu/30 January

More than 30 people including Parsa District Officer Bhola Prasad Siwakoti were injured when a bomb went off outside the Narayani Stadium in Birgunj where a political rally of seven party alliance was taking place on 30 January.

It is reported that the blast occurred in a parking lot outside the stadium at around 4 pm. Many people were listening to the SPA leaders address even in the parking lot as the assembly venue was packed with their supporters.

The injured are undergoing treatment at the Narayani sub-regional hospital and Advanced Medicare Nursing Home while two critically injured persons are reported to be airlifted to the capital. A hospital source informed that CDO Siwakoti was hit by a splinter on his left eye.

Meanwhile, INSEC has issued a press release on 30 January condemning the blasts. The press statement undersigned by INSEC chairperson Subodh Raj Pyakurel has urged various agitating groups for talks to resolve the political disputes. "Recalling past instances of disputes being resolved by renouncing violence, we call on the agitating groups to resolve the political disputes through talks without inflicting victimizing innocent civilians," the statement said. "This inhuman act has made the peace-loving citizens to point fingers over the political motive of the group involved in the blasts on a day when a leader of Terai-Madhes Loktantrik Party (TMDP) applauded the Prime Minister's assurance of fulfilling all demands of agitating groups in Tarai a day earlier," the statement further said.

INSEC has also urged the government to solve the problems of tarai by creating conducive environment for talks. "We strongly demand that the government provide treatment to the victims and bring the perpetrators to justice."

UNMIN chief Ian Martin also condemned the blasts in Birgunj issuing a press statement on 30 January. "I condemn in the strongest terms the bomb attack during a political rally held to promote the Constituent Assembly election in Birgunj today, as well as bombings and threats related to other recent rallies," he said. Expressing hope that people responsible for the blasts will be identified and brought to justice, he stressed for peaceful means to resolve the political differences.

licity materials after attacking it in Lakuridanda of Khimti VDC-7 on 21 March. A team of UML cadres including election publicity committee coordinator Shanti Prasad Poudel were heading for Dhobi Bazaar for 22 March programme when the Maoists led by Dev Narayan Shrestha sitting at the top of the hill threw stones. They took away the tools including mike at around 3.30 pm.

Earlier, the Maoists obstructed NC election publicity team heading back to district headquarters Manthali from Tilpung VDC. A team of NC candidate for constituency number 1 Angdawa Sherpa came under attack in Katahare of Tilpung VDC. The Nepali Congress district office said no cadre was hurt in the incident.

Maoist cadres have looted the musical instruments of a cultural team of Jana Morcha Nepal (JMN) from Keurini of Khimti VDC-8 on 23 March afternoon. JMN's district chairperson Ram Kumar Lama said the instruments were looted as the

team heading for Dhobi Bazaar of Khimti was having an interaction at Keurini.

The cultural team was going to Dhobi Bazaar to perform at a party election programme. The attack has come after they made written commitment that there would be no more attack on any political party on 20 March. Even on 21 March, they did disrupt the election programmes of UML in both constituencies.

Sangkhuwasabha, Maoists have looted publicity materials of RPP from the house of party central member Kedarnath Rai in Tamku VDC-2 on 25 March. The later torched all the materials. RPP secretary Hari Karki said a group of 23 Maoists had destroyed the materials that were to be use in the VDCs of Bala, Sisuwa, Tamku, Matewa and Yafu.

Maoists also told Rai not to leave the house. RPP source said Maoists had warned against getting involved in publicity campaign for the party.

The VDCs of constituency-1, lying in remote parts of the district, are not connected with telecommunication.

Reports say that the Maoists are continuously destroying the election materials of other parties. Talking in a meeting on Khadbari on 26 March, Maoist district committee member Chetana Sharma said the party had no such policy and said the action would be taken against any cadre involved in such incident.

Sindhupalchok, Maoists have looted the publicity materials from a UML election publicity team in Manka VDC-7 on 28 March afternoon. According to UML regional secretary of constituency no. 1 Kamal Nepal informed that the Maoists had snatched away mike and other election materials. Nepal added Maoist cadre Dambar Bahadur Tamang had led the group of about seven Maoists.

Banke, Maoist cadres have looted paddy and mustard seeds from the house of one Krishnaraj Panta of Binauna VDC-7 on 7 January. According to the victim, 10-12 Maoist cadres led by Bir Bhimsen had looted around 55 quintals of paddy and mustard seeds from his house. He added that the Maoists had brought a tractor in order to take away the crops. "When I reminded them about their leaders' commitments of refraining from extortion and looting, they said that their leaders' commitments do not matter here," the victim said.

2. By State

2.1 Killing

Siraha, One person was killed and five others injured when cadres of the agitating Samyukta Loktantrik Madhesi Morcha (SLMM) clashed with police in Bishnupur Pra Ra



Children used in election campaign by Nepali Congress in Tanahum

VDC chok in the Sirah-Choharwa section on 19 February afternoon. Rajesh Thakur of Bishanpur-4, who was hurt in police firing, died in Koshi barrage area while he was being taken to hospital. Suresh Mahato of Arnama Pra Pi VDC-2, Santosh Yadav and Ranjit Yadav of Rajpur VDC-4, Dev Narayan Yadav and Suvash Yadav of Bishnupur Pra Ra VDC-4 were injured when police opened fire on the agitators.

Nawalparasi, One cadre of Samyukta Loktantrik Madhesi Morcha has died in police firing in Nawalparasi on 26 February. Jagadish Paswan, 22, of Ramgram Municipality-9 was killed in a clash with the police after the protestors set alight the house of former Home Minister for State Devendra Raj Kandel in Maheshpur of Rampurwa VDC-7. Over 200 SLMM cadres had torched the house in the afternoon.

Sunsari, Mohammad Indris Miyan, 32, of Duhabi VDC-9 has been died in police firing at 8 am on 27 February. Also known as Biskut, Miyan had gone to buy milk when the curfew as in place, his aunt Sahida Khatun said. Following the death, the locals clashed with the police protesting the incident. Doma Miyan, 24, Musuwa Miyan, 38, Budh Narayan Paswan, Umesh Sah, Lal Kumar Rauniyar and Sagira Khatun of Duhabi VDC-7 were the injured ones.

Saptari, Two cadres of Jwala Singh faction of Jantantrik Tarai Mukti Morcha (JTMM-J) have been killed in a clash with the police patrol team in Belhichapena VDC-9 on 7 February. A joint team of APF and Nepal Police headed from Rajbiraj, exchanged fire in Pipra around 10 pm. Chandeshwar Sada alias Sher Singh and Raj Kumar Mandal alias Ranjit were shot dead in the incident. Sada was the area no. 4 in

Serial Blasts near NC Rally Venue Injure Five Saptari/3 February

Five persons were injured during the series of explosions that occurred in Rajbiraj, where Nepali Congress was organizing its mass assembly on 3 February.

10 explosions occurred after gaps of 10 minutes near Raj Stadium, where NC leader and former Prime Minister Sher Bahadur Deuba was attending the assembly. Pramod Mahato, Tetar Yadav and Kishun Dev Yadav were injured in the explosions. Two policemen who were also injured in the incident are yet to be identified. They have sustained shrapnel injuries. They are undergoing treatment at Sagarmatha Zonal Hospital, Rajbiraj.

