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Where is Prabhakar ?



Mr Prabhakar Subedi : Disappeared

Mr Prabhakar Subedi, 20, a student by profession, has disappeared since June 25, 1993. People had last seen him while he was being arrested and dragged by police. During the days of the movement (June - July, 1993) called by CPN (UML), a photograph of a person being dragged by the police appeared in a magazine. The brother of Mr Prabhakar confidently claims that the picture is of his brother. Regarding this issue, a case was filed in the Supreme Court. The Supreme Court has issued a show-cause notice ordering the police to find out the whereabouts of Prabhakar's and to identify the person who was being dragged by the police.

Human Rights Day, 1993, was jointly celebrated by the human rights organisations in Nepal. The main slogan during the celebration was: "Let us find out the disappeared persons (during Panchayat regime and after restoration of democracy)". It was decided that different types of action-oriented campaigns would be launched throughout the year 1994 regarding the issue of disappearances.

EDITORIAL

Advocacy and Education

The South Asian countries have a diverse economic, political and geographical complexity. The South Asian people have struggled a long for democracy, human rights, justice and peace. Yet, the people have to continue their struggle for the same cause.

Different similarities exist in this region. There is similarity of political system, economic situation, religion and culture, geographical structure and, above all, gross human rights violations and state terror.

The people's movement for democracy and human rights has become a success in many South Asian countries. At the same time they have witnessed the betrayal of the sacrifice. Consequently, they are suffering from same or new of types obstacles under (so-called) elected governments. The people are being frustrated and losing faith and trust in multiparty system. Moreover, the elections based on multiparty system has become more expensive in these countries. This is in fact a dangerous sign in the process of consolidating democracy in the region. From the people's side, it may be expected that they did not observe any change in the social and economic situation, prevailing feudalism and their dream of justice and peace has shattered. They are suffering and suffocating under extreme injustice and violence.

Now, the question emerges: where is the weakness or gap or, what is lacking in the present political system?

Of course, the governments are primarily responsible for human rights violations. On the other hand, the South Asian governments claim that they are committed to the protection and promotion of human rights, while, on the other, they are suppressing people's genuine voice for justice and peace in the name of democracy, national integrity, development and so on. Even the governments propagate that, the people who are fighting for genuine cause, are backed by foreign powers.

The task of protecting and promoting human rights also lies on people. Unless and until the people are aware of their rights, they cannot continue their struggle for the cause.

In the past, the movement for human rights in South Asia, the role of human rights NGOs and activists, were more concentrated on advocacy. The same legacy is still hunting the activities of most of the NGOs in South Asia. The matter of concern is whether people know the work we NGO activists are doing is for them? May be or not. If not, we are ignoring one of the key element of human rights movement -- education or awareness raising process. We must be able to make people aware that our effort is devoted to the genuine cause of people and our effort should go simultaneously with people's movement. Therefore, our effort should be concentrated on both elements -- education and advocacy. We should not forget that if advocacy help to gain international solidarity, education lays foundation stone to empower the people to prepare to launch mass movement for social change.

Now, the time has come to critically examine / evaluate our effort and our working procedure. We should be able to know how much we are alienated with people or receive their support.

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GUEST EDITORIAL

DISAPPEARANCES IN SOUTH ASIA: THE NEED FOR INNOVATIVE HUMAN RIGHTS APPROACHES

[Dr Clarence J. Dias, President, ICLD, New York]

Disappearances remain a continuing problem in virtually every country of South Asia. Of course, the scale, incidence, causes and consequences of disappearances varies greatly not only from country-to-country but within countries as well. But the problem persists, despite more than adequate achievement in respect of standard-setting and creation of special institutional mechanisms at the international level. The problem persists, despite human rights groups devoting attention to the problem in South Asia. South Asian human rights efforts in fact have helped identify the gaps that exist at the national level in respect of national laws and remedial procedures, preventive mechanism and investigative mechanism.

SAFHR (South Asian Forum for Human Rights) has long been concerned with the protection and promotion of human rights under especially difficult circumstances. The disappeared in South Asia do raise especially difficult problem for human rights groups. Such groups have been attempting to monitor disappearances both at national level and individually. While the aggregated statistics are undoubted importance, more information needs to be drawn up desegregating such figures according to gender, age and several other variables. Recurrent circumstances under which disappearances occur need to be identified and specific strategies relating to such specific circumstances need to be drawn up. Early warning alert systems and preventive mechanisms need to be devised. Special attention needs to be paid to problems that arise for the families of the disappeared as a consequence of such disappearance. Disappearance constitutes a cruel psychological and legal limbo which is often more painful to endure than confronting the certainty of death.

There is a need therefore, for human rights organizations in South Asia to be afforded an opportunity to come together and develop strategies for:

- Law reform establishing presumptions and burdens of proof which will enhance rather than evade accountability of those related to the disappearances must be elaborated through a combination of legislative and judicial creativity. Similarly, obligation to investigate must be both spouted and strengthened. Means must be found to make court orders more meaningful. Relief and rehabilitation of the families of the disappeared must become a matter of right rather than discretion.
- Human rights organization must also innovate with preventive mechanisms ranging from publicity over anticipatory disappearance scenarios, to selectively enhanced monitoring and scrutiny, and community — custodial safekeeping and safeguarding mechanisms. Crisis response strategies need to be strengthened and diversified. Publicity and public accountability demand mechanisms need to be strengthened. Parliamentary committees, committees within the security forces and the police could be established. Mechanisms such as national or local special rapporteur on disappearances would be experimental with, drawing upon whatever governmental — non-governmental use would prove most effective under varying circumstances. Observation of a National Day for the Disappeared could help coordinate ongoing strategies and efforts as well as catalyze new strategies and efforts.
- In sum, governments, human rights organizations, media and the public at large must join together with commitment, caring and creativity to ensure that the disappeared do not become, all too rapidly, the forgotten — the unremembered.

SOUTH ASIA : HUMAN RIGHTS SITUATION REPORT

BANGLADESH

Jumma Refugee Problem in Brief

The ages old vexed problem of the Jumma refugees originated from the centuryold political crisis of the CHT. It took serious turn when Bangladesh government after the very independence of Bangladesh adopted conspiratorial policy to reduce the CHT traditional homeland of 600,000 multilingual ethnic Jumma people into a Muslim region. It has deployed thousands of military and para-military forces and brought more than 4,00,000 Bengali Muslims from outside in the CHT. violating the CHT Regulation - 1990 (1 of 1900). The army in collaboration with the illegal Muslim settlers perpetrated a series of ethnocides, extra-judicial execution, imprisonment, torture, rape, arson, land grabbing, eviction, religious persecution, conversion to Islam, etc. on the helpless Jumma people which compelled the Jumma people to flee to India at different times. It was found that as a result of Tabalchari-Matiranga massacre on 26,27 and 28 June, 1981, about 18000 Jumma refugees fled to Tripura of India. These refugees when repatriated on verbal assurance for security of life & property and proper rehabilitation were subjected to killing, torture, rape, eviction, etc. by Bangladesh army and Muslim settlers. They were neither rehabilitated to their original villages getting ration, cash grant, etc. nor got back their lands. After it, the Bhushan Chara massacre was perpetrated on 31 May, 1984 and compelled 5,000 Jumma people to take refuge in Mizoram of India. These people when repatriated on the assurance of security of life and property and proper rehabilitation met dire consequences as before. The Panchari-Dighinala-Khagrachari-Matiranga massacre took place on 1st May to June, 1986 causing hundreds of Jummas death and about 50,000 Jumma refugees had to take refuge in Tripura, India. Bangladesh delegation headed by Khurshid Ansar Khan, Deputy Commissioner, Khagrachari District came to

Tripura on 27 August, 1987 for repatriation of the refugees. The refugees refused to go back homes unless congenial situation restores in the CHT and ensure them security of life and property and proper rehabilitation. Despite the claim for congenial situation in the CHT by Bangladesh government, the Banghaichari massacre was carried out on 8,9 May, 1988 by Bangladesh army and Muslim settlers. Another delegation headed by Farooque Ahmed Chowdhury, Bangladesh High Commissioner to New Delhi came to Jatanbari, Tripura of India on 11 July, 1988 for repatriation of the refugees. The delegation told to the refugees that the situation of the CHT was conducive for safe repatriation of the refugees. Afterwards, the Longudu massacre was perpetrated by the Muslim settlers with army backing on 4,5 May 1989 and about 22,000 Jumma people were compelled to take shelter in Tripura, India. After it, another delegation headed by Shamsul Karim, Deputy Commissioner, Khagrachari District came to Udoipur, Tripura for repatriation of the refugees. The delegation asserted the same thing that the situation of the CHT was conducive for safe repatriation of the refugees. In fact, the situation of the CHT was not at all normal. Killing, rape, land grabbing, etc. were continuing. The Malya massacre was perpetrated on 2 February, 1992. After it, the brutal Logong cluster village massacre was perpetrated by the security forces and Muslim settlers on 10, April, 1992 causing hundreds of people death.

