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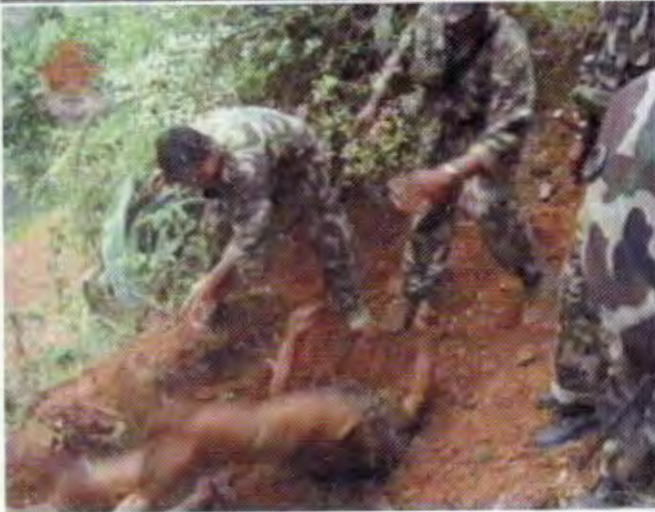
► Door of
Possibility is Open



6 MONTHS OF
STATE OF EMERGENCY

Khara Incident

27 May 2002





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DOOR OF POSSIBILITY IS OPEN

Maoists may make first attempt to save the nationality and the achievements of the people's movement of 1990. It may make public the agenda of change and thereby give an ultimatum to the government to make commitment therefor. It may unilaterally declare cease-fire during the period of ultimatum. Maoists may utilize this election by helping the force coming up in favour of their agenda of change.

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ASIAN VALUES AND HUMAN RIGHTS

Since, duties generate some rights and rights have some corresponding duties, it does not matter at all. Therefore, it should not be treated in different manner because of its apparent difference.

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Is democracy really in danger ? Since ruling party itself has come into conclusion that fifty percent of democratic functioning is over, we the human rights community have every right to seek answer to the question to Prime Minister Deuba.

Human right movement was integral component of Nepal's pro-democratic movement in the past. After restoration of democracy, we are performing actions as a watchdog for the protection & promotion of human rights. Even in this situation of violence & political uncertainty, we are strongly committed to our responsibility. That is why we are urging both the state and the Maoist to think seriously for the cause of Nation & the people.

How can the country move ahead ? Seventy five months have elapsed amidst attack and counter attack, which has taken around 5 thousand lives. In retrospect, this is the record to rank as the black year. Incidents of mass killing, rapes and other atrocities occurring in the present crisis will certainly prove in future how the rulers and the rebels have handled the paddle of development by making ill-governance, democratic constitution and norms and values their main weapons.

The human sensitivity has died, it has been surceased due to cruelty and brutality. Not a single inch of the sensitivity is contained in the heart, so any kind of severe brutality and atrocity cannot touch anybody's heart. Hundreds of Nepalese are being killed, but this becomes a mere and usual news to us. The news presenter presents the news and the audience gets, a formality upon the murder! This is a sign of peril. The country has to awake now in order to seek the ultimate solution of the culminating crisis.

The first phase of the state of emergency was elapsed with the killing of around three thousand people. This was the phase in which the major political parties in the parliament had given their support to ratify it. However, no significant result could be drawn regarding the issue of maintaining peace, law and order. Six months passed, but the problems are as it is. Meanwhile, the ruling party, the opposition and other major parties came into conclusion that the state of emergency should be ended. Prime Minister Deuba could not digest it as a fact, he thought quelling the Maoists should be the single motion.

When the ruling party directed the Prime Minister to withdraw emergency, the house of representatives was dissolved and decided to hold another mid-term poll. The 22nd meeting of the house of representatives was already scheduled. The endeavour by the Prime Minister has added confusion and perplexities among the Nepalese politics. It is yet to see how the Prime Minister faces this challenge. Even the ruling party has doubted whether the election will be held in the announced schedule.

The question arises here also that the Prime Minister had got sympathy from most of the major parties in the first phase of the imposition of the emergency. Despite this faith, the Prime Minister became unsuccessful to solve the problem. Now he is isolated from his own party cadres.

In the last issue, we highlighted the facts on the Maoists' People's war, its genesis, effects and the major events occurred in its name. This issue too more or less deals with the same diet. A lot of people including INSEC's and its networks have contributed from their level best to shape this issue in this form. We heartily compliment them for the co-operation.

Peace is inevitable, no peace no tranquility. So let's move ahead to search for this rare abstract.

OUR REQUEST

We urge both the state and the Maoist rebels to pay attention to the following:

- There is not any alternative to peace, so the dialogue is inevitable.
- The government has to provide relief and security to the family members of the victims without any discrimination.
- The unidentified casualties in the crossfire should be made public at least in number stating whether they were male, female, child, etc.
- The government should prove the rationale of all the activities during state of emergency immediately after the end of it. The Maoists should do the same among the public too.

We, therefore, urge the government to respect the rule of law and the Maoists to be sensitive on the public security and human rights.

INSEC Appeal

Informal Sector Service Centre (INSEC) issued an appeal to all of its well-wishers and friends regarding the recent political incidents occurred abruptly. The main text is as follows :

After six months of the imposition of the state of emergency in November last year, politics in this Himalayan Kingdom switched to a high voltage political drama culminating the dissolution of the 205 member House of Representatives by Prime Minister Sher Bahadur Deuba on May 22 midnight and thereby fixing the date of mid term polls on November 13, 2002.

When Deuba returned from his visit to the United States and United Kingdom on May 15, he had categorically denied the extension of the emergency while talking to reporters at the Tribhuvan International Airport.

Most of the political parties were also demanding to end the emergency as soon as possible. This kind of atmosphere was developed that the public was sure that the emergency would not be extended.

All of a sudden, the government in an all party meeting held on May 17 sought six months extension of the emergency. As a surprise turn of events, the all party meeting which was also attended by Chief of the Army Staff General Prajwal Sumsher JB Rana, Chief of Nepal Police Pradip Samsher JB Rana and Chief of the Armed Police Force Krishna Mohan Brestha who expressed their intention in the meeting that the extension of the state of emergency would help them contain the terrorists. Then, the government registered a proposal in the parliament for the extension of the state of emergency for another six months.

Meanwhile, Central Working Committee of ruling Nepali Congress passed a directive to the Prime Minister for withdrawing the proposal of the state of emergency from the parliament. The party also issued a letter to Prime Minister Deuba seeking clarification from him within 24 hours why he had not consulted the party before seeking emergency extension.

Premier Deuba after the party meeting went straight to the Royal Palace and thereby submitted the recommendation for the dissolution of the House of Representatives. This was the step Deuba had taken without any hint even to his close confidantes.

Three ministers including Finance Minister Ram Sharan Mahat, Minister for Youth, Sports and Tourism Amod Prasad Upadhyaya and Minister for Women and Social Welfare Rajendra Kharel resigned from their posts in protest of Deuba move alleging that he did not trust them.

Buoyed by the unexpected dissolution of the Parliament by Deuba, Congress President GP Koirala suspended him from primary membership of the party and also asked to furnish explanations within three days regarding his dissolution of the House of Representatives and call for the November 13 fresh polls. Even as Deuba furnished the clarifications, Koirala expelled Deuba from the primary membership of the party for three years.

At this juncture, the election is all set to be accomplished on November 13. A lot of speculations are rife about the elections. The erstwhile main opposition party, Communist Party of Nepal Unified Marxist and Leninist CPN (UML) has officially warned that there would be constitutional crisis if the election would not be held on time.

Therefore, the forth-coming election may be unprecedented and of special in nature because of the unexpected political situation in Nepalese politics. The Maoist rebels are forcefully influencing many of the rural parts of the kingdom. It seems that peaceful election will be difficult in about 30-35 districts.

However, in the densely populated areas that cover approximately 40 percent of the population and that lie mostly in the urban areas, the elections seem to

be less violent where many of the erstwhile MPs settle for security purpose.

INSEC as Human Rights watchdog wants to make sure that people use their adult franchise in a free and fair manner with their free consent. But the people, especially, living under poverty line are being victimised, they are landless, deprived of education and so on and so forth.

In the past elections too, INSEC worked its level best to educate the people about their franchise in a bid of ensuring their free use of voting right. From 1991, we have conducted voters' education in every election through our local network organizations throughout the country.

We were leading the National Election Observation Committee (NEOC) elected from the people's level, leading all the human rights community, for the election observation. In the forthcoming election too, we will educate the voters to make them capable for electing worthy and best candidates who could safeguard democracy and Human Rights in the country.

Therefore, we appeal all our friends and the entire human rights community to extend solidarity as in the past so that people would elect right candidates who cater good governance and quality governance to breed up the young democracy in the country.

ABOUT SURRENDER IN PARBAT DISTRICT

In the last issue of INFOMAL, among the total 215 Maoists surrendered in the district administration office of the Parbat district, 65 % were below 18 years of age. This was the record upto 24 December on ward declaration of the state of emergency. As per the further information received to us through our district representative, this number increased to 262 till March 14. Among them 69.46 % were below 18 years of age, including a 12 year old Gopal Pathak.

Surrender in Parbat District



DOOR OF POSSIBILITY IS OPEN

SUBODH RAJ PYAKUREL



Soon after Ser Bahadur Deuba assumed the coveted post of Prime Minister in 2001, he initiated the peace process. There was cease-fire between the government and the Maoists. Peace negotiations were started under the acquaintance of the facilitators chosen by the Human Rights Community. That's not all about Deuba. He also declared programs for economic and social changes that could have brought forth far-reaching consequences, declaration of land reforms, emancipation of Dalits and declaration for equality of women. He also declared the formation of Dalit Commission and Women Commission to move ahead these programs.

Both the Congress and Communists took an enthusiasm, for the scientific and changeable land reform was to be materialized in accordance with the Badal Commission. Leaders of both parties began to share a common platform to speak in favour of this change. It was seen that the leftist even took to the streets in support of Deuba. The parliamentary Committee passed a proposal to amend laws so as to provide equal opportunities to women in every sector including property.

Why were these all-promising matters dismantled all of a sudden? Why was more regressive law made in the name of land reform? Why did the government take a reverse step from providing equal right to women in property? Why could the opposition not create a storm of protest even in the condition that government took back such popular reforms and thereby caused aberrations? A committee formed during

the premiership of Girija Prasad Koirala had concluded the need of radical changes in election system. A consensus was also reached in his period about the formation of the strong and transparent law against corruption.

As the main opposition party had posed these all issues as the preconditions for its support to the government while extending and ratifying the state of emergency from the parliament, it had acquired a pledge from both the president of the ruling party and also from the Prime Minister to fulfill all the above mentioned reforms except for the reforms in election system in exchange of the support of the opposition party for the ratification and extension of the state of emergency from the parliament. A consensus was reached to lock up the fundamental rights of the people to barter a pledge for the fulfillment of the basic conditions that cater freedom and liberty to the people. Such is our sovereign parliament and such are our sovereign people's representatives- the statesmen!

Such is the work done in bewilderment. If they were committed with their whole heart, the huge majority of the parliament could have formed a Constitution Amendment Recommendation Committee so that democratic changes as wished by the people could have chalked out therein. People would have opened a new front to express their opinion and extend popular vote. But the mentality preoccupied with the inertia for inclination of condemning the people after being elected from the people

themselves also deserved a room here too. In multiparty system, parties represent people. But the gist of democracy is to utilize best alternative means at all times to take opinion of people for the solution of each and every problem.

The chief responsibility of a skilled leader is to mobilise people to take their opinion, to make them compatible in conformity and to propound practical principles to give continuity to the process of tilting matters into conformity. We have failed here. The parties to democracy, in the last aftermath, have failed here. And, the nation has fallen in another quicksand. Therefore, both the ruling and opposition parties are responsible for the present crisis in the country. For people, this is not a time to be disheartened themselves by weighing Congress and Communists in the same footing, rather it the time to delve matters seriously. Whoever can understand this fact and thereby correct itself sufficiently enough to penetrate into the problems, the same party will be the emperor in the political history in time to come.

Maoists have been heroes of destruction. Destruction without a basis of creation calls for absolute destruction only. The glaring examples of Polpot in Asia and Gonsalo in Peru are in front of us. However, the turns of events have now left the ball at the court of the Maoists. A historical opportunity is awaiting the Maoists. Will you sacrifice for the sake of principles or transform the principles into the life of people? Mao Tsetung had said " Principle is for the sake of peo-

ple, people are not for the sake of principle." For the time being, let it be pending about adopting the principle of people or conveying own principle to the people.

Thousand times more important than the same is this – Will you save the nation from falling into the chasm or hurl them into abyss for your anger with the government? If they want to make the people strong, the Maoists now onwards must be serious. The army of strong force do not come just for chasing away someone for one time. They live longer in the name of containing possible resurgence. The capital, some routes and some strategic places will be enough for him. The nomads will have nothing to do even in the slightest quantum whether the Maoists rule in jungle of remote hills or not and whatever sufferings the people therein will have to face therefor.

Are Maoists serious? The nation is at a threshold. Regressive forces are moving their hands to wish away democracy. Nationality is under severe threat. Lure of intervention in the name of solving problems is being smelt. At this juncture, will you put all the achievements of the people's movement 1990 into a bonfire or construct progressive possibilities with a strong determination in the democratic foundation? What can the Maoists do as a minimum condition? What should be done? Let's talk in brief. Nepali politics can be compelled to carry out practical activities towards the fulfillment of fundamental reforms to bring forth welfare changes in the life of people. Five million and one hundred thousand farmers can be made owner of the means of production, the land, through the scientific changeable land reform. Local bodies can be developed as local governments. The system of getting victory in the elections by rigging and putting the people in confusion and thereby falling into the vicious circle of the constituency confidantes can be wished away through

broad reforms in the election systems. The economic, social and cultural rights stated as directive principles in the Constitution can be transformed into fundamental rights. All constitutional bodies including the Office of the Attorney General and Law Reforms Commission can be made active by making them really transparent and autonomous. Laws can be amended or new laws can be made in line with international laws and the national commitments towards human rights. A storm of practical, transparent and capable political mobilization can be made for the sake of enactment of justifiable laws and the establishment of rule of law. Aren't these all necessary?

People are waiting for ages with the desire of foodstuffs in their kitchen, teaching in school, treatment in health post, honor in society and ownership in some portions of farms. If the received opportunity is used to open doors for these all, isn't it a part of the campaign to make farthest change? A glaring challenge will remain even after achieving these all. That is the democratization of customs and practices. Establishment of fair and transparent behavior. A compatible behaviour is a must to transform the spirit of any constitution into reality. Democracy provides a right to people to evaluate every person and every matter and also unhindered publicity of the evaluation. These routes may be longer. But violent and destructive measure can never be called for against peaceful and permanent measures.

Nepali people suppressed by feudalism in the four hundred years long history, do not want 'all is well' immediately. Now, the door of possibility is open. The nation is at the threshold of elections. At this time, Maoists may ask the political parties to go for the elections with the agenda of constitution amendment. It may express its opinion about their manifesto. Maoists may make first attempt to save the nationality and the achieve-

ments of the peoples movement of 1990. It may make public the agenda of change and thereby give an ultimatum to the government to make commitment therefor. It may unilaterally declare cease-fire during the period of ultimatum. Maoists may utilize this election by helping the force coming up in favour of their agenda of change. Time may not wait for the Maoists. Maoists themselves have involved in the series of violence, attack and counter attack, it has put forth enough possibility that could establish the Maoists as cruel, criminal and non-political force.

As the restless Maoists have been destroying the public utilities, people have come up for resistance to save their lives. Since the crowd of people is discouraged by both the state and the Maoists, it may create a basis of racial movement. Not only foreign intervention, the nation may fall into the cobweb of racial and regional conflict. A man who is a little cautious and has least honour to human life, can not support the bonfire of violence and counter violence. Tens of thousands of logic can not justify killing of an individual.

Maoists have been posing up with the condition of constituent assembly, it is not a certain measure. The opinion of Maoists is not seen conducive towards the solution of the rampant problems of the nation through the amendment of the constitution. In the eye of the Maoists, the constitution amendment may give only limited advantage. But the achievement is certain. It's a bloodless certainty. The whole can be achieved through the combination of parts. An organised force free from terror, self confident, capable and committed to principle can be formed. Such force can not be finished off just for finishing the bullets. Do Maoists believe on such force or not? If, yes, they must be serious. History is waiting for them, because, now ball of Nepali politics is eventually at the court of Maoists.

INSEC IN

Field visit

EMERGENCY

Violation of Human Rights in the country has turned down to its lowest ebb over the weeks. Worse on this is that nobody, except few persons, knows the reality. Even the media reports are confusing because the media persons seldom visit the spot due to the high risk of security. It is more exasperating since those who have known the realities also do not bring it out due to the fear of discouraging the 'morale of the security personnel'. However, no one knows what constitutes the morale of the security personnel since the phrase used in the Terrorist and Destructive Activities (Control & Punishment) Act is too ambiguous.

INSEC, as a Human Rights watchdog, is taking account of every incident of human rights violations. It is also collecting opinions from people of each and every walk of life so as to build opinion against the violation of Human Rights. In this connection, a joint team of INSEC and Nepal Bar Association including some journalists had visited the Satbariya Armed Police Base Camp, Lamahi Area Police Office and Bhaluwang to assess the loss of lives by Maoist attacks there. The visit was also focused to collect facts about the use of human shield by the Maoists.

DESCRIPTION OF THE EVENT

On April 13, the Maoists attacked the Satbariya Armed Police Camp, Area Police Office Lahami, Armed Police Camp Bhalubang. Simultaneously, they attacked Tulsipur and Ghorahi also. In the attacks, 37 police personnel including one Deputy Superintendent of Police, 3 Police Inspectors were killed in Satbariya, 11 people including 1 police inspector, 9 police personnel and 1 person in custody were killed in Lahami and 5 persons including the driver and the passengers of a bus were killed in Bhaluwang. The casualty on the side of Maoist was also high, but the number of the dead bodies could not be ascertained. However, the Ministry of Defence confirmed that the security force had found 92 corpses.

The police posts in and around the home of Home Minister Khum Bahadur Khadka at Gojena, Satbariya were destroyed. The tents were burnt down and so were the food grain and godown. The house of the Home Minister was also damaged by fire caused by the Maoists. The chattels and uniforms of the police officers were scat-

tered everywhere. New Year greeting cards ready for dispatch were lying on the ground. The fire caused by the rebels during the attacks was not put out when the team reached on the fifth day. Two burnt vehicles could be seen there. The corpses which were unearthed by the security force in the place called Hattisar were lying there. The team found 17 such corpses in three different places. One of the corpses was with combat and another corpse next to him was beheaded. Most of the corpses were mutilated and stinking. Faces of the corpses were burnt beyond recognition.

VIEWS OF THE LOCALS

A local of Satbariya 5 Dhanpuruwa Dinesh Chaudary said, "Somebody opened fire all of a sudden. There was a cross firing. We heard the helicopter roaming around. But none of us dare go out. We hid ourselves below our cot. None the Maoist and police hurt us." Most of the locals hold similar views like Dinesh Chaudhary. Some others said they had seen many people in the day crossing the river in small groups. Chief District Officer of Dang Mathur Prasad Yadav and head of the District Police Office Superintendent of Police Bhakti Nath Maji said there was a big casualty on the side of the Maoists too. They could inflict such a loss as they caused obstacles on the roads and attacked several police posts simultaneously. The locals of Dang are still have a dread of being used as a human shield at any time.

CONCLUSION

- ▶ It was found that the Home Minister had kept the Satbariya Armed Police Force for the security of his home. Because, Satbariya in no way is a center place.
- ▶ The Maoists have used hundreds of civilians in the attacks and some of them had lost their lives.
- ▶ The civilian side of the government did not compile with law since it did not carry out the post-mortem, identification and funeral of the deceased bodies.
- ▶ Maoists have violated the international humanitarian laws by killing the security personnel without arms.
- ▶ The Maoists have done an inhumane act by beheading their fallen comrades and burning their faces beyond recognition.

KNOW YOUR RIGHTS DURING EMERGENCY.

Prior to the declaration of state of emergency, incidents of indiscriminate and extra-judicial killings, abductions and beatings and tortures culminated murder and terror in the country to a greater extent. The government then imposed the state of emergency assuring the people that it was a must in order to mitigate such murder and violence and to establish peace and tranquillity in the country. Many of the fundamental rights of the people enshrined in the Constitution of the Kingdom of Nepal have been suspended during the time of a six months long state of emergency. Among these suspended rights include the right to freedom, right to expression, right to press and publication and others. In time of such a crisis, the international humanitarian law should be made effective. However the state party and the rebellion force, the Maoists too are not following these instruments. It is noteworthy that many of them have been signed and ratified by the government of Nepal with a commitment to enact

them as a law.

Six months elapsed after the imposition of the state of emergency. At the time of declaration, the government had promised 'within three months of the declaration of the state of emergency the terrorism will be completely controlled from the country.' The situation is however similar. It is rather worsening day by day. The Maoists the rebellion force is making its strategical plans and attacking the government's most sensitive and powerful source of secu-



city, including different infrastructures. Although the security personnel are tackling this war with their best, this could not be as effective and successful as expected. Informal Sector Service Centre (INSEC), in this connection, organised different symposiums and interaction programmes in the central, regional as well as district levels. These programmes were co-ordinated by Prem Parajuli, Dasharath Budathoki and Jagadish Dahal from INSEC central office. The respective regional offices and the district level INSEC affiliated organisations had played their contributory role to make the programme a success. INSEC conducted these programmes in a total of 15 districts.

WHY DISCUSSIONS AND SYMPOSIUMS ?

The principal objective of the nation-wide symposiums with prime concern on the state of emergency and human rights was to gather personalities from different sectors and give a forum for them to express their views that could represent the authority they occupy. The other objectives were:

- ☐ To minimise the incidents of the human rights violation;
- ☐ To encourage human rights defenders in matters of the protection and promotion of human rights;
- ☐ To draw attention of the concerned personalities on the issues of the grave violation of human rights, especially after the imposition of the state of emergency;
- ☐ To enforce the concerned authority for complying with the Geneva Convention;
- ☐ To aware general public about the inviolable

rights of the people by encouraging and activating the role of the civil society; and

- ☐ To use the outcome of the symposium as a directive in future.

Coverage

The symposium/talk programmes were conducted with the combined effort of INSEC regional offices, INSEC affiliated human rights organisations in the districts, and the representatives of the Human Rights Yearbook. These programmes had given a combined forum for the personalities of different walks of life in the districts, including judges, chief district officer (CDO), police DSP/inspector, representatives of the Royal Nepalese Army, legal experts, lawyers, journalists, human rights activists, and representatives from different political parties. The personalities attended in these talk programmes had expressed their views focusing on the state of emergency and human rights.

OPINIONS FROM DIFFERENT WALKS OF LIFE JUDGES

The judges of different districts had expressed their views on these occasions. They concluded that the Constitution of the Kingdom of Nepal 1990 has guaranteed the human rights of the Nepalese people and also has said that the state's main duty is to comply with these rights. Nepal is also a state party to different international humanitarian laws including Covenant on International Civil and Political Rights (ICCPR). The judges had assured that the rights not suspended during the state of emergency should not be violated and can be filed if found so in order to get justice.

Symposium Conducted Districts by Development Region

Development Region	Districts	Attendance Number	Participants
Eastern Development Region	Jhapa, Ilam, Panchthar, Taplejung, Morang, Udayapur, Sankhuwasava	418	Local representatives, judges, security personnel, district administrators, political leaders, legal professionals, industrialists, traders, journalists, human rights activists, workers in the social service, representatives from professional organisations
Western Development Region	Rupandehi, Gorkha, Gulmi, and Kaski	205	
Mid-western Development Regions	Rolpa, Banke and Surkhet	160	
Far-western Development Region	Kanchanpur	49	
Total	15	822	

The judges had also highlighted the reason for the present crisis. On the occasion, Dhurba Nath Upadhyaya, chief judge of Nawalparasi Appellate Court expressing his views said that the main cause of the present crisis is the existing corruption, commission and the unfair exercise among the political parties for the power. In the program organized in Rupandehi, the chief judge of appellate court Dhurba Nath Upadhyay said the nation was fallen into the vicious circle of emergency mainly because of the profit motive and the lure of commission seen in the administration of the state affairs. Since the government could not provide employment to the people, Maoists cashed in the unemployed youths. The leaders should go back to the villages to mobilize the people to seek the alternative of the emergency. The judge also said that human rights means that no one would be subjected to punishment against laws.

In the symposium programs, Emergency and Human Rights, chief guest of the program judge Yagya Prasad Basyal said that the emergency was clamped down in accordance with the constitutional provisions. Nevertheless, we have to seek for its way out. Both the government and the outlawed Maoists have involved youths in war. Human rights provided by the international instruments are also violated. People are deprived of the very fundamental rights to observe funeral and obsequies. The stories of widow and orphans are heart rendering. He called for the solution of the problem at the earliest.

SECURITY PERSONNEL

The security personnel expressed their views that the concerned personnel were given training on the human rights. However, in the operation any kind of incident may occur unknowingly. They requested all the concerned to indicate their weaknesses so as to correct them in future. The security personnel also showed commitment not to repeat the mistake.

Brigadier Prakash Bahadur Basnet in a similar programme organised at Pokhara said that the innocent are not victimised in the operation. He also expressed that the Geneva Convention cannot be adopted in the present situation. He clarified that the Maoists do not understand the meaning of ceasefire. He resented on the killing of the innocent security personnel and other civilians in the name of war. He also said that the operation is taking place as per the mandate given to them by the government and the opposition.

Police Inspector Chhakpa Sherpa of Morang district expressing his views on the present situation said that the general public are still unaware about the human rights of a person. He also informed that the security force is careful in operating the fight but the people do not understand the meaning of 'halt' and so run away instead of stopping. He added this is the main reason for the killings of the civilians.

Haribhakta Prajapati, chief of the Taplejung District Police Post expressed that the surrendering persons are given opportunity to repent. He added in his zone, a system of the theory of the natural law has been developed.



Police Inspector Kedar Prasad Saud of Jhapa said all information can not be disclosed. He said the custody is not the place for relax. He added human rights is contracted in time of the declaration of state of emergency. So it is necessary to think of how to systematise the existing rights rather focusing on the suspended ones only.

Police Inspector Krishna Koirala of Sankhuasava realising the victimisation of the general public

said that something is lost for getting something. He confessed that the operation is only for Maoists, who, once came in the negotiating table, unleashed the agreement and abated murder and violence. He also expressed his opinion that the surrendering Maoists cannot be forgiven, rather they are being treated as per the crime they have committed.

In sum, the security personnel had showed weakness of the civil society and the human rights activists in assisting the operation against the Maoists. Moreover the view of the security personnel regarding the behaviour with the Maoists was not found uniformed.

