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HELP ALLEVIATE
POVERTY
- ON MISSING
KAMAIYAS
- INTERNAL
DISPLACEMENT



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The upsurging trend of ignoring the respect of human rights has been further aggravated as the government turned a deaf ear towards the court order. Manayan Adhikari, 29, an advocate by profession, was arrested a year ago on charge of being a Maoist under the Terrorist and Disruptive Activities (Prevention and Control) Act (TADA). Although the Supreme Court had issued an order to release Adhikari along with four other detainees, the government did not comply with the court order. Four days ago, the court ordered the concerned authority to produce the four accused to the court within 24 hours. But the concerned authorities have sent letters stating that the accused had already been released. The five detainees who the government has ignored to release despite repetitive court orders are said to be lodged in the Mahyuli jail.

The same kind of trend is also upsurging among the security forces. The security forces arrested Majid Maniyar of Nepalgunj Municipality - 3, Bhanu on 13 March 2002. They alleged him of supplying weapons and drugs to the Maoists. After five months he was released on the condition of being present in their office once a week.

On the second week of July 2002, the security forces of Chisapani Barrack under the command of Major Ajit Thapa, reached the door of Majid Maniyar and asked for him. They did not find him there and instead, arrested his daughter and niece. In the barrack, Major Ajit Thapa and Captain Ramesh Swami raped these two girls threatening them that they have to pay for Majid Maniyar's mistake.

Amnesty International in its report entitled *Nepal: A Deepening Human Rights Crisis*, published in 2002, also highlighted this case of Chisapani Barrack. The report says these two girls were threatened that if they told anyone about this case, they would be caught again, raped and shot dead.

The civilians have been, in this way, threatened to death by the security forces. If the security personnel themselves cannot be accountable for protecting people's rights, and rather involve in atrocities, how can the civilians feel secured? If they do not respect human rights and human dignity, who else will do so?

Victimisation of these two girls does not end yet. Further, the security forces shamelessly went to the victims' houses and compelled them to hide the truth. They also made a video record of the changed version of the victims and staged it in a press conference to prove that the Amnesty International's report was fake.

Meanwhile, news of forming an investigation commission by the army themselves regarding the incidence of Chisapani Barrack came out. This shows that the government is not concerned about the rule of law in Nepal. As the army do not have legal mandate to investigate any incidence of human rights violation, the army commission cannot investigate the civilians' cases. Army's duty is not to give justice but to safeguard the civilians' rights by protecting them from the possible attacks by any forces.

Though the Royal Nepalese Army pretend to be innocent, the two girls were illegally detained in the army barrack, which is against the Constitution, TADA and other international human rights standards, most of which have been ratified by Nepal.

Another serious matter we are raising is the agreement made between His Majesty's Government of Nepal (HMG) and the Government of the United States of America regarding surrender of the persons to the International Criminal Court (ICC). It is a direct breach of articles 27, 28, 87, 88 and 90 of the Pome Statute, and also a breach of articles of the Vienna convention on the law of treaties.

ICC is meant to be a global court for all humanity, which looks up to the interest of the victims. Nepal has ratified 16 international human rights treaties including Geneva Conventions. Ratifying the statute of ICC doesn't create extra liability to the state but it rather proves beneficiary to the small country like Nepal buffering from Maoist insurgency and the rampant situation of the culture of impunity.

We strongly request parliamentarians, political parties, judges, academicians, civil societies, media and other groups to support the effective function of the ICC by pressurizing the government to ratify the ICC and request HMG to accede to the Statute of the ICC concerning the victims by fulfilling the commitment it has made in the international arena.

PROSPERITY MUST HELP ALLEVIATE POVERTY



-Hamid Ansari

Introduction

Peace, Prosperity and Poverty (for short three Ps) are necessary and perhaps sufficient condition for establishing a peaceful world. These three Ps are closely inter-linked. Attaining prosperity in a country/community has no meaning unless and until poverty is alleviated and real peace is attained. Poverty alleviation has no meaning unless and until prosperity is not reached to poor of poor countries with a durable pace. Both prosperity and poverty are like enemies to attain a durable peace. The theories and practices implemented everywhere have failed to establish/develop any nation with a close relationship between prosperity and poverty for a sustainable peace. The developed theories and practices, so far, suitable to one context have proved to be unsuitable to another context/nations/communities/individuals. Most of these theories were developed in the west and they were imposed in or freed for the developing countries without incorporating their realities. The concept of "think globally and act locally" did not work. Peace and a world free from poverty, disease and despair have not appeared till now. Dozens of countries in all parts of the world actually grew poorer. Asia is the home of world's largest number of poor people where 75 percent of world's poor people live.