Madhesi Mukti Tigers (MMT) and Janatantrik Tarai Mukti Morcha (JTMM) have owned up the responsibility of the blasts. Meanwhile, a clash ensued between police and cadres of United Madhesi Morcha (UMF), who had tried to foil the NC mass assembly, after the assembly concluded. Police arrested 47 UMF cadres including Raj Narayan Sah, Santosh Sah, Kishor Kumar KC.

charge of JTMM while Mandal was a high ranking cadre in the military division of the group. Confirming the incident, DSP Bikram Thapa said police had retaliated when came under sudden attack from the JTMM-J cadres. He added a home-produced gun pistol and four rounds of bullets were recovered from them. However, JTMM-J's district coordinator Kranti told INSEC representative over telephone that the deceased were having meal in the house of Nasiblal Yadav when the police arrested them and later shot them dead.

2.2 Injured

Sunsari, Village unit area of Madhesi Janadhikar Forum (MJF) Lalu Prasad Kamat has been injured when police opened fire during a clash at Hariapur VDC-9 Bhantabari Chok on 21 February morning. Police had opened fire to disperse the mob that was creating obstructions as they were escorting some vehicles coming from west. Kamat, 27 of Hariharpur VDC-7 was shot below hip. He is undergoing treatment at district hospital in Inaruwa. SP Yadav Raj Khanal said that police resorted to firing after the demonstrators pelted stones at the vehicles that were being escorted.

Banke, Saira Kuresi, 45 of Jayaspur VDC-6 in Banke has been severely injured in police firing on 20 February morning. The victim has been taken to Kathmandu after her treatment was not possible at Nepalgunj Medical College Teaching Hospital. A clash had ensued after the protestors tried to burn the effigy of Prime Minister at Jayaspur section of Nepalgunj-Jamunaha road while a curfew was still in place. Kureshi, who was tying a goat in the courtyard of her house, was shot in hip as the police opened fire after the demonstrators ran towards Jayaspur village.

Kaski, One policeman and 11 Maoist cadres have been injured when the police charged baton in Sisuwakhola of Lekhnath Municipality-8 on 25 March evening. Maoists said the police charged baton when they were trying to mediate a dispute between a bus conductor and passenger. Maoists' district secretary Abhash said Maoists' proportional candidate Somati Tamu, district secretariat member Bishnu Poudel, YCL regional chairperson Sudhir, cadres Gokul Parajuli, Raghunath Dhakal and Tek Bahadur Rana among others. Police sub-insector Narendra



A victim shows his wounds inflicted by police beating in Siraha

Manandhar was also injured in the incident.

2.3 Attack

Siraha, Police attacked the reporter of Annapurna Post and The Himalayan Times Rajesh Barma of Siraha Municipality-2 and Janaki FM reporter Ganesh Sah of Golbazaar in Asanpur VDC on 25 February. The police also deleted their pictures showing them beating up the demonstrators. According to Barma, the police had interfered by a group of six policemen as they were preparing the news and deleted the pictures taken from their mobile phones.

3. By JTMM (J)

3.1 Killing

Saptari, Cadres of Jwala Singh led Janatantrik Tarai Mukti Morcha (JTMM-J) have shot dead Dharmdesha Mandal of Mahadewa VDC-4 on 18 January morning. Some six persons of the group in a motorbike had abducted Mandal, who was a former cadre of JTMM-J, on 17 January from home. Police had found Mandal's body dumped at a canal in Farshait VDC-6. They beat him severely before shooting him dead, police said. According to

district police office Saptari, his body was sent to Sagarmath zonal hospital for post-mortem. District coordinator of the JTMM-J Kranti owned up the killing, charging him that he had spied against their group and was involved in extortion and creating terror. Mandal was released on October last year on bail after he was arrested with weapons.

Dhanusha, Cadres of Jwala Singh led Janatantrik Tarai Mukti Morcha (JTMM-J) have shot dead Madan Kumar Lama, 35 of Puwalpur VDC, Sitanagar on 28 January morning. The group had abducted Lama from Pushwalpur Chok along the Mahendra highway section in Dhanusha district while he was heading home from Kathmandu. Lama was shot dead by the group at 5 am after being taken to the Jagghar River nearby the village. Central member of JTMM-J Rajan Mukti informed that Lama was killed on charge of spying.

Sarlahi, Cadres of the Jwala Singh faction of Jantantrik Terai Mukti Morcha have shot dead a guard at a community forest project in Gaurishankar VDC-9 on 31 January afternoon. Karna Bahadur Biswokarma, 21 of Bhaktipur VDC-2 was shot at the back at around 12.30 am. Security guard of the Sagarnath Community Forest Project, Bishwakarma died on the spot.

Bara, Cadres of Jwala Singh led Janatantrik Tarai Mukti Morcha (JTMM-J) have shot dead a person at Jitpur VDC, Nitapur on 15 February night. Some five armed JTMM-J cadres had shot the man after taking him off a riksaw at Nitapur. The deceased, who was traveling to Birgunj from Pathlaiya, was taken about five hundred metres away from road and shot at. According to the District Police Office (DPO), the victim succumbed

to injuries while being taken to hospital. The victim, whose identification has not been confirmed yet, is of hilly origin. Bara coordinator of JTMM-J Tarweji Bhai owned up the responsibility of the killing talking to local media persons over phone.

A group of Jwala Singh faction of JTMM has shot dead Hitlal Singh, 65, of Charmohana in Hardiya VDC-2 on 12 March. Singh was shot in the head at around 6.30 pm near a canal in Bagahi VDC-1 as he was heading home from India. JTMM-J's district in-charge Jamin admitted killing Singh saying he was killed for being a police informer. He said a group led by Tarbeji Singh in the command of Jalim Singh had shot him.

Sunsari, Cadres of JTMM-J have killed senior head constable Shukra Lal Majhi in the district headquarters Inaruwa at 4 pm on 25 February. Majhi, posted at Border Security Force, was shot dead by the cadres from the rally heading to disruption the nomination of CA candidacy. The JTMM-J has announced its moral support of SLMM agitation. Admitting the killing, the group's district coordinator Irfan said Majhi was killed in retaliatory act when he tried to attack its cadres. APF SP Nagendra Thapa said Majhi was shot dead.

Rautahat, A group of JTMM-J cadres have shot dead its militia commander Shree Bhagwan Sah on 16 March. A resident of Samanpur VDC-6 and militia commander of area number 4, Sah was shot and his throat was slit at the bank of Bagmati River, some 200 metres from Pipara Rajwada VDC. JTMM-J district secretary Kisan Singh told media persons over telephone that Sah was killed by a team led by Nasir Miya Kawari on charge of 'violating the party policies'. Singh said Sah was accused of robberies in the VDCs of

Hathiyahi, Garuda and Bariyarpur, and abduction of a woman from the house of Chheku Thing Lama of Rangapur VDC and her rape. Area Police Office Garuda said Sah's body was taken to District Hospital Gaur for post-mortem.