Civil Society

Civil society had the common voice that the present situation is the outcome of the prevailing poverty, illiteracy and lack of good governance. They concluded that the role of the political parties could not be effective that resulted the present crisis.

They expressed worry about the grave violation of the human rights after the declaration of the state of emergency. It is the responsibility of the government to guarantee human rights of the people. The civil society demanded to make public of the arrested, detained, and killed victims. It was also demanded to comply with the Constitution and International Humanitarian Law.

Examples of victimising the civilians both by the Maoists and the government were presented on the occasion. It was also concluded that peace and tranquility can not be established by discussing in a room and publishing in newspaper. The ultimate solution was only the dialogue by any means was the view of the civil society.

Local Administration

Almost all the administrators expressed views that the emergency is not for those who follow the constitution but for them who violate it.

CDO Sthaneshwor Devkota of Rupandehi district stated that the right to life of the Nepalese people have been violated first by the Maoists themselves.

The administrators charged the political parties on their loose political role, they could not reach their

political vision to the grassroots. They also accepted the truth that some innocent persons may be killed in the operation. In the same context, CDO Bhola Prasad Shivakoti of Gorkha district expressed his view that the Maoists should be discouraged through the political parties with their creative works in the rural sectors. He urged to make arrangements so that the Maoists would take a heed to the international human rights instruments. The opinions of the Maoists brought out in the newspapers were only their strategies. Since people are being killed in the broad daylight and the locals are not ready to protest the same, the restoration of Human rights is not so easy. However, he was in favour of a systematic end of the state of the emergency.

CDO Jeevan Prasad Oli of Panchthar District expressed the need of convenor either by His majesty himself or by any other person or organisation to hold peace dialogue with the Maoists.

In another program organized in Pokhara, Kaski the Chairman of District Development Committee said the destruction of development structures were not at all in tune with the Geneva Conventions. Maoists have violated the convention more than anyone else.

WHAT POLITICAL PARTIES SAY ?

Nepali Congress

The leaders of the Nepali congress expressing their views on the present crisis said that the present situation is not only the outcome of the in-fight and ill-governance of the Nepali congress but the reckless activities of the opposition parties as well. They added that the present political environment is being contaminated day by day. The ultimate solution of the present problem is the dialogue, the innocent citizens should not be victimised in the name of operation for which all the concerned have to pay a significant role was the gist of the expression by the Congress leaders. The leaders also worried about the displaced population of the Maoist affected zone.

NC President of Jhapa district Sudhir Shivakoti had comparatively a little bit different view regarding this issue. He was of the opinion that the 50 year long democracy in India has not been mature yet. Democracy in Nepal is just 10 years old, so it takes

time to start maturity. He also expressed the view that human rights of the people can not be guaranteed during the time of emergency.

NC Gorkha President grumbled on the human rights activists for being the spokesperson of the Maoists in the early phase.

In sum, the leaders of the Nepali congress expressed their views that the Maoists by returning weapons to the government have to come for the peace dialogue.

Opposition

Among the opposition parties, CPN- UML had represented in all of the interactions. There was no representation from the Nepal Sadhbhawana Party whereas the representation by the RPP and UPF was nominal. The representatives were of the opinion that the state of emergency is prevailing in the country due to the Maoist's movement. It was also concluded that the present crisis is the outcome of the unvisioned activity of the government. Highlighting the same context, Ded Raj Khadka, district secretary of CPN-UML, Sankhuwasava district said that the present situation appeared in the country as the rulers during past 12 years could not move it as properly as it had to be. Dilli Prasad, secretary of Taplejung district committee, CPN -UML alleged that the UML activists have also been victimised in the operation by the security personnel. Similarly, from RPP Til Bikram Thebe, Taplejung said the Maoists have violated the human rights of the people.

Notable Presence

In the symposium held at Nepalgunj on 24th December, 2001, Honble Members of NHRC Sushil Pyakurel and Honble Kapil Shrestha had attended.

On 19th March symposium held in Ilam, Honble Sushil Pyakurel had addressed as a chief guest. On the occasion, Mr Pyakurel said the incidents of human rights violation may cause due to the non-state party too. The formation of National Human Rights Commission is also for the monitoring of such incidents.

The following are the conclusion and recommendation of the interaction programmes as presented by facilitator and chief of human rights education cen-

tre, INSEC Dasharath Budhathoki.

Conclusion

- ☐ There is not any mechanism for what to do with the persons who surrender, this resulted different actions for the same kind of case.
- ☐ The civilians are victimised both by the state and the Maoists.
- ☐ The arrested victims in custody are given a severe torture.
- ☐ The arrested victims are killed in the fake statement that they were killed in the crossfire.
- ☐ The Maoists have spread atrocities by looting, murdering and destroying sphysical ifrastructure bridge, VDC office building, school building, vehicles, police posts, telephone towers etc.
- ☐ The arrested family members are not given permission to meet with their relatives at custody.
- ☐ The surrendering Maoists and the persons to encourage one to surrender are threatened, beaten and killed by the Maoists.
- ☐ Some of the surrendered Maoists have been reportedly killed by the state.

Recommendations

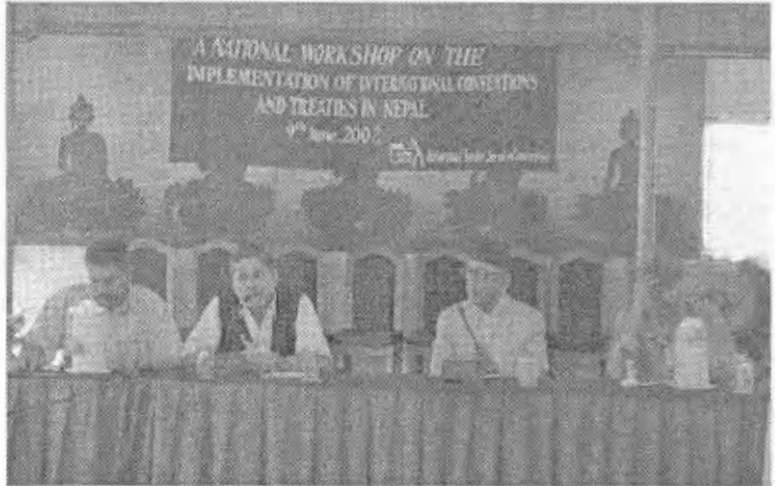
- ☐ The fact on the incidences occurred in encounter should be identified by the joint team of human rights community and civil society; they should have access to these places.
- ☐ The legal professionals should be active themselves towards the deprivation of the inviolable rights so as to protect the basic human rights of the people.
- ☐ Short-term or long-term programmes should be launched in the Maoist affected zones on basis of the objective verification for the immediate relief to the unemployed.
- ☐ The security personnel should be deployed in the operation only after giving them training on the Geneva Convention, mostly on the common article 3 through orientation.
- ☐ A mechanism should be made in order to aware the general public, especially in the rural area about the imposition of state of emergency and curfew.
- ☐ Both the government and the Maoists should initiate the political dialogue for quelling the present situation of violence and counter violence.

INSEC Initiates for Treaty Monitoring

Informal Sector Service Centre (INSEC) organised a one-day National Workshop on the Implementation of International Conventions and Treaties in Nepal on June 9. The workshop was participated in by Chairman, member and secretary of National Human Rights Commission, representatives of line ministries of His Majesty's Government, Human Rights activists, lawyers, journalists and other concerned personalities counting over 70 in number.

Six major international instruments popularly known as 'big six' were widely discussed in the programme. They include - Convention on Civil and Political Rights (ICCPR), International Convention on Economic, Social and Cultural Rights, Convention on the Elimination of all forms of Discriminations against Women (CEDAW), Convention on the Rights of the Children (CRC), Convention Against Torture and Other Cruel Inhumane, and Degrading Treatment of Punishment (CAT) and Convention against Elimination of Racial Discrimination (CERD). The government has ratified all these six conventions and has also submitted reports over its enforcement, which the Human Rights Organizations blame are not sufficient.

In the first session of the pro-



gramme chaired by INSEC General Secretary Subodh Raj Pyakurel eminent personalities like the Chairman of National Human Rights Commission Nayan Bahadur Khatri expressed their views regarding problems and prospects of treaty monitoring system in Nepal. In the second session Chaired by NHRC member Sushil Pyakurel separate working papers were presented on the above mentioned six international treaty bodies.

At the Beginning INSEC General Secretary Subodh Raj Pyakurel welcomed everyone and apprised the participants about the objective of the workshop. Pyakurel said after the ratification of an international treaty, the United Nations(UN) expects submission of periodical reports on the enforcement of the said instrument. Concerned line ministries are doing their job by sending

such periodical reports. But the UN also expects parallel reports from the Human Rights Organizations so as to receive different dimensions about the enforcement of the treaty bodies. We, the Human Rights organizations in Nepal have been sending such parallel reports. But it is not good to send different (sometimes even contradictory) reports over a same matter. Therefore, he asked everyone in the House to develop INSEC as a resource center for the monitoring of all treaties acceded by His Majesty's Government. Since law has provided not only specific but special liability to the NHRC regarding the monitoring of such treaties, he also asked the NHRC to coordinate the task to be made by all nook and corners.

Madhav Poudel, joint Secretary at the Ministry of the Law, Justice and Parliamentary Affairs said

signing in to the treaties is an achievement. We would not have an opportunity of lamenting over the non-enforcement of the treaties, had we not signed in the treaties. He also called not to generalise that all reports submitted by the government are bad and all those submitted by Human Rights organisations are all correct. "We must maintain state decorum while submitting such reports," he added. However, Poudel, the representative of the ministry had to say that our stands while complying with the international treaties is directionless. "It is neither monism nor dualism," Poudel mentioned.

Lauding the initiation of INSEC for organising such a program, Poudel talked about the shift come up in the enforcement in international law. There was time in the past when war was supposed to be a legitimate means for the enforcement of international law. Now, new dimensions have been developed regarding the enforcement of international law. In most of the countries, international law, ipso facto, comes into the regime of national law. There are basically two theories about the same. First, monism, which is followed by the countries, like United States of America. The countries like USA and Denmark follow dualism. Under the system, international laws are not applicable until and unless they are adopted by national laws.

Besides, there is also a third system represented by the countries like Italy. Under this system, only essential international laws are adopted under national laws. But in our context, we are not sure which particular system is being followed by us. For instance, we made Children's Act, 1992. But it is not mentioned there that we had made the Act as the result of our accession to Convention on the Rights of Child (CRC). Talking about Nepal Treaty Act Poudel said "We are the first nation to draft such Act in the region of South Asia."

While making such reports, we have always assumed the civil society as our ancillary, even as the line ministry lead the move. However, he admitted that "We can not say ourselves that what we did was wrong." We must maintain decorum to safeguard the honor of the nation, not a particular individual. State has its own compulsion. Therefore, the parallel reports sent by the Human Rights organizations or civil society play an important role. "We have never taken the parallel reports otherwise, he said. Poudel also called that the poor, deprived and underprivi-

leged should always be taken into the main stream of development while making such reports.

Member of the Commission Sushil Raj Pyakurel said that state must exercise its efforts to materialise the economic, social and cultural rights of the people. But what we are lacking is that the reports sent by the government regarding the enforcement of the international instruments are not homogenous. In one report the government has stated that education is free up to secondary level and another report contradicted with the same government stand which has mentioned that education is free only up to primary level. Therefore, the UN always pays special attention towards parallel reports. Such reports help strengthen the understanding of the matter concerned. Talking about the economic, social and cultural rights, he said that the government must take seriously the phrase 'progressive realisation of the directive principles stated in the constitution itself. For instance, he stated an example of a Mijar, a resident of Lalitpur sub-metropolitan City, whose house was to be dismantled by the government without providing adequate arrangement for the shelter of the person as well as his children.

Pyakurel added that after signing in a treaty, it embodies several obligations. Sending periodical reports over the enforcement of the treaty is one of the parts of the obligation.



Emergency and Human Rights

By Pradeep Shankar Wagle

Officer at the National Human Rights Commission

In a bid of containing "**terrorist and disruptive activities**" of the Maoist rebels, His Majesty's Government has, as an alternative of erstwhile prevailing security measures, clamped down nationwide emergency from November 26 last year. Human rights situation in Nepal has been getting through difficulties for the last seven years due to the Maoists 'people's war'.

Right to constitutional remedy, except for the right to habeas corpus, which the people were entitled through Article 23 and 88 of the constitution have been suspended due to the emergency. With the objectives of dealing with the reasons and bases of emergency with a specific Act, His Majesty's Government issued Terrorist and Disruptive Activities (Control and Punishment) Ordinance 2001 (TADO) and subsequently the Parliament also ratified the Ordinance turning it to be an Act. Now, the emergency is generally implemented through this Act.

Since the test of objectivity of an emergency falls under executive jurisdiction, it's not better to dispute over the propriety of the emergency. Emergency is regarded as a 'necessary evil' for a nation. But Human Rights of an individual and human dignity

can not be infringed simply because of emergency.

Article 4 of the International Covenant on Civil and Political Rights provides the following rights which should be guaranteed even during the emergency; *In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the state parties to the present Covenant may take measures derogating their obligations under the present covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their obligations under international law and do not involve discrimination solely on the ground of race, color, sex, language, religion or social origin.*

After the emergency, the task of protection and promotion of emergency has turned out to be more challenging for the National Human Rights Commission (NHRC). NHRC has carried out the following activities to meet the challenges:

Treatment of wounded and security of those who surrender NHRC has especially drawn its attention about the treatment of those who have been wounded during the armed conflict. In this

respect, NHRC officials have met secretary of the Defence Ministry and Ministry of Home Affairs.

Similarly, NHRC officials met Prime Minister Sher Bahadur Deuba and drew his attention towards the rights of the people to enjoy minimum human rights even during emergency. The officials discussed with the government officials whatever crime one has committed, s/he is entitled to right to criminal justice conferred by Article 14 of the constitution with "due process of law" The officials demanded that persons taken into custody should not be deprived of such rights.

Further, the Commission called the officials of Security Council and thereby told them to exercise restraint and minimize the incidents of Human Rights violation on the part of the security force. The Commission also called for the extension of the special court so as to provide access to justice of the people.

Commission draws attention of Maoists

The Commission has repeatedly played the cruel and inhumane behaviors shown by the Maoists. The Commission had severely played the killing of passengers of a bus including a 10-year old

girl which the Maoists had burnt down the passenger bus by spraying petrol even without letting them out of the bus. Similarly, the Commission has flayed the cruel and inhumane treatment of the Maoists to the Royal Nepal Army as well as civilians in Mangelsen, and Safebagar airports of Achham district, Sitalpati of Salyan district and Lalbandi of Sharlai district and also the brutal killing of the population therein.

Regarding the Maoists attack in Bhakundebasi Police post of Kavre district, the contention of the Commission was like this, "The Commission asks the Maoist side not to repeat the inhumane and barbaric activities like killings and mutilations of security force, teacher, political activists and civilians. The Commission also asks all parties to ensure full honor of human rights and thereby seeking the solution of the problem in a peaceful manner."

In another statement regarding the demonstration of cruel and terrorist act unleashed by the Maoists by stopping the ambulance in the nearby area of Mauwa Khola of Mungling, Gajuri section of Pritihivi Highway, the Commission had condemned, "It is requested to stop such heinous and barbaric act since it has not only violated people's right to treatment but has also lost minimum human sentiments."

The Commission had also called concerned parties to stop the

acts regarding the call of the general strike during the S.L.C. examinations.

C) On site visits : To carry out a study regarding the persons wounded or arrested of surrendered during the state of emergency, the Commission accomplished its on site visits in last February month in Dang, Nepaljung and Sankhuwasava districts.

Similarly, the Commission accomplished an on site visit of the Dang, Satbariya to assess the violation of Human Rights and compliance of the humanitarian laws in connection with the armed conflict that occurred in Satbariya in last April 17 and 18.

After the on site visit, the Commission made public the following details:

- Facts are found that after the emergency general public have also lost their life and liberty in the name of Maoists and also subjected to torture.
- Compliance of law was lacking in many respects in course of security action and also during the detention of the person taken in custody.
- Informing the relatives about the corpses of the people who are killed during security action or confrontation and carrying out the funeral or disposal of the unwanted corpses according to the customs is the liability of the government. But the local administration is absolutely

inactive in this regard. Not only that, dozens of corpses were lying in the riverbanks even after weeks. Government authorities were not concerned about the protection and or management of such corpses.

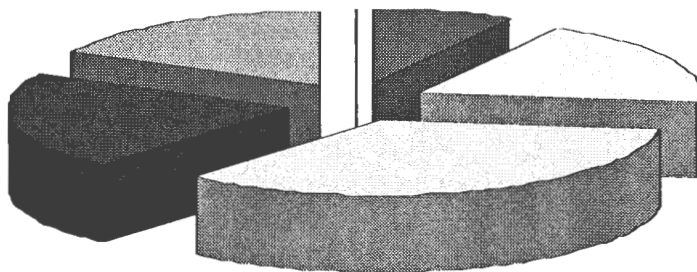
- It is found that the Maoist group has massively used general public in their attacks causing loss of such people therein.
- As the Maoists attacked the development establishments and essential needs of the people, their living condition was exasperated.
- Since both the security forces and Maoists had not complied with the laws of war and minimum humane behavior, people especially the women, youths and children were much suffered.

Notification of His Majesty's Government and Human Rights Commission

On April 23, His Majesty's Government called for severed heads of some Maoist leaders dead or alive, the Commission has the following reaction to the notification -

By the declaration:

- There may be a possibility of infringement of right to life of people;
- It exerts negative effect to the Rule of Law
- It discourages national and international assumptions, values and practices about Human Rights.
- People may be deprived of the rights stated in Article 4



■ Total complaints registered after state of emergency

□ November-December

□ December-January

□ January-February

■ February-March

■ March-April

Total complaints registered after state of emergency

November-December	9
December-January	21
January-February	38
February-March	24
March-April	19

of the International Covenant of Civil and Political Rights, which are not to be infringed at any condition.

It may propagate murder and violence.

Interaction

On April 25, an interaction on Emergency and the situation of Human Rights was organized by the Commission. On the occasion, most of the participants had asked the Commission to exercise its efforts for the compliance of the minimum humanitarian laws.

Commitment has been expressed on behalf of the

Commission to enforce the suggestion.

Complaint, action and investigation procedure

Complaints about the violation of Human Rights have been increased significantly after the declaration of emergency. Over 100 of such complaints have been lodged in the Commission. The Commission has initiated proceedings of scrutiny and investigation about the same. Incidents of torture, compensation, extra judicial killings and disappearance are seriously raised in the complaints. Several complaints have also been filed about the misuse of emergency and maltreatment by the security force. Investigations of the Commission have found non-compliance of due process of law, extra judicial dentition, killings in fake encounter, lack of proper management and disposal of the corpses killed in encounters. In Lamjung, a former teacher affiliated to erst-

while CPN- ML was arrested on charge of being Maoist when he was going to district headquarters to get his remuneration and thereby was abducted to jungle where he was killed in the pretext of showing weapons. His relatives lamented in the Commission that they were absolutely unknown about these all for one month.

Conclusion

The Commission is always firm that Human Rights should not be violated in any means of manifestations. The Commission has made continuous efforts for the protection and promotion of Human Rights. Some results are published and some are not published. It is totally false to conclude that the Commission is inactive or it is also affected by the state of emergency. The Commission is always serious and committed for the protection and protection of the Human Rights of Nepali people and will continue the effort in future too.

DEBATE OVER SEVERE HEADS

By Ranjana Thapa

His Majesty's Government, on the first day of the Maoists' declaration of Nepal Bandh that is on 23 April 2002 announced a cash prize ranging from about NRS 100,000 to 5,000,000 (US\$ 13,000 to 64,000) for the detectives of the Maoists' top figures whether handed over alive or dead. It was also announced half of the total cash prize for those spying of their whereabouts. The other day State Minister of Home Devendra Raj Kandel publicly announced, "Anyone reporting their whereabouts or submitting their heads can get the prize in the same bag they take the heads."

The Constitution of the Kingdom of Nepal 1990 has strictly prohibited making law on death sentence. The announcement by the Minister of State regarding this issue was objected by political parties, human rights activists, and civil society members. Nepali Congress President Girija Prasad Koirala in a press conference at Biratnagar opposed it as an unfortunate decision of the government on 28 April 2002. He further said, "The Maoists if come to the negotiating table peacefully, this will mean that they are surrendering. So after surrender, it is meaningless to hold dialogue with them. It is not necessary for creating an environment of holding dialogue with the Maoists at this juncture, without any negotiation, the dialogue can take place." Leader of the Chief Opposition Party Madhav Prasad Nepal said the government's decision on providing prize for

spying or submitting the Maoists figures is against the spirit of the Constitution. He also expressed his view that this kind of announcement will add problems to the existing crisis. The standing committee meeting of the CPN-UML on 28 April had objected the announcement made by the government on this burning issue alleging that the government is not sensitive to solve the Maoists problem through political level.

Other political parties like RPP, NSP, CPN-Masal, Nepal Peasants and Workers' Party and others had also demanded to take back the government's this announcement. Meanwhile National Human Rights Commission issuing a statement on April 30 has drawn attention of the government alleging that such announcement may encourage murder and violence in the country. It has further said that this announcement is discouraging the national and international norms and values of human rights.

A writ petition has been filed in the supreme court regarding this issue on 17 May 2002 claiming that the government's announcement on handing over the Maoist leaders and receiving prize in return is not as per the Constitution, so this should be taken back. In the writ petition, it has been also claimed that the government's announcement is against the provisions mentioned in different international instruments in which Nepal has already signed up and showed commitment to comply with accordingly.

It has also been mentioned in the writ petition that the decision of handing over a person before the government and receiving prize in return is against the Geneva Convention, common article 3, the International Covenant on Civil and Political Rights, article 6(1) and its additional protocol, Universal Declaration on Human Rights and The Constitution of the Kingdom of Nepal, 1990, Article 11, 12 (1), 14 and its preamble. The writ has been filed by Raghu Nath Adhikari on behalf of Human Rights and Social Justice, of which INSEC is one of the founder members (ALLIANCE- Nepal).

Meanwhile the Supreme Court has issued a show cause notice regarding the petition on 27 May 2002.

CICC LOBBY TOUR

NEPAL SUPPORTS INTERNATIONAL CRIMINAL COURT

While the four member team of Coalition for International Criminal Court (CICC) met different big shots during their tour in Nepal, local media here including the prominent national newspapers made the headlines about the tour and the activities of the same. The followings are some of the examples of such news reports. Nepal likely to have judge in ICC (The Kathmandu Post, May 13), NHRC,

FRHRC pledge support to ICC (The Kathmandu Post May 14), Govt. to ratify ICC soon (The Kathmandu Post, May 15), Role of ICC in protecting ICC discussed (May 16), Request to ratify ICC (Nepal Samacharpatra May 15), ICC provisions to entrap Maoists (Kantipur May 16) so on and so forth. Analysts here say that the hectic tour of the delegates turned out to be landmark regarding the development of international law in Nepal.

These newspapers are the leading and widely read newspapers of Nepal published in English and Nepali languages. This portrays the extent of the importance the tour and the ICC in Nepal.

Remarkable thing here is that the concerned portfolio Minister Rhishikesh Gautam was positively supportive. He accepted everything whatever the team had apprised to him. Since he was a minister without portfolio looking after the secretariat of the Prime Minister's office, he pledged his full support and thereby assured that he would forward the matter to the Prime Minister.

CICC represents almost 1000 Non Governmental Organizations all over the world, which are currently working for the establishment of International Criminal Court (ICC). Informal Sector Service Center (INSEC) which has been working as the network for CICC in Nepal under the name of National Coalition for the International Criminal Court



(NCICC) took the initiation for the tour.

The objective of the tour here in Nepal was to make a lobby for the ratification of the ICC on behalf of Nepal. The team of the delegates met opposition leader Madhav Kumar Nepal, participated in a meeting of the parliamentary Human Rights and Foreign Affairs Committee (HRFC), met the Chairman and other members of National Human Rights Commission (NHRC), parliamentarians, Minister without portfolio Rhishikesh Gautam, General Secretary Sushil Koirala and Spokesperson of Nepali Congress Arjun Nara Shingha KC. The minister and leaders have pledged their full support for the establishment of the ICC. They have also expressed their commitments to move ahead the matter for ratification as soon as possible.

The delegates in the team had included Dr. Ahmed Ziauddin, Bangladesh, Liaison, Asian Network for the ICC. He is currently professor in the Faculty of Law in the Catholic University of Brussels. Joanne Lee, an Australian lawyer and Research Associate. David Mattas, Director of International Center for Human Rights and Democratic Developments. Niza Concepcion, Coordinator Forum Asia Project on the promotion of ICC in Malina. And, Subodh Raj Pyakurel, General Secretary of INSEC.

First of all, the team met opposition leader Madhav Kumar Nepal on May 12. After the INSEC General Secretary introduced the delegates with opposition



leader Madhav Kumar Nepal and Chief of the Foreign Affairs Department, Jhalnath Khanal, Mr. Nepal welcomed the delegates. He said, "You are in the headquarters of a communist party." Remembering his experiences in foreign tour where people were quite interesting to know how an opposition party of multi-party democratic system could be a communist party, Mr. Nepal briefed about the history of his party, the Communist Party of Nepal Unified Marxist and Leninist (CPN-UML). He also shed light on the role of his party to restore democracy in the country.

On the occasion, Mr. Ziauddin said there was a need of such international court in the Asian region, which could deal about the serious kinds of crimes. Mr Mattas said the ICC deals about mainly four kinds of crimes namely genocide, war crimes, crime against humanity and aggression. But the definition of aggression is not ascertained till date.

Similarly, Ms Lee said ICC is an organization outside the UN system governed by its own assembly. It is an autonomous body like the World Trade Organization (WTO). There are only three countries Cambodia, Mongolia and Tajakistan which have been members of the ICC from Asian countries. There is no member from South Asia. Bangladesh was proceeding earlier, but the process is now at standstill after the government changed there. She also mentioned the possibility that Nepal could put forth a candidate for the post of a judge in the ICC, if Nepal could ratify the treaty before July 2." That's why, we are here because the things are going quite quickly."

The delegates also said that the scope of ICC is global. It is international, independent and permanent, they confirmed. Talking about the binding force of the court, the delegates said no culprit can escape

from the ICC. One could enjoy impunity for a limited time under certain circumstances, but the international community would oust one if one does not comply with the ICC ruling. Therefore, the ICC has immense moral value besides its obligatory provision for the signatory state.

The delegates had furnished the clarifications while the opposition leader Nepal asked, "What happens if the culprit itself is a vicarious person?" They also talked about the International Criminal Tribunal in Yugoslavia (ICTY) and International Criminal Tribunal Rwanda (ICTR). Together, they also delved about Polpot and Milosovic.