The spread of HIV/AIDS has claimed an estimated 25 millions of lives and it has been continuous unchecked. Global warning, repressive rule, trade barriers that deny developing countries fair treatment in global market place – these and other problems are daunting

enough, but when taken together create vicious circle which it is hard to escape.

Several efforts were initiated throughout past three decades to alleviate poverty. Many studies, research reports, numerous training materials developed and disseminated by renowned experts, billions of money spent but poverty is not alleviating. It is increasing instead. It is worth mentioning Ambica Verma, which provides food for thought on growing poverty:

"I was hungry and you formed a committee to investigate my hunger; I was homeless, and you filed a report on my plight; I was sick and you held a seminar on the situation of under privileged; you investigated all aspects of my plight and yet I am still hungry, homeless and sick."

Such a state of affairs prevails and it is now necessary to review our old customary practices and come to different approach for poverty alleviation both nationally and internationally.

Some Reasons for Increasing Poverty

There are several reasons. They can be broadly divided into three heads.

i. Conceptual

Though the concept, definition of poverty, identification and quantification of poverty, took many years and many resources, still they are debatable and are still not suitable for poverty alleviation. The concept of Globalization, Liberalization and Privatization are also not helping for

the alleviation of poverty to the desirable extent because these concepts do not properly incorporate the country/community specialties.

ii. Resources

Developed nations provide only 0.25 percent of their GNP in aid under their own terms of conditions. A large share of these resources goes back again to the donors. This is primarily because of the concept of "Globalization from the above." Prosperity of developed countries has not yet been utilized properly for poverty alleviation. There is a sufficient scope for that to expand and intensively utilize the resources available in developed countries. Prosperity of rich nations should bring prosperity to poor nations under the concept of globalization.

iii. Regulations

Most of the regulations of World Bank, IMF, USA, EU, WTO etc and other international and other regional organizations of the world are promoting neo-liberal policies of globalization and free market. These policies are not going to alleviate poverty rather perpetuate it further. These regulations should have separate regulation for each and every country and the participatory consultation process should be started from the below (grassroots) right from the very beginning of the process involving as many organizations as possible that are tackling and working on the issues of the poverty. Hence, concept of "Globalization from the Below" should be followed, advocated and strengthened. Poor nations should be given equal chances to prepare regulations, proposals, action plans and

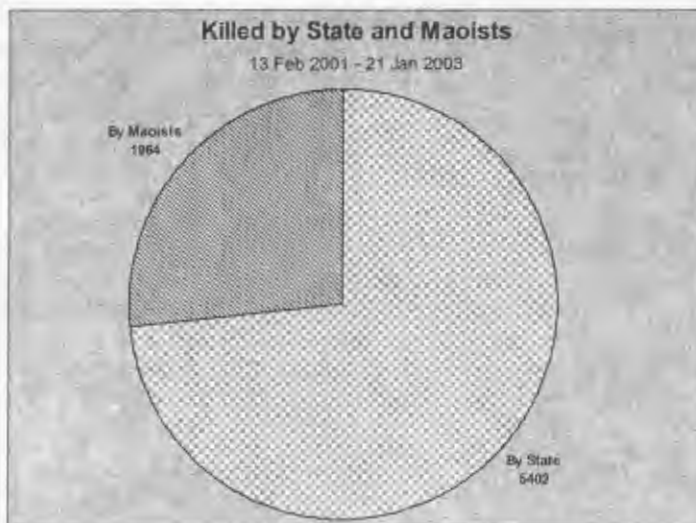
other documents etc. for not only poverty alleviation but also reaching a certain degree of prosperity with peace and sustainable development. Untying of aid and removable of conditionality are necessary to help reduce poverty. The participatory monitoring (not only unilateral monitoring) process should be initiated.

Conclusive Remark

There can be several other reasons as well. But here the point that this paper wants to make is that the existing theories and practices of alleviating