It seemed that Bangladesh government always tended to claim the situation of the CHT as normal and tried to repatriate the Jumma refugees sending delegation after delegation to them at different times. In fact, the condition in presence of thousands of security forces and lacs of Muslim settlers in the CHT the political atmosphere was all along abnormal and not conducive to safe and secure repatriation of the refugees. It was also noticed that when the Bangladesh delegation went back being failure of repatriation of the refugees ethnocides one after another were perpetrated by the security

forces and Muslim settlers. Recalling past horrible experiences and present situation of the CHT the refugees do not dare to go back homes until and unless the problem of the CHT is solved between the Bangladesh government and the Jana Samhati Samiti (JSS) permanently. Without political solution of the CHT crisis with the JSS the Jumma refugee problem, in no way could be solved. Today, the refugees will repatriate and be victim of killing, torture, rape, etc. again, they will be refugees tomorrow.

A Primary Report on the Attack on the Jumma People

On the 17th November 1993, at least 13 Jumma people including a Buddhist Monk were killed and nearly hundred other injured when the Bengali settlers and the Bangladesh Army jointly attacked a peaceful rally organised by the Hill Students' Council at Naniarchar Thana, 20 kilometer off Rangamati district town.

The Army first opened fire indiscriminately at the mob and the settlers immediately fell upon the Jumma people with dao, knife, spear etc. The attackers also looted the valuables from 20 houses belonging to the Jumma people and then set the houses on fire.

After the firing, the people, scared and helpless, jumped into the Kaptai lake water where most of them were killed brutally. Throughout the incident the police remained happy spectator.

It is feared that the death toll may rise as many are still missing. The govt. admitted 12 dead including a Bengali people and said that it would set up an inquiry committee to inquire into the incident. According to an unofficial source the number of deaths is about 50.

The S.P. of Rangamati, when contacted over telephone, denied that the police had opened fire on the rally. He rather held the army responsible for the firing.

The Hill Students' Council condemned the brutal attack on the Jumma people at Naniarchar and demanded exemplary punishment to those

responsible for the attack. They also demanded appropriate compensation and rehabilitation of the victims. In protest against the incident the Hill Students' Council brought out a procession and held a rally in Dhaka and Rangamati on Thursday (18.11.93). A team from Dhaka comprising intellectuals, politicians, journalists, student leaders and Human Rights activists is to start for Rangamati to-night to visit the spot.

Detailed report on the incident could not be known till last night. However, the central committee of the Hill Students' Council has been able to collect the names of thirteen persons killed in the attack. They are :-

- 1) Chandu Moni Chakma
- 2) Kaladhon Chakma
- 3) Dhakkha Peda Chakma
- 4) Raman Krishna Chakma
- 5) Mostali Chakma
- 6) Fani Bhusan Chakma
- 7) Shappa Chakma
- 8) Chandu Ram Chakma
- 9) Patui Moni Chakma
- 10) Ajit Chakma
- 11) Joyanta Ram Chakma
- 12) Avoynath Chakma
- 13) Ramabi Khisa

The injured persons have been admitted to local medical hospitals and combined military hospital at Chittagong.

The following seriously injured persons have been admitted to the combined military hospital at Chittagong :-

- 1) Nipa Chakma (19)
- 2) Shanti Bikash Chakma (35)
- 3) Munibo Chakma (40)
- 4) Nityo Kisha (39)
- 5) Bihari Lal Chakma (22)
- 6) August Moni Chakma (30)
- 7) Kiron Bala Chakma (70)
- 8) Bulu Moni Chakma (35)
- 9) Ranga Chitta Chakma (45)

It is to be mentioned here that the Naniarchar unit of the Hill Students' Council have been

demanding for the withdrawal of a army check-post from a passenger-inn situated at Naniarchar Bazar. This Passenger-inn, thought built for public use, has been being used as a check-post by the army. On 28 October the Hill Students' Council brought out a procession at Naniarchar Bazar in support of their demand. Again, on the 2nd November, they submitted a memorandum to the TNO (Thana Nirbahi Officer) who sought 15 days for the fulfillment of their demand. After the failure of the TNO within the stipulated time they announced an action programme to implement their demand, which included a mass rally on 19 November. On 17th November the activists of the Council held a rally at Naniarchar Bazar in support of the 19th November programme, which came under attack of the Bengali settlers and the army.

[Courtesy: Rosaline Costa, Hotline/Bangladesh]

BHUTAN

Classification of Refugees

The ministerial level joint committee meeting of Nepal and Bhutan ended with an agreement on the number and categories to be made about the refugee. After three days (October 5-7, 1993) of deliberation on the problem of refugees, the committee agreed that "all the people in the refugee camps" would be classified in four categories "on the basis of verification".

The categories are:

1. Bonafide Bhutanese evicted forcefully.
2. Bhutanese who emigrated.
3. Non-Bhutanese people.
4. Bhutanese who have committed criminal acts.

The joint press release says that the mechanism for verification of the above categories "will be determined at the next meeting of the Ministerial Joint Committee which will take place in February 1994 in Thiphu".

The press release says that "following the above, the two governments will specify their position on each of the categories and reach a mutually acceptable agreement which will provide the basis for a resolution of the problem in keeping with Joint Communiqué signed in Thiphu in July 1993. What will happen to the people who will fall under each of those four categories is yet uncertain.

NGOs' Statement

The recent decision made by the ministerial level joint committee meeting of Nepal and Bhutan has become a matter of criticism. In this connection, the NGOs of South Asian countries participating the PARinAc Conference organised by UNHCR have expressed grave concern on the classification of Bhutanese Refugees. The statement is printed below:

First of all, we would like to urge UNHCR, in cooperation with relevant UN agencies, governments and NGOs to take steps to strengthen existing international monitoring procedures and mechanism during and after the classification of refugees for the purposes of benefitting from relief, rehabilitation, development, resettlement and/or repatriation opportunities. It was noted with concern that, in some countries, refugees are subjected to arbitrary classification for the above-mentioned purpose. It was proposed that refugees should not be classified as criminals unless there is clear evidence of their having committed a criminal offense of a non-political nature in accordance with the laws of the concerned countries. These laws should conform with international human rights and humanitarian laws, as well as other applicable norms and standards.

Taking into consideration the above recommendation, we non-governmental organisations participating in the South Asian PARinAc Conference, organised by UNHCR, express our deep concern about the recent process of classification of Bhutanese refugees, particularly as criminals by a joint ministerial committee of Nepali and Bhutanese

governments and strongly recommend the ministerial committee to:

- review and cancel the recent classification of Bhutanese refugees and establish criteria and procedures for their new classification in conformity with existing norms and standards and international human rights and humanitarian laws, and
- ensure representation of Bhutanese refugees and an active involvement of UNHCR throughout the classification, relief, rehabilitation, resettlement and representation process.

Furthermore, we urge UNHCR and the international community to ensure the safety of Bhutanese refugees after their return to Bhutan as well as their rehabilitation and resettlement in other countries where they are taking refuge.

November 3, 1993
Kathmandu
Nepal

BURMA

CRITIQUE U OHN GYAW'S SPEECH DELIVERED AT UN GENERAL ASSEMBLY ON OCTOBER 12

In the 48 session of the UN General Assembly, U Ohn Gyaw, head of Slorc delegation barefacedly stated : " There are political and economic developments in Burma. In the National Convention started on January 9, 1993, Slorc had already laid down guidelines to draft a strong constitution for stepping toward democratic society in Burma. In drafting the guidelines for the constitution, the people in Burma have to take into account its own situation, the will of the people throughout the country and the role of the military in the history of Burma."

This constitution is no more than to create a puppet civilian government and to justify its

leading role in the future politics of Burma. This trend seems to be the same as the time after the military coup in 1962 as the commander-in-chief of the military will have the power to nominate the military personnel to have the administrative power in all levels and to declare the state of emergency when he believes to do and to rule the country. Among 702 delegates to the National Convention, only 120 are Members of the Parliament who were elected in the 1990 May election and other 50 are from the remaining 10 political parties.

Slorc is still denying the internationally-accepted Universal Declaration of Human Rights. Order which prohibits from gathering of more than five people is still imposed, Daw Aung San Suu Kyi is still under house arrest and other 2,000 political prisoners are still remained in prisons of Burma. The media is under the control of Slorc and denial to freedom of expression is still continued. Although Slorc claims that it had already accepted over 40,000 refugees from Bangladesh, more than 200,000 are still in that country while other 30,000 are along the Thai Burma border.