Mr. Nepal was keen enough to know what happens if a culprit declares himself a winner of a certain territory and defies the legal government. The delegates clarified that such person could enjoy impunity in the jungle or in the territory captured by them. But they will definitely frowned upon when s/he happens to go abroad for treatment or for any other reason.

On the occasion, member of the team from Nepali side, Mr. Subodh Raj Pyakurel said the ICC issue was first taken up by the smaller countries which do not possess a lot of armed force.

Mr. Mattas said that there would be double screening when a case is filed in the ICC. First, whether or not the information stated in the petition are enough or not. Second, the prosecutor themselves move to the petitioner to carry out necessary investigation. Therefore, one need not go to Hague to file a case there.

Next day on May 13, the team participated in the meeting of the parliamentary Human Rights and Foreign Affairs Committee called especially to discuss on ICC issue. On the same day, the team met the Chairman and officials of the National Human Rights Commission. On these meetings too, the delegates shed light on various aspects of ICC. That could be summarized as follows :-

International Criminal Court (ICC) is different than International Court of Justice (ICJ). ICJ is under the system of United Nations and thereby influenced by

the Security Council of the UN vis-a-vis the powerful countries like the USA and others and have to follow lengthy procedures. But the ICC is governed by its own assembly constituted out of its member countries.

What was felt over the years was that the ICJ happened to be quite political and selective to take up the cases. Therefore, the world community realized the need of separate international court to look into the serious cases like genocide, aggression and etc. Meanwhile, Joanne Lee made it clear that the role of the ICC and ICJ would be complementary. There is a special agreement about the functioning of the two courts. However, the fundamental difference that would remain between the ICC and ICJ is that only states are parties to ICJ but individuals are the parties to the ICC.

In this connection, 160 countries out of the 189 countries of world assembled in Rome in 1998. They met there for whole six weeks. They developed a legal instrument called Rome Statute that provides for the establishment and functioning of the ICC. Out of the 160 countries gathered there, 120 voted for the Rome Statute to establish the ICC. 21 countries abstained and seven voted against the move. During the period of two and half years, other 19 countries also extended their support to the Rome Statute. So, the number of countries to support the ICC reached up to 139.

This development is too rapid in the history of international law and practices. 66 countries have ratified till April 11, Many other countries are in pipeline. They are busy making their internal legal system compatible with the ICC system. However, the number is enough to come the court into force. The required number is 60. Since, 66 countries have already ratified the ICC establishing treaty (Rome Statute), the court comes into force by July 2. Lee also informed another option about the ratification of the ICC treaty (Rome Statute).

She also informed about another provision of the Statute about ratifi-

cation. According to the provision, a state party may ratify the treaty by the September assembly. So, a country has to be member of the ICC by January in order to nominate a judge. Terming the provision as an NGO unfriendly, she said that a state party can ratify the statute on the condition that it comes into force after seven years of ratification in order to provide the seven years time to train its army.

The ICC mainly looks into four kinds of cases - genocide, war crime, crime against humanity and aggression. What is aggression is not well defined yet. However, there are some norms to determine what is aggression.

For jurisdiction, there are pre-conditions. First, either the incident of crime should happen in the territory of a signatory state. Second as the accused should be a national of signatory state. The court can take its jurisdiction even if one of the parties of the dispute is a signatory of the ICC.

As the delegates apprised the Nepali counterparts about ICC all of them responded it quickly and positively. The thrust of the response was about the mission of the ICC to free the world from impunity. It was very relevant to South Asia where we have a culture of impunity. If a case is sub Judaeic to the ICC, another aggressor will definitely think twice, if at all, he is to commit another aggression.

If a ruler commits such crimes during his tenure, he will be trailed and pushed even after his tenure. The court can work effectively even in connection of the crime of those who live in jungle. Well, they may



feel impunity until s/he lives in jungle. But he happens if he is to go abroad for treatment or any purpose? The world community will definitely keep an eye to him as a culprit.

The ICC members will obligatorily have to extend cooperation to each other to bring such culprits into the net of justice.

Team member Niza Concepcion said the team came in Nepal tour since the Asian countries have lowest level of commitment in comparison to what the court can offer to them. Small countries had taken initiation for the establishment of the court. There are only three countries Cambodia, Mongolia and Tajakistan been member of the ICC. But they are not in a position to pose with a strong candidate in the election for he judges in the court. Another reason that Nepal can compete for the post of the judge is that Nepal has a strong legal system which have competent personalities already groomed capable of working in the international arena.

There would be altogether 18 judges in the court representing different geographical region, legal systems and also gender perspective. But to pose with a candidate, the Nepal has to ratify the treaty by July 1.

After the delegates briefed about various aspects of ICC in the meeting of the parliamentary Foreign Affairs and Human Rights Committee, the parliamentarians were posed up with different queries. Responding to the queries of the parliamentarians, the delegates apprised about the status of the ICC establishment lobby in India, China and other countries.



Talking about India, they said India wants to include the case against the use of nuclear weapon in the ICC statute. So, India is not doing it, although the human rights community in India is very much positive about ICC. India abstained during the voting in Rome. Regarding China, they said China participated in each and every meeting. They are closely following the developments whatever are going on. A lot of exercises have been done in the academic level. But as usual, China has somehow remained silent about the issue. About America, David Mattas said America is not opposing ICC. What they say is a crime in America will have to be tried first in America itself.

Regarding Indonesia, Niza said Concepcion said Indonesian are carrying out a parallel effort. They, in fact have a Human Rights Court. They have a law banning crime against humanity. In the Philippines, she said, they are waiting for the ratification. In the meeting, an MP Mahendra Bahadur Pandey posed with such question "Since international law is a vanishing point of law, how the ICC provisions could be enforced in a small country like Nepal?"

Replying the query David Mattas said that the motto of ICC is to make sure that everyone responsible for crime should be prosecuted. Therefore, ICC can be enforced with the cooperation of its signatory countries.

Issues like extradition were also raised there. Asked whether the provisions about extradition and prosecution under ICC would not be contradictory, the delegates said there would be no such contradictions. A case pending in a national jurisdiction could be transferred to ICC.

After completing the meeting in the parliamentary Foreign Affairs and Human Rights Committee, the team moved to National Human Rights Commission and met chairman of the commission Nayan Bahadur Khatri, Secretary Dr. Shankar Kumar Shrestha and other members.

During the meeting Mr. Subodh Raj Pyakurel said the purpose of meeting of the team with the Human Rights

Commission is to delve as to how far the ICC would be beneficial for a country like us. Mr Pyakurel also said that we are quite careful that our perspective or South Asian perspective could be taken into consideration if we could send a judge in the ICC.

On the occasion Secretary of the commission Dr. Shankar Shrestha inquired why the government did not ratify the treaty.

In reply, Mr. Pyakurel said the government did not deny to ratify the treaty actually. What happened that the government did not ratified it simply because our neighboring country did not do it. Secretary Shrestha stressed that since we still do not have separate criminal court to look into the criminal cases which demands more knowledge of Human Rights and detention management. We will have to make our laws more compatible to the ICC regime.

Ms. Lee said ICC will not demand anything regularly from the signatory party, but it is a regular diplomatic mechanism. Mr. Ziauddin said it is not only Nepal which does not have separate criminal court, but there are very many countries which do not have separate criminal court but still acceded to ICC.

The Chairman of the Commission Nayn Bahadur Khatri was keen to know from the foreign counterparts about the new developments regarding the ICC. Stating that Human Rights has been violated in many parts of the country, Khatri pledged his full support to the ICC.

In the evening of the same May 13, INSEC hosted a dinner for the delegates and the parliamentarians. Most influential MPs representing three major political parties including the ruling party Nepali Congress, Main Opposition Communist Party of Nepal United Marxist and Leninist (CPN-UML) and the second opposition Rastriya Prajantra Party (RPP) were present in the dinner. They were Khadga Prasad Oli and Subas Nemwang (CPN-UML), Radheshyam Adhikari and Hom Nath Dahal (NC), Ramesh Nath Pandey (Upper House MP nominated by the king), Pashupati Samser Junga



Bahadur Rana (RPP).

There was lively discussion during the dinner. Pashupati Samser JB Rana asked about the names of the countries which have signed in the Rome Statute. Ramesh Nath Pandey asked in a quite lighter vein what are the minus points for joining the ICC. The delegates replied that some one might think the lighter influence over sovereignty as a minus point of the ICC. Pandey again asked how ICC would be effective without the US support. The delegates replied that all the western power except the US are members of the ICC. The United Kingdom and the whole EU are members and the Russia is also willing to join the anti-impunity global body.

Next day, on May 14, INSEC organized "A Discussion Program on International Criminal Court and its Relevance in Nepal". The program was participated in by MPs, lawyers, Human Rights activists and other concerned people working in the field of Human Rights and Social Justice. The three foreign delegates and Judge Dr. Ananada Mohan Bhattarai presented their papers on the occasion.

Presenting here paper Niza Concepcion said that they had chalked out the tour to create a conducive environment for the establishment of the ICC. She further said that Forum Asia, a regional human rights organization with members in many Asian countries, has launched this Tour of International Experts on the ICC, in behalf of the NGO Coalition for the ICC (CICC) which is based in New York, and in coordination with the Asian Network for the ICC (ANICC). ICC experts have been to the Philippines, Korea, Japan, and now in Nepal and next Bangladesh.

Explaining the background of the International Criminal Court she said the purpose of the tour. The International Criminal Court was established through the Rome Statute. It's an international treaty, which was adopted in a Conference attended by governments, in Rome in 1998. According to the Rome Statute for the International Criminal Court, serious international crimes such as Genocide, Crimes Against Humanity, War Crimes and the Crime of Aggression, can now be prosecuted in a Court of Law, utilizing international legal standards and applying the most advanced justice systems in the world. The Court will be independent from the United Nations and all its agencies. It will have international jurisdiction, and it will be permanent.

On the occasion, Joanne Lee presented a paper on women perspective of ICC. She said ICC is an remarkable achievement for women. For years, rape was considered as a legitimate means for war. In Article 8 paragraph 'B' of ICC, there is provision about rape. It is a great achievement for international community. Another great step is the composition of the court. It requires that there should be fair representation of female and male judges.

Then, Dr. Ananda Mohan Bhattarai, judge of Kathmandu district court, presented a paper on "The Treaty of Rome and the Issue of Ratification by Nepal. His paper was mainly focused on introduction of ICC, jurisdiction, investigation, Right of person during investigation and trial, protection of victim and witness, sentencing, appeals and enforce-

ment of the sentence and ratification of the treaty. The judge has presented convincing rationale and logic as to why Nepal should ratify the Treaty of Rome. Dr. Bhattarai puts forth several examples of massacres, exterminations and killings to signify the necessity of the ICC. He also analyzed the possible impact of the ICC regime if Nepal accedes into the global body. Regarding the fear that the ongoing insurgency in the country may turn into a great headache if we accede and ratify the treaty, Bhattarai submits that looking into the present scenario the , the ongoing insurgency does not meet the criteria of " most serious crimes of concerns to the international community as a whole." as envisaged in the Treaty. He also points out the option of transitional measure that could be adopted by Nepal. By this measure, a signatory country is exempted seven years to comply with the treaty.

In similar vain, Ms Lee also remarked that Nepal government would not be in trouble by ratifying the Treaty even in the context of ongoing insurgency. Rather, the rebels might be trapped into the net of justice if they defy the international Human Rights instruments. She said," because a government can use all legitimate means to protect the citizens. The legitimate means also includes the use of force to a certain extent for the purpose of protecting the citizens."

Dr Bhattarai was of the opinion that the ICC regime is an amalgamation of other systems most of them are already in vogue in Nepal. Since it is a criminal justice system the basic rights of an accused are



always protected therein.

Dr. Bhattarai also stated in his paper that the international law always serves the interest of weaker nations. Therefore, Judge Bhattarai concludes that Nepal gains more by joining the international community in its resolve to stamp out serious crimes of international concern than by remaining isolated and aloof.

When the floor was opened the participants posed up with many intelligent questions. The questions were related to the impact of the ICC regime to the present insurgency situation in Nepal, the US concern about ICC, the benefit to Nepal by joining the ICC. Persons to ask the questions were K.B. Bhattarai, a human Rights activist, Gyanendra Aryal of Inhured International, Bishokanta Mainali, an advocate, Sunil Nanda of Penal Reforms International, Yogendra Man Bijukchhe, General Secretary of Human Rights Organization of Nepal so on and so forth.

Concluding the programme, General Secretary of INSE and also the chairperson of the program, Mr. Subodh Raj Pyakurel said justice system should create a precedent. Nepalese legal system is somehow compatible to ICC system in comparison to many other countries. He assured that a culprit tried under ICC system can no way enjoy impunity. He called for everyone to take up the mission of eradicating the culture of impunity.

Thus, the court comes into force from July 2 even if Nepal does not ratify it. Our urgent concern here is that we can put forth a judge if Nepal ratifies it before July 2. If so happens, that would be a great achievement for us.

After the program, team moved to Singhadurbar again to meet the Minister without portfolio Rhishikesh Gautam. Top brass of bureaucracy like secretary Shri Kanta Regmi, joint secretary of the Ministry Law and Parliament, and senior official from Foreign Ministry were also participants, Advisor of the Prime Minister among others had joined the ministerial team to meet the ICC. The ICC team apprised in brief what is ICC and why they were there. They also told about the mission of ICC and prospects of Nepal over there. After listen-



ing to the team, the minister concurred with the team. He pledged his full support to the team.

After completing the meeting with the minister, the team went to the Central Office of the ruling party Nepali Congress where they were scheduled to meet Congress General Secretary Sushil Koirala and spokesperson Arjun Narashinga KC among other leaders. Introducing the delegates with the leaders and apprising their mission there, INSEC General Secretary Subodh Raj Pyakurel said Nepal has already ratified the ICC in practical point of view. Because, Nepal has ratified most of the international Human Rights instruments whereby the ICC works. They talked about violence, terror and the prevailing culture of impunity home and abroad and also about the jurisdiction of the ICC under different circumstances. The delegates assured that the ICC takes up if only there is a substantial collapse of the national judicial system.

Welcoming the delegates Congress General Secretary Sushil Koirala said, "We take it very positively and we will go through the literature you have given to us. Spokesman Arjun Narasingh KC said, "It is a need of us as a small country." Concluding the meet, General Secretary Sushil Koirala said, "We will definitely pursue our government to take it ahead."

On May 15, a press conference was organized to disseminate the information about the efforts made by the team and developments thereabout. The press conference was attended by most of the leading newspapers, vernaculars and magazines. The delegate and INSEC General Secretary Subodh Raj Pyakurel shed light about the purpose of the visit by lobby team to Nepal. The pressmen raised different intelligent questions which the team members replied.

DISPLACED PEOPLE OF TARA VDC, BAGLUNG

Tara VDC is one of the well off VDCs in Baglung district. It takes almost 7 hours walk from the district headquarters to reach this remote village. The Maoists have tried to establish this village as the their base camp from the last two years. As their desire could not be fulfilled, the Maoists abducted VDC chairman Dandapani Kandel three years back and released after two days on the condition that he should not work in the VDC and should not be involved in the politics. The chairman then resumed his duty from the district headquarters. Karna Bahadur Chokhyal, VDC vice-chairman after beaten and fractured his hands and legs by the Maoists came to Kathmandu for the treatment. Mr Chokhyal has not returned to the village yet. The people of the Tara VDC are so compelled to live under threat and frights by the Maoists.

After the declaration of the state of emergency on 26 November 2001, the security forces operated 'cordon and search' from 3 - 11 December 2001 in Tara VDC. On 12 December, a public meeting was announced by the joint effort of Rabilal Gharti from RPP and Hari Subedi from NC. Attended by around 2000 people, the meeting was addressed by different political leaders including NC, UML and RPP. Different slogans like, 'We don't need the Maoists; we don't tolerate the army's atrocities' were chanted on the occasion.

Having known this fact, the Maoists began their attack on the VDC on 14 December. On 26 December Nara Bahadur khatri, aged 48, Lal Bahadur Gharti, aged 44 and Sher Bahadur Chhetri, aged 62 were killed by the Maoists. The incident had occurred while the Maoists had tried to loot a local shop there, which belonged to Kul Bahadur Khatri and the local people had chased the perpe-

trators. In the same incident, Shyam Bahadur khatri, aged 31 was shot injured by the Maoists. The Maoists also beat Megh Bahadur Khatri, Nandakali Khatri and Hari Bahadur Khatri and set fire on Shyam Bahadur Gharti's house.

On 16 December, the Maoists shot Dead Mohadatta Sapkota, aged 23 of the VDC. They also beat the victim's mother and brother.

The Maoists also looted a local shop that belonged to Hari Subedi, aged 33 in Ward No. 2 of the same VDC. It was looted twice, once on 17 December and the next on 10 December. The evaluation document by the District Administration Office indicated that goods worth NRS 3.3 million was looted by the Maoists.

The Maoists increased their unjust activities after the organization of the public meeting on 27 November. As the local people could not perceive their security in the village, 73 families of the VDC migrated to the district headquarters. In the headquarters too, the family members do not stay together due to the fear of attack by the Maoists. The responsibility of the family in the village is on the women and children and the males and the heads are compelled to stay at the headquarters. Eleven families are compelled to stay in the headquarters with their all family members. The displaced families have been supported by the government only with NRS 3000/- (US\$ 38.46) each so far.

The above incident represents several other similar incidents that are occurring throughout the country, especially after the declaration of the sate of emergency in Nepal.

Indiscriminate Killings

Test Case of Kalikot district

On 24 February, 2002 32 labourers of under going construction of the airport at Kotbada VDC, Suntharali were killed by the securiy forces suspecting them to be the Maoists. Among the killed, 18 were from Dhading district alone. Contracted by the Shuva karki Construction Service for the airport, two labourers could escape the incident. The victims killed were all the indigenous people. Of them, 7 were Praja, the disappearing ethnic group of Nepal. Some of the victims killed were the supporters of the ruling party Nepali Congress (NC). The list of the killed in the incident is as follows:

SN	Name	Sex	Address
1.	Dil Bahadur Praja	Male	Jogimara VDC, Dhading
2.	Chitra Bahadur Praja	Male	Jogimara VDC, Dhading
3.	Sher Bahadur Praja	Male	Jogimara VDC, Dhading
4.	Kumle Bahadur Praja	Male	Jogimara VDC, Dhading
5.	Ram Bahadur Praja	Male	Jogimara VDC, Dhading
6.	Bikash Praja	Male	Jogimara VDC, Dhading
7.	Kosang Kanchha Praja	Male	Jogimara VDC, Dhading
8.	Kumar Sunar	Male	Jogimara VDC, Dhading
9.	Sanu Sunar	Male	Jogimara VDC, Dhading
10.	Tek Bahadur Sunar	Male	Jogimara VDC, Dhading
11.	Tak Bahadur Gurung	Male	Jogimara VDC, Dhading
12.	Gokarna Gurung	Male	Jogimara VDC, Dhading
13.	Kanchha Sanyasi	Male	Jogimara VDC, Dhading
14.	Manju Thapa Magar	Male	Jogimara VDC, Dhading
15.	Sanu Shrestha	Male	Jogimara VDC, Dhading
16.	Budhha Bahadur Praja	Male	Jogimara VDC, Dhading
17.	Bhim Bahadur Magar	Male	Jogimara VDC, Dhading
18.	Gyan Bahadur Magar	Male	Jogimara VDC, Dhading
19.	Ganga Bista	Male	Jogimara VDC, Dhading
20.	Tek Bista	Male	Kalikot, Supporter of NC
21.	Gorkhe Kathayat	Male	Kalikot, Supporter of NC
22.	Lal Bashadur kathayat	Male	Kalikot, Supporter of NC
23.	Ganesh Bista	Male	Kalikot, Supporter of NC
24.	Harke Tamang	Male	Kalikot, Supporter of NC
25.	Pasang Lama	Male	Ramechhap
26.	Buddhaman Chyangba	Male	Kavre
27.	Chitra Bahadur Rai	Male	Solokhumbu
28.	Nir Kumar Khatri	Male	Solokhumbu
29.	Krishna Thapa	Male	Bhojpur
30.	Kumar Thapa	Male	Morang
31.	Pradip Rai	Male	Ilam
32.	Jantalata magar	Male	Ilam

Using the UN Treaty Body System to Protect Human Rights



Informal Sector Service Centre (INSEC) and the International Centre for the Legal Protection of Human Rights (INTERIGHTS), a London based INGO, organized a 2 day 'National Workshop on : Complaint Filing Procedures to UN Human Rights Committees' in Kathmandu on 9th – 10th February, 2002.

In the inaugural session, different personalities, especially the law-makers, members of the National Human Rights Commission (NHRC) lawyers and human rights activists expressed their views in connection with the international instruments and their possible implementation in the domestic judicial proceedings in Nepal.

The workshop especially focused on the Convention on Elimination of All forms of Discrimination against Women (CEDAW) and the International Covenant on Civil and Political Rights (ICCPR) and the related laws and legal processes in Nepal.

The speakers emphasized on reducing the gap between ratification and implementation of such international human rights instruments and their implications at the domestic level.

International experts shared their experiences on how the systems at the international level are functioning. They also emphasized on the necessity of enforcement of the international provisions at the

domestic level to serve the remedies to the poor and marginalized people. The issues raising in the national level cannot be solved from New York and Geneva. Therefore the victims of the human rights violations should be provided remedies at the domestic level.

Raising awareness and making the legal community as well as intellectuals acquainted to the UN human rights instruments was the main objective of the workshop.

The experts mention that there are some basic concerns to pursue the complaint filing procedures. First, exhaustion of local remedies. Before filing a complaint to the international com-

mittees an individual has to try for the remedies available at the domestic level. However, there are some specific provisions whereby individuals can approach directly to the international committees without exhaustion of the local remedies.

Second, concept of state sovereignty. While approaching to the international committees for remedies, national states contemplate that it infringes sovereignty of a state.

Third point mentioned by international experts in the workshop was that the documentation for the complaint filing procedure is the major problem. There are series of problems at the domestic level which exasperate the documentation - lack of expertise and awareness. If, the complaint does not maintain the prescribed standards it becomes useless. Huge legal documents need to be translated into the specified language.

The international experts said the government should communicate the state of emergency to the United Nations. If the government fails to do the same, the restrictions on human rights become unlawful.

The participants from different parts of the country spoke about the current situation of human rights in the country. INSEC representatives said that they are worried to know about the recent threats to the human rights defenders themselves who have to risk their lives while defending human rights of the people, during the state of emergency. INSEC representatives informed the participants that they are asking the government to guarantee the security of the human right defenders as well as the general public.

During the discussion the participants raised con-



cerns that human right should include the utilitarian postulates too. The theory and practices adopted from abroad should be transformed considering the relevance to the domestic perspectives.

The participants also discussed about the implementation of human rights at the international spheres. The government has to report about the situation of human rights to the international human rights treaty bodies. The government has to furnish reply while crossed about the same. Besides, shadow reports may also be filed by non-governmental sectors. The government has to contain even such reports while asked.

ICCPR was adopted and opened for signature, ratification and accession by a general assembly of UN on 16 Dec. 1966. ICCPR recognizes the inherent dignity and of the equal and inalienable rights of all members of human family is the foundation of freedom, justice and peace in the world. It also recognizes the rights derived from the inherent dignity of human person.

CEDAW was adopted and opened for signature, ratification and accession by a general assembly resolution on 18 Dec. 1979. A total of 165 states have ratified so far (until Dec. 1999) and Nepal is also a state party since 1991, to this as well as the optional protocols ratified on 18 Dec. 2001. CEDAW recognizes that unequal treatment to women is socially constructed and accepts the discrimination against women. As a matter of fact, it states a comprehensive definition about discrimination. CEDAW committee provides remedies against such discriminations.



Some Important Chronological Events

(from January 12 to 25 May 2002)



Human Rights Activists on Peace Procession

January 12

- In Kathmandu District, the vehicle of Hom Nath Dahal, Member of the House of Representatives, was destroyed by the Maoists in an explosion at Maiti Devi where it was parked.

January 13

- In Dolkha District, Hemanta Pradhan was shot dead by the Maoists of Jiri Bazaar, Giri VDC. Similarly, Jeevan Shrestha of the same place

was shot injured. Hemanta Pradhan was the president of the District Sports Development Committee and regional member of the Tarun Dal (sister organization of Nepali Congress).

- Rameshwor Phuyal, Secretary of CPN (UML) Kathmandu District Committee and Vice-Chairman of Kathmandu District Development Committee's vehicle with the number plate Ba.1 Jha 4697

was saved by the local people who protested when a Maoist was trying to burn it, as stated in the press conference organized by the CPN (UML).

January 14

- A joint meeting of the state of emergency monitoring working committee formed by the different political parties was held. The meeting came to the conclusion that objective of the declared state of emergency cannot be achieved just by

using force without political initiation. The meeting raised concern on the fact that misutilization of the state of emergency has increased, the government has not been accountable and corruption has been increased immensely. Further it decided to draw attention of the Prime Minister and the Home Minister towards the death of many innocent people, the arresting of hundreds of people and many Chief District Officers were found ill intentioned and biased.

January 15

With an intention to assist the family members of the deceased persons, to receive information on the injured and to monitor the treatment and medical facilities, Nepali Congress formed a high level medical committee under the convenorship of Dr. Ram Baran Yadav, Member of the Central Working Committee. The members of the committee are MPs Tirtha Ram Dangol, Tanka Prasad Sharma Kadel, Lekh Nath Acharya, Shiva Humagai and Bal Krishna Khad, Damodar Gautam and Dr. Chop Lal Bhusal, as stated in the press conference by the party.

- In Gorkha District, Mina Marhattha and Shankar Gurung were killed in the crossfire with the security personnel at Majhgaun, Choprak VDC-7. Mina Marhattha has succeeded to escape from the Gorkha Prison a few months back and Shankar Gurung was the chief of the Maoists District peoples' government.

- In Dang District, Shree Narayan Chaudhary, the Chairman of the Nepali Congress Area No.1 of Mauri Ghat, Lalmatiya VDC-6 was taken out of the house and beaten dead with the butt of the gun and stick by the Maoists. Furthermore, the victim's son informed that property of more than 10 million rupees were also confiscated. After the killing, Mani Ram Chaudhary of Chailahi VDC-7 travelling in a bus was injured in the indiscriminate shooting by the Maoists, and the houses around were also affected by the gunshots.