Nasir Miya Kabari, 30, of Gamhariya Parsa VDC-5 has been shot dead by JTMM-J cadres on 25 March night. A group of about ten men took Kabari from his house to Bagmati River and shot him dead, the deceased' father Tabarak Miya said. JTMM-J district secretary Kisan Singh said Kawari was a former JTMM-J activist.

Banke, A group of three persons has shot dead Kamal Adhikari, 50, the Rastriya Jana Morcha candidate for Banke constituency number 2 at 10.30 pm on 18 March. Adhikari was shot four times by the group after storming into his house Babakuti in Uduwa of Batahani VDC-6. He was taken to Bheri Zonal Hospital in a critical state soon after the shooting where he succumbed to the injuries while being under treatment. In his statement to police before death, he named Holi, Bhulan and Sikandar as being attackers. Jwala Singh faction of Janatantrik Terai Mukti Morcha has claimed the responsibility of the killing over telephone to media persons in local Bageshwari FM on 19 March.

Parsa, Unidentified gang has shot dead one Puskar Shrestha of Adarshanagar of Birgunj Sub-metropolis- 3 on 12 January around 9.30 pm. Shrestha, who was shot injured by a group of four people coming in motorcycle outside his rickshaw garage in his house, succumbed while undergoing treatment at Narayani Sub-zonal Hospital. Shrestha was a former staff of National Trading Corporation. Tufan Singh, the in-

charge of JTMM (J) told media persons over telephone that his group has carried out the shooting. The family said there was no demand for money or any threats from the group.

3.2 Abduction

Siraha, Cadres of Jwala Singh faction of JTMM have abducted Ramashish Mahato of Gauripur in Bishnupur (Pra Ma) VDC on 20 January night from his house. Mahato was abducted to investigate about a dispute regarding a plot of land, JTMM-J's 5 number in-charge Sagar told media persons over telephone. Meanwhile, the family members of Mahato have asked the human rights defenders to initiate steps for his safe release.

Siraha, Cadres of Jwala Singh led Janatantrik Tarai Mukti Morcha (JTMM-J) have abducted Raghunath Prasad Sah of Bhramhapuri Tole in Arnama VDC-1 on 15 February. A rural health worker, Sah was abducted while he was on the way to home from Gouripur VDC after concluding a vaccination programme, brother-in-law of the victim Mohan Prasad Sah said.

Mahottari, Cadres of JTMM-J have abducted Rambabu Sah, 30, of Kuttapiparadi VDC-6 at 7 pm on 16 February on charge of spying against them. JTMM-J's area number 1 in-charge Salam Khan told the media persons over telephone that a group of cadres Karnal Dhyani Sah had abducted Sah. Maoist legislator Bharat Sah has INSEC district representative to take necessary steps for his life safety.

Narayan Prasad Upadhyaya, 53, of Sangrampur in Hatisarwa VDC-4 has been abducted by the cadres of JTMM-J on 23 February night. The group's district in-charge Surya told media persons over telephone that its area in-charge Gabbar had abducted him for using a land plot of 14 bighas captured by the group without its permission.

Ananda Jha, 35, of Sahodawa VDC-4 has been abducted on 18 March night. Though Jha managed to call his family saying that JTMM-J had abducted him but the group has yet to claim the responsibility. The reason behind the abduction has not been established. Jha's relatives have asked human rights defenders to help them secure his release.



CA Election candidate from People's Front Kamal Adhikari Killed by JTMM (J) in Banke

3.3 Injured

Sunsari, Three persons were injured when cadres of Jwala Singh led Janatantrik Tarai Mukti Morcha (JTMM-J) detonated a sutali bomb at the house of Harilal Mehata in Ganeshpur of Dumraha VDC-7 on 29 February. Family members of Harilal- Sambhu Mehata, 26, Bishnu Mehata, 18 and his guest Raju Sah, 35, of Babiya VDC-2 were injured in the blast. All of them have been referred to BPKIHS, Dharan after first aid in Inaruwa.

According to DSP Rupam Lama of the DPO Sunsari, the explosion occurred after two persons in motor-bike hurled the bomb at Mehata's house. Sunsari incharge of the group Krish claimed the responsibility of the explosion.

3.4 Seizure of Property

Siraha, Jwala Singh faction of JTMM has captured the property belonging to Mohan Shahi of Ramnagar Mirchaiya VDC-3 on 21 January. The JTMM-J's district in-charge Tufan Singh Bidrohi informed media persons over telephone about the capture of a concrete building and 22 bighas of land at around 3 am on 21 January. Shahi is a relative of the royal family. Tufan Singh added a team led by Laxmi Singh had carried out the act saying flags were hoisted in the house and the field.

Mahottari, Sri Lama, 55, of Maisthan VDC-8 and Hari Prasad Chaulagain, 50, of Bardibas VDC-7 were shot injured by Kari Shah, 28, and Mangal Bahadur Rana, 31, of Ramnagar VDC-6 near Tuteshwor Mahadev Temple in Maisthan VDC-8 on 3 January at around 10 in the morning. Both the victims who sustained bullet injuries on stomach and chest were taken to BP Koirala Institute of Health Sciences for treatment, informed the District Police

Office. The Chinnamasta Battalion informed that they confiscated one locally made pistol and six bullets of SLR from the victims and the perpetrators had confessed that they had shot bullets on the victims.

Meanwhile, speaking over phone with journalists Toofan, no. 2 area in-charge of Jantantrik Terai Mukti Morcha (Jwala Singh) has taken the responsibility of the incident. According to him, a group led by regional commander Akash had carried out the action. However, on knowing that perpetrator Shah pulls rickshaw in Birgunj for his living and Rana works in his own village, locals of Bardibas area say there is no involvement of JTMM in the incident though they claim the responsibility. They have termed this as a means to cause communal disharmony and have demanded investigation on the incident.

3.5 Threat

Jhapa, Locals of southern parts of Jhapa district have been terrorized after receiving letters from Jwala Singh faction of Janatantrik Tarai Mukti Morcha (JTMM-J) demanding money as donation. A local Ganesh Upreti informed that JTMM-J sent a letter to six persons of Tagandubba VDC with demands of rupees two lakhs from each on 11 January. They have threatened to take physical actions if their demand is not met, he said. He added that the letter is undersigned by Jhapa in-charge of the group. Former VDC Chairman of Tagandubba Laxmi Prasad Upreti, Dhananjaya Baral, local businessmen Santosh Nepal, Sagirath Prasad Ganesh, UML cadre Rangalal Dahal and Maoists cadre Devi Prasad Adhikari have received the group's letter. The JTMM-J has intensified its activities in the district from this week.

Jwala Singh faction of JTMM has threatened to take 'physical action' against four men of the district for 'their bad character'. In a statement signed by JTMM-J's district in-charge Arun Singh, the group threatened former Tagandubba VDC chairperson Laxmi Prasad Upreti, Maoist cadre of ward number 7 of the same VDC Devi Prasad Adhikari, and Umaka Sanjel and Narayan Prasad Chaulagain of Kumarkhod VDC-7.