In rural areas, the reinforced army has been coercing people to work as forced labour in the military campaigns. Many people in these areas are leaving the country through different routes. Forced relocation of villages under the scheme of "Four Deprivations" strategy and army persecution of the people, particularly in the remote ethnic minority areas, have also forced the villagers to flee to neighbouring countries in increasing numbers. The total numbers of refugees at borders total 300,000 today. Over one million become internally displaced persons.

The economy today, branded as "Market Economy" by the military regime, is actually military monopolised command economy in essence. While the Military top brass and their relatives live in luxury and enjoy the fruits of the military-run economy, the common peoples suffered under

skyrocketing prices and shortage of the basic commodities, finding it difficult even to meet daily sustenance needs. The country has been devastated by a 30% inflation rate and a foreign debt of \$ 4.8 billion.

Burma has become the major exporter of heroin producing 2,600 tons of opium in 1993, while the number of drug addicts grows everyday. As the country situation worsened, a vast number of people have illegally emigrated into Thailand to look for job. Today, about 40,000 Burmese women have become the victim of Thai flesh trade. Drug addiction and prostitution gave also fueled the spread of AIDS and there are 300,000-400,000 HIV positive cases in Burma today.

The regime has built the 180,000-strong army in 1988 into a 350,000-strong force today. The lure of a steady work and pay in the army is irresistible to the jobless thousands.

Any military controlled government could no longer practice democracy and human rights. So long as the military and its machinery remain in power, fundamental democratic rights and basic human rights will rarely be guaranteed. Economic and social development repeated by Slorc are only to propagandise the international community in order to justify their legitimacy and not for the benefit of the people. Now Slorc is practising so-called divide and rule policy. The more it denies civil and political rights of the people, the louder it raises the issue of developments in economic and social sectors. Developments cannot benefit any country if it is under the boot-heel of the military regime. Because of these developments, more people have been subjected to various forms of human rights violations.

On the other side of the coin, Slorc is also diverting the attention of the international community by ruthless tactic of dividing the rights of minorities from the fundamental

democratic rights and freedom of expression. We believe that all these rights are indivisible and one can no longer exist without the other. The ethnic minority groups which reached ceasefire agreement with Slorc are only in a temporary stage as they are still holding the arms. Slorc propagandised that these minorities accepted their rule and return to so-called legal fold. The question is if these groups accept Slorc's ceasefire agreement in their hearts of heart, why they are still holding these arms? There is no recruitment for armed services in any country where peace and justice rule. In fact, these flimsy agreements could neither prevent the civil war from reoccurrence nor pave the way for the restoration of genuine peace in Burma.

Regarding Human Rights issues, Slorc as usual, points out the culture values and concepts, history of the country. We fully understand that Human Rights is composed of different cultures in pluralistic perspective and it is the issue of universality. Human Rights should not be interpreted by the ruling class as they wish to.

U Ohn Gyaw's speech is only a composition of repeated blatant lies which are beyond the realities happening in Burma.

The ABSDF Strongly Believes:

So long as the military regime and its machinery exists, there is no chance for the restoration of democracy

So long as the military regime cling on to power, genuine peace can never be restored

The military is neither the guardian nor the saviour of the country.

So long as the military regime and its machinery exist, human dignity, protection and promotion of human rights will ever be deterred.

[Courtesy: ABSDF Central Committee (Dawn Gwin)]

INDIA

CONDEMN HUMAN RIGHTS VIOLATIONS IN THE NARMADA VALLEY

Narmada Bachao Andolan Calls for Effective Support Activities All Over the Country

The whole Nation is shocked by the spate of reports on Human Rights violations that are coming in from the Narmada valley. On November 19, 1993 a 15 years old tribal boy, Rehmal Funiya vasava of surung village was shot at and killed by the Maharashtra police at Chinchkhedi in Akrani Taluka of Dhule district. The brutalised police force refused to accept that they killed the boy and left the body to remain in the spot of the firing for more than 24 hours.

Refusing to get cowed down, the tribal people and Narmada Bachao Andolan's leaders Medha Patkar and Arundhati Dhuru went on a march to the police camp at Roshmal, half a day on foot, carrying the dead body.

An NBA Communique gives these details on the incident:

"On 19th November, the 500 police had entered the submergence area, splitting into teams of 75 each. One team, led by PSI Echoic pail and Executive Magistrate Mr. Vasave approached the village Bharad at about 11.00 a.m. Somewhere between the village Bharad and Chinchkhedi. The NBA activist Milind met the police party and told them that the people are protesting this survey and displacement, and requested the m to go back. One of the police levelled his rifle against his chest and ordered him back, saying that the survey would be carried out at "any cost". As the police party advanced menacingly, some people picked up stones in a spontaneous reflex of selfdefence but no stones were thrown at the police. Yet, the police, suddenly, without warning unprovoked and in a completely unwarranted move, opened fire upon the crowd, creating mayhem, and killing Rehmal puniya vasava instantly. Later, in a belated cover up of the incident, the police

claimed that 26 policemen were injured and are hospitalized. As yet there is no confirmation from the hospitals."

Dhule Incidents

The scene of police repression gets shifted to Dhule, the district headquarters as hundred of people including eminent citizens, NBA activists and supporters stage a demonstration in front of the Dhule Collectorate on November 21, 1993. Without any provocation, police resorted to fierce lathi-charging injuring more than 150 people including Medha Patkar, Ravi Devang, Bhaiya pail, Mahesh Sharma, Anil Mehra, Kushal Jugalya, Keshav Vasave, Mira Vasvae, Manoj Salunke and Battu Pail got serious head injuries or bone fractures. The police didn't stop after "dispersing" the crowd, but chased them and beat them up inside the Agarwal Vishram Bhavan and Vijay Kotwal Hall.

Resisting the intense police repression, the NBA activists and its supporters started a dharna in front of District Collector's office since 21st evening. They were demanding a judicial enquiry into the police firing in Chinchkhedi village and the lathicharge in Dhule. They were also demanding the withdrawal of police force from the area and a stop to the forceful survey work in the villages.

But, Medha Patkar and 170 others were arrested from the dharna site on the November 22 morning. They were charged with rioting (IPC 147), armed with deadly weapon likely to cause death (148), unlawful assembly (149), voluntarily causing hurt (323), intentional insult and provocation for breaking peace (504) and criminal intimidation with threat to cause death (506).

The detainees were produced before the Dhule First Class Magistrate on 23rd November. But they refused to accept the bail granted to seventeen women detainees. Subsequently, all the detainees have been sent to judicial custody till December 6, 1993.

On November 24, 1993, in response to a bandh call given by Narmada Bachao Andolan

Sahayak Samiti, commercial establishments and shops in Dhule and Dhadgaon remained closed. Protest demonstrations and other activities are also taking place in Bombay, Pune, Delhi and various other places all over the country. In Delhi, a delegation of eminent citizens including Swami Agnivesh, Puashant Bhushan, Sumit Chakravarty, Praful Bidwai and Rakesh Dewan met the Home Minister. Mr. S.B. Chavan and demanded his immediate intervention in the matter. He said, he will personally take up the matter with the prime Minister. Meanwhile, when another delegation from Bombay met the Chief Secretary of Maharashtra, Mr. Raghunathan, he said he was not an astrologer to tell them what areas were likely to be submerged in the coming monsoon:

Closure of Sluices

The urgent and forceful manner in which the survey work is being carried has to be seen in the context of the decision of Sardar Sarovar Project authorities to close the sluices of the dam which will cause permanent submergence of many more villages in the coming monsoon. NBA alleges that the project authorities have not fulfilled any of the conditions before the closure of the sluice gates and that a situation is being created where dam will become a fate accompli. NBA adds:

"The people of the area are opposing the survey and their displacement on a number of grounds that have how been well known through their ling and non-violent struggle. It is ironic that the Central Government itself recognised these issues and appointed the Group to review all the issues in August 1993. The group is looking at the issues, and both the Central Government and Maharashtra Government are a party to it. While the Group has been set up and is in the process of writing the report, the Government of Maharashtra has completely vitiated the atmosphere for this with the use of massive state force in a most cruel manner. Was not the government of Maharashtra aware that this group was to give it report in a few weeks ?

Moreover, the Government of Maharashtra is fully aware that its action are morally and

ethically, and even legally unjustifiable. It knows that there is on land to resettle the at least 1700 families expected to submerge next monsoon. In the meetings of the Narmada Control Authority, the Government of Maharashtra had (reportedly) taken the stand it would not be in a position to resettle these people unless 3300 ha. of additional forest land is released. The Environment Ministry has repeatedly refused to do so. Hence there is on land to resettle the people. Even the up-to-date plan with correct estimate of number of ousters does not exist.