- In Surkhet District, 30 prisoners escaped from the prison digging a 30 feet long tunnel. Among the escapees, 25 were imprisoned for investigation and 5 convicts. There were 12 who were convicted of a crime against the state, 11 for murder cases, 2 for trafficking, 2 for robbery and 3 for murder case against the state, as stated by the Prison Administration. The investigation team has been formed

under the coordination of Umesh Prasad Mainali, the Executive Director of the Jail Management Department which consists of three members, Saradha Bhatka Ranjit, Senior Superintendent of the Police Headquarters and Karna Dhawaj Thapa, Senior Superintendent of the National Investigation Department to investigate the case and submit report, as stated by the Ministry of Home.

January 16

- Girija Prasad Koirala, President of the Nepali Congress gave his opinion that the government is not treating the victims of the Maoists appropriately. He made this statement while participating in the meeting of the High Level Humanitarian Assistance Committee formed by the Nepali Congress.
- In Khotang District, Harka Bahadur Rai, the Chairman of the Nepal Teachers

TREATMENT OF THE PEOPLE WHO ARE INJURED BY THE MAOISTS

In Bheri Hospital, Nepalgunj, the Mass Casualty Management Team formed on the day of the declaration of the State of Emergency has treated more than 70 injured people with two months, as stated by the hospital source. All the people who were treated are the victims of the Maoists. Victims of the Maoists' attack were brought to Nepalgunj with the recommendation of respective District Administration Office and then the Banke District Administration Office recommended the hospital for their treatment. Though there is no limitation (of time and money) of the treatment of the injured, the expenses are upto 10-12 thousands rupees per person, as stated by the chief of the hospital, Dr. Durga Pradhan.

Association and Headmaster of the Chisa Pani Higher Secondary School was shot dead by the Khambuwan Liberation Front (Khambuwan Mukti Morcha), supporters of the Maoists. Rai was abducted from his house and taken to the Humma Pokhari of Kaule VDC and shot dead.

January 17

- In a programme organised in Kathmandu, the senior Leftist Leaders brought out the topic about victimization of the innocent people and the political parties that follow the Constitution during the State of Emergency and expressed their opinion that the state of emergency should be shortened at the earliest to safeguard achievements of the Peoples' Movement in the year 1990. This opinion was expressed in the symposium organised by the United Marxists Front on "State of emergency and role of the Left Democratic Force".
- Shree Prasad Pandit, Supreme Court Registrar publicized the letter written by the Supreme Court to the Ministry of Finance for not to reduce the budget of the Judiciary in the pretext of the State of Emergency. The Council of Ministers had decided to reduce the amount of 5 billion 56 million 71 thousand rupees from the total amount that had been allotted for the Judiciary.
- In Kailali District, Parsuram Chaudhary, the vice-chairman of the Thapapur VDC,

was killed in the attack by the Maoists. The same day in the afternoon, Chaudhary was severely injured in a violent attack by the Maoists and died while going to Dhangadi for treatment.

January 18

- US Foreign Secretary, Colin Powell arrived in Nepal on a two-day official visit. Powell expressed his opinion that there is no place for murder in democracy and showed his gratitude to Nepal for supporting the war against international terrorism. Further stating the misfortune created by the Maoists for the Nepalese people, police and army, he said, he supported the steps of His Majesty's Government taken to protect the rights of the Nepalese people as well as the democratic organisations. He believed that the State of Emergency declared in Nepal exists only for a short period and on the same occasion, urged the government to be alert on the protection of human rights.
- The joint meeting of the leftists parties including the main Opposition Party (UML) criticised the activities by the Maoists as well as the government. The meeting further urged the Maoists to stop killings and violence and come to the peace dialogue. The meeting decided that the government is widely misusing the State of Emergency and that it is just a conspiracy to extend the State of Emergency.

January 19

- In Lamjung District, Kedarnath Ghimire, the former teacher, was killed by the Maoists at Ishaneshwor VDC-4. Ghimire was abducted the same day in the morning by the Maoists and taken to Madi River where he was killed.

January 20

- In a discussion programme organised in Kathmandu, Arjun Narshing KC, the Spokesperson of the Nepali Congress stated that it shows the weakness of the ruling party Nepali Congress for not being able to put Article 115 (7) ordinance into operation for the efficiency of the State of Emergency. In the same programme, Laxman

A SEVERE TORTURE

In Gorkha District Chhabilal Adhikari of Hansapur VDC-2 was arrested by the police while working in the field on 20 December 2001. The police after giving a severe torture handed over the victim to his family on 11 January 2002. He was unconscious at that time. The place was so remote that it took two days to reach the near by bus station carried by the people. From there he was taken to Kathmandu on a bus and now he is being treated in one of the hospitals here.

On 18 January while meeting with Mr Adhikari his hands were not moving. His entire body was wounded and nose

Ghimire, Central Member of the Nepali Congress said that it was a suicidal act of the Nepali Congress Leaders to still supply donation to the Maoists.

- In Baglung District, Narayan Acharya, Tilak Chapagai and Jeevan Subba were killed in the operation by the security personnel. The Maoists attacked the security personnel with the socket bomb and in retaliation, 3 Maoists were killed and the two injured jumped into the Kali Gandaki River and disappeared. The corpses of the two deceased were seen at the riverside by the local people, as quoted by the District Reporter of

the Space Times Daily.

- In Jajarkot District, 10 Maoists were killed and 5 injured in a pipe bomb blast carried by the Maoists involved in the training in Maoists Camp at Tikachaur, Pajaru VDC-8.

January 21

- In a programme organised in Pokhara, Prime Minister Sher Bahadur Deuba expressed his opinion that the duration of the State of Emergency cannot be fixed now and the State of Emergency will still continue after three months.
- In Lamjung District, 3 Maoists were killed in cross-fire between the Maoists and the security personnel at a

jungle near Gahate, as stated by the Ministry of Defence.

January 22

- In a press statement the National Human Rights Commission expressed its strong belief that any party at any circumstances should not violate the Human Rights. The commission also urged all the parties including the Maoists to respect the Human Rights and not to repeat any inhuman and violent activities.
- Meeting with the Representatives of the civil society for the first time after the declaration of the State of Emergency, Prime Minister Sher Bahadur Deuba stated that now the Maoists have to hand over their weapons before the coming for peace dialogue. In a talk programme organised by the Foundation for Parliamentary Studies and Development, Prime Minister Deuba said that at present the Maoists are knocking the doors of the representatives of civil society to create pressure. The intellectuals are scared to talk against the Maoists but as ours is a democratic government, it is not scared to go against them. The civil society representatives gave their views on the situation of the state of emergency and the peaceful solution of the Maoists' problem.
- Narayan Maan Bijuckchhe, MP and Chairman of Nepal Labour and Peasants Party expressed his opinion that though there is state of emergency in the country,

and head injured more severely. He could hardly speak.

Mr Adhikari is a teacher in a local primary school. He was blindfolded after the arrest. He was put in a trench for the whole night. The next day he was tied with a chain. Then the police started to ask him questions, "What are the weapons the Maoists have? Where are they? Who are the Maoists often coming to you? Why did you serve them with meal?" and the like. Then they whipped him on his head and foot. Victim Adhikari says, "I don't know what happened afterwards." According to him, he had to pick food with his mouth as he was tied to both his hands and legs.

His family members while going to the police office taking food to Mr Adhikari were

not allowed to meet him. Sometimes the police asked them to return his food saying that he has said to bring the tasty foods only. He says he had spent many days without having anything, as he was unconscious. Mr Adhikari was released on bail after 21 days handed over to his neighbours and family members. He was unconscious while released. But the police had ordered the witnesses to sign on the fake paper mentioning that Mr Adhikar was as normal as he was previously. At present, his wife is dealing with the court for him as he is under going treatment.

Other two people (Ram Prasad Adhikari and Nanda Lal Adhikari) were also arrested together with Mr Adhikar. They were released on bail after 19 days.



the government and the Maoists are giving trouble to the people.

January 23

- All the eight parties in the parliament, including the ruling Nepali Congress and the main opposition party CPN (UML), claimed that after the declaration of the state of emergency the security authorities have been trying to side line the civil administration and the people are victimized. It was stated in an interaction programme on "The Situation after the Declaration of the State of Emergency" organised by the Parliamentary Committee on Foreign Affairs and Human Rights.
- In the meeting organised by the Parliamentary Committee on Foreign Affairs and Human Rights on 22 January the representatives of opposition parties including the CPN (UML) presented lists of arrested activists of their parties. According to the list, there were 103 activists from the CPN (UML), 18 from the United Peoples' Front Nepal, 32 from the National United Peoples' Front and 12 from the Labour and Peasants Party.
- In Panchthar District, 5 security personnel and 2 Maoists were killed and 5 police personnel injured in a crossfire between the security personnel and the Maoists from 11 at night till 4 in the morning at Gopetaar Police Post, as publicised by the Ministry of Home. Among the deceased police personnel were Govind Thapaliya, aged 26 of Tehrathum district, Jayaram Gimimre, aged 23 of Jhapa, Deepak Pokhrel, aged 22 of Siraha, Yam Kumar, aged 23 of Paanchthar and a Head Constable Bhim Bhujel, aged 32.
- In a programme organised in Kathmandu by the Intellectual Solidarity Group the speakers said that the Maoists have to end the war and come for the dialogue with the government and the

government too should be prepared to end the state of emergency and stop the mobilisation of the army. In the same programme, it was asked with the Prime Minister and the Chairman of the Maoists through an open memorandum whether to go for the radical economic, social and political changes along with the referendum on whether the constituent assembly is necessary or not has been crucial. It was further emphasised that the solution of the present crisis is a peace dialogue. In the programme Human Rights Activist Dr. Mathura Prasad Shrestha and a left intellectual Shyam Shrestha also expressed their opinion.

January 24

- In a meeting of State Affairs Committee of the Parliament, Prime Minister Sher Bahadur Deuba presented to clarify the rational of the State of Emergency, said that the orders will be according to the Article 115 (7) of the Constitution. He also confessed there are some weaknesses from the security personnel and that the security personnel have been ordered not to kill any arrested people.
- In a meeting of the House of Representatives, State affairs committee, Home Minister Khum Bahadur Khadka presented a statistics which showed that during the two months of the state of emergency 200 Maoists, 17 police personnel and 14 army personnel were killed.

Similarly, 10,312 have surrendered, 2834 were released among the 5136 arrested, a case has been filed for 1039, 1263 are held in the custody and 52 imprisoned.

- As stated by the Ministry of Defence Narayan Kumar Shrestha and Puja in Swara VDC, Gorkha District; Chandra Prasad Kadaria in Phuling, Taplejung; 1 person in Gopetar of Paanchthar; Rajan Rai (Mandela) in Lekhakharka, Khotang and Rajaram Karki (Sailesh) in Arthuge, Myagdi were killed in the operation of the security personnel.

January 25

- According to the news published in Samachar Patra Daily, National Human Rights Commission has investigated that the state of emergency has been widely misused as the government has not been able to manage it appropriately. A team of the members duo Dr. Kapil Shrestha and Sushil Pyakurel and the Secretary Dr. Shanker Kumar Shrestha of National Human Rights Commission came to this conclusion after their field visits of the Eastern and Western parts of the country.
- The meeting organised by the 10 left parties in the CPN (UML) Central Office, Balkhu decided to present the report of the state of emergency monitoring from the other opposition parties including that of the CPN (UML) to the Prime

Minister.

- In Kanchanpur District, 2 Maoists were killed in the crossfire between the security personnel and the Maoists at Kalika VDC-7 and similarly in Kailali District, 3 Maoists activist were killed at Narayanpur VDC-3, as stated by the speaker of the Ministry of Defence.

January 26

- In Thalarai of Jajarkot District and Khajurani of Dadeldhura District, 2 each Maoist activists in each districts were killed in the crossfire between Maoists and the security personnel, as published by the Ministry of Defence.

January 27

- After his field visit from the Maoists affected areas, former Deputy Prime Minister and leader of the Nepali Congress Ram Chandra Poudel reported that it was difficult to say about the security of the people in the villages though the headquarters are safe.
- There was a meeting organised by leaders of the ruling party, Main Opposition Party and the other opposition parties at the residence of the Former Prime Minister and President of the

Rastriya Prajatantra Party Surya Bahadur Thapa. The leaders present came to a conclusion that the state of emergency must be shortened and there should be enough homework for the alternative solution. Similarly, the leaders criticised the operations of the security personnel.

- In Tehrathum District, 21 Maoists activists were killed in the operation by the security personnel at Sankranti Bazaar area, as stated by the Ministry of Defence.

January 28

- In Bara District, Motbahadur Katuwani committed suicide after leaving the Maoists group. He had surrendered to the District Administration Office but the Maoists activists started pressurising him to join the movement again, as per the news published in the Nepal Samachar Daily on the 30 January.

January 29

- In a programme organised in Kathmandu, Tara Nath Ranabhat, the Spokesperson of the House of Representatives stated that there were a number of innocent people involved in the operation by the security personnel against the

HUMAN RIGHTS ACTIVISTS ABDUCTED

Chairman of Social Development Centre, Achham Bhakta Raj Dhungana; Member, Maya Shah and Bindu Rawal abducted by the Maoists on the 20 of January were released on the 22 January, 2002. The victims were conducting Capacity Building Training for the Women Representatives organised by the Binayak VDC when they were abducted.

Maoists.

- In a talk programme organised in Biratnagar, Chandra Shekhar Singh, former Prime Minister of India stated that he had heard there has been misuse of state of emergency in Nepal.
- Kishor Shrestha, Editor of the Jana Astha Weekly published from Kathmandu, was arrested by the police in the evening at 7:30.
- The Parliamentary Committee on Foreign Affairs and Human Rights and National Human Rights Commission decided to jointly monitor the violation of the Human Rights by the security personnel during the state of emergency and the incidents that might take place in the future possible violations.
- In Khotang District, after the *Khumbuwaan* and the Maoists started pressurising the people of the Southern-west area that one person from every house has to either join the Khumbuwan Liberation Front (closely associated with the Maoists)

or the Maoists group. One thousand 2 hundred people from that area left their homes, as per the news published in the Rajdhani Daily on the 29 of December.

30 January

- Presented at the House of Representative State Management Committee, Minister for Home Khum Bahadur Khadka stated that as the rank of the army official is higher than that of the Chief District Officer (CDO) in the hilly districts, it has been difficult for the administration to work.
- In Bhojpur District, after the Maoist activists attacked the District Police Office and the Army Barrack, there was crossfire between the security personnel and the Maoists for nearly one and a half-hour. In the crossfire, there was no loss in the security personnel's side and no information received about the damages to the Maoists' side, as stated by the Ministry of Defence.
- The International Committee of Red Cross started its task

from the Central Prison collecting information on the injured and the condition of the arrested people after the declaration of the state of emergency.

31 January

- The meeting of the Parliamentary Committee on Foreign Affairs and Human Rights decided to invite the Prime Minister on the 7th of February and the Minister for Home on the 5th of February for the clarification on the condition of the security and Human Rights of the people after the declaration of the state of emergency.
- In an ambush placed by the Maoists at Prithvi Highway near Tanahu District, Panpang VDC-2 Police Inspector Govind Poudyal and Police Sub-Inspector Dil Bahadur Adhikari were seriously injured and died while undergoing treatment at Pokhara Hospital. In the same incident, 7 other police personnel were injured.
- Devendra Raj Kandel, State Minister for Home, in a press conference organised by the Home Ministry about the assistance provided to the victims of the Maoists. He further stated that arrangement to provide a daily allowance of Rs.100 for displaced citizens and the widows receive additional allowance as well on the recommendation from the Chief District Officer. Till present, there are 3 hundred and 30 citizens who have been displaced and 700 widows whose husbands have been killed by the Maoists. He



also stated that from the time the Maoists' "peoples war" started the number of Maoists killed by the police has reached to 1318 and the civilians killed by the Maoists 343 and the number of police killed 524.

1 February

- In an appeal published by the Ministry of Defence requested the public to inform the nearest army barrack, the patrolling troop or the army commander if there is any activity, which disgraces the Royal Nepalese Army.

2 February

- In an interaction programme on "The role of the Parliament during the State of Emergency" organised in Kathmandu Bharat Mohan Adhikari, former Minister of Finance and the MP, criticised the government for increasing the tax in the pretext of the state of emergency.
- According to the Janasatta Weekly, His Majesty the King Gyanendra Bir Bikram Shah has expressed his opinion that he has no objection if the referendum is held for the constituent assembly if it stops the Maoists' violence and terrorism. The paper says that this was opinion was expressed when the chief editor of the Janasatta Weekly was granted an audience by the King on the 31 of January.
- In Lamjung District, the dead body of Chin Bahadur Thapa, a health worker of Taksar VDC, was found. He was abducted by the Maoists on the 31 January.

DONATION BY THE PRIME MINISTER TO THE MAOISTS ?

In the discussion held on January 23, Jog Mehar Shrestha, leader of the Rastriya Prajatantra Party and Lila Mani Pokhrel, MP and General Secretary of the United Peoples' Front stated they had proofs that the Prime Minister had donated Rs. 9,000/-, (US\$ 115) four other Ministers had donated Rs. 10,00,000/- (US\$ 13,000) at different times and 14 other MP's of the ruling party had regularly donated to the Maoists.

- In Kailalai District, Ram Bahadur Chaudhary, a Maoist activist, was killed in the crossfire between security personnel and the Maoists at Dugauli, as stated by the Ministry of Defence.
- In Dang District, Top Bahadur Basnet, a Maoist activist was killed in the crossfire between the security personnel and the Maoists at Phulbari, as stated by the Ministry of Defence.

February 3

- In Rukum District, 2 Maoist activists were killed in the crossfire between the security personnel and the Maoists at Sene, as stated by the Ministry of Defence.

4 February

- In Sankhuwasabha, as published in Budhabar Weekly, it has been proved from the family ties that the Ministry of Defence has arrested the Basu Shakya, District Chief of so-called the Peoples Government formed by the CPN (Maoists).
- In Kavre District, 16 police personnel along with 1 inspector were killed in the attack by the Maoists at the temporary police post in Khanalthok VDC-7. According to the news pub-

lished in the Nepal Samachar Patra Daily on 6 February, 6 were shot dead and 10 killed with a *khukuri* by the Maoists. In this violent incident occurred after the declaration of the state of emergency causing heavy loss to the police side, Inspector Tikaram Pandey, Assistant Sub-inspector Netrabahadur Giri and Police Constables Purna Bahadur Karki, Padmaraj Poudyal, Krishna Bahadur Shrestha, Madhu Lal Adhikari, Gokarna Karki, Hom Adhikari and Govinda Pokhrel were killed. Similarly, police personnel Subodh Raj Yadav, Pannalal Rai, Pramod Shah Kanu, Sanukancha Baniya, Haridev Chaudhary, Prem Bahadur Thing and Bharat Mishra were also killed in this incident. In the same incident, a woman Maoist activist was also killed.

February 5

- In a meeting organised by the Parliamentary Committee on Foreign Affairs and Human Rights the State Minister for Home, Devendra Raj Kandel stated that after the declaration of the state of emergency the

number of teachers, businessmen, political activists and general people killed in the attack by the Maoists are 94, police 40 and Royal Nepalese Army 14. He further stated that during this period, the number of people in the internment is 204, 1408 in the custody, cases filed against 1159 among the 5850 arrested for investigation, 3283 of them released.

- Inspector General of Police Pradip Samsher JBR stated that 534 security personnel were killed by the Maoist activists. In a seminar organised in Dharan, Police General JBR stated that the total number of security personnel and the general people injured in such activities was 1603.
- In a memorandum presented to the Prime Minister Sher Bahadur Deuba, the Main Opposition Party CPN (UML) along with the other 13 political parties requested to create an environment conducive to end the state of emergency at the earliest and cease the Terrorist and Destructive Act (Control and Punishment) Ordinance 2058.

February 6

- The National Human Rights Commission issued a press statement regarding the killing of 16 police personnel in the attack at the police unit in Khanalthok VDC by the Maoists in Kavre District and expressed distress on the killing.
- National Human Rights Commission asked for clarification from Netra Prasad

Sharma, Chief District Officer (CDO) of Sankhuwasabha about the incidents of Human Rights Violation in the District after the declaration of the state of emergency. Earlier, when the team from the National Human Rights Commission had gone to Sankhuwasabha for investigation the CDO was not present.

- In a report presented in the Central Committee meeting by Sushil Koirala, General Secretary of the ruling Nepali Congress party stated that the Prime Minister was fully incapable of improving the law and order situation even during the state of emergency.
- In a discussion programme organised in Kathmandu, Attorney General, Badri Bahadur Karki pointed out that the government had lost the political war with the CPN (Maoist). He stated that the State has become weaker as the political parties supporting present regime could not go to the public to prove their opinion better than that of the Maoists.
- A team of the National Human Rights Commission Sushil Pyakurel, Dr. Gauri Shankar Lal Das, Prof. Kapil Shrestha and Secretary Dr. Shankar Raj Shrestha visited the TU Teaching Hospital and Birendra Police Hospital, met the people injured in the operation of the security personnel and the Maoists and gathered information on their health condition.

February 7

- In Nuwakot District, Rajan Pathak, a teacher of Kaluka Secondary High School, was beaten injured by the Maoists at his own residence in Sundara, Devi VDC-1. Supporter of Nepal Teachers Association, Pathak had his both hands and legs broken in this incident.

February 9

- In Kaski District, the third meeting and the First National Assembly of Press Chautari Central Committee Nepal held in Pokhara demanded the release of the reporters arrested by the security personnel after the declaration of the state of emergency.
- In Syangja District, Khagendra Raj Regmi, District Chairperson of Nepali Congress, was shot injured by the Maoists while he was staying in his own residence in Khilung Deurali.
- In Bardia District, when the Maoists blasted a bomb in

ARREST OF NATIONAL

On the night of 3 March at 10:30, publisher and editor of Sanghu Saptahik, Gopal Budhathoki was returning home on his motorcycle No.Ba.8 Pa. 1143 from his office located at Baghbazar. After getting the information that he had not returned home till 1 o'clock, his colleagues rung up different places and tried to find out his whereabouts. The news was published that the eye-

the Cotton Development Committee situated in Kumbhar, Kalika VDC, 1 thousand 8 hundred quintal paddy along with valuables worth to 1 crore rupees was destroyed.

February 10

- In Gorkha District, Laxmi Prasad Bhatta, a resident of Taple VDC was killed and Om Prasad Lamichhane, Teacher of Dhairung Batase Himalaya High School was injured in an attack by the Maoists, as stated by the Ministry of Defence.

February 11

- In Kathmandu District, 1 staff was injured and a loss of property equal to 1 million in a bomb blast at the Internal Revenue Department located at Lazimpat at 10:45 in the morning. This bomb blast is suspected to be done by the Maoists.
- In Dang District, Ravilal Pant, Ghanashyam Puri and Nera Pun, the three Maoist activists, were killed in the

crossfire between the security personnel and the Maoists at Tapa Area, as stated by the Ministry of Defence.

February 12

- In Lamjung District, 2 Maoist activists were killed in the crossfire between the security personnel and the Maoists at Purano Kotpahara, as stated by the Ministry of Defence.

February 13

- In Jajarkot District, Gaune Wali, aged 40, was wounded in an ambush placed by the Maoist while she was out for grass and wood at Umachaur, Bijeshwari VDC.

February 14

- In Kathmandu District, 8 people were injured in the bomb blast by the Maoists at 9:45 am in the Land Revenue Office at Kalanki. The bomb exploded ten minutes after 4 Maoist activists showed pistol and burnt down some papers.
- In Dolpa District, 4 Maoist activists, Lok Bahadur

Rokka, Mansingh Karki, Dale Sarki, Kande Sarki and Sarbajeet Sarki were killed in the operation by the security personnel at Kalika, as stated by the Ministry of Defence.

15 February

- According to the news published in Kantipur Daily, the government is going to add 30 billion rupees additional budget to the army than allocated earlier.
- In Kanchanpur District, Padam Thapa was killed by the Maoists at Kalika VDC-5. In the same village, Chotelat Chaudhary was seriously injured by a sharp weapon by the Maoists.
- In Siraha District, Adhiklal Khatwe (Mandal) was killed in the operation by the security personnel at Mainawati River of Amarna VDC, as stated by the Ministry of Home.
- In Dandeldhura District, Arjun Shahi was killed in the operation by the security personnel at Maurikhet jungle, as stated by the Ministry of Defence. Similarly in Kanchanpur District, one Maoist activist each in Suda and Jabung of Gulmi were killed in the operation of the security personnel.

16 February

- In Achham District, 55 security personnel and 50 police personnel were killed in the attack by the Maoists, 3 Maoist activists were also killed in the incident. Before the attack, the Maoists had ablaze most of the office buildings and houses at the District Headquarters and at

COUNCILLOR OF THE FEDERATION OF NEPALESE JOURNALISTS:

witnesses stated that on Sunday night when he went out from the office, 3 to 4 motorcyclists were following him. As Budathoki was arrested previously also on 5 December, suspecting that he might be arrested again by the security personnel, different Journalists Organisations and Human Rights Organisations demanded to publicise his condition. On 5 March, leader of the CPN (UML) and Member of the Parliament,

Raghuji Pant demanded that the condition of journalist Budhathoki must be publicised in the parliament. On 6 March, Prime Minister Sher Bahadur Deuba informed that Gopal Budhathoki was taken into control by the security personnel as he published materials degrading the self confidence of the security personnel and helping the terrorists. There is still no information about his condition and whereabouts.

Sanfebagar. The Chief District Officer (CDO) Mohan Singh Khatri, Official of the National Investigation Department Lok Raj Uprety and his wife, a staff of the post office and a local resident were killed in this incident.

- In Sarlahi District, the Maoists attacked the National Commercial Bank, Nawalpur Police Post at Lalbandi and the telecommunication tower at Malangwa. The police personnel Min Bahadur GC of Parbat, Nawaraj Lama of Rautahat, Lal Bahadur Thapa of Chitwan, Ratilal Danuwar of Morang and Pramod Karki were killed in crossfire between the security personnel and the Maoists at Lalbandi police post. A Maoist activist was also killed in this incident.
- In Jumla District, the Maoists activists Bal Krishna Bhandari (inter alia Jatil), Dam Bahadur Nepali (inter alia Himalaya), Datta Bahadur Mahattara (inter alia Anand) at Dhaulapur Area and 1 Maoist activist in Labuji of Kailali District were killed in the operation.
- In Ramechhap District, Govinda Khadka of Behdan VDC-3 was killed by the Maoists.

February 17

- A press statement published by the Indian Embassy expressed the concern at the loss of more than 100 lives in Achham District and stated that India is willing to extend full support to Nepal in its attempt to establish

peace and security in the country.

- The government tabled a proposal for endorsement of the state of emergency in the parliament. An election on this proposal is going to be held on the 21 February in the parliament.
- In Gorkha District, 1 woman Maoist activist Angela BK was killed in the operation by the security personnel at Agesi Area, as stated by the Ministry of Defence.