The statement, issued on 21 January accuses that the men were carrying out anti-Madhesh activities, exploiting Madheshi people and instigating groups and creating conflict among them. Earlier, the group had threatened of same action against these four men along with other two. The statement said warning against the other two was retracted as they had apologised in public.

3.6 Explosion

Morang, The cadres of JTMM-J have detonated a sutali bomb at the village committee office of UML in Amerada VDC-7 on 16 March night. The explosion, occurred at 9 pm has partially damaged the house belonging to Hukumchanda Chaupal.

Amardaha Police Station's sub-inspector Chandra Prasad Yogi said the identity of the offenders was not known. However, district in-charge of JTMM-J Bidrohi Raj claimed the responsibility of the explosion to media persons over telephone. Citing this explosion, attacks on UML cadres in the districts of Ramechhap, Gorkha and Dhading among others, UML's Amrit Kumar Bohora issued a statement on 17 March calling on the government to take action against anyone involved in such acts of violation of code of conduct.

4. By JTMM (G)

4.1 Killing

Rupandehi, Cadres of Goit faction of JTMM have shot dead Keshar Bahadur Gurung, 60, of Manpakadi VDC-2 at 10 pm on 7 February. Gurung was running a canteen in Benipur of Bagaha VDC-1. He was shot in the chest. Talking over telephone with media persons, JTMM-G's Rupandehi/ Kapilbastu in-charge Amitabh took responsibility of the killing.

Gokarna Raj Kandel, 42, of Suryapura VDC-3 and NC mahasamiti member has been shot dead by the cadres of JTMM-G on 1 March. Kandel, left seriously injured by a group about five attackers, died while undergoing treatment at Butwal Zonal Hospital in the evening. He was shot in the back after forcing him out of his house. JTMM-G's district coordinator Abhitabh has admitted the killing.

Bara, Cadres of Janatantrik Tarai Mukti Morcha led by Jay Krishna Goit (JTMM-G) have shot dead one Khagendra Limbu in Banjariya on 29 February afternoon. JTMM-G cadres stopped his motorbike (Ba 1 Pa 1585) in Banjariya VDC-4 and shot in the head, according to DPO Bara. Police added that Khagendra, 32, son of Dambar Bahadur Limbu of Yangsila VDC-1 in Morang died on the spot. DSP Krishna Bahadur informed that the reason behind the killing was not known while the identification of the deceased was known by the purse found with him. Bara coordinator of the group Birat Awataar admitted killing to media persons over phone. However, he declined to reveal the reason behind the act. The body of the deceased was taken by the relatives after post-mortem on 1 March.

4.2 Abduction

Sarlahi, Cadres of JTMM-G have abducted one Ranjit Khadka, 40, of Murtiya VDC-4 at 9 pm on 26 February on charge of refusing to pay donation. According to his father Amrit Bahadur, 65, a group of about 10 persons had taken him and his son Ranjit from the house toward east but released him on the way after he sustained serious head injuries. He added 15 days ago, the group had asked for Rs 2,35,000 and had threatened to take action against the family if the amount was not paid. Amrit Bahadur has received treatment at local health centre. Ranjit's whereabouts remain unknown. The leaflets left by JTMM-G were also found near the house.

4.3 Injured

Rupandehi, Cadres of JTMM-G have shot injured Krishna Poudel of Makrahar VDC on 28 February morning. Poudel, the manager at Jagadamba Brick Factory in Chhotki Ramnagar VDC was shot near the factory area. He has been hit in head and right hand. The victim is undergoing treatment at Lumbini Zonal Hospital in Butwal. JTMM-G's district in-charge Abhitabh admitted the shooting saying Poudel was attacked for operating factory in defiance of the bandh.

4.4 Seizure of Property/Attack

Siraha, Cadres of JTMM-G have captured the land of Narayan Bahadur Thapa of Dhangada Tole of Bhawanipur VDC on 23 February night. JTMM-G's district secretary Biplav told the media persons that a group of about 25 cadres hoisted flag in the plot of 25 bighas. He added the transaction of the land was barred after the move. Thapa could not be contacted for comments as he has already left the place. The group also claimed that it

detonated four bombs after it capture the land.

Rupandehi, Cadres of Goit faction of Janatantrik Tarai Mukti Morcha (JTMM-G) have torched the Shyam Plywood Factory at Kamhariya VDC-5, Gurbaniya on 15 February night. JTMM-G Rupandehi in-charge Amitabh claimed the responsibility of the arson talking to local FM stations. Saying that the factory had refused to pay 'donation' to the party, he said that 15-20 of his cadres were involved in the incident. The fire completely gutted the factory.

5. By JTMM (A)

5.1 Abduction

Kapilbastu, Two armed men identifying themselves as cadres of Janatantrik Tarai Mukti Morcha led by Azad have abducted a staff of District Development Committee (DDC) Kapilbastu from Tirthikhi VDC-2 on 9 January afternoon. The group abducted Niranjan Poudel, 35, who is working in the local development fund under the DDC as an executive secretary at around 3.30 pm and took him to an undisclosed place. Poudel along with Krishna Bhattarai, a social mobiliser associated with same fund had gone to Tirthikha village to attend a meeting organized to select a plan by the 'Quick Response and Peace Process Help'. The men had taken them under control at gunpoint.

According to Bhattarai, the group had taken away Poudel saying that they would release him an hour later after a meeting with their incharge Azad. Bhattarai made the incident public after waiting for one-and-half-hour for Poudel in vain. Poudel is learnt to have been taken away in the motorcycle on which the men had come. The group also seized the mobile sets of Poudel and Bhattarai.

6. By Limbuwan Council

6.1 Beating

Panchthar, Cadres of Federal Limbuwan State Council (FLSC) have beaten up INSEC representative of Panchthar district at Ranke on 10 January. Alleging him of traveling in a vehicle on a day when they had called for a bandh, the FLSC cadres beat INSEC representative Krishna Ojha at the border area of Panchthar and Ilam district while he was returning to district headquarters from Biratnagar. 'While I along with human rights activists Surya Kumar Niraoula, Chavi Baskota were returning in a vehicle, they suddenly stopped us and attacked me,' Ojha said, adding that the others were not attacked in the incident. Ojha, who was returning after participating in the evaluation meeting of the human rights year-book 2008 in Biratnagar, sustained injuries in his face.

6.2 Obstruction

Panchthar, Cadres of Federal Limbuwan State Council have obstructed UML constituency Number 2 legislator Dambar Singh Sambahamfe from holding a publicity programme for impending CA election on 2 March. A group of about 20 cadres, armed with batons and khukuris, arrived at the venue warning against holding any programme for CA. Saying that the order to stop the programme come from centre level, district chairperson Surendra Jagebu threatened Sambahamfe would be responsible for the consequence if the programme went ahead.