Moreover, the survey os also illegal because the Government of Maharashtra has not yet regularized the land holding in these villages inspite of its own Government Resolution to that effect. It is necessary to regularize these as the land records has not been updated since the British times till about 1986. Now the Govt. has accepted the updating as per 1986 survey, but is not implementing it because this would necessitate the proper processes of acquisition which it is avoiding.

From all this, it is clear that the massive deployment of police, and the terrible consequences that have followed are a result of deliberate state policy of trying to brush aside all legitimate demands of people, erase all possibilities of dialogue and use state force to terrorism the people into submission."

Forceful Survey to Continue

Disregarding the public opinion, the Maharashtra Government is making hectic preparations to continue with the forceful survey work. Over a thousand Maharashtra police and at least nine companies of State Reserve Police have been kept armed and ready to enter the tribal villages in the submergence areas of Dhule district. The situation is grim as any forceful entry of the survey team will cause further blood shed as people are not on a mood to be submissive to the terrorist tactics of the State.

It may be recalled that a team of independent obsevors consisting of justice D.S. Tiwatia,

Advocates Kamini Jaiswal and prashant Bhushan who visited the Narmada valley during this year's monsoon had cautioned that if the construction of the dam is allowed to proceed without proper resettlement and rehabilitation of persons who will be ousted in the coming years, the same story, on a larger scale will be repeated each year. Each year then the ousters will be forced to move out even before they are satisfactorily resettled, on the ground that their lands and homes will be submerged due to the increased height of the dam wall which is progressively getting higher each year. This will undoubtedly lead to a much larger scale of violation of human rights than what we are witnessing this year.

Medha Patkar and Other Detainees Write from the Jail

"Today there is no urgency to survey the areas likely to face submergence next monsoon, as in any case, the government will be violating the Tribunal norms by submerging areas that are not even surveyed seven month prior to submergence. But under such a pretext, the Government of Maharashtra seem all out to crush the people's determination against displacement for this unjust project. The movement has remained non-violent till date. But in the face of the unprecedented State violence as faced by the Andolan today, we urge the people of the country to guide us as to what we should do. We appeal to all the Dalits, Women, Adivasi and Human Rights Groups to standby us in this hour of crisis."

We appeal to all sensitive and concerned citizens, Trade Unions, movements, parties and organizations to make strong and organized protest against the State sponsored violence, demanding that:

- a. Withdraw police force from the Sardar Sarovar affected villages of Dhule,
- b. Stop all operations in these villages until they are carried out with the consent of the people.

- c. Suspend the officials responsible for the killing of Rehmal puniya vasava,
- d. Order a judicial enquiry into the whole incident,
- e. Unconditional release of the tribals, activists and others from Dhule jail, and
- f. Put off the closure of sluice gates of the dam.

You may also send urgent letters/telegrams to The Chief Minister, Government of Maharashtra, Mantralaya, Bombay and The Prime Minister, The Prime Minister's office, South Block, New Delhi 110001.

Development vs Human Rights: A False Debate

Tapan K. Bose reviewed Human Rights situation in India in a report presented at Asia-Pacific Conference on Human Rights in Bangkok, Thailand, March 25-28, 1993. He summaries thus:

The State of India has always been sensitive to its image abroad. It has spent hundreds of millions of rupees in propaganda. Now it is trying to refurbish its tarnished image as a major violator of human rights by proposing to set up a National Human Rights Commission. The proposed Commission will have no powers to investigate complaints independently. They will have to accept the version given by the Home Ministry. Even its recommendations will not be binding. The experience of such government sponsored Human Rights Commissions in the Asia-Pacific region shows us that these Commissions have achieved very little.

Though the State of India is a signatory to the UN Charter of Human Rights and other protocols, it refuses to abide by most of them. It argues that human rights should be made subservient to the development needs of the country. As a justification for many of its black laws, it hides behind the subterfuge of the cultural peculiarities of Indian society. It argues that there can not be universal norm for human

rights and that these must be reinterpreted in the light of cultural heritage and historical traditions of each country. It is not an accident that the state of India spends more on its defence and security forces than on public health, welfare, education and public transport.

MALDIVES

TWENTY-TWO POSSIBLE PRISONERS OF CONSCIENCE ARRESTED FOLLOWING PRESIDENTIAL ELECTIONS

Amnesty International has written to the president of the Maldives seeking information on 22 people whom the organization believes may be prisoners of conscience, imprisoned for their support of a rival candidate on recent presidential elections.

In the Republic of Maldives, the parliament nominates the president by secret vote and then puts its choice to the people to ratify in a referendum. In the parliamentary vote on 23 August 1993, President Maumoon Abdul Gayoom was nominated for his fourth term in office. He received 28 votes while a former minister, Ilyas Ibrahim, received 18 votes. A third candidate, Education Minister Abdulla Hameed, received one vote. President Gayoom's nomination was accepted by 92 per cent of those who vote in the referendum held on 1 October.

Arrests of supporters of Ilyas Ibrahim reportedly started in June and 22 have been imprisoned, including Mohammed Salem, a member of parliament. Ilyas Ibrahim was alleged to have used irregular means in his bid for power. He left the Maldives before the parliamentary vote and in early August was charged in his absence with violating the constitution and breaking his ministerial oath. On 9 September, he was reportedly sentenced in absentia to over 15 years' banishment, which he would have to serve if he returns to the Maldives.

Among those arrested was Don Didi, reportedly arrested on 8 June and charged with assisting

Ilyas Ibrahim in his attempt to win the presidency and for using black magic without authorization. She was sentenced to ten and a half years' banishment to a remote island. The keeper of the cemetery where she is alleged to have performed the black magic, Man Hokko Dohokko, was sentenced for assisting her and is now believed to be under house arrest.

NEPAL

AMNESTY'S CONCERN ON SARLAHI INCIDENT

Recent widespread flooding in Nepal affected most of the country. Hundreds of people died, thousands were made homeless and a nationwide relief operation was put into operation. The protests in Sarlahi district took place in this context.

Amnesty International has repeatedly expressed concern to the Government of Nepal about possible extrajudicial executions by police engaged in crowd controls, and the need for police to guard against the unjustified use of lethal force.

Amnesty International is concerned about the torture in police custody of three students, Kiran Shrestha, Shankar Rokka and Lochan Nepal' and the possible extrajudicial killings of Kapildev Singh and Bijaya Mahato outside Barahathawa police station, Sarlahi District, on 23 August 1993.

The events took place in the wake of a transport strike in Barahathawa on 20 and 21 August which had been called to protest against alleged corruption and partiality in the distribution of relief materials to flood victims in the region. Members of a local youth Club, who believed they had evidence of corrupt practices by two local businessmen, started to make their allegations public.

Three students from the club - Kiran Shrestha, Shankar Rokka and Lochan Nepal - apprehended

one of the businessmen and took him to the Barahathawa police station. Local people who heard their cries gathered outside the police station and witnesses state they saw the students covered in blood from what appeared to be lacerations. One of the students, Kiran Shrestha, fell unconscious and was referred to Janakpur Hospital for emergency treatment.

Police reinforcements arrived from Malangawa to take control of the situation. The Malangawa Deputy Superintendent of Police reportedly requested the police Inspector at Barahathawa police station to apologise for the beatings. The Inspector replied that he would only do so if no official action would be taken against him.

The situation became more tense when the crowd outside the police station started throwing stones. The police responded by opening fire. Two people - Kapildev Singh and Bijaya Mahato - were killed immediately and three were injured. According to reports from witnesses, the police fired indiscriminately and without warning. Those injured and killed sustained their injuries from behind or above their knees. Amnesty International is concerned that these killings may amount to extra judicial executions.

A local human rights organization which investigated the incident reports that the police had not obtained a written order to open fire from the Chief District Officer (CDO) and that when the CDO was asked to comment he replied that in practice the police usually open fire first and their action is endorsed afterwards by the CDO.

Amnesty International has:

- expressed grave concern that two people were killed by police in possible extrajudicial executions in Barahathawa, Sarlahi District, and asked the government to constitute an independent commission of inquiry to investigate the killings and to ensure that those responsible for extrajudicial killings are brought to justice;

- urged the government to ensure that police are clearly instructed not to use lethal force other than in strictly limited circumstances, as set out in the UN's Basic principles on the Use of Force and Firearms by Law Enforcement officials;
- urged that reports of torture and ill-treatment of Kiran Shrestha, Shankar Rokka and Lochan Nepal be fully and independently investigated and that those responsible be brought to justice;
- urged the government to compensate victims of torture and the relatives of victims of extrajudicial killings.