February 18

- The press statement released by the Indian Embassy expressed its concern on the incident that occurred in Achham on 16th February that took the lives of more than 100 people and stated that India would always extend its full support for the effort of Nepal to establish peace and stability in the state.
- The government tabled a motion in the House of Representatives for the endorsement of the state of emergency. An election will take place on the 21 of February.

February 19

- A team of the House of Representatives State Affairs Committee paid a field visit to Mangalsen and Safebagar of Achham District. According to the team, 15 government office buildings and 12 private residences were destroyed in Achham in the attack by the Maoists, and 13 police personnel were missing.

February 20

- As stated by the Ministry of Defence, 1 Maoist activist in Indrapur of Banke District, 2 in Bhatkatia of Achham District, 4 in Tila of Kalikot District, 2 in Dailekh District, 2 in Pelkachaur of Syangja District and 1 in Kotgaun of Rolpa District, altogether 12 Maoist activists were killed in cross-fire between the security personnel and the Maoists.
- The Prime Minister and the Home Minister were present in the meeting of the House of Representatives State Affairs Committee. Pradip Gyawali, the Coordinator of the State of Emergency Monitoring Committee presented the report prepared after the field visit of Achham and Sarlahi. As the incident that occurred in

Year 19, No. 42, on 11 February 2001. In the news under the title "Fake night vision helicopter scandal will rise, corrupts looted 400 thousand of the nation", it was written, "It has been necessary to discuss about the corruption and the game of commission going on in the priteux of the state of emergency in the parliament. The two MI-17 Russian Helicopters bought for the army emphasising the need of a night vision had been entangled with commission and proved to be a fake. In a programme organised in Kavre District to prove the above statement, it is mentioned that Minister for

Achham showed the weakness from government's part which resulted in the tragic death of the security personnel within half an hour, the meeting decided to call the Commander-In-Chief and the Inspector General of Police to the meeting to discuss on the above matter.

February 21

- According to the news published in the Nepal Samachar Patra Daily, the American Embassy condemned the attack by the Maoists in Achham and urged them to fulfil their aims in a peaceful and democratic way staying within the Constitution.
- The House of Representatives endorsed the state of emergency declared on the 26 November. In the voting in the parliament, there were 194 votes in its

favour and 7 against it. Within the three months of the state of emergency declared according to the Constitution of Nepal sub-article (1) of article 115, there is a provision that the two-third of the members present in the House of Representatives have to approve it.

- In Salyan District, 32 police personnel were killed in the attack by the Maoists at Shitalpati Area, as stated by the Ministry of Defence.
- As stated by the Ministry of Defence, 6 Maoist activists of Karthali Danda of Sindhupalchowk District, 2 in Hasulia of Kailali District, Ram Bahadur BK in Phalante of Surkhet District and 1 in Pala of Baglung District, altogether 10 Maoist activists were killed

in the operation of the security personnel.

February 22

- In Bhaktapur District, one child was injured when an unclaimed small bundle of cloth was put into fire, by a group of children who were warming their hands at Tal Dompho, Bhaktapur-14, blasted. The Maoists are suspected to keep an explosive in the bundle of cloth.

February 23

- In Banke District, three Maoist activists including Agni at Dhakeri, Sarpan Chaudhary at Rambapur and 1 maoist activist at Kotbada of Kalikot District, altogether 5 Maoists activists were killed in the operation of the security personnel, as stated by Ministry of Defence.

Gist of News Published in Sanghu Weekly Regarding Security

Social Welfare Rajendra Kharel stated that night vision helicopter had not arrived at all. In that news, claiming the corruption of 15 hundred thousand, it mentioned "The night vision MI-17 helicopters bought at high cost for the army cannot fly in the afternoon when it is foggy."

Year 19, No.43, February 6, 2002, In the news under the title "Night vision helicopter and the mysterious silence in the parliament", it was stated that the attack of the maoists at Mangalsen and

Sahfhebagar showed that the readiness and the co-ordination of the security personnel was inadequate. The news read, "Why were the security forces not availed to the army and the police who were fighting the Maoists the whole night? From this again, it proves that as written by Sanghu Vernacular Weekly the previous week, the army does not have a night vision helicopter and a normal helicopter was bought in the price of the night vision."

Year 19, No. 44, 25

February. The news published under the title, "Commander In Chief! Will you also understand the value of tears?", it read, the tradition started by commander in chief Rana does not seem to be in the favour of the Royal Nepalese Army. He did not shorten his leave even when 55 security personnel died at the same spot when the army barrack of Achham was destroyed. In the news, it was stated that the indifferent behaviour of the commander in chief will not augment the confidence of the security personnel.

- "Save Democracy Campaign Nepal" released a press statement against the CPN Maoist and condemned the incident of burning the bus at Bhandara, Chitwan in which 5 passengers died and called it an inhuman action.

February 24

- In a press release, Nepal Bar Association stated that the action of the Maoists to kill 5 people by burning a passenger bus at Bhandara, Chitwan District was against the human value and is considered inhuman. It also urged both the parties to follow other steps including peace talk, as war is not the only solution of the problem.
- "Save Democracy Campaign Nepal" released a press statement and expressed its disappointment on the endorsement of the state of emergency and declared it to be against the aspirations of the people. The press statement signed by the Former Spokeperson Daman Nath Dhungana, Dr. Mathura Prasad Shrestha, Gauri Pradhan, Sushil Chandra Amatya, Shyam Shrestha, Ganga Kasaju and Parshuram Tamang emphasised the importance of the peace talk between the government and the Maoists as well as consensus among all the parties. It also urged both the parties to be sensitive in this regard and end the war as well as the killings.

February 25

- According to the news published in the Nepal Samachar Patra Daily, Leader of the

CPN Maoists Dr. Babu Ram Bhattarai asked forgiveness on the death of innocent people in their operation during the *Nepal Bandh* (general strike).

- The meeting of the council of Ministers decided to establish a relief fund for the victims of Maoists operation. The Prime Minister along with the other Ministers, State Ministers and Asst. Ministers decided to donate their one month's salary amounting to 6 million 98 thousand rupees at once.
- In the inauguration of a workshop on "Peace Establishment in South Asia" in Kathmandu the American Ambassador to Nepal stated that the Maoists of Nepal are also terrorists like Khmerus, Alkayeda and Shining Path.
- In Sindhupalchowk District, 7 Maoist activists including Kamal Sharma alias Dinesh were killed in the operation of the security personnel.
- United People's Front Nepal (UPF), National People's Front and Nepal Workers and Peasants Party jointly organised a press conference and demanded with the government to end the state of emergency and take back the Terrorist and Disruptive Activity (Control and Punishment) Ordinance 2001.

February 26

- In a programme organised in Kathmandu, an American Diplomat A. Peter Bulein expressed his opinion that

Maoists problem cannot be solved only by utilising the army and the police. He stressed that the Maoists problem will not be solved unless the civil society is activated and capable leaderships emerge at the political level.

- The National Human Rights Commission held a discussion regarding the deprivation from the right to be produced before a judicial authority within a period of twenty-four hours after arrest during the state of emergency, according to the clause 6 of the article 14.
- In a press statement released by the National Human Rights Commission, expressed its shock and annoyance on the cruel and inhuman attack and killings of the security personnel, government officials and general people of Achham, Salyan and Sarlahi districts in the name of peoples' war and the act of terrorising the people by the Maoists.

February 27

- In Taplejung District, 2 Maoist activists at Tapethok, 1 at Lamedanda of Udaypur District and 1 at Bhatgaun of Kalikot District were killed in the operation by the security personnel, as stated by the Ministry of Defence.

February 28

- According to Kantipur Daily, a youth arrested in suspicion of being a Maoist died inside Itahari barrack. The dead body of the youth, a resident of Sunsari Mahendranagar VDC-8, was taken to Inarwa Hospital for

post mortem.

- The Terrorist and Disruptive Activity (Control and Punishment) Ordinance 2001 was endorsed by the Parliament. The opposition parties protested on the endorsement of the ordinance making it a permanent law.

March 1

- In Bardia District, 4 Maoist activists of Dhakeri, 1 of Todke in Rukum District and 1 of Rampur in Udaypur District, total 6 Maoist activists were killed in the operation of the security personnel, as stated by the Ministry of Defence.
- In Kanchanpur District, 2 Maoist activists and Asst. Sub Inspector of Police Nain Singh Bista, Sub Inspector of Police Raghubir Bohara and policeman Mohan Singh Dharmi were killed on the spot in the crossfire between the Maoists and security personnel at the border of Shankarpur and Dekhatbholi VDC.
- In Dang District, the body of Gir Bahadur Thapa, Upendra GC and Subash Roka abducted by the Maoists on 21 February was found in Bahundanda.

March 2

- In Dang District, Basanta Lamsal was killed by the Maoists by cutting off his head at Tribhuvan Municipality Ward-6 Githepani. He was abducted by the Maoists on 25th February.

March 3

- General Secretary of United People's Front of Nepal and

CONDEMNED BY INSEC

Informal Sector Service Center (INSEC) condemned the attack of the Maoists in the SOS Children Home in Birendranagar of Surkhet District. The gist is as follows :

At the moment everyone is condemning the Maoists for setting fire in Mahendra Sanskrit University of Beljundi, Dang District and destroying various Historical and religious books. At this time, the Maoists woke up the orphan children from their bed and destroyed their bedding, this incident will never bring have on the children?

From the various actions performed by the Maoists who claim to be fighting fully armed to bring change in the country, Insec forwarded a questioned whether the Maoists party in the aid of politics are converting themselves into terrorists and further said- We highly condemn such inhuman behaviours and actions that are against the people.

Though the Maoist party have been requested by different parties to create clear atmosphere for the peace talk, Insec earnestly urged the Maoists party to stop all kinds of destructive activities and expressed its opinion again that the only solution of this problem is peace talk. For this, Insec urged the government as well as the Maoists to take a correct step ahead.

Member of the parliament Lilamani Pokhrel registered a notice against Terrorist and Disruptive Activities (Control and Punishment) Bill. The notice stated that the ordinance was contradictory to the articles 11, 12, 13, 14, 15, 16, 17, 22 and 84 as well as the spirit of the Constitution of the Kingdom of Nepal 1990.

- In Syanja District, Durga Bahadur Rana alias Soni, a resident of Chitrebas VDC-6 was shot dead by the Maoists who were eating with him in a hotel at Waling Municipality-5. It is said that previously also action was

taken against him by the Maoists in the accusation of being a false Maoist.

- In Kalikot District, 3 Maoist activists were killed and 1 injured in the operation of the security personnel at Mugran, as stated by the Ministry of Defence.

March 5

- The House of Representatives Foreign Affairs and Human Rights Committee invited Prime Minister Sher Bahadur Deuba to the committee to provide the information as to whether the government is working according to the instructions given on 21

February or not.

- In Morang District, a resident of Govindapur VDC-7 and Nepali Congress activist, Kedar Prasai, aged 65 was struck dead with a khukuri by the Maoists.
- In Salyan and Lamjung District, 2 Maoist activists were killed in the operation by the security personnel, as stated by the Ministry of Defence.

6 March

- In Surkhet District, 2 Maoist activists Bidur Kumar Chaudhary alias Bigyan and Chakra Bahadur Budha were killed in the operation by the security personnel at Ratmate between Chhinchu and Ramghat. In the process of the operation, 6 security personnel were injured when the bomb carried by Chaudhary blasted.
- In the meeting of the House of Representatives, information was given about the publisher-editor of Sanghu

Saptahik, Gopal Budakhoki being held by the security personnel in an accusation of publishing articles degrading the confidence of the security personnel and in favour of the terrorists. Also demand to the media as well as the parliament to publicise the condition of Gopal Budathoki who had disappeared from 3 March was made.

- In Baglung District, resident of Pala VDC-2, Nagendra Bahadur Thapa and his wife Bhadra Kali Thapa were struck dead with a khukuri by the Maoists.

March 7

- In Dailekh District and Bardia District, 1 Maoist activist each were killed in the operation of the security personnel at Tal Pokhari and Batiyabhar VDC, as stated by the Ministry of Defence.

8 March

- National Human Rights Commission requested the

general public and the concerned authorities to bring out the fact details about the disappearance of the people during the Maoists peoples' war. The details from the year 2052 has to reach the commission by April 2.

March 9

- In Nuwakot District, 20 security personnel were injured in an ambush placed by the Maoists at Ganeshtan VDC-7. 2 Maoist activists were killed in the operation by the security personnel in the same incident.

March 10

- In Dang District, Madhu Shah of Dharauni and Ghanashyam Koirala of Jharkia, Morang District was beaten injured by the Maoists.

March 11

- In the meeting of the House of Representatives, the main opposition party interrupted the parliament for about an hour, demanding to issue an order to regulate the state of emergency.

March 12

- In Surkhet District, 4 Maoist activists in Neta Area, 3 Kunatharima, 4 in different places of Salyan District, 2 in Argal Danda of Baglung District and 2 in Saptari, a total of 15 Maoist activists were killed in the operation of the security personnel, as stated by the Ministry of Defence.

March 13

- In the meeting of the House of Representatives, member of the parliament of the main opposition party, Prem



Bahadur Singh stated that more than 60 innocent people have died in Kalikot District in the operation of the security personnel and demanded the fair investigation on this matter.

- In Sindhupalchowk District, the vehicle of the security personnel from Chautara, going for the security purpose of Spokesperson Taranath Ranabhat and Health State Minister Mohan Bahadur Basnet who were going for the inauguration of golden jubilee and students reunion programme of Sarada Higher Secondary School in Bahrabise VDC-9, was destroyed in an ambush placed by the Maoists. Police hawildar Dil Bahadur Magar and police personnel Kishor Thakur, Manoj Shrestha, Kamal Pokhrel, Chitra Bahadur Paudel and Harka Bahadur Budha died in this incident in Pokhari Base.

March 14

- The team of representatives in the leadership of the General Secretary of the Main Opposition Party CPN (UML), Madhav Kumar Nepal met with the Prime Minister Sher Bahadur Deuba and made a demand to issue constitutional instructions to regulate the state of emergency and release the arrested activists.
- An appeal by 23 intellectuals including Dr. Harka Gurung, Dr. Trilokya Nath Upreti, Dr. Mina Acharya, Dr. Bal Gopal Vaidya, Dr. Krishna Bahadur Bhattachan, Senior advocate Krishna

Prasad Bhandari urged the government and the Maoists to start the peace talk immediately and follow the provisions of Human Rights and the International Humanitarian laws.

March 15

- According to the news published in Nepal Samachar Patra Daily, In Surkhet District, 11 abandoned corpses were found in the jungle of Radhachowk, Ramghat VDC. Among them, two corpses were of Krishna Prasad Khanal and Laxmi Gautam, residents of Chhinchu. In the jungle of Hudke, Kunathari VDC of the same district, three burnt heads were found abandoned since three days. The local people assumed the heads were of the Maoists.
- In Bhaktapur District, the building of the District Committee was destroyed when the bomb placed in the District Administration Office by the Maoists exploded. Similarly, the compound walls of Kathmandu and Lalitpur District Administration Offices were destroyed when the bomb placed there exploded.

March 16

- As stated by the Ministry of Defence, 6 Maoist activists in Kanchanpur and Baglung District were killed in the operation by the security personnel.

March 17

- When the security personnel attacked the Maoists Training Camp at Gumchal VDC, 62 Maoist activists

were killed. According to the news published in Rajdhani Daily on 18 March, Maoist Commanders Himchuli Roka alias Adhar, Lila Bahadur Chhetri alias Youdha, Buddhi Swara Roka alias Bipana, Suk Bahadur KC alias Sunil, Sapana Roka alias Buni and Bimala Roka alias Asha and Squad Commander Manswara Roka alias Gyani were killed in the incident.

- In Rolpa District, more than one dozen Maoist activists were killed in the crossfire between the security personnel and the Maoists at Jamkot, as per the news published in various newspapers.

March 18

- In Gulmi District, 1 Maoist activist was killed in the crossfire between the security personnel and the Maoists at Dhurkot, as per the news published in Rajdhani Daily.
- According to the news published in Kantipur Daily on 18 March, on behalf of the President of the ruling party Nepali Congress, Central member Chitra Prasad Bastola met with Ishwori Dahal, Central leader of the CPN Maoist. In the meeting of the Central Committee on 16 March, Bastola indirectly talked about the demand for referendum for the Constituent Assembly.
- Since the declaration of the state of emergency, more than 500 teachers are victimised of Maoist atrocities in 35 districts including Rolpa, Rukum, Jajarkot and Gorkha. According to the

information received from National Teachers Association of Nepal, the Maoists and the government had killed 10 teachers each.

- Human Rights Organisations formed a team of Sudip Pathak, senior advocate and president of Nepal Bar Association Sindhu Nath Pyakurel and Malla K. Sundar to initiate the peace talk between the government and the Maoists. In a press conference organised by the Human Rights Organisation, President Sudip Pathak informed that the peace talk will be in accordance with the Gwatemala mode.

March 19

- In Kailali District, Assistant Sub-Inspectors of police duo Lok Raj Chaudhary and Jay Bahadur Dhant, police hawildar Prem Bahadur Sinjapati and Karan Singh Bhat, policemen Prem Bahadur Bista, Umesh Rawat and Dhiraj Shrestha died on the spot in an attack by the Maoists at Area Police Office, Lamki. Ten policemen were injured in that incident. After this attack, the Maoists went to different places and looted more than Rs.10 million.
- In Rukum District, 9 Maoist activists in Chhing area and 5 in Syalpakha, 4 in Bankatti of Bardia District and one each in Nepal Danda of Bhojpur District, Balthok of Syanjha District, Khumel of Rolpa District, Palang of Dolpa District, Chhinchhu of Surkhet District, Pratappur of Kailali District and Changli of Gorkha

District, a total of 25 Maoists activists were killed in the operation by the security personnel, as stated by the Ministry of Defence. It is stated that Ram Chandra Pandey killed in Changli was the area commander.

March 20

- In Kailali District, 7 Maoist activists in Lamki, 2 in Phapar Thung of Syanjha District, 2 in Khurkot of Parbat District, 1 identified as Chandra Prasad in Syabun of Sankhuwasabha District, 1 each in Changli and Budhasingh of Gorkha District, 1 each in Pini area and Bhoje of Kalikot District, a total of 16 Maoist activists were killed in the operation by the security personnel, as stated by the Ministry of Defence.

March 21

- In Siraha District, Devnath Yadav was beaten and thrown in the pond by the Maoists. His condition was stated to be critical. Similarly, Sher Bahadur Thapa of Ramechhap District was beaten and had his leg broken by the Maoists.

March 22

- In Lamjung District, a corpse of a woman Maoist activist was found in Bhoje area in the search of Maoists injured in the operation of 21st March by the security personnel, as stated by the Ministry of Defence.
- In Saptari District, 2 Maoist activists including Ajablal Yadav in Nakati at Rayapur and 1 each in Kailali District, Tulsipur of Dang

District, Chhapri of Kalikot District and Myagdi District, a total of 6 Maoist activists were killed in the operation by the security personnel, as stated by the Ministry of Defence.

March 23

- In Bardia District, 6 Maoist activists in Belbhar, 2 in Chinung of Lamjung District and 2 in Baseri of Myagdi District, a total of 10 Maoist activists were killed in the operation by the security personnel, as stated by the Ministry of Defence.

March 25

- In Kathmandu District, when the time bomb placed in the building of Gorkhapatra Corporation Office of the National daily placed by the Maoists exploded, the toilet was totally damaged and the window glasses were broken.
- In Kathmandu District, a jeep, Ba. 1. Jha 5380 of Bharat Mohan Adhikari, Polit Bureau member of the CPN (UML) was slightly damaged when the Maoists threw petrol bomb on his vehicle at Sunar Gaon.
- In Rolpa District, 13 Maoist activists were killed in the crossfire between the security forces and the Maoists in Khagali area. Similarly, in Lamjung District, Maoist activists Laxya, Dikendra, Sukra and Ishwar in Bichaur, 3 including Pravin in Tirkhu of Jumla District and Bal Bahadur Regmi in Lekhpurajul of Dailekh District, a total of 8 Maoist activists were killed.

March 26

- In Myagdi District, Maoist activists Nare Pun, Jagat Khadka, Sirjana Khadka, Man Bahadur BK, Punam Sharma and one unidentified, a total of 6 Maoist activists were killed in the crossfire between the security forces and the Maoists at Sikh Deurali

March 27

- In Panchthar District, teacher Lekhnath Gautam of Kalika High School, Prangbung was abducted, shot injured and burnt dead by the Maoists. According to the family members of the victim, the Maoists had asked Gautam for his three months salary as donation.
- In Lamjung District, the cremation of Man Bahadur Tamang, aged 68 of Phulandevi VDC-2, was performed 4 days after his death by the help of the security forces. On 23 March, his neck was slit and shot in his chest by the Maoists. The Maoists had threatened the villagers not to touch his body and not to perform his cremation.

March 28

- In Kalikot District, 5 Maoist activists were killed by the security force at Bisauna Mirul and Tutu Mirul area. Similarly, in Myagdi District, 2 Maoist activists in Phalebas, 1 in Ramchu River area of Lamjung, 1 in Chitre of Gorkha District and 3 in Murali Bhanjyang of Dhading District were killed in the operation.
- In Kathmandu District, Arun Shrestha was shot injured

when the security personnel opened fire to defend the attack by some of the youth while patrolling at Kathmandu Metropolis-15, Chagal. He died while undergoing treatment, as stated in the press release by the Ministry of Defence.

March 29

- In Rolpa District, 9 Maoist activists, 2 in Lumsa of Mugu District, 6 in Kanchanpur District, 1 in Damek Chaurak of Baglung District and 1 in Tandi of Morang District, a total of 16 Maoist activists were killed in the crossfire between the security personnel and the Maoists, as stated by the Ministry of Defence.

March 29

- In Mahottari District, VDC Vice-Chairman Rameshwor Yadav was struck with a khukuri and axe and then shot dead by the Maoists at Khayarbara VDC.

March 30

- In Dolakha District, one Maoist activist was killed in the operation by the security forces at Risang.

March 31

- In Sindhupalchowk District, 3 Maoist activists at Melamchi and 2 in Risang of Jajarkot District were killed in the operation by the security personnel, as stated by the Ministry of Defence.
- In Kathmandu District, Assistant Sub-inspector of Police Bharat Dhakal living in a rented house in Gongabu-7 was shot injured by the Maoists. He died while undergoing treatment.

April 1

- In Kathmandu District, 5 Maoist activists Bhupal Gurung, Dhane Tamang, Shyam Shrestha, Indra Rai and Laxmi Thapa, a total of 5 Maoist activists were arrested.
- In Rautahat District, Maoist activists Sanu Dulal and Sonam Singh died on the spot and Hari Poudyal was seriously injured when the ambush they were placing exploded. In the process of treatment, Poudyal had both his hands and legs cut off and is in a critical condition

April 2

- In Nawalparasi District, 2 Maoist activists at Narayani area, 1 in Baishajidhara of Tanahu District and 1 in Duli Gaon, 4 in Sisne Khola, 1 woman in Ghoda Gaon and 1 in Harikatia of Rukum District, a total of 10 Maoist activists were killed in the operation by the security personnel.

April 4

- The bill was passed by the House of Representative to substitute the Terrorist and Disruptive Activities (Control and Punishment) Ordinance declared along with the state of emergency four months ago.
- In Udaypur District, Maoist activist Tika Ram Sarki died in the operation by the security personnel at RiskuVDC-3.

April 5

- In Bardia District, 5 Maoist activities in Amoni, 2 in Ramda of Jajarkot District, 2 in Salyan District, 2 in Chhamkharka of Parbat

District, 2 in Rolpa District and 1 in Jarbutta of Surkhet District, a total of 14 Maoists were killed in the crossfire between the Maoists and the security personnel.

April 6

- In Bardia District, 13 Maoist activists were killed in the operation by the security personnel at the jungle of Kothiyaghat, as stated by the Ministry of Defence.
- In Bardia District, 1 major and 4 army men were killed in an ambush placed by the Maoists at Kothiyaghat.
- In Rukum District, 6 Maoist activists were killed in the operation by the security personnel at Rang and Bhurung area.
- In Nuwakot District, Maoist activists Kumari Magar, Ram Bahadur Ale and two others, a total of 4 Maoist activists were killed in the crossfire between the security force and the Maoists. Similarly, in Sankhuwasabha District, Maoist activist Kulman GC died in the operation by the security force.

April 7

- In Nuwakot District, 4 Maoist activists in Suryamati and Dhiko area and one each in Urahari of Dang District and Makai of Salyan District, a total of 8 Maoist activists were killed in the crossfire between the security personnel and the Maoists, as stated by the Ministry of Defence.
- In Bardia District, 4 Maoist activists in Patama area, 2 in Thakurdwara area, 1 in Rolpa District and 2 in

Gorkha District, a total of 9 Maoist activists were killed in the operation by the security personnel.

April 8

- The Ambassadors of the European Union released a press statement, urging the Maoists to come back to the peace talk again.

April 9

- In Tehrathum District, Thagendra Dhakal, aged 46 was stabbed dead with a sharp weapon by the Maoists at Odhagung-6.

April 13

- In Kailali District, property worth 6 million was destroyed when the Maoists blasted bomb at Dhangadi Municipality Office.

April 15

- In Dang District, 24 Maoist activists were killed in the crossfire between the security force and the Maoists at Mukutti area. Similarly, in Bardia District, 5 Maoist activists Nyaulapur and 2 in Rara Lihi of Jumla District, a total of 7 Maoist activists were killed in the operation by the security personnel.

April 16

- In Gorkha District, Sub-inspector of Police Bhimsen Silwal, Assistant Sub-inspectors Om Bahadur Thapa and Krishna Bahadur Thapa, Hawildar Duo Prem Bahadur Thapa, Durga Dutta Paneru and Policemen Shamsher Bahadur Bhujel, Sudan Budathoki, Rambabu Mali and Bharat Dawady were killed in the attack by the Maoists at Area Police Post in Barpak VDC. In the incident, local resident Min

Bahadur Ghale died and Santa Bahadur Ghale, aged 74 was injured.

April 17

- In Banke District, 4 Maoist activists in Chandaban, 1 in Sisnera of Baglung District, 1 in Udaypur District and 1 in Gulmi District, a total of 7 Maoist activists were killed in the operation by the security personnel, as stated by the Ministry of Defence.
- In Kathmandu District, police personnel, Rudra Prasad Regmi of the police post at Kuleshwor was shot dead by the Maoists. Afterwards, the police post was destroyed in the pressure cooker bomb explosion. In the incident, a local youth Sanjeev Maharjan was killed and his brother and another policeman Yam Lal Shrestha were injured.