7. BY MMT

7.1 Killing

Dhanusha, Cadres of Madhes Mukti Tigers (MMT) have shot dead Uday Yadav, 35, of Mahadaiya Tapanpur VDC-5 in Mahottari district on 4 March morning. Yadav, a jeep driver was abducted from Tarpatti Sirsiya

VDC in Dhanusha district and was shot dead on the road in Digampur VDC-9 at around 9 am. He was abducted as he had gone to the area taking a marriage procession. He was shot once and also hit with sharp weapon. According to brother-in-law of the deceased Sunil Yadav, Uday was washing his jeep near a canal with two helpers in the morning after dropping the marriage procession. "I was in Bara when I received information about the murder over telephone." MMT commander Surya admitted killing Yadav but did not disclose the reason.

7.2 Abduction

Mahottari, Cadres of Madhes Mukti Tigers have abducted two policemen of Loharpatti police station from Sitapur Bhangaha VDC on 2 March. Police constables Santosh Singh, 29, of Katikataiya VDC-4 and Suresh Kumar Raut, 31, of Simara Tole in Basantpur VDC in Parsa district were abducted from Kataiya Tole of Sitapur Bhangaha VDC where they had gone to settle a local dispute on water tank. MMT district in-charge Akash has admitted to the media persons that his group carried out the abduction. DPO, Mahottari said three cadres arriving in a motorcycle had taken them in the same motorcycle as they were heading for the Sitapur Bhangaha VDC from the Loharpatti police station in plain clothes. The MMT has demanded release of its three cadres for the release of the policemen.

Siraha, Basudev Prasad Singh, 68, of Hakpara VDC-1 and principal of the Hakpara Primary School, Sagarpur has been abducted by the cadres of Madesh Mukti Tigers (MMT) around 11 pm on 26 March. He was abducted from the house by a group of about 12 MMT cadres, Singh's nephew Keshav Chandra Singh said. His whereabouts are still

unknown. Devaki Devi, the victim's wife has asked human rights defenders for the steps towards his safe release.

8. By SJTMM

8.1 Killing

Kapilbastu, Maoists' district member Prem Pariyar alias Bhuwan of Motipur in Motipur VDC-1 has been shot dead by Samyukta JTMM at 6 pm on 18 February. Three gunmen arriving in a vehicle with Indian number plate shot six rounds of bullets in his chest and hand in Titirkhi of Titirkhi VDC-3. The group's western command in-charge Raj Guru admitted the killing over telephone to media persons on 19 February morning. Deceased Pariyar was also former Dalit Mukti Morcha (United) district chairperson.

8.2 Abduction

Kapilbastu, Cadres of Samyukta Janatantrik Tarai Mukti Morcha (SJTMM) have abducted a candidate of the Constituent Assembly election from Dohani VDC on 7 March evening. District Secretary of Janamorcha Nepal Brij Bihari Shukla, 40 of Kapilbastu Municipality-10, who had filed his candidacy for the upcoming CA election from election constituency no. 3 of Kapilbastu was abducted while he was there to campaign for the polls. SJTMM district incharge Raj Guru owned up the abduction. Saying that Shukla was a candidate from a party which is a part of the present government, Raj Guru said that he was abducted in order to exert pressure on the government to initiate talks with his group.

Mahottari, Cadres of Samyukta Janatantrik Terai Mukti Morcha (SJTMM) have abducted five persons from Bhimgadh Tole of Harimari VDC-9 on 8 March evening. The abductees Man Bahadur Lama, Bikram Lama, Karna

Lama, Kaila Lama and Bir Bahadur Lama hail from Jamunibas Tole of Bengadawar VDC in Dhanusha district. Ananda, the district in-charge of the group said they had held another Tek Bahadur Lama along with these five, but he managed to flee. The whereabouts of all four remain unknown.

9. By Madheshi Tigers

9.1 Abduction

Mahottari, Ajay Mahato, 6, of Pashupatinagar VDC-3 has been abducted by the cadres of Madheshi Tigers on 26 January. Son of Jibachha Mahato, the boy was abducted from his house at around 10 am by the cadres. The group's district in charge Akash accepted the abduction but did not disclose the reason. Meanwhile, Area Police Office, Gaushala has arrested Bihari Mahato and Badhu Mahato of the same place on 28 January in connection of the abduction.

10. By ATLF

10.1 Abduction

Saptari, Cadres of All Terai Liberation Front (ATLF) have abducted Raj Kumar Khanga Mandal, the candidate of Dalit Janajati Party from Pakari tole on 29 March evening. Rajkumar is contesting in CA elections from constituency no.2 of Saptari. ATLF area in-charge Abinash took the responsibility for abduction saying he was abducted for ignoring the group's warning against contesting elections.

Cadres of Jaya Krishna Goit led All Nepal Liberation Front (ANLF) have abducted a civilian from his house on 9 March morning. A group of about 15 men abducted Jagadish Yadav, 38, of Bathana VDC-3 at 4 am on charged of spying against them. ANLF cadre Abhinash admitted his group's involvement in the abduction.

11. By NDA

11.1 Abduction

Morang, Nepal Defense Army has abducted Hari Bahadur Basnet, 28, of Biratnagar Sub-metropolis-15 and Nepal Rastriya Bikas Party (NRBP) candidate of Morang constituency number 3 on 14 March. Basnet was abducted at around 6.30 pm from Kosi Highway at Pipalchok on the border of wards number 4 and 5 of the Sub-metropolis after being called there in the pretext election related business.

According to Dipendra, abductee's brother, he and his brother had gone to market when an unidentified man rang up his brother's mobile calling him to the Pipalchok. Dipendra said about four or five persons took him away in a white Maruti telling him Hari would be back soon. "I waited there for about 90 minutes then came back and informed the family members about the incident", Dipendra said. When Hari's father Maheshwar dialed Hari's number 9842-59357, a man said they were from Nepal Defense Army and that

Hari had been taken to Rajbiraj, Saptari.

12. By U-JTMM

12.1 Injured

Bara, Sanjiv Chhetri, 10, son of Dinesh Chhetri of Kalaiya Municipality-10 has been injured in an explosion on 30 January. The boy was injured when he kicked the device, placed on the roadside, taking it for football at around 7.40 am. Chhetri has fracture in right foot and splinter injuries in left leg. District Police Office, Bara said he was taken to Birgunj for treatment. United Janatantrik Terai Mukti Morcha (U-JTMM) district coordinator Jitendra Tiwari claimed responsibility of placing the bomb to the local media persons over telephone.

13. By TMMM

13.1 Killing

Siraha, Cadres of recently formed Terai Madheshi Mukti Morcha (TMMM) have shot dead Ghuran Yadav, 30, of Kurwa Tole in Hanumannagar (Pra Dha) VDC on 8 February night. Yadav was killed

Maoist Cadre Succumbs to Injuries

Arghakhanchi/ 24 February

Maoists' district committee member Rajendra Banjade, 28, of Jogimare in Dibharna VDC-3 has died while undergoing treatment at Teaching Hospital in Kathmandu on 23 February night.

Banjade was among 11 Maoist cadres injured in a scuffle with the locals on 22 February in the premises of Mahendra Secondary School-3 on Nuwakot VDC-3. Four civilians were also injured in the incident.