Police Tortures a Child

A 14 year old child has been arrested and tortured by the police which has gone unnoticed by the concerned child NGOs.

Child Niranjan Dhakal was arrested by police at the complaint of his neighbour on the 17th Ashoj. He was tortured by giving electric socks and beaten with pipes while he was taken to Gausala and Koteswor police posts and district police office, Hanuman Dhoka.

Niranjan's father and some Mohan Dhakal, an officer of HMG Tax Office, had a feud concerning land and this became cause of the torture of the child.

(Source: Kantipur, Nov 23, 1993)

Attack on Journalist

On November 26, 1993, some (about 60-70) persons, who called themselves the workers of CASINO Nepal, made a sudden attack on Kamana Group of Publications. The journalists and editor were beaten and threatened. The Kamana Group of Publication publishes: (1) Sadhana Family Digest (English and Nepali language), (2) Mahanagar (daily newspaper) and (3) Kamana Film Magazine.

The press release of the Group says: "The press was surrounded by a gang of about 60-70 persons, with sharp weapon in hand, and manhandled the journalists associated with the Group. The property of the press was destroyed by the gang. The press was surrounded for 4 hours (from 2:30 pm to 6:45 pm). Even they seem to set fire on the press. They attacked the press when a news of "homosexual in Kathmandu" was published in Sadhana. The editor of the Sadhan expressed that he is ready to publish a comment of the news in coming issue. However, the gang did not accept this proposal and forced the editor, Mr Dharma Adhikari, to sign a paper of pardon or excuse. The "pardon paper" was prepared by the gang. The gang asked the editor to distribute this paper to other newspapers for publication list, the gang warned, they would set fire on the press and manhandle the journalists.

Regarding this incident, police were informed. The police arrived, however were unable to control the situation, because there were few policemen. Ironically, instead of controlling the situation, the police themselves were asking the editor to sign the paper prepared by the gang".

The sudden attack made on the Group raises a number of questions on the security of journalists as well as reveals the situation of law and order situation. What was the administration doing when the press was surrounded for 4 hours? According to the editor Mr Adhikari, the Home Minister was apprised of the incident. However, no action has been taken against the gang or culprits. The editor says: "This is not only an attack on me, instead it is an attack on the Kamana Group of Publication and on the whole press of Nepal. We used to receive calls of threat by unknown persons from time to time, because we are providing different information to our co-publication -- Mahanagar Daily -- which may be against the criminals".

Action Requested: In this circumstance, we kindly request you to ask the government of Nepal to take action against the culprits.

SAY NO TO ARUN III PROJECT

The Arun III project, biggest project to be launched in Nepal, had been controversial since the beginning. The project financing for which is being arranged by the World Bank, is likely to be a burden to the nation and also a disaster to the region. The (402 MW) hydro electricity project is to be built on a tributary of the biggest river Koshi of Nepal

Some Major Concerns Regarding the Arun III

- With a current price tag of \$764 million, the scheme will cost as much as the entire national budget for one year. This is a major financial commitment way beyond Nepal's limited resources.
- The scheme will cost \$3,800 per installed KW. Private companies in Nepal can and are building small and medium hydro schemes (up to 60 MW) at half that rate.
- The engineering and management capability to build a large project like Arun does not exist in the country, which means that the entire scheme will be built by international contractors.
- Investing in Arun means putting all Nepal's hydropower eggs in one basket. This makes it a high-risk option and provides no answer to the current load shedding problem.
- Political stability in the country will be threatened if tariff has to be raised to the level being insisted on by the World Bank for this project to go ahead.
- Public participation both at a local level in the affected district and at a national level has been insufficient in the development of the Arun project.
- There has not been enough preparation for detailed planning of the mitigation measures needed to counter the serious

adverse environmental impacts of the access road to the Arun Project.

- Given Nepal's current development status and priorities, Arun could do more to damage than enhance the country's overall development prospects.

Arun Concerned Group

A presence group with the name "Arun Concerned Group" has been formed with the representation of NGOs involved in Development, Environment and Human Rights, environmentalists, engineers, lawyers, journalists and social activists. The group feels the inadequacy of the disclosure on the immediate and long-term sustainability and benefit of the project. The group has completed the following works.

1. About one dozens meetings, discussions and get-togethers organised on different questions and issues relating to Arun-III.
2. Active participation by Arjun Karki, Badri Prasad Khatiwada, Bed Nidhi Dahal, Ganga Subedi, Gopal Krishna Siwakoti, Dr Gopi Upreti, Gouri Pradhan and Sushil Pyakurel in public consultation programs organised by the initiative of Nepal Electricity Authority in different parts of Sankhuwasabha district, and the distribution of 10,000 pamphlet of the Arun Concerned Group entitled "Arun-III: and issues of Local Concerns".
3. The publication in Nepali and English of a booklet entitled "Arun-III: An Introduction and its Main Concerns".
4. Contacts, correspondence and communications with loan and donor agencies and with other organisations and individuals of similar objectives at national, regional and international levels regarding various concerns and controversies relating to Arun-III.

Future Plan of Action

1. To organise meetings with different organisations, political parties and concerned government officials and agencies to start discussions and dialogues.
2. To continue correspondence with different international organisations or their representatives in Nepal related to the Arun-III Project and to express our concerns.
3. To acquire information and documents of Arun-III Project and to study and analyse them.
4. To raise the issues of major concerns and local welfare of the Project in a wide way at the local level and to work as a pressure group for their presentation at national and international levels.
5. To do other works according to the situation and necessity.

SRI LANKA

The Ethnic Conflict

November 1993 was marked by hardening of attitudes on both sides and the severity of military actions.

At the beginning of the month, there was reportedly a call to Tamil youth by Prabhakaran to rally round the LTTE and to volunteer for military duty as it was becoming increasingly apparent that Eelam would have to be won on the battleground. This was confirmed by Balasingham who declared on 2nd November that the LTTE was mobilising the entire Tamil nation for war as there did not appear to be any prospect of a peaceful settlement. This attitude was confirmed in a statement made to visiting reporters from the Sunday Times by Anton Balasingham and Tamil Selvam; they totally

rejected the possibility of any proposal for settlement emanating from the Select Committee; arguing that it was the government that had closed the door to negotiations, Selvan has said: "If the Sinhala votes and the Army Commander could safeguard his post for another year. But remember there is the LTTE and there is always an ethnic problem".

President Wijetunga has repeated on many occasions his conviction that the war in the North was simply and solely a terrorist problem, with the implication that what was required was an increased military effort. One significant occasion was the meeting of the UNP National Executive Committee where his stand was endorsed by the party.

Parliamentary Select Committee on the Ethnic Conflict

The report of the Select Committee was tabled in Parliament on 11 November by its chairman, Mr Mangala Moonesinghe. It labours, since it was appointed in August 1991, have produced what it calls a consensus among its members representing the UNP, SLFP, LSSP and CP. They agree on four matters:

- setting up two separate units for the Northern and Eastern provinces

- adopting a scheme of devolution similar to that of the Indian constitution
- developing more subjects in the concurrent list or doing away with it totally
- Holding local elections in those areas of the Eastern province where security permits.

The report in essence unifies all these parties in rejecting the merger of the two provinces as well as in giving greater powers to the provincial councils.

Tamil parties withdrew from the Select committee at the beginning of this year and the consensus is thus one among the Sinhalese. It is not acceptable to any Minority party, including the Sri Lanka Muslim Congress. The report is thus unlikely to offer any basis for the settlement of the conflict; some, however, see the agreement to devolve more powers on provincial councils as a positive sign that the principle of greater devolution is now acceptable to all major parties.

[Courtesy: INFORM]

MEETINGS/SEMINARS

UNHCR TO WORK MORE CLOSELY WITH NGOS

More than 60 national and international non-governmental organizations working with refugees and internally displaced persons in Bangladesh, India, Nepal and Sri Lanka, met in Kathmandu with officials of the United Nations High Commissioner for Refugees (UNHCR) to discuss ways and means to work more effectively together.

During the three days meeting co-chaired by Justice (Rtd.) J.F.A. Soza, chairman of the Sri Lanka Human Rights Task Force, and Mr. S. Chetty, Deputy Director of the Asia Bureau at

the UNHCR Headquarters in Geneva, participants reviewed and made recommendations on how to increase co-operation on four main areas; refugee protection in South East Asia, internally displaced persons, responses to refugee emergencies, and the continuum in relief, rehabilitation and development.

The meeting recognized that countries in the region have historically maintained generous admission policies of refugee and asylum seekers, but that much still needed to be done in order to strengthen the protection legal framework in the region. It was widely agreed that there is an urgent need for countries in the

region to accede and implement the 1951 Geneva Convention on refugees and its 1967 protocol. It was proposed that NGOs should engage in intensive lobbying efforts with Government authorities and in public awareness campaigns to ensure the adoption of these international instruments as soon as possible.