April 18

- In Kathmandu, the residence of the Political Advisor of the Prime Minister Dr. Prakash Saran Mahat in Dhapasi was damaged in a bomb explosion, which was thrown by the Maoists at 5 in the morning from outside the compound.
- In Kathmandu District, the Maoists blasted bombs in 4 places. Six local citizens including hawildar and police personnel were injured in the bomb explosion at a Police Post in Ghattekulo.

April 19

- The meeting of the 9 left parties held in the CPN (UML) Central Office under the chairmanship of the General Secretary of the

CPN (UML) Madhav Kumar Nepal urged to withdraw the general strike (*Nepal Bandh*) announced by the CPN (Maoist).

April 20

- The meeting of all the parties in the parliament urged to withdraw the *Nepal Bandh* declared by the CPN (Maoists).
- According to the information given by the General Manager of the Nepal Telecommunication Corporation, the Maoists have destroyed 56 stations which brought about the loss worth 350 million. Eleven districts, Rukum, Rolpa, Jagarkot, Dhading, Rasuwa, Soluknumbu, Jumla, Kalikot, Argakhanchi, Gulmi and Bajhang are out of contact.

April 21

- In Kathmandu District, a bomb was blasted in the office of the Bank of Ceylon in Baghbazar but nothing was destroyed. The other three bombs kept there were defused by the security personnel.

April 22

- In Kanchanpur District, a total of 14 Maoists including 5 in Belgadi, 3 in Peudha of Rolpa District, 2 in Mansi of Sankhuwasabha, 2 in Sedha of Dang District and 1 each in Rimna of Jajarkot District and Takuradanda of Achham District, were killed in the operation by the security personnel, as stated by the Ministry of Defence. Similarly, 2 Maoists were killed in Nuwakot District.

April 23

- The Royal Nepalese Army publicised 20 more names of the Maoist Leaders. Among the names declared are Agni Sapkota, Amar Tamu, Chuda Kandel, Dina Nath Gautam, Dinesh Sharma, Hari Bahadur Chumal alias Amit, Jagannath Khanal alias Dinesh, Krishna Bahadur Mahara, Top Bahadur Raymajhi, Uma Bhujel, Mukunda Neupane, Bhesh Bahadur Bhandari, Rita Dhakal, Mangal Kumar Shrestha, Sanju Aryal, Pampha Bhusal, CP Gajurel, Ram Bahadur Thapa alias Badal, Yam Prasad Gautam and Post Bahaur Bogati. The Royal Nepalese Army earlier had declared the names of Pushpa Kamal Dahal alias Prachanda, Babu Ram Bhattarai, Mohan Baidhya, Dev Gurung, Hari Bhakta Kandel, Hira Kaji Pyakurel, Top Bahadur Kandel, Hitraj Pandey, Chandra Prasad Khanal, Prakash Risal, Abinash, Ram Prasad Banjade, Rekha Sharma, Shanker Ghimire, Sita Ram Dhakal, Shree Nath Adhikari, Rit Bahadur Khadka, Rajesh and Nanda Kishor Pun.
- In Salyan District, 7 Maoist activists were killed in the operation by the security personnel at Kaprechaur, as stated by the Ministry of Defence.
- In Kathmandu District, in regard to the publicity of his picture made by the Royal Nepalese Army through the media, Chuda Mani Kattel, the so-called CPN (Maoist)

Advisor claimed that he was not a Maoist force.

- In Taplejung District, teacher Chaitanya Budhathoki was abducted and had his legs cut-off by the Maoists at Arukhop-8.

April 24

- In Surkhet District, Shyam Bahadur Koirala of Narayan Municipality - 3, Khursanibari was abducted and killed by the Maoists.

April 25

- In Taplejung District, Shree Prasad Gautam, secretary of CPN (UML) Village Committee, was called outside his house, taken little further on and shot dead by the Maoists at Lingkhing VDC.
- In Rukum District, the Maoist activists attacked the sub-health posts of Bandhikot, Jadh and Simratu VDC, looted all the medicines and destroyed the office building.

April 26

- In Palpa District, 3 Maoist activists in Bhalukhan, 5 in Hapur, Urahari and Manpur of Dang District, 3 in Mahamudar of Bardia District and 1 in Saranalu of Ramechhap District, a total of 12 Maoist activists were killed in the crossfire between the security personnel and the Maoists, as stated by the Ministry of Defence.
- In Syanjha District, the Andhikhola Hydro Electricity Project and the powerhouse in Galyang was exploded in a bomb blast by the Maoists. Property worth 100 million was destroyed in

this attack.

- In Tanahu District, Anish Aryal, aged 4 was seriously injured in a bomb explosion placed by the Maoists at Gajarkot VDC-6.

April 27

- In Khotang District, 12 Maoist activists in Dorappa VDC and 4 in the Dhadkhola, border of Sindhupalchowk District and Kavrepalanchowk District were killed in the crossfire between the security personnel and the Maoists, as stated by the Ministry of Defence.
- In Sindhupalchowk District, an army man was killed and 10 army personnel including a captain were injured in an ambush placed by the Maoists at Andheri.
- In Khotang District, 22 Maoist activists were killed in the crossfire between the security personnel and the Maoists at Duwela in Chiuri Danda. Similarly, in Kathmandu District, 3 Maoist activists were killed at Chobhar.
- In Kathmandu District, the American Army Specialists who had returned after a visit in the Maoists affected areas suggested that the number of the Royal Nepalese Army should be increased to minimum 2 hundred thousand.

April 28

- In Kathmandu District, according to the news published in the Kantipur Daily, the Ministry of Defence has requested for more than 16 billion to implement three years package programmes

besides the regular expenses for the Royal Nepalese Army.

- In Rukum District, 8 Maoist activists at Kunakhet, 3 at Morang District, 2 at Dubing of Rolpa District, 1 each at Bhirkot of Dolakha District, Phattepur of Saptari District and Targhati of Udaypur District, a total of 16 Maoist activists were killed, as stated by the Ministry of Defence.

April 29

- In Kathmandu District, General Manager of Nepal Food Corporation Bhawani Raj Panday informed that famine might rise in the remote areas, due to the looting of food grain from the depots by the Maoists. Two thousand one hundred quintal of Rice in Chaurjahari, 2 hundred and 90 quintal in Musikot of Rukum District, 2 hundred 90 quintal in Matchhe of Pyuthan District, 8 quintal in Harichaur of Baglung District, 12 quintal in Dingla of Bhojpur District were looted by the Maoists which resulted in more than 5 million rupees loss in the revenue.
- In Kathmandu District, the news published regarding the suggestion by the American Security Team to increase the number of the Royal Nepalese Army to 2 hundred thousand was opposed by the Ministry of Defence.
- In Kailali District, 2 Maoist activists of Syaule Bazar, 2 of Gobardiya in Dang District, 1 in Surya Batuwa

of Bardia District and 2 in Jalbire of Sindhupalchowk District were killed in the operation by the security personnel, as stated by the Ministry of Defence. Similarly, in Loham of Sankhuwasabha District, 9 more Maoists were killed in an encounter, which occurred earlier, as stated by the Ministry of Defence.

- In Tanahu District, resident of Tanahu Vyas Municipality Ward No. 3, Polyang, Bharat Kaini alias Shyam Sundar Kaini, aged 38 and resident of Ghansikuwa Ward No. 3, Kalung, Ganga Bahadur Nepali alias Dor Bahadur Nepali, aged 47 were arrested by the security force from their house at midnight while they were asleep. They were taken to Ghasikuwa-8, Wagle, Simal at 4 in the morning and shot dead there. It has come to notice that the deceased were the members of CPN (UML).

April 30

- In Kathmandu District, The National Human Rights Commission released a press statement regarding the declaration made by the government to hand over some of the of the CPN Maoists cadres dead or alive. It stated that after the year 1990, protecting and promoting the basic human rights of the Nepalese citizens by the Democratic Constitution, Nepal has accepted the basic value and norms of the international humanitarian laws and as there is no law for death sentence. In this con-

text, the commission expressed its concern about the effects this notice might bring in the human rights situation.

May 1

- In Sindhupalchowk District, residents of Thulo Sirubari-5, Tika Dutta Dulal, aged 68, Bhakta Lal Dulal, aged 65, Jhalak Bahadur, aged 45, resident of the same VDC-4, Ganesh Gautam, aged 24, Shivahari Gautam, aged 25, resident of Sano Siwati-8, Chhiring Tamang, aged 29 were arrested from their houses, taken to Nursing Danda and shot dead there. According to the Ministry of Defence, this incident occurred in a counterattack and process of searching the whereabouts of the Maoists.

May 2

- In Doti District, 19 more corpses of the Maoists killed in the operation by the security force at Khida jungle of Wachil- Chhachal area were found, as stated by the Ministry of Defence.

May 3

- In Rolpa District, a policeman was killed in the cross-fire between the Maoist and the security personnel at Lisne.
- In Sarlahi District, former vice-chairman of Aghauli VDC, Sukadev Mahato was killed by the Maoists.
- In Lamjung District, 17 Post Offices were closed due to the Maoist attack, according to the Lamjung District Post Office.
- In Kailali District, 2 Maoist activists were killed in the

operation by the security force when they attacked the repeater tower of the Nepal Telecommunication Corporation at Bhajani.

- The Maoists attacked the bridge of Patharia River in Mahendra Highway on 22 April, the bridge of Golmagad River in Dipayal on 21 April, the bridge of Mankhola River in Banke on 19 April, the bridge of Mankhola River in Mahendra Highway on 19 April, the bridge of Kateshnala River in Dang, the bridge of Sarada River, the bridge of Suketi Danda River in Kanchanpur on March 26, the bridge of Chaumal River in Kailali on 19 March, the bridge of Bijulia Nal River on 19 March, the bridge of Bishnumati River in Kathmandu on 24 March and the wooden bridge of Devnia River in Jhapa on 4 April.

May 4

- In Lamjung District, 3 Maoist activists at Tarkughat, 3 in Kalghad and Gopghat of Doti District and 1 each in Katari of Udaypur District, Babiyachaur of Myagdi District, Mugma of Rukum District, Lisne of Rolpa District and Tripureshwor Khahare of Dhading, a total of 11 Maoists were killed in the operation by the security force, as stated by the Ministry of Defence.
- In Pyuthan District, 2 Maoist activists in Swargadwari, 2 in Kodakhola of Kailali District and 1 each in Chingar of

Surkhet District and Forali of Pyuthan District, a total of 6 Maoist activists were killed in the operation by the security personnel, as stated by the Ministry of Defence.

- In Rolpa District, 350 Maoist activists are believed to be dead in the operation by the security personnel, as stated by the Ministry of Defence in a press release. A police personnel was killed in this incident.

May 5

- In Rolpa District, 9 Maoist activists at Majhang, 3 in Devasthan of Myagdi District, 3 in Siuri of Rolpa District, 2 in Aruchanoti of Gorkha District, 2 in Mudiya of Nawalparasi District and 1 each in Kota of Tanahu District and Seti of Mugu District, a total of 21 Maoist activists were killed in the operation by the security personnel, as stated by the Ministry of Defence.
- Drinking water system supplying water to Ratanangla, Guranse and Ranimatta, the border of Surkhet-Dailekh was destroyed by the Maoists.

May 6

- In Kathmandu District, The Royal Nepalese Army publicised 20 more pictures of the Maoists. Among the publicised pictures were Bam Dev Chhetri, Santosh Budha, Ram Saran Chaudhary alias Sagar, Ram Chandra Sharma, Hisila Yami, Purna Bahadur Gharti, Netra Bikram Chand, Narayan Prasad Sharma, Matrika Yadav, Hemant Prakash Oli, Lokendra Bista, Khadga

Bahadur BK alias Prakanda, Jayapuri Gharti alias Namuna, Janardan Sharma, Hari Bol Gajurel, Govind Upreti, Bhakta Bahadur Shah, Shakti Bahadur Basnet alias Suresh Singh and Hitman Shakya.

- In Gulmi District, Rajasthan Ratmata of Dhukok VDC-2, Kamala Bhandari alias Geeta, aged 19 committed suicide by hanging herself. It is stated that Maoist activist Bhandari had recently surrendered to the District Administration Office.

May 7

- In Sankhuwasabha District, 7 armed-policemen were killed in the crossfire between the security personnel and the Maoists after the attack by the Maoists at Chainpur. Among them, 4 died on the spot and 3 died while undergoing treatment. From the Maoists side, 8 corpses were found on the spot and 3 other corpses in Chainpur, a total of 11 people were killed. The crossfire went on till half past one the next day. The Maoists burnt and destroyed the papers of Agricultural Development Bank, Area Administration and Land Management Offices.
- In Sankhuwasabha District, 11 Maoist activists including 2 women were killed in the crossfire when the armed Maoists attacked the Siddhikali Armed Police Camp, No. 3 Company in the district headquarters Chainpur. In the same incident, police hawildar duo Pashupati Dhakal and Gop

Bahadur Magar, assistant police hawildar Bhola Man Rai and policeman Chiranjibi Dhakal were killed and 13 others injured.

- In Sankhuwasabha District, an army injured in the attack by the Maoists at the armed police base camp in Chainpur died while undergoing treatment at Birendra Military Hospital, Kathmandu on 15 May.

May 9

- In Dhanusa District, Nepali Congress activist Mohan Yadav, aged 40 was shot dead and his brother was stabbed injured by the Maoists at Dhanusa Dham VDC.
- In a press release by National Human Rights Commission has urged His Majesty's Government and the CPN Maoists to declare the end of war and start political process to solve the problems.
- According to the security source, 20 Maoist activists in Phedi Tewang and 11 in Thawang of Rolpa District, 4 including 1 woman in different places of Jumla District, 1 in Bhajani of Kailali District and 1 in Jagan River of Siraha, a total of 37 Maoists activists were killed in the operation by the security personnel.
- In Sankhuwasabha District, 11 more corpses of the Maoist activists involved in attacking the police camp last Tuesday were found. Similarly, in Rolpa District, 50 more corpses of the Maoist activists killed while attacking the joint camp of

the security forces at Gam were found buried under the ground, as stated by the Ministry of Defence. The Defence source stated that 200 Maoists have been killed so far.

May 10

- In Bajura District, 23 Maoist activists at Jagannathpur, 3 in Poripali of Kalikot District and 1 in Jogbudha of Dandeldhura District, a total of 27 Maoist activists were killed in the operation by the security personnel, as stated by the Ministry of Defence.
- In Sankhuwasabha District, 8 more corpses of the Maoist activists killed in the armed-police base camp attack were found, as stated by the Ministry of Defence.
- After the declaration of the state of emergency, the Maoists have destroyed property worth millions in Dhading District. Reconstruction of these will take years. Among the 50 VDCs in Dhading, 35 are set on fire and the repeater tower of the Telecommunication as well as the electricity poles of the Khalte VDC were lost by the Maoists. Property worth 20 million was lost while the repeater towers were destroyed as well as the corporation has to bear 8 hundred thousand loss per month. The Telecommunication Corporation stated that the construction of the repeater tower would take 2 years.
- In the operation by the security personnel, 14 Maoist activists at Langari Khola

and 4 in Khalsing of Rolpa District, 1 in Single Khola of Parbat District, 6 in Jogbudha of Dadeldhura District and 1 in Sukkhad of Kailali District, a total of 26 Maoist activists were killed in the operation by the security personnel, as stated by the Ministry of Defence.

- In Dolakha District, after the declaration of the state of emergency, the Maoists have attacked the Agricultural Research Center, Kabe, Nepal Electricity Authority, Village Development Committee, District Forest Office, Post Office and many other offices directly concerned with the people and destroyed property worth 58 crore rupees, as stated by the representatives of Dolakha.

- An all Party mass meeting was organised in the Open Theatre, Kathmandu in initiation of the 7 political parties in the parliament. Party leaders stated that the national problem should be and will be solved in the parliament under the Constitution.

They also expressed the view that all parties should be organised against violent activities of the Maoists.

- Ambassador of China for Nepal Wu Quanyong informed that China or any other Chinese organisations had no connection with the destructive activities of the Maoists. He strongly condemned the violent activities of the anti-government group.

May 11

- In Sindhupalchowk District, Chhetra Sherpa, aged 63 and 2 Maoists activists died when the bomb carried by the Maoist activist exploded at Helambu VDC-7.

May 13

- In Ilam District, Chairman of Irautar VDC, Chitra Bahadur Gurung was killed by the Maoists. Gurung was the secretary of the 5 number Area Committee of the CPN (UML).

May 14

- According to the information given by Rautahat District Police Office, activist of Madheshi Liberation Front Jay Narayan Patel, the sister organisation of the Maoists of Tejaparking VDC was killed by other activists of the same organisation. It was stated that the dispute rose while they were trying to distribute the money and ornaments looted from different parts of the district. Because of this the house of Maoist activist Ram Balak Patel was set on fire by the Maoist activists in Basantapatti VDC.

May 15

- In Bhojpur District Manebhanjyang VDC-1, Ganesh Pandey, aged 52, was beaten dead by the Maoists.
- 84 schools running from the aid of the VDC's in Nawalparashi are closing down due to the reduction in the development budget by the government.
- The VDCs receiving 5 hundred thousand annually were contributing some fund to

the public schools in their areas. Among the 84 schools that have received permission from the District Education Office but have not got the quota, 33 are Primary, 26 Lower Secondary and 25 High Schools.

May 16

- In Dang District, 17 Maoist activists in Sawarkhola, 5 in Dahachaur of Surkhet District, 2 in Taluwa of Okhaldhunga district and 1 each in Narayanpur of Kailali District and Ramaroshan of Accham District, a total of 26 Maoist activists were killed in the operation by the security personnel, as stated by the Ministry of Defence.
- In Bardia District, 8 Maoist activists in Dundukhola and 2 each in Sawarpani of Gorkha District, Gulmi District and Bhalukhop of Sankhuwasabha District, a total of 14 Maoist activists were killed in the operation by the security personnel, as stated by the Ministry of Defence.

May 17

- The meeting of the Central Working Committee elected from the 20th Assembly of Nepal Federation of Journalists urged the Government to form an Independent Commission to make an impartial investigation of all the incidents and atrocities against the press.
- In Taplejung District, 5 Maoist activists in Phakumba, 2 in Dang District, 1 in Sarakhola of Gorkha District, 1 in Makha

of Sindhupalchowk District, 1 in Maidi of Dhading District, a total of 10 Maoist activists were killed in the operation by the security personnel, as stated by the Ministry of Defence.

May 18

- In Dang District, 4 Maoist activists, 2 in Khaijan of Udaypur District and 2 in Jhulakhel of Rukum District, a total of 8 Maoist activists were killed in the operation by the security personnel, as stated by the Ministry of Defence.
- In Sindhupalchowk District, Ram Bahadur Tamang, aged 45 of Sindhukot VDC and Ram Bahadur Nepali of Maneshwor VDC were abducted and later killed by the Maoists.

May 19

- In Sindhupalchowk District, former hawildar Chhetra Bahadur Dhakal of Baramchi VDC-1 was abducted from his house and slit on the neck to death by the Maoists.

May 20

- In Dang District, 1 Maoist activist was killed in the operation by the security personnel at Ghorahi Area, as stated by the Ministry of Defence.

May 21

- In Lamjung District, 5 Maoist activities were killed in the operation by the security personnel at Dhumilikuwa area, as stated by the Ministry of Defence. Among the deceased were Maine Tamang alias Vishal, Shree Hari Neupane alias Shree Ram, Subash Pandit alias Saugat, Deep and

Arpan.

- In Kathmandu District, editor of Janadesh Weekly Krishnasen Ichhuk and editor of Janadisha Daily Bhairab Sigdel were arrested from Battisputali.
- In Rukum District, 6 Maoist activists at Bandrapani, 1 each in Dinga at Jajarkot and Harikatiya at Rolpa District, a total of 8 Maoist activists were killed in the operation by the security personnel, as stated by the Ministry of Defence.

May 22

- In Chitwan District, Begananda Giri, aged 54 of Jagatpur VDC-1 was brought out of his house while he was having his meal and shot dead there. Giri was the member of Nepali Congress Committee, Area No.4.
- In Dolakha District, Shyam Kaji Shrestha, Nara Bahadur Bhujel, Uma Khatri alias Sujata, Surakshya alias Garjan and an unidentified activist, a total of 5 Maoist activists were killed at Suri Area, as stated by the Ministry of Defence.
- In Mugu District, 7 Maoist activists at Lisne, 6 in Jugada at Bajura District, 2 in Singa of Baglung District and 1 in Lapilang of Dolakha District, a total of 16 Maoist activists were killed in the operation by the security force, as stated by the Ministry of Defence.
- In Jumla District, 3 Maoist activists were killed in the operation by the security personnel at Okhhare, as stated by the Ministry of

Defence.

May 23

- In Bardia District, a policeman Ganesh Bahadur Thapa employed in Kherapur Police Post was shot dead by the Maoists while he on sentry at 5:00 in the evening.

May 24

- In Chitwan District, 3 Maoist activists were killed in the operation by the security personnel at Chiple Area, as stated by the Ministry of Defence.
- In Tehrathum District, all important documents and papers were destroyed when the Maoists set fire in Amarsingh Lower Secondary School in Oyakjung-9
- According to the press statement released by CPN (UML) Central Office, Chairman of Malika VDC and member of Dailekh District Committee was abducted and disappeared by the Maoists on 24 May. Similarly, Secretary of Kumari Village Committee of Nuwakot District, Ramesh Neupane was abducted and disappeared by the Maoists on 23 May.

May 25

- In Salyan District, 3 Maoist activists at Kavrechaur and 1 each in Salleri of Dailekh District, Bhaujang of Chitwan District, Hatpate of Sindhuli District and Jogbudha of Dadeldhura District, a total of 7 Maoist activists were killed in the operation by the security personnel, as stated by the Ministry of Defence.

ON THE SEPTEMBER 11 BOMBINGS

- Noam Chomsky

The terrorist attacks were major atrocities. In scale they may not reach the level of many others, for example, Clinton's bombing of the Sudan with no credible pretext, destroying half of its pharmaceutical supplies and killing unknown numbers of people (no one knows, because the US blocked an inquiry at the UN and no one cares to pursue it). Not to speak of much worse cases, which easily come to mind. But that this was a horrendous crime is not in doubt. The primary victims, as usual, were working people: janitors, secretaries, firemen, etc. It is likely to prove to be a crushing blow to Palestinians and other poor and oppressed people. It is also likely to lead to harsh security controls, with many possible ramifications for undermining civil liberties and internal freedom.

The events reveal, dramatically, the foolishness of the project of "missile defense." As has been obvious all along, and pointed out repeatedly by strategic analysts, if anyone wants to cause immense dam-

age in the US, including weapons of mass destruction, they are highly unlikely to launch a missile attack, thus guaranteeing their immediate destruction. There are innumerable easier ways that are basically unstoppable. But today's events will, very likely, be exploited to increase the pressure to develop these systems and put them into place. "Defense" is a thin cover for plans for militarization of space, and with good PR, even the flimsiest arguments will carry some weight among a frightened public.

In short, the crime is a gift to the hard jingoist right, those who hope to use force to control their domains. That is even putting aside the likely US actions, and what they will trigger -- possibly more attacks like this one, or worse. The prospects ahead are even more ominous than they appeared to be before the latest atrocities.

As to how to react, we have a choice. We can express justified horror; we can seek to understand what may have led

to the crimes, which means making an effort to enter the minds of the likely perpetrators. If we choose the latter course, we can do no better, I think, than to listen to the words of Robert Fisk, whose direct knowledge and insight into affairs of the region is unmatched after many years of distinguished reporting. Describing "The wickedness and awesome cruelty of a crushed and humiliated people," he writes that "this is not the war of democracy versus terror that the world will be asked to believe in the coming days. It is also about American missiles smashing into Palestinian homes and US helicopters firing missiles into a Lebanese ambulance in 1996 and American shells crashing into a village called Qana and about a Lebanese militia - paid and uniformed by America's Israeli ally - hacking and raping and murdering their way through refugee camps." And much more. Again, we have a choice: we may try to understand, or refuse to contribute to the much worse!

Amnesty International Report 2002

Amnesty International released its yearly publication *Amnesty International Report 2002*. In the context of Nepal, the book has highlighted some of the major concerns over the grave violations of human rights in Nepal that occurred within the short period of one year. Some of the major concerns raised in the report are cited here under.

Extrajudicial executions

In the first week of the deployment of the *Public Security Acts*, the army were accused of killing civilians during "cordon and search" operations, and shootings from helicopters at alleged Maoists. In one incident at Bargadi, Dang District, on 28 November, 11 farmers were shot dead by the army patrol. Eyewitnesses claimed that none of them were armed and that soldiers deliberately shot them.

On 3 and 4 June, police reportedly shot dead three people and wounded scores of demonstrators who had taken to streets after the killings of the royal family.

In April the UN Special Rapporteur reported on her visit to Nepal in February 200 to the UN Commission, stressing the "urgent need to put in place strong, independent and credible mechanisms to investigate and prosecute alleged human right abuses".

Disappearances/unacknowledged detention

A number of cases of "disappearance" were reported during the year. Further evidence emerged that prisoners were held by the police in secret detention. More than 5,000 people arrested under the TADO were held in unacknowledged detention by police and army, sometimes for several weeks. Sixteen students arrested in Kathmandu in December 2000 were held in incommunicado detention for a month. In March, the government published a list of 282 people held in custody for their alleged involvement in "terrorist activities" and 12 others said to have been held in solitary confinement. Shiva Prasad Sharma, aged 31, "disappeared" after he was reportedly taken away in a vehicle on 24 February near Paraspur, Nepalgunj, Banke District, by three men in plain clothes, believed to be police officers.

Torture and ill-treatment

There were several reports of torture, including rape, by police. The army was also responsible for torture, including subjecting prisoners to mock execution. In June, a 14-year-old girl was raped at Pattharkot VDC-3, Sarlahi District. The police officer allegedly responsible was transferred from the area, but no other action was taken against him.

Arbitrary arrest and detention

The arrest of 6 June of Yubraj Ghimire, editor-in-chief of the

main Nepali newspaper Kantipur, and his colleagues, Binod Raj Gyawali and Kailash Sirohiya, were seen as a warning to the media to refrain from commenting adversely on the massacre of the royal family. Their arrests were connected to the publication in Kantipur of an opinion piece by Baburam Bhattarai, a CPN-Maoist Leader, in which he accused India and USA of being behind the royal massacre and urged army personnel not to support the new king. Amid widespread protests, they were released on bail on 15 June. The case against them was subsequently withdrawn.

Several human rights defenders and more than 30 journalists were among more than 5,000 people arrested by the army and police under the TADO.

Abuses by the CPN-Maoist

Several members of mainstream political parties, particularly of the NC and CPN-UML, were killed by the CPN-Maoist. The abduction of civilians and police, and the linking of their release to certain conditions, became a prominent feature of the "people's war".