The incident occurred when the school management committee stopped the Maoist cadre writing election slogans on the school walls. The Maoists beat up local Shanta Shrestha, Mausam Shrestha, Pom Narayan Shrestha and Dayaram Shrestha. The Maoist cadres Pashupati Poudel, Ambika KC, Kamala Roka, Govind KC, Chudamani Dhungana, Kajiman Raymajhi, Bishnu Dhungana, Narayan Khanal, Suman Magar and Mohan Singh along with Banjade were injured in the locals' retaliation. The youths of the village have fled the place following the clash. Though a police team has reached the area, about 200 YCL cadres are reported to be patrolling the village. The school remained shut on 24 February as the tension between the Maoists and the locals persisted till this day.

after being abducted from his house. His body was found by the locals in a field of Phulkahakatti VDC-6 on 9 February morning. Police said the post-mortem of the body was conducted at Lahan Hospital in the afternoon. Bikas, the military commander of TMMM said the action was taken against Yadav because of his involvement in acts of thievery and dacoity.

13.2 Abduction

Siraha, Cadres of Tarai Madhesh Mukti Morcha (MTMM) have abducted Bidur Raut, principal of Evergreen Boarding School in Dhangadi VDC-2 on 28 February night from home. According to the Samjhani Karki, relative of the victim, around 10-12 persons of the group had taken him towards east direction from home pointing weapons at him. Binayak Singh of MTMM claimed the responsibility of the abduction talking over phone to media persons. Singh added that Raut was abducted for not providing money as donation to his party and he had spied against them. He was released at 5 am on 29 February, Singh said.

14. By Nepali Congress

14.1 Injured/Attack

Kalikot, Maoist activists Shahashi and Apar have been injured in an attack by Nepali Congress activists Chandra Bahadur Shahi, Kamal Bahadur Shahi and Bhim Bahadur Shahi at Jubitha VDC on 29 March. Maoist informed that its cadres were attacked with knives. The Maoists have handed over kamal Bahadur Shahi to police.

15. By CPN (U)

15.1 Injured/Attack

Kavre, Jana Morcha candidate for Kavre constituency no. 1 Kaman Singh Lama has been seriously injured in an attack by the cadres of CPN (U) on 31 March morning.

Lama, a legislature and resident of Madankudari VDC-8 sustained severe injuries in head and back as the CPN (U) cadres attacked him with khukuri and home made weapons at Budakhani VDC-4 while he was asleep.

Four others- Raj Kumar Lama, Normal Lama, Kamal Tamang and Kamal Lama, were also injured in the incident. All of the injured have been airlifted to Kathmandu at 3 in the afternoon. They are undergoing treatment at Bir Hospital. Jana Morcha informed that Lama was staying in a shop belonging to Chamar Singh Lama near Foxingtar VDC. Five persons were injured in the scuffle that broke out after CPN (U) led by Sagar Lama attacked with weapons, according to Jana Morcha. There is a police post at two minutes distance from the site of the incident. A clash had broken out between cadres of Jana Morcha and CPN (U) in Banepa following the incident. CPN (U) candidate for constituency no. 4 Dr. Bharat Lamichhane, ANNFSU (U) central secretariat member Kshitiz Lama, Kapur Thing and Pravin Thing sustained minor injuries in the incident. Lama was treated at Shir Memorial Hospital after sustaining injuries in eye and head.

16. By CPN (UML)

16.1 Beating

Kaski, A group of CPN (UML) cadres led by Golman Gurung, secretary of UML Lumle village committee, beat up Dipak Devkota, member of YCL village committee, on 22 March in the course of election campaign. Issuing a press statement on 24 March Dipak Koirala, YCL district chairperson, condemned the incident accusing Gurung of thrashing Devkota during an election campaign. The statement further read that the group even tried to thrash Tika Shrestha, YCL district

member. Meanwhile, Punya Paudel, acting district secretary of UML, informed that there was minor dispute with the YCL cadres in the village but showed his ignorance on the beating of YCL cadre.

17. By Unidentified Group

17.1 Killing

Bara, An unidentified group has killed a youth at Buniyad VDC-4 on 1 January night by burning the victim. According to Bauhari Gandak Police Post, Sakaldev Shah Kesari, a local resident, was killed at the mango garden at the midnight. Police discovered a knife and torch light from the incident site while the dead body was half burnt. Police has claimed that investigation is underway in the incident.

The body of Shrawan Kumar Sah, 32, of Kaliaya Municipality-6 has been recovered on 2 February. He was found shot dead near Tegrahar River in Manaharwa VDC-6 on 31 January. Police arrested Brij Kishor Thakur, 25, Ram Kishor Kushwaha, 19 of Uttarjhitkaiya VDC-6 and Ram Ekbal Mahato, 23, of Musaili in Basdilawa VDC-5 of Parsa.

Kapilbastu, An unidentified group has killed Sonmati Yadav, 65 of Harnampur VDC-1, Dhupai on 14 January night. The group killed her while she had come to her maternal home at Tilaurakot VDC-7. According to Inspector Hari Prasad Baruwat at District Police Office, Sonmati was attacked with sharp weapon in head. The group had locked other members of the family in a room during the incident. Body of Sonmati was sent to the district hospital Taullihawa for post-mortem the same night. Eyewitnesses said that the group of 10-12 persons carried out an explosion at the house before the incident.

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A Maoist cadre has been shot dead by an unidentified group on 22 March. Shiva Pujan Kurmi, 34, of Shivalaga Dohani in Hathiawa VDC and Maoists' area committee member was shot near Sibhawa Custom of Hathiawa at around 5.10 pm. He was shot thrice. Kapilbastu is tense following the killing of a Maoist cadre. Kurmi died on his way to the district hospital Taullihawa, Maoists informed in a statement on 22 March. The Maoists had a fight with the NC cadres at Lawani of Lawani VDC accusing the NC cadres of being involved in the killing. Police said few persons were injured and three vehicles were vandalized in the clash. Maoists' district committee, Kapilbastu has issued a statement on 22 March accusing the NC of the killing. The statement also warned to take action against accused or they would launch strong protest.

Saptari, Bikram Prasad Sah, 42, the manager of Agriculture Development Bank (ADB) Rajbiraj branch has been shot dead at 11.15 am on 22 January in front of the bank office in Rajbiraj Municipality-1. A group of four in two motorcy-

cles had shot him in temple and also took away 3 million rupees which he was taking to deposit at Rastriya Banijya Bank. A resident of Sartabar VDC-8 in Dhanusha district, Sah had died on the spot.

Siraha, Three youths of Bishnupur (Pra Ra) abducted by unidentified gang from the village on 20 January have been found dead on 22 January evening. Aged around 20-22, Satya Narayan Yadav, Ram Ekbal Yadav and Nem Kumar Thakur were found buried at different places in an open field near Kamala River in Chiknabhediya VDC-3. The locals had found the spot. According to the report, Satya Narayan's body is beheaded while other bodies are badly injured. Police said there was no information about the group or the motive of the killing. Locals said a group of about 8/9 unidentified persons had abducted them from home. It is said that among the deceased, Satya Narayan was former cadre of JTMM-J and carried the alias of Hitler.