The meeting also agreed that UNHCR and NGOs should formulate complementary protection activities. While UNHCR has the legal mandate given to it by the international Community, NGOs are sometimes the only structures present to which refugees can turn, especially at the outset of certain emergencies.

NGO participants proposed that the definition of refugee should be extended to include fear of persecution based on gender, recognizing that in many instances refugee women and refugee girls are subjected to rape and other forms of sexual violence.

In relation to internally displaced persons, the meeting recognized that UNHCR has a much more limited mandate in providing protection and assistance to this category of persons. Nevertheless, it was recognized that worldwide there are around 25 million internally displaced persons that are in need of attention and support.

It was agreed that an early-warning network of information sharing between NGOs and UNHCR could provide the most effective strategy for the adoption of pre-emptive measures to prevent or mitigate conditions leading to displacement.

The meeting also proposed that the UN Agencies concerned and NGOs should co-operate in the development of adequate legal basis for protection and assistance to internally displaced persons, drawing from existing norms in international human rights and humanitarian laws.

NGOs and UNHCR discussed a number of concrete measures to work more effectively together in responding to emergencies. These

recommendations cover the early-warning activities, the field operations and the programming and project design. Strong emphasis was placed on the questions that refugee men and women should be effectively involved in planning for the response to emergencies in which they are involved. NGOs requested that UNHCR internal procedures for contracting NGOs as implementing partners be made more flexible and agile.

Finally, the meeting adopted a series of recommendations to ensure that there is an effective link between the phases that go from the initial response to a humanitarian crisis to the long-term needs and well-being of the affected populations.

NGOs and UNHCR offices in the four countries represented at the Kathmandu meeting will now embark on discussions on how to implement the agreed recommendations. Kathmandu was one of six regional consultations between UNHCR and NGOs, which will cumulate in a global conference to be held in Oslo in June 1994.

SOUTH ASIAN PLANNING MEETING ON BONDED LABOUR AND CHILD SERVITUDE

A two day planning meeting on Bonded Labour and Child Servitude was held in Kathmandu on November 4-5, 1993. The meeting was held under the auspices of South Asia Coalition on Child Servitude (SACCS). The meeting was hosted by INSEC. The representatives from South Asian countries participated the meeting. The specific objectives of the meeting was to identify the issues of common concern on bonded labour and child servitude, chalk out action plan for coming years.

Realising that the struggle to liberate bonded labour and child workers must be a part of larger movement for human rights and must

be linked to long term strategies for social and economic development, the meeting unanimously drew up the following plan of action:

- To expand and strengthen SACCS network in all countries of South Asia.
- To establish bonded labour liberation front in all countries of South Asia.
- To carry out different programmes and action-oriented activities for the protection of the rights of the child and for the emancipation of bonded labour and child servitude.
- To form a Parliamentary Forum on Bonded Labour and Child Servitude.
- To hold a national level consultation meeting involving as many NGOs as possible working for the elimination of bonded labour and child servitude and for the protection of the rights of the child in all South Asian countries and form coalition of the organisations with a view to sharing the responsibilities of the work within the board framework of SACCS in keeping with Delhi Declaration of 1992. Such coalition would provide observer status to representatives from the professional and trade organisations, industry and commerce associations, parliamentarians, media people, etc.
- The meeting entrusted Informal Sector Service Centre (INSEC) and Child Workers in Nepal Concerned Centre (CWIN) to act as secretariat to facilitate and coordinate the work.

SOUTH ASIA REGIONAL CONSULTATION ON RURAL HOUSING EViction AND DISPLACEMENT

A three-day South Asian Regional Consultation on "Rural Housing, Eviction and Displacement" was held in Kathmandu,

Nepal. The consultation was sponsored by YUVA, Bombay, India and hosted by INSEC, Nepal. The consultation was attended by 34 participants from Bangladesh, Bhutan, India, Maldives, Nepal and Pakistan.

The objectives and background of the consultation were:

- In the growing concerns caused by civil and political strife in the region causing refugee problems, mega projects funded by IMF/WB/ADB causing displacement of rural poor and tribal communities, trafficking of women and children across countries, so-called economic migration caused by absolute poverty situations and forced eviction and displacement caused due to ethnic and communal tension, population transfers, forced eviction caused by militarisation and invisible/hidden displacement caused by market forces/development model and policies, need to be understood in regional perspective as many of these issues have across country linkages and impacts.
- In this context it was felt important to develop common perspective and joint action agenda in coordination with one another from the region.
- The phenomenon of forced evictions is rampant in the South Asian region and is, in contravention of numerous international legal human rights instruments, in particular of the provisions of the right to housing. The instruments that recognise this right are the International Covenant on Economic, Social and Cultural Rights (ratified by Nepal and India), the Convention on the Elimination of All Forms of Discrimination Against Women (ratified by India, Pakistan and Nepal) and the convention on Rights of the Child (ratified by India, Nepal and Pakistan).

- It was also pointed out that in keeping with the protection against forced evictions as reflected in International Law and based on information received on the growing and insidious practice of forced evictions in, among others, many South Asian countries, the UN commission on Human Rights adopted a historic resolution in March 1993 on this subject.

- The resolution declares that forced evictions are a 'gross violation of human rights, in particular the right to adequate housing'.

- The resolution also urges Governments to confer legal security of tenure to all persons currently threatened with forced eviction and to adopt all necessary measures giving full protection against forced evictions, based upon effective participation, consultation and negotiation with affected persons or groups.

- The participants urged the South Asian governments to recognise the human rights dimensions of forced evictions, to respect the obligations contained in constitutional provisions and international instruments and to ratify the instruments that they have yet to ratify.

- The participants called upon all NGOs, Community based organisations, trade unions and mass organisations to continue to put pressure on governments to follow the directive laid down by the UN Commission on Human Rights. All the participants discussed and unanimously endorsed the following plan of action to be undertaken collectively.

The Consultation drew the following action plans:

1. Regional Newsletter on Rural Housing,

Eviction and Displacement to be initiated from January, 1994.

2. Reader on Displacement focusing on magnitude and phenomenon of displacement including case studies to be published by March'94.
3. Annual state of eviction reports on displacement to be initiated privately by countries in the region. The need to develop a regional year book was emphasised. The Year Book would include regional perspective of the placement case studies on eviction, victims testimony and relevant bibliography.
4. Manual for Judges and Lawyers on International Human Rights Law and its implications for forced evictions and displacement in countries in the region to be developed.
5. Training and advocacy for advocates, activists and officials on International Human Rights Law relating to forced evictions to be undertaken.
6. Tool kit for a methodology for documenting cases of evictions to be developed.
7. Meetings/ workshops of victims of displacement and mass organisations on issues related to forced evictions are to be initiated.
8. Issue of Bhutanese Refugees to be taken up as a special programme for next six months to build pressure on Bhutanese Government to amicably resolve to problem.
9. WORLD HABITAT DAY is to be observed as an "Anti Eviction/ Displacement Day" throughout to region in order to highlight the issue.

SAFHR ACTIVITIES

Informal Meeting

Informal Meeting of SAFHR Members
Kathmandu, Nepal
November, 1993

MINUTES OF THE MEETINGS

An informal meeting of South Asian Forum for Human Rights (SAFHR) was held on November 2, 1993, during the PARinAc Conference organized by UNHCR in Kathmandu, Nepal. The following persons were present during the meeting:

1. Mr Tapan Bose (India)
2. Mr Ravi Nair (India)
3. Ms Rosaline Costa (Bangladesh)
4. Mr Mario Gomez (Sri Lanka)
5. Mr Sushil Pyakurel (Nepal)
6. Mr Shiva Hari Dahal (Nepal)

A number of things and progress of SAFHR was discussed during the meeting. The matter discussed in the meeting is as follows:

Mr Tapan Bose, The Other Media, who was entrusted to organise a South Asian follow-up meeting of Human Rights in Exceptionally Difficult Circumstances in Delhi according to the decision of Madras meeting, informed the meeting that, due to lack of assurance of funding in time, it was not possible to organise the meeting in November in Delhi. In the meantime, Mr Tapan told that the drafting of Charter is almost completed.

Since the time is very short, the meeting decided that the Peoples SAARC, which is a new programme itself and needs a serious effort and preparatory meeting in each country, should only be held in 1994.

Mr Sushil Pyakurel, General Secretary of SAFHR, informed the meeting that CEBEMO, a Dutch funding agency, is ready to support SAFHR activities. However, final agreement has yet to be made.

Mr Ravi Nair informed the meeting that the work of compiling of Repressive Laws in South Asia is in progress.