Members of the CPN-Maoist were responsible for the execution-style killing of 8 police officers that were among 28 who had surrendered to them at Toli, Dailekh District on 27 April.

During a press conference on 18 October, a CPN-Maoist leader that 11 people taken captive had been killed. Among those known to have been "sentenced to death" and "executed" was Bhadra Sanjyal, a woman from Ward No. 2, Siuna VDC, Kalikot District. She was killed in mid-July after she was found guilty by the "people's court" of passing information to the police.

Impunity

Despite some moves in isolated cases to provide redress to victims of human rights violations, official accountability was widely lacking. An assistant sub-inspector attached to the district police office in Sindhuli District was sentenced to death in February to four years' imprisonment for raping an 18-year-old woman, Himali Gole, in early 2000. The court also ordered that half of his property be transferred to the victim.

Eight police officers charged with the murder of Suk Bahadur Lama, who had died in custody in 1999, were acquitted by the Nawalparasi District court in November. The family were given Rs. 50,000 (US\$657) in financial assistance by the government - the first time the government had provided such assistance to relatives of someone who had died in police custody.

Asian Values and Human Rights

*Father, Mother and Me, Sister and Auntie Say, All the people like us are We
And Everyone else is They.*

- Kipling, "We and They"

a. The Problem and Source

'We' and 'They' are taught in childhood. We internalise them without knowing it. This expands, as the years roll by, to "black" and "white", 'national' and 'foreigner', and 'western' and 'non-western'. As we see later, the distinction is not an "Olympian design" but a human invention. Towards the end of the twentieth century, there was an invention of new kind: the differentiation between the 'Asian Values' and 'Western Values' of Human Rights.

It is highly influenced by the Lee Kuan Yew's ideas that economic development can be achieved with the trade-offs of political environment conducive to democratic rights and rule. Known as "Lee Thesis", the idea echoed in a subtle manner in many forums, and, many would agree, found a formal expression in Bangkok Declaration¹:

...that while human rights are universal in nature, they must be considered in the context of a dynamic and evolving process of international norm-setting, bearing in mind the significance of national and regional particularities and various historical, cultural and religious backgrounds;

Though the passage does recognise the human rights as "universal in nature", it was received with anger and criticism from human rights community, activists and the movement as a whole, because of its subtle treatment of "significance of national and regional particularities, and various historical, cultural and religious backgrounds". It mattered more because it was declared by the proponents of "Asian Values" as they distinguished Asia from the rest of the world in its values because of its "historical, cultural and religious background" and, secondly, tried to create a logical ground for prioritising one sets of rights over others (economic, social and cultural rights over civil and political rights and political rights). Human Rights Movement and many governments, both, in the west and east, were afraid of the stand taken by Asian governments as it posed challenges to concept of universality and indivisibility of human rights.

The fears were justified as, the proponents of "Asian Values" were more articulate about their motives in several post-Bangkok forums, including the World Conference on Human Rights in Vienna. The Chinese Delegation, highlighted that...for the vast number of developing countries,

to respect and protect human rights is first and foremost to ensure the full realisation of human rights to subsistence and development.²

The "right to subsistence and development" for trade-offs of other rights has been not only the Chinese methods, but also agreed-upon methods of other forerunners, the ruling elite of Asia, notably of Lee's own country Singapore, Malaysia, and Indonesia³.

Indonesian Foreign Minister Ali Atalas addressed the World Conference on Human Rights:

In a world where domination of the strong over weak and interference between states are still a painful reality, no country or group of countries should arrogate unto itself the role of judge, jury and executioners over other countries on this critical and sensitive issue. Any approach to human rights questions which is not motivated by a sincere desire to protect these rights, but by disguised political purposes or, worse, to serve as a pretext to wage a political campaign against another

try can not be just

Myanmar Foreign Minister spoke in similar tone: "There is no unique model of human rights implementation that can be superimposed on a given country"⁵. Lee Kuan Yew, Mahathir and Suharto spoke against what they called the western concept of human rights and what they saw as an attempt to interfere with their "domestic, internal affairs as their dynamic economies become more and more powerful"⁶

The proponents of "Asian Values" hold that Human Rights can not be implemented in a similar manner everywhere, the effort to do so would be a "western imposition" on Asia, by which reference is made mostly to East Asia. Lee Kuan Yew, the former Prime Minister of Singapore, explains it clearly while expounding "fundamental difference between East Asian and Western concepts of society and government": "when I say East Asians, I mean Korea, Japan, China, Vietnam, as distinct from Southeast Asia, which is a mix between the sinic and the Indian, though Indian culture itself emphasises similar values"⁷. However, his thesis is enough to dismiss the idea that values are same all over Asia.

These arguments are against the principles of "universality", "indivisibility" and "inter-dependence" of human rights, the principles which were agreed upon by the governments and NGOs during the World Conference of Human Rights in Vienna. Therefore, there is no legal legitimacy in favour of the ideas of

the proponents of "Asian Values". However, the "Asian Values" need to be considered because of two reasons: one given the historicity of Asia, though the motives of proponents of "Asian Values" are ulterior (as they do not like to be scrutinized in terms of the status of the civil and political rights in their countries), they receive considerable support as they refer to culture, tradition and historical background, secondly, "...it is desirable to acknowledge the relevance of different cultural, philosophical, social, and religious factors in relation to the application and interpretation of human rights norms, many are reluctant to do so for fear that this would undermine the fundamental principle of universality"⁸.

As opposed to the cultural relativists, universalists hold that all human persons possess human rights. Each human person possesses all human rights. That means, all human rights are for all. This is the *universality* of human rights. Therefore, they also hold that, all human rights are applicable to all societies, meaning, human rights are not ethnocentric. This is *indivisibility* of rights. In their opinion, no government may select human rights that it can choose to honour or choose to ignore. This is their *non-selectivity* claim. They hold that enjoyment of one type of rights would effectively strengthen the enjoyment of rights of others and vice versa. This is their claim of *inter-dependence* of rights.

Non-compliance to these principles would lead to prioritisation

of one rights over others, trade-offs of one set of rights at the expense of others, virtually leading to non-enjoyment of even the prioritised rights as the lack of one set of rights affect the others.

b. Asian Values and Culture

In discussing Asian Values, a question crosses over minds as to what Asia is: a geographical name, a political division, a "different peoples" and "different cultures". The most ancient reference is made in Bible: "Saying, I am Alpha and Omega, the first and the last: and what thou seest write in a book, and send it unto the seven churches which are in Asia."⁹. One could think of old "Asia", in historical terms, of Roman Empire in Asia Minor.

Asia has had despotic past. Except for few, almost all countries were under the colonial rule. Absolute monarchy, military rule or other forms of totalitarianism has been destiny of all nations. Therefore, peoples of Asia have experience of particular types of exploitations and suffering.

Moreover, Asia is a big island with diversity of its people, language, ethnicity, religion, culture and past political history. Almost all religions, namely, Buddhism, Bahai, Christianity, Confucianism, Hinduism, Islam, Judaism and Taoism originated here. It is the biggest continent with the biggest number people and the poor. Countries sandwiched between oil-rich Arab to industrial Japan, are mostly agro-based with slow growth of economy.

These are some of the contributing factors in creating some cultural pattern (to behave in certain way, in their day-to-day matters) and in the making of social values. As Jess Manuel Santiago puts in: "...For while culture indeed is the expression of a people's thoughts, feelings and aspirations, it is not in any sense neutral and does not exist independently of the economic and material conditions"¹⁰.

Given the great ethnic and linguistic diversity, one would be tempted to contemplate if there is something like Asian, East Asian, South Asian culture and values as an unique to the rest of the world. It would be too early and too simplistic to draw any conclusion at this stage. Also it would be same if we tried to identify Asian Values. However, a cursory look is possible and may, at least, serve the purpose of discussion, effectively leading to arrive at some conclusions on this matter at the end of this section.

As mentioned earlier, Asia has been an abode of prophets. All sought good life and good values. One of the religious traditions still live in the Asian societies and some of them underwent great modifications to adapt with the change of time. I would start with the discussion on religions as the proponents of "Asian Values" highlight "the significance of national and regional particularities and various historical, cultural and religious background", as stipulated in the Bangkok Declaration. I choose to discuss at some length in the following section as per the sug-

gestions made by Amartya Sen for "broader historical study of Chinese, Sanskrit, Arabic, and other Asian literature" and acknowledging "the contributions of national leaders like Mahatma Gandhi and Sun Yatsen who were, already a hundred years ago, cogently vocal in defence of the widest forms of democracy and political and civil rights"¹¹. However, I can follow the suggestion only in a humble manner.

Confucianism

Confucianism can best be represented by Confucius's "Theory of Benevolence" (*ren xue*). The components of the theory in Confucian *Analects* include the paths of benevolence (*ren dao*), paths of tolerance (*shu dao*), paths of justice (*yi dao*), and paths of government (*zheng dao*).

Confucius¹² talks of *benevolence*: "It is to love all men", "A man should overflow in love to all, and cultivate the friendship of the good", By 'all' he means is "All within the four seas will be his brothers". The spirit of loving starts from family: "filial piety and fraternal submission are the roots of all benevolent actions". "Reverence" and "respect" are important in filial piety. These differentiate humans from animals.

As Du Gangjian and Song Gang explain, in Confucian tradition, "benevolence is important and propriety is practical". Propriety, like filial piety, fraternal submission, reverence, respect, confidence, benign behaviours, uprightness, temperateness, modesty and tolerance, are important because they are

reflection of the benevolent spirit. According to the tradition, everybody should promote benevolence. It depends upon the individuals.

Explaining *Path of Tolerance*, Confucius said, "Love is to hope others live well, hating is to hope others die soon. With such meaning, you will be puzzled by both wanting love and hating.", Therefore, tolerance is the logical desire for the benevolence. According to the *path of tolerance*, generosity, tolerance, endurance, notions of harmony, independence of speech, and academics are essential part of it in the *analects*.

Path of Justice in *analects* could be understood easily, quoting, Confucius: "A wise man in his judgement of the world has no predilections and prejudices; he is on the side of the right". This path also needs a long discussion, we can return to that in our discussion later.

Path of Government looks similar to Aristotelian ideas of elite politics. However, it was concerned about the moral standards of governments. Benevolence plays again a crucial role in it: "to exercise a government by means of rulers virtue"¹³. Confucius replied to a question of killing of unprincipled persons for the good of principled: "Sir, in carrying on your government, why should you use killing at all? Let your evident desires be for what is good, and the people will be good. The relationship between superiors and inferiors is like between the wind and the grass must be

wind blows across it". *Analects* focused on the restriction on the power of rulers by moral standards.

I would like to end the discussion on Confucianism, with an interesting comparison made between the "western scientific rationality" and "Confucian vision of reasonableness". The comparison should serve the purpose to articulate, to the greater extent, the underlying values of Confucianism. Vincent Shen draws an important summery¹⁴ on the topic:

First, in place of the linear conception of progress presupposed by scientific rationality, Confucianism proposes a creative movement which cherishes the sedimentary tradition values while moving forward towards novelty. Confucianism does not presuppose a linear and eschatological concept of time. In the Confucian eyes, progress must not be an excuse for entering into the situation of dependence. On the contrary, it must be an authentically creative act basing on the dynamism of each tradition.

Second, in place of a radical rupture from the past, Confucianism cherishes the notion of continuity. In the Confucian eyes, "modernization" should not be understood in rupture with tradition. On the contrary, it is but a modern manner of interpreting traditional values and of forming a novel tradition according to the demands of times.

Third, in place of the strategy of domination implicit in the scien-

tific rationality, Confucianism proposes a strategy of harmonious co-ordination. Science and technology are not to be seen as instruments for domination over nature and society. They are but knowledge of and technique for co-ordination human being and nature, individual and society.

Buddhism:

Buddhism also needs to be discussed at some length not only because it covers large part of North, East and Southeast Asia but also because it has shown a considerable changes in adapting to different situations. However, common fund to all branches of Buddhism all over the world are Buddha's original teachings, known as Four Noble Truths. Discussion on the Noble Truths would suffice to identify the values set forth by the religion. They¹⁵ are Suffering; The Cause of Suffering (namely desire and craving); the Cessation of Suffering; and the Way to the Cessation of Suffering, namely the Eightfold Path (Right Understanding, Right Mindfulness, Right Speech, Right Action, Right Livelihood, Right Effort, Right Attention, and Right Concentration).

One "has to practice them to make them part of life. Having medicine in a bottle does not do good; medicine must be swallowed in order to enter the bloodstream"¹⁶. As a Buddhist one must feel the threat of suffering, be willing to share suffering of others, Buddha taught that the suffering is universal, and once it is realised, one would be freed from suffering--therefore, greater awareness is necessary.

In practising this, one has to be "mindful" in understanding suffering of others and try to be compassionate. Buddhism roots itself in society through devout toward the ultimate goal of nirvana through their thought, speech and actions. The practitioners in the society become the emblems of wisdom, love and peace. It is simply because person of awakening. Such "awakening" people cannot stay idle. "Their thoughts and actions express their views towards contemporary life and problems", Sulak Sivaraksa expounds.

Another Buddhist scholar Santikaro Bhikkhu¹⁷, interestingly advances, Sivaraksa's proposition:

For us Dhamma is central, that is, essential. Dhamma means "nature". Dhamma is the reality of Nature, and the Law of Nature. ... In all Nature, in everything, there is Dhamma, and our Dhamma is how to respond wisely to nature: the nature of coral being blown up, of the people being killed, of the army helicopters, of our own interactions, or our fears and desires. This nature and its truth. How are we to respond? This necessary response is called "duty" and for us Dhamma is just doing our correct duty as human beings within situations, which are always changing.

Buddhist goal and values, the subjects of above discussion, are helpful for this project. Given the variation¹⁸ of the Buddhism like Theravada Buddhism in Sri

Lanka and Southeast Asia (Southern Buddhism), East Asian Buddhism (China, Korea and Japan), Northern Buddhism (Tibet, Nepal, Mongolia), I would be tempted to approach other scholars. However, it should be noted that, as I pointed out, the original teachings of Buddha is the treasure of each branch. Therefore, I would discuss on principles relating to the "Politics of Enlightenment" of Ashoka and Nagarjuna, a great Indian Buddhist scholar after 500 years of Ashoka's reign.

Ashoka carved his policies in rock as series of edicts. According to Ken Jones, Professor Robert Thurman has identified them as 'operative principles of the politics of enlightenment'¹⁹. The word "Enlightenment" is used here in transcendental sense, not with the eighteenth century European meaning. They are: individual transcendentalism, non-violence (ahimsa), emphasis on education and religious pluralism, compassionate welfare policies and political decentralisation.

The *principle of individual transcendentalism* holds that both person and public well-being depends on transformation of one's own personality undertaken by individuals. According to Ashoka's Rock Edict XIII:

It is difficult to achieve happiness, either in this world or the next, except by intense love of Dharma [the spiritual truth], intense self-examination, intense obedience, intense fear of sin and intense enthusiasm²⁰.

Ashoka implemented this principle through Edict VII: My officials act in accord with these rules: to govern according to the Dharma, to administer Justice according to the Dharma, to advance the people's happiness according to the Dharma, and to protect them according to the Dharma²¹.

Ashoka denounced war and appealed neighbouring countries to follow him. This was in line with the *principle of non-violence*. This applied even to individual level. The third *principle of religious pluralism* was reflected in his Edicts VII and XI where Ashoka wished: members of all faiths to live everywhere in his kingdom. For they all seek mastery of the senses and purity of mind....Growth in the qualities essential to religion in men of all faiths may take many forms, but its root is guarding one's speech to avoid extolling one's own faith and disparaging the faith of others improperly, or when the occasion is appropriate, immoderately. The faiths of others all deserve to be honoured for one reason or another. By honouring them, one exalts one's own faith and at the same time performs a service to the faith of others. ..The objective of these measures is the promotion of each man's particular faith and glorification of Dharma.

The fourth *Principle of Compassionate Welfare Policies* was the guideline of pursuance of welfare policies which Ashoka did in his own tenure of rein. *Political Decentralisation* was Ashoka's practice. Professor

N.V. Benerjee finds it "socialist state with more or less humanistic foundation"²².

This write-up can not accommodate all the facets of Buddhism, but I should try to include here a Sri Lankan Scholar, also a practitioner of Buddhism, who identifies the "Buddhist Democratic Political Theory and Practice"²³. Among others, he vividly describes the supremacy of law, justice and its dispensation and equality in the Buddhist democratic practice. These are in line with the spirit of the modern justice system.

Hinduism:

Hinduism is another non-monolithic religion mostly practised in India, Nepal, Indonesia (mostly Bali). However, South Africa, Europe (especially England), Fiji, Malaysia are some of other countries with considerable proportion of Hindu populace. Ancient Vedic and Upanishad traditions, and myths (known as Purans) in the later phase form the bulk of its religious literature giving way to the formation of hundreds of sects and branches. As Swami Agnivesh, who has been the symbol of fight against the bonded labour system in India, explains "Hinduism as it is obtained in the *Vedas*, *Upanishads*, and *Gitas* and other scriptures is not a religion in denominational sense, in the sense of structured, institutionalised, and organised religion. It is a way of life. Hinduism does not have a book like the Quran or the Bible to subscribe to or to have faith. Hindus don't have a prophet nor a messenger through whom one can reach the

Almighty. Hinduism is very amorphous and Hindu tradition has been emphasising *dharma*, not religion"²⁴. (However, many Sanskrit derivatives translate religion as *Dharma*-- though they also use the other meaning.)

Therefore, it would be not advisable to discuss one sect of it. To discuss it in its entirety, I would present two great men who have their own place in the history: one intellectually analysed the eastern tradition and Hinduism, and another practised it in his humble manner and made the world understand it. For that purpose I choose Sir S. Radhakrishnan and Gandhiji.

Sir Sarvepalli Radhakrishnan, distinguished statesman, educator and philosopher, who has been the Spalding Professor of Eastern Religions and Ethics in Oxford University and served as both the Vice President and President of India, quotes Gandhiji as saying, in his famous book on eastern philosophy²⁵:

I do believe that when there is only a choice between cowardice and violence, I would advise violence...I would rather have India resort to arms in order to defend her honour than she should in a cowardly manner become or remain a helpless victim to her own dishonour. But I believe that non-violence is infinitely superior to violence, forgiveness more manly than punishment. *Kṣma virasya vhusanam* (my translation-forgiveness is the jewel of Brave)...Non-violence is the law of our species and as violence is the

law of the brute. The spirit lies dormant in the brute and he knows no law but that of physical might. The dignity of man requires the obedience to higher law, to the strength of spirit. The *rishis* who discovered the law of non-violence in the mist of violence, were greater geniuses than Newton. They were themselves greater warriors than Wellington. Having themselves known the use of arms, they realised the uselessness and taught a weary world that its salvation lay not through violence but through non-violence. Non-violence in its dynamic condition means conscious suffering. It does not mean meek submission to the will of evildoer, but it means the putting of one's whole self against the will of the tyrant. Working under this law of our being, it is possible for a single individual to defy the whole might of an unjust empire, to save his honour, his religion, his soul and lay the foundation for that empire's fall or regeneration... And so I am not pleading for India to recognise that she has a soul that cannot perish and that can rise triumphant above any physical weakness and defy the physical combination of whole empire.

The statement is the synthesis of a devout practitioner of Hinduism. He found non-violence in his religion and used it against all sorts of tyrannical situations and rule. Radhakrishnan, an intellectual of world repute,

supports this statement saying: "It is not right to complain that India has failed because she has followed after things spiritual. She has failed because she has not followed after them sufficiently"²⁶. The "things spiritual" here are non-violence, forgiveness, dignity of man, strength of spirit, and spirit of fighting against tyranny and the *dharma*, the virtuous act.

Islam:

In discussing Islam we are concerned not only with a religion akin to the other monotheistic religions but with a way of life, a system that encompasses the relationships of the adherents to each other and to their society from birth until death. The religion provides a strong bond that brings together Muslims regardless of race or nationality in a fellowship constructed upon faith in the one God. This way Islam has much in common with both Christianity and Judaism. Like them, Islam stands for Peace. The followers of Islam greet each other with: Peace Be Unto You. Pope John Paul II, in one of his statements, said that he "hopes that one day the Christians, the Jews and the Muslims will greet each other with the greetings of "peace be on you". The Koran, especially Sūrah (12:168-242) highlights the values in Islam:

The society thus organised/Must live under laws That guide their everyday life--
Based on eternal principles/Of righteousness and fair dealing.
Cleanliness and sobriety/Honesty and help-

fulness,
 One to another-yet
 shaped/into concrete forms,
 to suit
 Times and
 circumstances,/And the
 varying needs
 Of average men and
 women:/The food to be clean
 and wholesome;
 Blood feuds to be abol-
 ished;/The rights and duties
 of heirs
 To be recognised after
 death,/Not in a spirit of
 Formalism,
 But to help the weak and
 needy/And check all selfish
 wrongdoing;
 Self-denial to be learnt by
 fasting;/The courage to fight
 in defence
 Of right to be defined;/The
 Pilgrimage to be sanctified
 As a symbol of
 unity;/Charity and help to
 poor
 To be organised; unseem-
 ingly riot/And drink and gam-
 bling
 To be banished; orphans to
 be protected; /Marriage,
 divorce and widowhood
 To be regulated; and the
 rights of women,/Apt to be
 trampled on the foot,
 Now clearly affirmed²⁷.

Amartya Sen has vividly described how Akbar, a great Moghul King in India, following Islamic principles created a congenial social environment for peaceful coexistence of Hinduism and Islam²⁸.

Christianity:

While discussing the "Asian Values", Christianity should be referred to because of three rea-

sons. First, it is Asian in its origin, secondly, a considerable proportion of Asians are Christians, and thirdly, because the basic teachings of all religions, as the Pope John Paul II said, are identical²⁹. However, I would shorten the discussion because of the reason that some biblical references would serve my purpose. Ten Commandments put emphasis that:

Thou shalt not kill
 Thou shalt not commit adul-
 tery
 Thou shalt not steal
 Thou shalt not bear false wit-
 ness against thy neighbour
 Thou shalt not commit thy
 neighbour's house, thou shalt
 not covet thy neighbour's
 wife, nor manservant, nor
 his maidservant, nor his ox,
 nor his ass, nor anything that
 is thy neighbours.

The ideas here are very close to the modern understanding of the right to life, right to property, rights enshrined in the criminal justice systems and peaceful coexistence.

All the discussions above are the discussions of Asian values. What are Asian Values, then? Based on the discussion, I would infer the contemporary Asian Values as follows: If judged in terms of way of life, ethnicity and language, there is nothing like an Asian. Except for Korea, there is not a single country, in what we call Asia, where the society is not plural. However, they have been cherishing the *unity in diversity*, which has been an expression of *peaceful coexis-*

tence of various religious and ethnic groups. These are *Asian Values as Historical Reality*. The values like unity in diversity and peaceful coexistence has been reinforced by other values, mentioned in the following passages.

All religions are practised in Asia. The majority, however, like Buddhism and Hinduism, are non-denominational. They, therefore, are open to any new sects within those particular religions. Besides, as discussed earlier, both of them encourage *religious pluralism*. Almost all religions, practised in Asia, preach for the well-being of human kind--be them Hinduism, Buddhism, Islam, Taoism or others. Their teachings complement each other, rather than contradicting each other. Confucian Theory of Benevolence, Four Noble Truths and Politics of Enlightenment in Buddhist traditions; Hindu Principles on *Ahimsa* (non-violence), *Dharma* (virtuous acts), *Ksama* (forgiveness), and *shanti* (peace); Islamic revelation of peace, righteousness, peity, abolishment of blood feuds, help to needy, fight in defence of right, charity to help poor and rights of women; and Christian teachings through Ten Commandments are very much in line with the spirit of each other. I call them the *Asian Religious Values*.

Peoples of Asia, as in the West, have had despotic past. The despotism was imposed by colonial powers or their own despotic rulers. They, thus, had centuries of exploitation. They responded to domination or suf-

ferings. Hundred years of struggles against the colonial exploitation set the *culture of struggles*. Many nations invented their own way of struggles based in their own experience of suffering. But the culture of struggle has been common to all Asians. Though the methods of struggle varied, each nation held the ultimate value for *freedom*-- from colonial powers and/or despotic rulers. This is the value as the legacy of the Asia's political history, which peoples of all nations in Asia share. It must be noted here that the *freedom* includes the right to self-determination which includes not only the freedom from external control but the freedom to self-rule and control over their national resources including economic rights. This is another value, I call them *Asian Political Value*.

Apart from mentioned above, there are some practices, which have been all-time practices in Asian societies. However, these traditions are found in Africa and Latin America. The societies here are communitarian. Individual good has been sought through the duties towards the communities at large. The collection of food for future use of communities (prevalent in some parts of Indonesia before coming of the Britons), community funds in some Indian traditions, social planning (plan even includes the marriage) for whole year in Tharu communities in Nepal are some of the innumerable practices prevalent in the present day Asian societies. The social movements, embracing of the concept of *sanghas*, tackling of natural calamity and famines, scarcity of

food in the past and social principles upheld by religions are instrumental in embracing these values. This set of values, I call, are **Asian Social values**.

c. Human Rights Values

This section of Part I deals with Human Rights Values. This has been perused with an intention to interact with the Asian Values in the Part II, which would serve to make conclusions in the Part III.

Human Rights are the responses to oppressions of various kinds-- be it political repression, social suppression or economic exploitation. Though all human person possess human rights, they have been either "snatched" or "surrendered" at some point of history. This is the situation of oppression. Human race led to realise these human rights through their relentless struggles. A cursory look at the history of civilisation makes it clear that people attained their rights after revolutions or wars. It must be remembered that the revolutions were the response to the particular types of oppression. At the national level, the rights were achieved through the revolutions like French Revolution, American War of Independence. This is true even in case of Chinese and Russian revolutions, which ensured some of peoples rights, mainly of economic and social nature.

At the international level, after devastating effect of the Second World war, development of human rights accelerated and they started to be codified. This is also a response to the human suffering. In both cases, people

aspired for some human values which could be a strong reaction to "oppression": According to Professor Morton E. Winston, "Human Rights are normative responses to experiences of oppression. Taken as whole, the system of human rights norms embodied in the canon is designed to thwart systems of domination and oppression by providing guarantees of social protection to members of society who are or may become vulnerable to such forms of oppression."³⁰

Human kind sought for ultimate values for *ridding suffering and exploitation*. Human Rights, in particular, the Universal Declaration of Human Rights (UDHR), came as the response to the suffering of human kind, the hellish life of people during and after the war--namely the Nazi oppressions in Europe; suffering because of war itself; its consequence on children and women; economic and social consequence of it on the lives of people, especially in Asia, Africa and Latin America; nuclear operation in Nagasaki and Hiroshima; colonial exploitation; and the like.