Phool Kumar Das, 26, of Rajpur VDC-7 was shot dead on 12 January around 8.30 pm. According to Sanu,

the father of the deceased, the men shot him dead after calling him out of his house. The post mortem of the body was conducted at Lahan Hospital on 14 January, District Police Office informed. Police added Gopal Yadav of the same place was in custody for investigation.

Dang, Keshav Pandey, 45, alias Jagat of area number 10 of Mannani village of Dharna VDC-9 was shot dead by the unidentified gang on 5 February. He was shot by the group at around 10 am after taking him to a jungle lying between the Simalkhutti and Satkhutti in the Phulbari VDC. He was shot twice in the back of the head. Maoist cadre Biswa said that the attackers could have used pistol and rifle and has injuries in the face.

Dhanusha, An unidentified gang has killed two persons of Bharatpur VDC-6 by slitting throat. Bodies of Laxmikant Rai, 40, and Ramesh Dahal, 25 were found in a sugarcane field at Bharatpur VDC-9 on 14 February morning. Rai is a farmer while Dahal is a laborer.

The gang had abducted Rai and



Maoist cadre Shiva Pujan Karmi shot dead by unidentified group in Kapilbastu

Dahal when they were returning home after taking sugarcane to a sugar mill at Birendra bazaar, Bharatpur on 13 February. Both are believed to have been killed on the same day. Father of deceased Gangalal said that bodies of his son and Rai were found in a sugarcane field. Bodies of both deceased have been handed over to their relatives after post-mortem at Janakpur Zonal Hospital.

Sunsari, An unidentified gang has shot dead Nepal Sadbhawana Party cadre Gulab Singh Chaudhary, 35, of Chandbela VDC-6 on 26 March. Chaudhary was attacked with khukuri at around 9 pm when the group arrived at his home and took him away towards east of the house in the pretext of some discussion. According to Chaudhary's sister Amrita Sen, he was hit in head, hands and back among other parts of the body. He succumbed to

injuries as he was being taken to BP Koirala Institute of Health Sciences.

Mahottari, Shishu Prasad Khanal, 42, of Bharatpur VDC-4 has been killed by an unidentified group on 29 February. His throat was slit and had 16 knife wounds in the body. Area Police Office, Gaushala said Khanal was killed at the bank of Madaha River which flows separating the VDCs of Gaushala and Bharatpur as he was returning home from Gaushala Bazaar. Police added Khanal was a staff at local shop at Gaushala Bazaar and was killed as he was returning after shutting the shop in the evening. Relatives of the deceased collected the body after post-mortem at Area Health Post in Gaushala on 1 March. Police said the investigation into the murder was on.

Rolpa, Two Maoist cadres have been killed in separate incidents on 18 March. Tek Bahadur Gharti alias

Sangram, 39, of Thulogaon in Gam VDC was shot dead at 7 pm on 18 March. It is said a group of three persons attacked him when he was walking home with his friends.

Rukum, Bir Singh Budha, 29, of Jhula BDC-7 has been hacked to death at 2 am on 22 March. Budha was attacked at Thulakhara in the same ward as he was observing a fair. The body has been brought to the district headquarters for post-mortem. Police have arrested one suspect. Budha was active NC cadre in the past. It is still unclear whether the killing was politically motivated.

17.2 Abduction

Mahottari, Ram Dinesh Chaudhary, 35, of Sonamai VDC-5 has been abducted by an unidentified group from Aurahi chowk in Bardibas VDC on 31 December 2007 at around 6:45 pm. The police informed that the victim, who was returning back to his home from Birgunj after selling rice, told his family members over phone that the unidentified group blindfolded him as he got off the bus and walked towards south from the Mahendra Highway to answer the nature's call. The victim has mentioned that he is still in Bardibas but is not sure about the place as he is still blindfolded. According to Police Inspector Laxman Gurung of District Police Office, police has intensified its search operation as soon as the victim family informed about the incident but there has not been any progress so far.

Siraha, A civilian Jagdish Shah, 45, of Sitapur VDC-2 has been abducted by an unidentified armed group from his home on 3 January night.

According to the victim's brother Chandeshwor Shah, a group of 7/8 persons called Jagdish out of the

NC, Maoists Clash, One Maoist Killed Solukhumbu/ 26 March

Maoist cadre Ganga Bahadur Bhujel alias Gajendra has been killed in a clash between the cadres of NC and Maoists at around 11 am in Kerung VDC-1. The clash occurred when the Maoists attacked the programme being addressed by NC candidate Bal Bahadur KC. A statement issued by the Maoists after the incident said Bhujel was killed by APF bullet. It further said over 10 cadres were injured in the clash. Maoists' district deputy-in charge Karjyang said the body was being brought to the district headquarters following a condolence meeting in the site.

Dhruba Parajuli, the Maoists' office secretary said his party had called for indefinite bandh from 27 March to protest the killing. AFP had fired 16 rounds of bullets to quell the clash. Maoist district secretary Himel Giri is said to be seriously injured. When contacted, deputy CDO Bednidhi Khanal said his office was yet to receive details of the incident. The injured NC cadres have been brought to Teaching Hospital in Maharajgunj Kathmandu for treatment.

Bal Bahadur KC has sustained cut in right palm in khukuri attack. Rajendra Basnet has sustained bullet injuries. Pema Lama also was attacked with khukuri and the YCL cadres tried to strangle her. Other cadres sustaining injuries in khukuri attacks are Ram Bahadur KC, Kedar KC, Mohan Bohora, Sitaram Kafle and Pahalman Karki. The Maoists also had disrupted an NC student wing NSU's programme at the same venue at 8 am on 26 March. Indra Prasad Niraula of Salyan VDC-3 sustained head injuries in the attack. The Maoists had snatched the mike from the stage and chased the student activists from the area.

home stating they had some work and then abducted him. No one has yet taken the responsibility of the abduction. Meanwhile, Chandeshwor Shah has appealed human rights activists and journalists to find the whereabouts of his brother.

Unidentified gang has abducted a District Public Health Office staff on 6 December evening. Kasindar Yadav, working in Malaria sector in the DPHO was abducted from Bhaluwahi of Hanumannagar VDC at around 8 pm. Yadav, a non-gazetted officer was heading home in Choharwa, Chandralalpur VDC in his motorcycle with the number Sa 1 Pa 7892 from the Office. His whereabouts is not known yet.

An unidentified gang has abducted Rajeshwar Kamati, 25, of Naraiya Tole in Hanumannagar VDC-8 on 23 January. A group of about five persons had taken him away at around 8 pm. According to the victim's brother Maneshwar, his brother was abducted when he had gone out of the house to wash hand after dinner. The whereabouts of the abductee remain unknown. The motive of the act is not known.

A local Dhaniklal Yadav of Raghupur VDC-3 has been abducted by an unidentified gang on 29 January. He was taken away from home at around 8 pm. According to victim's family, a group of about seven persons had abducted him. His whereabouts are not known yet. The identity of the group and its motive behind the abduction are not known.