The meeting discussed the poor response from Sri Lanka and Pakistan. Therefore, it was decided that other friends from those countries be consulted to promote SAFHR activities. For this, the meeting decided to seek help from other friends who may be willing to cooperate with SAFHR.

Peoples SAARC Postponed

SAFHR has decided to postpone of organising Peoples SAARC to next year, i.e. 1994. It does not mean that we have given up People SAARC. The only question was that whether we could be able to hold this year or not. Also, while consulted the the SAARC head office here in Kathmandu regarding the SAARC Summit, they told that the ministerial council meeting recently decided not to hold the Summit this year, but it will certainly be held in November / December, 1994. Therefore, it was not possible to hold the Peoples SAARC before the SAARC Summit this year.

APPEAL

Dear Friends,

We hope you are receiving our bulletin from the beginning. In the last issue, we mainly focussed our concern on the incidents violating human rights in South Asia. 1994 onwards, according to the suggestion of many friends, we are going to include articles on different issues of human rights. Therefore, we cordially request all interested readers and friends to kindly send their contribution in the form of article to our bulletin. Every contribution, whether article or information, should reach us by the end of evry alternate month (i.e. January, March, etc.).

Thanks for your kind cooperation.

South Asian Forum for Human Rights (SAFHR)

दक्षिण एशियाली मानव अधिकार मंच (साफर)

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November 2, 1993

Ms Khalida Zia
Prime Minister of Bangladesh
Dhaka, Bangladesh
Fax:

Honourable Prime Minister,

We, the under signed, human rights and social activists of India, Nepal and Sri Lanka express our grave concern that the visa of Father Richard Williams Timm, CSC a dedicated and prominent educationist, social worker and human rights activist has been held up for the last four months. Fr. Timm is known for his contribution to academic, social development and human rights work, not only in Bangladesh, but internationally, especially in South Asian region. He has worked as a scientist and a teacher in Notre Dame College, a renowned educational institution from 1952 - 1970. During that period he wrote Biology text books (7 edition) which were widely used in all the colleges in Bangladesh. He also worked as Full Bright Professor for six months in Dhaka Medical college.

In 1970, after the historical cyclone he left for Monpura to help the cyclone affected people. He changed his career and devoted himself for development work in Bangladesh. His contribution to development and education is known in the whole region. During the liberation war, he risked his life to help Bengalis and then began working with the Catholic organization of relief and rehabilitation, then known as CORR. This was later renamed Caritas. For all his work he got recognition and received Magsaysay award from Philippines in 1987 for his international understanding and dedication for the poor.

He formed the Coordination Council for Human Rights in Bangladesh (CCHRB) in 1986 and serves the organisation as founding President. 48 big NGOs, devoted to development and Human Rights work, are the members of this council. He is the Executive Secretary to the Commission for Justice and Peace of Bangladesh established in 1974 which plays a vital role in promoting and protecting human rights of the people. He also took his initiative to establish South Asian Forum for Human Rights (SAFHR).

All these activities show that during his 41 years in Bangladesh he devoted himself to the well being of the people and this could be possible only because he loved Bangladesh and her people. We also learn with grave concern that only after the democratic government come into power, did his visa problems begin.

We urge that you will instruct the appropriate officials in your government to renew his visa, allowing him to move freely in and out of Bangladesh unconditionally and without delay.

Thanks.

INSEC ACTIVITIES

SECOND YEAR OF THE HUMAN RIGHTS EDUCATION AND SOCIAL AWARENESS RAISING PROGRAMME

INSEC, an institution committed fully to protect and promote human and constitutional rights, has been endeavoring to create awareness of the rural people regarding social, cultural, economic and the fundamental rights guaranteed by the constitution. INSEC, with its experience in a multi-phased voters awareness program before the 1991 general elections has undertaken Human Rights Education and Social Awareness Raising Program. The first phase of the program was completed in April, 1993.

INSEC feels, the human rights and social awareness program is an ongoing process. Through its awareness raising program (I Phase), INSEC could facilitate the organization and functioning of human rights groups in 25 districts. It has made humble effort to deliver the message and concept of human rights amongst the rural people, teachers, NGO workers, people's representatives, political workers, journalists and local administrators. It also addressed the cases of human rights violation, disseminated situation reports and acted as pressure group to pursue law implementing agencies to respect human rights.

According to the aims and objectives of INSEC, we have been launching second phase of Human Rights Education and Social Awareness Raising Program. With the experience gained and the feedback received from the first phase, INSEC is poised to take a more meaningful role to raise the level of awareness of the rural people regarding Human Rights. The objectives of the programme and the focus area are the same as it was in the first year.

a. Meeting with Donor Agencies

A meeting of INSEC Network with INGOs (donor agencies) was held on

September 8, 1993. During the meeting, the activities of district organizations, their need and the need of activities that is envisaged to be carried out in the districts were discussed. The objectives of the meeting was to bring the INGOs and local NGOs to the common strategies of cooperation. The district organizations expressed, in brief, their future activities. Though the meeting could not be fruitful which we had expected, however, concern was expressed by the INGOs to cooperate with the district organizations through INSEC. At the same time, the relation between local NGOs, INSEC and INGOs was discussed as well.

b. Revised Policy

According to the decision of Dulikhel meeting and considering the experiences and recommendations received after launching different programmes in 25 districts under the direct involvement of INSEC in 1992, it has slightly revised the policy of launching the programme for the second phase. They are as following:

1. INSEC will implement the programme through the local NGOs (members of INSEC Network).
2. Women participation in the local NGOs must be 30 percent.
3. INSEC will support the local NGOs to organize training, symposia etc. and will provide resource persons and arrange financial resources.
5. INSEC regional offices will be established in all 5 development regions for the supervision, planning and implementation of the programmes.

6. INSEC will provide financial support to the district organizations for 6 months only.

c. **Establishment of Regional Offices**

In April 1993, INSEC has established five regional offices: in Biratnagar (eastern region), Kathamandu (central region, central office), Pokhara (western region), Nepalgunj (mid-western region) and Dhangadhi (far western region). These regional offices have been set up with a view to solve problems quickly and easily that come across while implementing any types of local programmes and to maintain contact as well as monitoring them from the centre.

EMANCIPATION OF BONDED LABOR (A MULTI-PHASED PROGRAM)

INSEC started work from September, 1991, on identification of bonded labor in Nepal. The working areas were mainly focused in three districts, viz., Kanchanpur, Kailali and Bardia, which lie in the far-western region of Nepal.

The study was launched to identify the nature of bonded labor and its problems. The result of the study help us understand in what form and in what manner bonded labor exists in Nepal and reveal the nature and position of bonded labor. The study has clearly depicted the situation of bonded labour in Nepal.

The study has revealed the form and the manner of the bonded labour system in this area of Nepal. The study has provided data on the skills, knowledge and resources of bonded labourers, revealed the development of the present situation and the gravity of the Kamaiyas' plight (in terms of indebtedness, poverty, etc) and other factors crucial for the planning of any programmes to liberate and rehabilitate the bonded labourers and their families. Over 17,000 households were interviewed in the course of the study. It is

possible to extrapolate from this study that, only in those three districts, there may be as many as (over 25,000) bonded labourers, including their families.

A large proportion of the bonded labourers in the three districts are Tharu, the indigenous people of Nepal. At least 16% of the population, or 50% of the Tharu people, serve as Kamaiya or live in a Kamaiya household. A Kamaiya is a person who has a one year verbal contract with an employer, usually a landowner, under certain conditions. Usually the conditions are very unfavourable for the employee and for his family.

According to the recommendations of the research INSEC has been launching Second Phase programme on bonded labor. The activities that are being carried out in second phase are as follows:

- a. **Legislation :** According to the objectives of the programme, INSEC has prepared a draft legislation. On July 18, a Round Table discussion was organised on "Bonded Labour (Abolition) Act". The discussion was participated in by lawyers, senior advocates and members of parliament. According to the outcome of the discussion, the second draft of the Act was prepared. To seek comments and suggestions from the field/spot on the draft, one-day seminar was held on August 14, 15 and 17, 1993 in Dhangari, Mahendranagar and Guleriya, respectively. The seminars were participated in by local government officials, district judges, representatives of political parties, journalists, law professionals, social activists and intellectuals. Incorporating all the comments and suggestion made during the seminar, the third draft was prepared. On September 23, 1993, a consultation among the parliamentarians, representatives of farmers associations, journalists, law professionals, intellectuals, etc. was held in Kathmandu to discuss on the third draft. Finally, the

proposed draft legislation has been prepared.

As the second step, INSEC is trying to lobby the MPs to bring this legislation in the parliament. At the same time, INSEC is planning to bring this issue in the Supreme Court.