As Joseph Raz points out, rights generate from the ultimate value and duties from the rights: "... Rights are intermediate conclusions in arguments from ultimate values to duties"³¹. A bird eye view on UDHR can help discovering the ultimate values of it. They, to me, are *freedom from suffering* (all kinds of slavery, threat to life, exploitation, suppression, and inequalities), *General Well-being*, *Respect of Human Conscience*, and

Religious freedom. That could be conceptualised by the notion of DIGNITY, though some scholars would not agree to it³². They even closely correspond to the Roosevelt's project of Four Freedoms: freedom from fear, freedom from want, freedom of speech and expression, and freedom of worship³³. To control the length of the write-up, I intend not to discuss further as it serves the purpose of my project.

Universal Human Rights Versus Asian Relativism

Having discussed the Asian Values and Human Rights values, I would discuss the **Asian Relativism Vs Universal Human Rights** by interacting between two sets of aforesaid values. I would pursue the interaction in two levels: firstly, comparing human rights and Human Rights Values with the Asian Values and secondly, human rights and particular practices contrary to human rights (in a culture). This would help in drawing conclusion whether Asian values/practices contradict the universal values of human rights or complement them.

a. Human Rights Values Versus Asian Values

Bangkok Declaration of the governments highlights "the significance of national and regional particularities and various historical, cultural and religious backgrounds" in implementing the human rights in Asia. This section seeks to examine, in precise and concise form, the validity of the statement. A cross-examination of Asian Values and Human Rights Values underlined in the

previous section should serve the purpose. I would discuss them one by one.

Human Rights Values Versus Asian Values as Historical Reality:

The values like Unity in Diversity and Peaceful Coexistence are the characteristic of Asian societies and has been upheld as the values. This value does not contradict in any way the ultimate values of human rights freedom from suffering, general well-being, respect of human conscience and religious freedom. Historical evidences lead us to believe that Asian societies, despite its diversity, differences in opinion, ways of life, are coexisting peacefully because of the fact that they practice the respect of human conscience and religious freedom. The Asian values and the human rights values have been complementary to each other.

Human Rights Values Versus Asian Religious Values:

The idea of religious pluralism and well-being of human kind constitute the Asian Values in Religious Terms. They include the Confucian principles of benevolence, Four Noble Truths (including eightfold paths) and Politics in Buddhist traditions; Hindu Principles on *Ahimsa* (non-violence), *Dharma* (virtuous acts), *Ksama* (forgiveness), and *shanti* (peace); Islamic revelation of peace, righteousness, peity, abolishment of blood feuds, help to needy, fight in defence of right, charity to help poor and rights of women; and Christian teachings through Ten Commandments, which I have submitted earlier, are greatly

complementary to each other.

It is not necessary to elaborate the meaning of the above principles of various religions, as it has already been done. Comparing these, one can easily infer that the two sets of values, Asian Religious Values and human rights values, are very much complementary to each other.

Freedom from suffering (all kinds of slavery, threat to life, exploitation, suppression, and inequalities), *General Well-being*, *Respect of Human Conscience*, and *Religious freedom* are what religious teachings and movements try to deal with.

Human Rights Values Versus Asian Political Values:

As I have explained in considerable length that the history of fight against the colonial rule and despotic regimes, against their exploitation, and people's experience of suffering, were instrumental in the making of the Asian Political Values, namely, *freedom*-- meaning self-determination of nations and peoples, choosing their own political system and control over their own natural resources. In fact, "independence" meant all these elements to the newly decolonised nations. Again, no one will be in a position to insist that the idea of "freedom" goes against the ultimate values of human rights, namely, *freedom from suffering* (all kinds of slavery, threat to life, exploitation, suppression, and inequalities), *General Well-being*, *Respect of Human Conscience*, and *Religious freedom*.

Human Rights Values Versus

Asian Social Values: As mentioned earlier, people found the Communitarian values as a result of social movements, natural calamity, scarcity of food and social principles upheld by religions. These values are instrumental in responding human suffering, for general well-being of the populace. In no way, they curtailed the individual freedoms, but made individuals duty holders for the needs of the communities in question. These values have been of utmost importance to realise the needs of the groups of people.

b. Human Rights and Contradictory Practices to Human Rights

I have discussed that Asian Values and ultimate human rights values do not clash. However, it would be too simplistic a conclusion to draw that when values do not clash, the practices also do not clash. It, therefore, does not necessarily mean that all *practices* are in line with the human rights practices and norms.

There are some practices like child marriage, which are coercive, in Asian societies. [There are practices like Female Genital Circumcision (FGC) in some Northern African societies]. They are clear breach to human rights norms.

But they are *practices*, not values in themselves. (Sometimes, it is mistakenly interpreted as the religious values). They developed over hundreds of years in addressing certain local geographical or social situations. Therefore, it is not necessary to see it in the critical context with

something external (like human rights principles and practices) but should be treated within its original ideas. Validity of such practices should be tested taking into consideration of the Values and Ethics of the society/tradition in question. As Michael D. Bayles puts in, "Conduct is evaluated by norms, norms are justified by values and values are justified by ethical theories"³⁴. If followed this principle, and judged based on Islamic values and ethical theories, the practice of FGC will be found running contrary to Islamic universal social values, which are similar to the ultimate human rights values. Same would be in the case of child-marriage. Sulak Sivaraksa deals such a problem from Buddhist perspectives:

Buddhism as practised in most Asian countries today, serves mainly to legitimise dictatorial regimes and multinational corporations. If we Buddhists want to redirect our energies towards enlightenment and universal love, we should make a beginning by spelling Buddhism with a small "b". Buddhism with small "b" means concentrating on the messages of the Buddha and paying less attention to myth, culture, and ceremony³⁵.

Here Sulak seeks to defend the human rights and democracy, for which he seeks the inspiration from his Asian Values, both religious and political. He questions and opposes the "practices" in favour of universal values of Buddhism. The discussion effectively leads to conclude that ultimate values of human rights and

Asian Values do not contradict, however, some practices of certain society may contradict to the practices and norms of human rights. This can be dealt from within that cultural traditions. Thus real struggle for human rights is WITHIN societies, not BETWEEN societies.

Toward A Rights Friendly Asia

The discussions on "Asian Values", in fact, is the negative response to the universality, indivisibility and interdependence of human rights. The argument of 'Asian Values' has been voiced against because that was the syndrome against the universality, indivisibility and interdependence of human rights. However, discussion leads to conclude that the Asian Values are not against the human rights principles, norms and values.

Asia, the West and Human Rights:

Asian Societies are different from each other. However, they share the common ideals of different religions, notion of well-being--both political and economic. It is same the western societies. They are different from each other but share the common understanding. We should not deny that the west and east in their present conditions differ. However, they share the common understanding. Both share the experiences of human suffering and responded to them commonly: the instance of it is the Universal Declaration of Human Rights. It would be not justice, at least, to the third world participants who were involved in the drafting process of UDHR, if

human rights are said to be the western concept. Facts speak louder than the fictions made by the Asian leaders. The commission which undertook the arduous task of drafting of the document constituted the representatives of Australia, Byelorussian Soviet Socialist Republic, Chile, China, Egypt, France, India, Iran, Lebanon, Philippines, USSR, United Kingdom, USA, Uruguay and Yugoslavia. Eleven out of fifteen countries represented were from Africa, Asia, Latin America and Eastern Europe³⁶. However, it "can not be denied that Universal Declaration is relatively West-centric, reflecting the international power structures existing in 1948, when many Afro-Asian nations were still under colonial rule. The Vienna Declaration, in contrast, was a product of elaborate negotiations accommodating not only differences in terms of foreign policies, but also conflicts involving diverse religious, cultural and ethical views held by almost all nations composing the international society. Its inter-civilisational legitimacy is strengthened relative to the Universal Declaration."³⁷

Another important difference could be seen between the priority of duty sides of Asian cultures and "rights first" in the western traditions. Since, duties generate some rights and rights have some corresponding duties, it does not matter at all. Therefore, it should not be treated in different manner because of its apparent difference.

Asian Leaders and Human Rights:

The Asian leaders who were lambasting western countries found ground to the same historical suffering through which the Asian people underwent. Their resentment referring to the past can be justified given the experience of the exploitation by western colonial powers. However, they do not represent the views of Asian people to address the present problem. The leaders were mainly appealing in their own means ways not to discuss the violations of human rights in these countries. They wanted to avoid the accountability of the violations. The high-charged Bangkok NGO Declaration recognizes this fact. The NGO conference criticised the governments for their stance. Therefore, the government voices were not people's voice.

It is mostly same case with the governments in the west. The rhetoric of human rights, as employed by some western governments, does not comply with the authentic discourse of human rights by members of global (or even western) human rights community.

The other side of the coin:

In some ways, western governments' methods are provocative. I certainly agree with Amartya Sen's statement that "even the language used in recommending to Asia what is called "Western Democracy" imposes the geographical mode of divisiveness that spring not only from Asian intransigence but "western priority complex"³⁸

In defence of Universality and Interdependence of Rights:

As a student of human rights and

working as activists in my most creative years of life, it am equally vocal to criticise other trends that undermine the universality and indivisibility of human rights. Asian Value was one argument against the human rights. Selectivity and prioritisation are other names of the same game which is equally disturbing. Asian Values argument did not generate support from intellectuals but prioritisation of rights are traditional political interpretation. Philip Alston puts in, "While economic, social and cultural rights must be recognized as human rights, many Western proponents have been reluctant to do so for fear that the status of civil and political rights would inevitably suffer in what they perceive to a zero-sum game. In effect, what one gains, the other must lose; for it is assumed that there can not be mutual gains."³⁹In fact, the understanding is just opposite, one cannot gain, if other does not.

The rhetoric of human rights employed, based on such logic, by some western countries have some bearings on Asian nations. Demagogues like Mahathirs, Lees and others would find a way to discard another sets of human rights. And the result is the series of suffering and exploitation. Therefore, still there is a need for intellectual and activists' efforts to be made, both in East and West, to make a rights-friendly Asia.

- 1 Bangkok Declaration, April, 25, 1993
- 2 Speech by Liu Huaqiu, Head of the Chinese Delegation at the World Conference on Human Rights (Vienna: Permanent Mission of the PRC to the United Nations in Vienna, 15 June, 1993)
- 3 1996(Asia Pacific Human Rights NGO Facilitating Team)
- 4 As quoted by Kenneth Christie in his Article "Regime Security and Human Rights in Southeast Asia".
- 5 ibid
- 6 ibid
- 7 As quoted by Amartya Sen in his article "Human Rights and Economic Achievements"[from Fareed Zakara, "Culture is Destiny: A Conversation with Lee Kuan Yew" *Foreign Affairs* Vol.73 (March April 1994), p 113.]
- 8 Philip Alston. UN's Human Rights Records.
- 9 Revelation 1:11. There are references about Asia in the Bible. See Rev. 2:1-17, Acts 16:6-10, Acts 19:10
- 10 See his "Emerging Culture of Resistance in Asia Pacific" in *Images of Asia* (Asian Cultural Forum on Development, 1991)
- 11 Amartya Sen. Human Rights and Economic Achievements. Mahidol Reading Materials.
- 12 I quote Confucius as quoted by Du Gangjian and Song Gang in "Relating Human Rights to Chinese Culture" in *Human Rights and Chinese Values. Legal, Philosophical and Political Perspectives*. [Michael C. Davis(ed), Oxford University Press, Hong Kong. 1995]
- 13 ibid
- 14 Vincent Shen. "Confucianist Culture and Its Social Implications-- with special regard to ethics, science and democracy in a view to encounter with Christianity" in *Towards Integral Human And Social Development: Dialogue Between Faith and Culture* (Federation of Asian Bishops Conferences, Office of Education and Student Chaplaincy. 1998
- 15 See Sulak Sivaraksa, "Buddhism With Small b". *Seeds of Peace*. Berkley and Bangkok. 1992.
- 16 ibid
- 17 Santikaro Bhikkhu. "The Liberating Spirituality in the Buddhist Tradition. Selfishness and Selflessness in the Buddhist Spirituality". *Spirituality, the Activist, and the Social Movements*. ACFOD, Bangkok. 1992.
- 18 Rupert Gethin. *The Foundation of the Buddhism*. Oxford University Press. Oxford. New York. 1998
- 19 Ken Jones. *The Social Face of Buddhism*. Wisdom Publication. London. 1989
- 20 As quoted in Ken Jones. *The Social Face of Buddhism*. Wisdom Publication. London. 1989
- 21 ibid
- 22 ibid
- 23 Nandasena Ratnapala. *Buddhist Democratic Theory and Practice*. Sarvodaya Visva Lekaha. Colombo.1997
- 24 *Liberating Spirituality in Hindu Tradition: In search of the Least and the Last in the Hindu Tradition. Spirituality, Activist, and the Social Movements*. ACFOD. Bangkok. 1992.
- 25 S. Radhakrishnan. *Eastern Religions and Western Thought*. Oxford University Press. (1939 and) 1989.
- 26 ibid
- 27 The Koran. *Human Rights Reader*. Micheline R. Ishay (eds). New York. 1997
- 28 Amartya Sen. Human Rights and Asian Values. *Sixteenth Morgenthau Memorial Lecture on Ethics & Foreign Policy*.
- 29 Please also refer to the Holy Bible and the Bhagavat Gita: "I am Alpha and Omega..." and "I am the Beginning and the End..."
- 30 Mahidol University Lecture Notes.
- 31 Joseph Raz. On the Nature of Rights. *Understanding Human Rights*. Prof. Morton E. Winston (ed).\
- 32 Onuma Yasuki. Toward An Inter-civilisational Approach Of Human Rights. He finds the concept western because of its origin in the west, especially during the Enlightenment period. However, I would draw the attention that it cannot be Western because of its origination in the west. Gandhi, nearly a half-century ago, has used the concept in many of his articles, including the one I have quoted here.
- 33 See Herman Burgers. *The Road to San Francisco: The Revival of Human Rights Idea in the Twentieth Century*. *Human Rights Quarterly*.
- 34 Michael D. Bayles. *Professional Ethics*. California. 1989
- 35 Sulak Sivaraksa, "Buddhism With Small b". *Seeds of Peace*. Berkley and Bangkok. 1992
- 36 B.G. Ramcharan. A Debate About Power Rather Than Rights. *International Politics and Society*. No 4, 1998
- 37 Onuma Ysauki. Inter-civilisational Approach to Human Rights.
- 38 Amartya Sen. Human Rights and Economic Achievements
- 39 Philip Alston. UN's Human Rights Record.

NO. OF VICTIM KILLED BY STATE & MAOIST IN CONNECTION WITH "PEOPLE'S WAR"

(13 Feb 1996 - 8 Jun 2002)

SN	DISTRICT	BY STATE	BY MAOIST
1	JHAPA	1	4
2	ILAM	5	5
3	PANCHATHAR	4	7
4	TAPLEJUNG	9	5
5	MORANG	18	3
6	SUNSARI	2	2
7	DHANKUTA		3
8	TERHATHUM	24	6
9	BHOJPUR	1	3
10	SANKHUWASABHA	41	9
11	SAPTARI	8	1
12	SIRAHA	12	9
13	UDAYPUR	24	1
14	KHOTANG	36	3
15	OKHALDHUNGA	14	8
16	SOLUKHUMBU	27	41
17	DHANUSHA	4	8
18	MAHOTTAARI		3
19	SARLAHI	11	13
20	SINDHULI	58	17
21	RAMECHHAP	15	8
22	DOLAKHA	27	13
23	RAUTAHAT	6	13
24	BARA	4	3
25	CHITAWAN	9	10
26	MAKAWANPUR	3	1
27	LALITPUR	4	6
28	BHAKTAPUR	7	
29	KATHMANDU	6	8
30	KAVRE	32	43
31	DHADING	8	6
32	SINDHUPALCHOWK	49	33
33	NUWAKOT	22	19
34	RASUWA	5	
35	TANAHU	24	16
36	GORAKHA	103	50
37	LAMJUNG	49	49
38	SYANGJA	23	22
39	KASKI	11	8
40	NAWALPARASI	7	2
41	RUPANDEHI		2
42	PALPA	23	5
43	KAPILVASTU	4	4
44	ARGHAKHANCI	6	4
45	GULMI	10	16

SN	DISTRICT	BY STATE	BY MAOIST
46	BAGLUNG	42	17
47	PARVAT	22	2
48	MYAGDI	49	4
49	DANG	173	112
50	PYUTHAN	12	11
51	ROLPA	802	174
52	SALYAN	88	59
53	RUKUM	509	103
54	BANKE	61	5
55	BARDIYA	108	15
56	SURKHET	80	30
57	JAJARKOT	103	61
58	DAILEKH	32	43
59	DOLPA	17	22
60	JUMLA	43	11
61	KALIKOT	221	41
62	MUGU	13	1
63	HUMLA	2	1
64	KAILALI	68	28
65	ACHHAM	70	144
66	DOTI	46	
67	BAJURA	34	21
68	BAJHANG	37	4
69	KANCHANPUR	45	10
70	DADELTHURA	30	4
71	BAITADI	16	1
72	DARCHULA	20	9
Ministry of Defence declared the total number of "Maoist" killed in Achham, Doti, Dailekh and Kalikot District on 20 Feb 2002 but it has not been identified district wise separately.		46	
TOTAL		3545	1425

OCCUPATION	BY STATE	BY MAOIST
AGRICULTURAL	370	174
TEACHER	16	27
POLITICAL WORKER	2987	155
POLICE		772
GENERAL PEOPLE	65	80
STUDENT	59	23
CIVIL SERVANT	10	27
SOCIAL WORKER	1	1
BUSINESSMAN	7	9
WORKER	28	13
LAW PROFESSIONAL		1
HEALTH WORKER	1	1
ARMY	1	142
TOTAL	3545	1425

NO. OF VICTIM KILLED BY STATE & MAOIST

(Nov 26, 2001 - Jun 8, 2002)

SN	District	By State	By Maoist	Total
1	ILAM	4	4	8
2	PANCHATHAR	4	7	11
3	TAPLEJUNG	9	5	14
4	MORANG	16	2	18
5	SUNSARI	2		2
6	DHANKUTA		2	2
7	TERHATHUM	24	2	26
8	BHOJPUR	1	2	3
9	SANKHUWASABHA	41	8	49
10	SAPTARI	8		8
11	SRAHA	11	1	12
12	UDAYPUR	14		14
13	KHOTANG	36	2	38
14	OKHALDHUNGA	7		7
15	SOLUKHUMBU	9	1	10
16	DHANUSHA	4	2	6
17	MAHOTTARI		2	2
18	SARLAHI	7	10	17
19	SINDHULI	4		4
20	RAM ECHHAP	8	2	10
21	DOLAKHA	16	3	19
22	RAUTAHAT	6	10	16
23	BARA	1		1
24	CHITAWAN	8	9	17
25	MAKAWANPUR	2	1	3
26	LALITPUR	1	2	3
27	BHAKTAPUR	7		7
28	KATHMANDU	6	7	13
29	KAVRE	5	19	24
30	DHADING	6	1	7
31	SINDHUPALCHOWK	39	16	55
32	NUWAKOT	19	4	23
33	RASUWA	4		4
34	TANAHU	20	4	24
35	GORAKHA	55	21	76
36	LAMJUNG	35	7	42
37	SYANGJA	23	3	26
38	KASKI	11	7	18
39	NAWALPARASI	7		7
40	PALPA	23	3	26
41	KAPILVASTU	4	3	7
42	ARGHAKHANCHI	4	1	5
43	GULMI	8	1	9
44	BAGLUNG	40	8	48
45	PARVAT	22	1	23
46	MAYAGDI	48	4	52
47	DANG	155	71	226
48	PHYUTHAN	11	5	16
49	ROLPA	593	94	687
50	SALYAN	52	35	87
51	RUKUM	294	5	299
52	BANKE	55	2	57
53	BARDIA	98	13	111
54	SURKHET	56	4	60
55	JAJARKOT	14		14
56	DALEKH	26	5	31
57	DOLPA	8		8
58	JUMLA	29	1	30

SN	District	By State	By Maoist	Total
59	KALKOT	141	5	146
60	MUGU	12	1	13
61	HUMLA	2	1	3
62	KALALI	51	18	69
63	ACHHAM	54	137	191
64	DOTI	46		46
65	BAJURA	33	2	35
66	BAJHANG	37	4	41
67	KANCHANPUR	45	11	
68	DADELDHURA	29	4	
69	BATADI	16	1	
70	DARCHULA	20	9	
Ministry of Defence declared the total number of "Maoist" killed in Achham, Doti, Dalkh and Kalkot District on 20 Feb 2002 but it has not been identified district wise separately.		46		46
Total		2552	615	3032

Occupation	By State	By Maoist
Police		292
Army		123
"Maoist"	2456	1
Political Worker	9	58
Student	2	6
Worker	21	7
Agricultural	12	7
Teacher	3	15
General People	44	91
Businessman		1
Health Worker		1
Law Professional		1
Social Worker		1
Civil Servant	5	11
Total	2552	615

Month	By State	By Maoist
Nov-01	45	13
Dec-01	123	56
Jan-02	141	55
Feb-02	393	217
Mar-02	390	65
Apr-02	370	83
May-02	996	118
Jun-02	94	8
Total	2552	615

NO. VICTIM KILLED BY STATE AND MAOIST DURING THE STATE OF EMERGENCY PERIOD

(1 Jan - 8 Jun 2002)

SN	District	By State	By Maoist	Total
1	JHAPA			
2	ILAM	2	2	4
3	PANCHATHAR	4	7	11
4	TAPLEJUNG	9	4	13
5	MORANG	13	2	15
6	SUNSARI	1		1
7	DHANKUTA		2	2
8	TERHATHUM	22	2	24
9	BHOJPUR	1	2	3
10	SANKHUWASABHA	41	8	49
11	SAPTARI	7		7
12	SIRAHA	10	1	11
13	UDAYPUR	14		14
14	KHOTANG	36	2	38
15	OKHALDHUNGA	7		7
16	SOLUKHUMBU	4		4
17	DHANUSHA		2	2
18	MAHOTTARI		1	1
19	SARLAHI	6	10	16
20	SINDHULI	4		4
21	RAMECHHAP	8	2	10
22	DOLAKHA	15	1	16
23	RAUTAHAT	6	8	14
24	BARA	1		1
25	CHITAWAN	8	9	17
26	MAKAWANPUR		1	1
27	LALITPUR	1		1
28	BHAKTAPUR	7		7
29	KATHMANDU	6	6	12
30	KAVRE	2	19	21
31	DHADING	6	1	7
32	SINDHUPALCHOWK	38	14	52
33	NUWAKOT	17	1	18
34	RASUWA	3		3
35	TANAHU	20	3	23
36	GORAKHA	41	16	57
37	LAMJUNG	34	4	38
38	SYANGJA	22	1	23
39	KASKI	11	4	15
40	NAWALPARASI	4		4
41	RUPANDEHI			
42	PALPA	22	2	24
43	KAPILVASTU	4	3	7
44	ARGHAKHANCI	4	1	5
45	GULMI	8	1	9
46	BAGLUNG	40	4	44
47	PARVAT	22	1	23
48	MYAGDI	48	4	52

SN	District	By Maoist	Total
49	DANG	66	208
50	PYUTHAN	3	14
51	ROLPA	90	658
52	SALYAN	32	56
53	RUKUM	1	293
54	BANKE		53
55	BARDIYA	12	105
56	SURKHET	4	59
57	JAJARKOT		13
58	DAILEKH	3	29
59	DOLPA		8
60	JUMLA	1	28
61	KALIKOT	4	145
62	MUGU	1	12
63	HUMLA	1	3
64	KAILALI	18	57
65	ACHHAM	137	191
66	DOTI		45
67	BAJURA	2	35
68	BAJHANG	4	39
69	KANCHANPUR	9	54
70	DADELDHURA	4	27
71	BAITADI	1	12
72	DARCHULA	2	10
Ministry of Defence declared the total number of "Maoist" killed in Achham, Doti, Dailekh and Kalikot District on 20 Feb 2002 but it has not been identified district wise separately.			46
Total		5163	3292

Occupation	By State	By Maoist
Police		282
Army		109
"Maoist"	2332	1
Political Worker	9	45
Student	1	4
Worker	19	5
Agricultural	1	5
Teacher	2	9
General People	20	71
Businessman		1
Health Worker		1
Law Professional		1
Social Worker		1
Civil Servant		11
Total	2384	546

Some Examples of Destruction by Maoist

District	Electricity power houses and stations/sub-stations
Pyuthan	1
Sankhuwasabha	2
Nuwakot	1
Taplejung	1
Panchathar	1
Nawalparasi	1
Myagdi	1
Dolakha	1
Kapilvastu	1
Dang	1
Syangja	1
Parvat	1
Total	13

Arrested Journalists during Emergency (26 Nov 2001 - 12 June 2002)

SN	District	Total Arrested	Released	In Internment/Trial/ Detention
1	Kathmandu	35	17	18
2	Surkhet	2		2
3	Kailali	3	1	2
4	Siraha	4	3	1
5	Jumla	1	1	
6	Rupandehi	47	45	2
7	Sankhuwasabha	3	2	1
8	Dhankuta	1		1
9	Morang	1	1	
10	Sunsari	3	2	1
11	Lamjung	4	3	1
12	Baglung	1		1
13	Kaski	4	2	2
14	Pyuthan	1	1	
15	Banke	3	3	
16	Dang	2	2	
17	Nawalparasi	1	1	
18	Chitwan	4		4
19	Bhaktapur	1	1	
20	Parvat	1	1	
	Total	122	86	36

District	Total VDCs	Destructed
Taplejung	50	22
Panchathar	41	34
Ilam	48	19
Jhapa	47	11
Sankhuwasabha	33	15
Dhankuta	35	5
Morang	65	9
Terhathum	32	24
Saptari	114	1
Siraha	106	14
Dhanusha	101	10
Mahottari	76	5
Sarlahi	99	7
Ramechhap	55	
Rasuwa	18	
Dhading	50	35
Nuwakot	61	26
Bhaktapur	16	2
Makawanpur	43	7
Bara	98	6
Chitwan	36	17
Gorakha	66	7
Lamjung	61	43
Baglung	59	55
Dang	39	36
Banke	46	36
Bardiya	31	18
Surkhet	50	5
Achham	75	53
Doti	50	36
Bajhang	48	43
Bajura	27	21
Kanchanpur	19	8
Dadeldhura	20	19
Baitadi	65	
Darchula	41	33
Total no. of destructed VDCs		738

District	Airports
Rukum	2
Surkhet	1
Solukhumbu	2
Khotang	1
Dolpa	1
Achham	1
Bajura	1
Bajhang	1
Baitadi	1
Darchula	1
Total	12

Note : Statistics of 2002 includes the information by state authority as well.

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