Laxmi Sah, 55, of Magar Tole of Asanpur VDC-2 has been abducted by an unidentified group on 17 February. According to Sah's nephew Rajiv Sah, a group of about 10 persons abducted him after calling him out of the house at around

10 pm. The identity of the group and the motive could not be known. The whereabouts of the abductee remains unknown.

An unidentified group has abducted Rajendra Sah and Rabindra Sah of Asanpur VDC-2, Golbazaar from Bishnupur VDC on 19 February afternoon. According to Yogendra Sah, a relative of Rajendra, the abductees had gone to Bishnupur after they were informed that Laxmi Sah, uncle of Rajendra, who was abducted on 17 February, would be released from there in the presence of his relatives. The group and motive behind the abduction is unknown.

An unidentified group has abducted former District Development Committee (DDC) Vice-president of Siraha Ram Jatan Yadav on 19 February from a road near his home at Siraha Municipality-1.

According to the family of Yadav, he was abducted as he was heading towards a pond. His whereabouts remains unknown. No one has taken the responsibility of the abduction while the motive behind the incident is not known yet.

Saptari, An unidentified armed group has abducted the VDC secretary of Pathharyada VDC on 19 January morning. About 10-15 persons abducted Jogendra Sah, 50, VDC secretary of Pathharyada VDC-3 from Kataiya VDC-3 at 5 am. Son of abducted VDC secretary Sanjaya Sah has urged human rights activists and media persons in a press release to make efforts for the safe release of his father. VDC Secretary Welfare Centre, Saptari has also appealed for the safe release of Sah.

An unidentified armed group has abducted a businessman from

Malekpur VDC on 28 January night. Gangai Das, 60 of Malekpur VDC-2 was abducted by a group of 8-10 persons at 11 pm while he was sleeping at home. No one has taken the responsibility of the incident. Ram Chandra, son of abductee, has asked media persons and human rights activists to take initiation for the safe release of his father.

Unidentified group has abducted two persons from different parts of the district on 7 February. Shailendra Mishra, resident of Maina Kaderi VDC-1 and principal of Chummanhari Secondary School was abducted around 1 am from his bed. Mishra's family member said the group took him towards the direction of south urging human rights defenders to take steps to release him. In another incident, Dharendra Dev, 35, of Bishhariya VDC-8 was abducted by a group of about 15 unidentified persons from his house. The family said he was taken towards the direction of south.

An unidentified group has abducted a Makhan Pokhrel of Rupnagar VDC-5 on 6 March. Owner of the Highway Point Hotel at Rupnagar VDC-7, Pokhrel was abducted by 5-7 armed men, a worker in his hotel Umer Regmi said. He added that the group abducted him after calling him to Sundari River nearby the hotel in pretext of having some work with him. Wife of the victim Muna Pokhrel has urged the media persons and human rights activist to initiate for his safe release while various organizations in the district have issued separated press releases asking for his immediate release. Meanwhile, family members of the victim have informed that abductors have asked for five lakhs rupees for his release.

An unidentified gang has abducted a civilian from Malekpur VDC on 16 March morning. Jaya Narayan Das,

of Malekpur VDC-2 was abducted from his house. He was abducted at around 3 am by a group of about 12 persons, the family members informed.

Unidentified group has abducted a bus driver from Bhardaha on 11 March night. Bhojraj Dulal of Topgachhi VDC-3 in Jhapa district was abducted by the armed group as he was returning after dropping the marriage party in Bhardaha. The family source said Dulal was taken away after being asked to get off but they released his helper.

An armed group of 7-8 persons have abducted Santosh Yadav, 16, a student from Rayapur VDC-1 of Saptari on 23 March. Staying at his sister's house, Yadav was appearing for this year's SLC exam. After the exams, he had gone to his sister's house for celebrating Holi festival. "He was abducted while on his way to open the shop" says his brother in law, Chandan Yadav. Nobody has claimed the responsibility of the abduction so far. His brother in law, Chandan has appealed human rights defenders and media for his safe release.

Sunsari, Tirtharaj Bhandari, 36, of Prakashpur VDC-6 has been abducted by an unidentified gang on 6 February from the same place. According to Area Police Office, Laukahi, a group of about 20 persons had abducted him in the pretext of the some talks. No group has taken responsibility for the act. The victim's family has asked human rights defenders for steps towards his life security.

Dhanusha, Unidentified armed group has abducted one civilian of

Sinurjoda VDC on 24 February. Hari Singh Subedi, 40, was abducted by the group at 11 am when he had gone to Sapahi VDC to check on his house and field. DSP Rup Kumar Neupane of DPO, Dhanusha said Surya of JTMM-J had abducted Subedi but the group's military in-charge Tigers denied the charge.

Shaligram Ojha of Itahari Municipality of Sunsari district has been abducted by an unidentified armed group on 12 March. Ojha was abducted from Naktajhik VDC where he worked at Kasma Cement Factory. According to police, Ojha was taken in the direction of Bateshwar VDC in a motorcycle with the number plate Ga 1 Ta 2607.

Bara, An unidentified gang has abducted Dilip Choudhary, 20 of Fatepur VDC on 16 March. According to Bara Police, the armed gang of 4-5 persons abducted Choudhary from Kanchanpur, Inarwasira VDC at 9 am. Police added that they were searching for the victim.

17.3 Injured

Siraha, An unidentified gang has shot injured one man in Ayodhyayanagar VDC-7 on 19 January at around 8 pm. Chhathu Yadav, 35 was shot as he was at Kasaha Chok by the East-West Highway of the same VDC, a local Budhram Mahato said. Yadav has been shot in thigh for which he is being treated at Lahan Hospital. The motive and the attackers have not been identified.

Kapilbastu, Unidentified gang has shot injured Binod Mishra, the vice-chairperson of Madheshi Janadhikar

Forum (MJF) Kapilbastu at 9.30 pm on 22 January. Mishra, a resident of Kushwaha of Kushwaha VDC-8 was shot at when he was heading for village to meet the cadres, CDO Rambilas Ray said.

Ray informed two men on foot had stopped Mishra's bike in Kushwaha VDC-1 and shot him. He was taken to Zonal Hospital Butwal after first aid at Shivraj Hospital, Bahadurgunj, Ray said Mishra was out of danger.

Bardiya, An unidentified group has shot injured Maoists' district committee member Nanakau Godiya, 14, of Gulariya Municipality-14 at around 8 am on 25 February. Godiya was in the house when four persons in two motorcycles with Indian number plates arrived at shot him. They ran towards Indian border after shooting him. The border is one kilometre south of the site. Godiya was taken to Bheri Zonal Hospital for treatment. Leaflets were found near the site claiming the attack was carried out by Nepal Defence Army. Earlier, Godiya was badly beaten by the cadres of MJF on 17 February.

Mahottari, Bishnu Prasad Adhikari, 72, of Kamalamai Municipality-9 of Sindhuli district has been shot injured by an unidentified gang on 13 January.

Shot at Sharma Chok of Ramnagar VDC-7, Adhikari was taken to BP Koirala Institute of Health Sciences, police informed. DSP Mohan Pokharel said the attackers also looted Rs 56,500 from him. The identity of the group could not be known.



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