- b. **Lobby :** In May 1993, INSEC Coordinator Mr Sushil Pyakurel presented a statement on the status of bonded labourers in Nepal during the Working Group meeting on Contemporary Form of Slavery, UN Sub-Commission on Human Rights.
- c. **Awareness Raising and Legal Literacy :** As one of the activities of second phase, INSEC has been launching awareness raising and legal literacy programme, with particular emphasis on Tharu community in four districts: Banke, Bardiya, Kailali and Kanchanpu. The four district-level organisations are carrying out this activity. With the experiences gained while launching human rights education and social awareness raising programme, INSEC facilitates to form district level organisations to carry out activities concerned with Kamaiya. The organisations are represented by Tharu community, social activists, etc. As the pilot project, this particular programme is envisaged for one year only. Long-term programme will be launched after evaluation.
- d. **Non-formal Education Programme for the Children of Kamaiya :** The proposed programme is intended to provide education to the Kamaiya people. The Kamaiya people living in the three districts of Bardiya, Kailali and Kanchanpur in the Far Western Terai Region of Nepal, are one the most backward communities in Nepal.

INSEC's study in one of the Village

Development Committees shows that these people work 12 hours a day on an average. 96% of these people are illiterate and do not have lands of their own and about 70% have no homes. Over and above, most of these people are indebted which is a legacy they are inheriting from generations.

Therefore the present programme basically aims at making the-non-school going, early school leavers, drop-outs and pushout children of this community capable and willing to attend the school by making them literate and improving their status of enlightenment through impartation of civic education to make them aware of their rights and duties and the importance of education in enabling them to take worthwhile participation in the cultural economic, political and social life of the community, thus saving them from being bonded in future as their forefathers.

The specific objectives of the programme are as follows: (1) To make the children literate of the community below 14 years and to enable them to learn practical mathematical knowledge of additions, subtraction, multiplication and division. (2). To provide them basic knowledge on health, sanitation, nutrition, family welfare, environment, culture, etc. (3) Motivation campaign will be launched to ensure the continued attendance and participation of the students. At the same time, emphasize will be given to motivate and convince the owner and the guardians to send the children to school.

- e. **Income Generating Programme:** To abolish the Kamaiya system, we need to make them economically self-reliant. So, there must be some income generating programme for the Kamaiyas. However, it is yet difficult to mention what kind of programme there would be. Therefore, we are planning to study on the viable income generating projects, then only

some development projects. It is our opinion that the projects which could be **run by the community itself can only sustain**. Therefore, a research on such programme is necessary.

- f. **BLLF/Nepal (South Asia):** It is our strong conviction that the liberation of bonded labour shall only be possible through social movement. For this purpose, we need support from people of different walks. To make it a movement, we need a separate national institution which can lead the programme/movement bringing people of different professions. Therefore, we propose to establish a new organisation called Bonded Labour Liberation Front/Nepal (BLLF/Nepal). One of the objective of BLLF/Nepal is to identify the nature and contemporary forms of slavery in Nepal.

It is to be noted that the issue of bonded labour is one of the burning issue in South Asia. This issue is closely linked with other issues of South Asia. It is our experience that the regional effort will help to resolve the regional issues. Millions of people have been suffering under slavery in India and Pakistan. Our friends in India and Pakistan, where the slavery issue is etreme among South Asian countries, have formed BLLFs. The BLLF/Nepal will strengthen its relation with these BLLFs and play a key role to establish BLLF-South Asia.

Human Rights Year Book

Since the Nepalese government, after the dawn of democracy, signed different UN instruments on human rights, it was expected that people would be able to live in a peaceful and democratic society. However, the number of political arrests has increased, and we are not only receiving information of torture but also the evidences and, furthermore, the number of political killings by police is increasing. Within

a short span of time Nepalese society has experienced a lot of violence.

After the elected government assumed power, in spite of its assurance and commitment to better human rights situation, Nepalese people feel that human rights situation is deteriorating.

As a human rights organization, INSEC has been documenting the cases of human rights violations in Nepal for the last year. Even from time to time INSEC has published its findings. If we look at data critically, we can visualize the dangerous signals of violence.

As a human rights organization we must not only observe the situation but also try to prevent such violence and sustain peace and democracy. If we analyze the instances of violence, we will observe various sectors of the society responsible for the violence. Though the government is primarily responsible for every happening, the law enforcement agencies like police, and even political parties have in many cases intensified the violence.

We strongly feel that we lack actual information on human rights situation as well as awareness and education on human rights. After the incident of violence or violation of human rights, it is generally seen that either parties, like the government and political parties, accuse one another for the incident without having any proper investigation and information nor do they bother to find out the root-cause of the incident.

Based on above situation INSEC is launching the project on monitoring human rights violations and publishing a Human Rights Year Book from 1992. The Human Rights Year Book-1992 has not only documented the cases of violations but also focussed on the root-cause of the violations and found out responsible parties/sectors. It has also recommended the strategies to prevent such a situation.

The content of the Year Book - 1992 (already published) and the content of the Human Rights Year Book - 1993 are printed below.

CONTENT OF HUMAN RIGHTS YEAR BOOK-1993

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Chapters

1. Introduction
Human Rights Movement in Nepal (upto 2017 BS / 1960AD)
2. Political and Constitutional Development
 - a) Political Development
 - b) Constitutional Development
3. Judiciary and Human Rights
4. Parliament and Human Rights
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6. Mass Communication and Human Rights
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9. Facts on Human Rights Violations in 1993 (district-wise)
 - a. Eastern Region
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8. Objectives of the Year Book and Difficulties Faced in Course of Preparation
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1. Highlight of the Year Untouchables in Nepal
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 - 5.1 Rights of the Child
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6. Comments of Different Political Parties
on Human Rights Situation in 1993
7. Letters and Document
8. Name of Volunteers
9. Glossary and Abbreviation
10. Human Rights Violation Calendar - 1993

Human Rights Day Celebrated

Human rights organisations, including INSEC, of Nepal jointly celebrated 46th UN Human Rights Day on 10 Dec 1993 with the following programmes:

1. Celebration of Human Rights Day and the programme with the slogan "Let us find out the disappeared persons".
2. Three days (including the day before and after) celebrated with different programmes like:
 - On 9th Dec, a procession was organised with candle (to protest against the violation of human rights) which reached the Supreme Court from Basantapur. This programme was organised as a symbol of seeking justice.
 - On 10th December, a Talk Programme on Human Rights was organized.
 - On 11th December, exhibition of human rights-related publications (books, poster, bulletin, etc) was organised in Basantapur, Kathmandu.

INSEC Member Abroad

INSEC members have participated in different programmes like seminars, meetings, workshops, etc. abroad which are given below:

- Mr Sushil Pyakurel participated in the Seminar on Changing Economy, in Hanoi, Vietnam. The programme was organised by ACFOD. On October 9-10, he attended the Consultation on UN Mechanism organised by ASIA-FORUM in Chingmai, Bangkok.
- Mr Shiva Hari Dahal participated the HURIDOCs-Asia Meeting in Hong Kong on September 24-25, 1993. The meeting was hosted by the Law Faculty of University of Hong Kong.

The meeting has decided to undertake a number of regional works like compiling regional directory of human rights organisations, for which Mr Ravi Nair of SAHRDC-India is entrusted, holding regional training of trainers, etc.

The meeting entrusted each participant as the HURIDOCs representative in the respective countries. In Nepal, INSEC will be the contact point of HURIDOCs. Regarding the tool, the meeting decided to use the new version of MODEL and EVSYS.

As the contact point of HURIDOCs in Nepal, we request all concerned NGOs who are using (and are supposed to use) Standard Format developed by HURIDOCs, of Nepal to contact INSEC, if they need any help. INSEC is ready to help those organisations as it can.

Similarly, he participated in the Asian Regional Resource Centre for Human Rights Education (ARRC) Workshop to prepare Manual for Facilitator in Bangkok, Thailand on December 18-20, 1993. The purpose of the workshop was to develop/prepare a module of manual which should be useful to the facilitator of human rights education.

- Mr Pramod Kaphley, Programme Officer, attended the two month (September - November, 1993) class on human rights organised by Institute of Social Studies, the Netherlands. Similarly, he is working as the intern at the Danish Centre for Human Rights in Denmark for three month.
- Mr Thakur Dhakal, Regional Officer, participated the Workshop to Prepare Manual on Fact-Finding in Bangkok, Thailand on October 1-6, 1993. The workshop was organised by ASIA-FORUM.
- Mr Prem Pajjuli attended the Education Tour in Dhaka, Bangladesh from November 27 to December 5, 1993. The programme was sponsored by CARITAS.

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