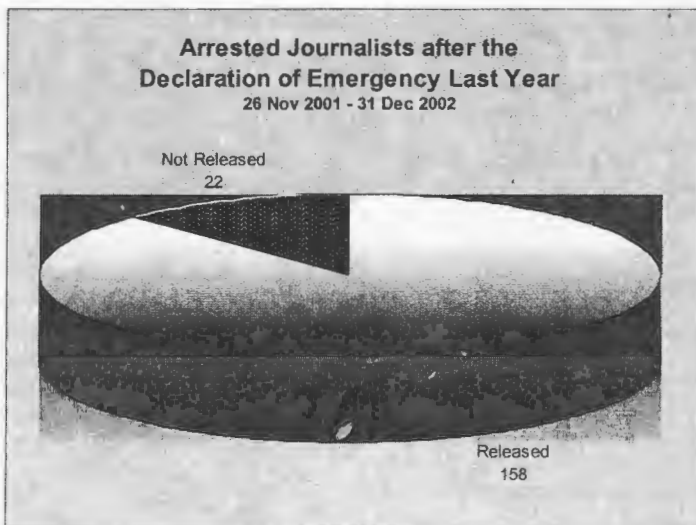
poverty are not well correlated/ coordinated with the growing prosperity of few nations/individuals. The established culture of concentration of wealth and political power to a few hands have created more confrontation, conflict and war between nations and individuals. They have added more trouble to all nations/ individuals how it should be tackled. That question should be answered firstly. The confrontation and conflict situations are not allowed to a situation of cooperation. Similarly, the attainment of situation of a certain

degree of prosperity has not been transferred to bring down the level of growing poverty, inequality and attaining peace and prosperity to a desirable extent. This can be done only through the mechanism of "Globalization from the below" concept, which will bring a common/ consensus view for poverty alleviation and gaining a suitable level of prosperity of all nations/individuals of the world. This model is in the course of study.



Killings after the Declaration of Emergency Last Year (Nov 26, 2002 - Jan 21, 2003)

Month	By State	By Maoist
Nov-01	45	13
Dec-01	123	56
Jan-02	145	59
Feb-02	354	222
Mar-02	398	70
Apr-02	380	98
May-02	995	126
Jun-02	375	35
Jul-02	120	23
Aug-02	215	21
Sep-02	548	196
Oct-02	237	50
Nov-02	231	108
Dec-02	153	54
Jan-03	91	23
Total	4410	1154



Every Saturday

At 8:35

in the morning

Let us not forget to listen to the
Human Rights Education Programme
broadcast by the Radio Nepal
Conducted by : INSEC

Role of Media in Peace Initiation



Kundan Aryal

"You know nothing. You don't know why you wrote an editorial on bull. You don't know why you didn't write an editorial on Bhimsen Thapa (first Prime Minister of the country who committed suicide after being a victim of royal conspiracy.) You don't know why you used to write editorials. You don't even know why you don't write an editorial."

- Late Shanker Lamichhane
Prominent Essayist of Nepal

The entire study of mass communication is based on the assumption that the media have significant effects. However, the question arising in our context is whether we are aware of the effects and what the consequences of the way of media functioning are. Scholar of mass communication Mc Quail has stated in his book entitled- *Mass Communication Theory* that even the acts of violence or suicide appear to be copied or stimulated by media portrayals. In the context of Nepal, we have seen an extreme example of unintended short-term effect of mass media when an actress committed suicide after the publication of some ill-intended material in one of the weeklies few months ago.

But at this stage of conflict between the state and the rebellious group, what could be the role of media to help in the peace initiation? This is the question, which has not been very much addressed either by media professionals or the professionals from other walks of life. It is noteworthy that the peace initiation from the Nepali civil society will be geared up rapidly only when the mass media involves in the process consciously. The strength of peace initiation will certainly be multiplied by the media consciousness. We could call it peace journalism. Such concept has not been new in the global context. Our main thrust should be sanitization towards the long-term peace building process. Active and

conscious role of Nepali media is still awaited in this regard.

Media can assist the peace process effectively if it becomes aware of:

- Whether there is fatigue in warring factions
- Level of pressure from stakeholders to end the violence.
- People's pressure for the peace and conclusive solution of the problem.
- Pressure from donor communities for the present conflict resolution.

There should be positive pressure on both sides of conflict to end the violence. The process should be continuous. When we talk about the role of media in conflict resolution, we must think on the limitations of the media. After all, there are some differences between the function of the media and the human rights communities or activists. But one thing is for certain, that is aware and vibrant media could multiply the strength of peace campaign.

Nepali media is presenting the humane face that is being hurt by the violence. The suffering of internally displaced people is a panic example of the current conflict. Issues of this kind and the appeal for the peace should be presented in the media with the noble aim to establish peace. It is the prerequisite for gearing up of the peace initiation.

Powerful effects of media were signaled in a time of world upheaval at the time of two world wars. It does seem that whenever the stability of society is disturbed, by crime, war, economic malaise or some moral panic, the mass media are given some sort of responsibility. Mc Quail has mentioned that actually the media are very influential in certain ways at times of crisis or heightened awareness. According to Ball Rokeach and DeFleur, in times of change and uncertainty, it is also highly probable that people are more dependent on media as a source of information and guidance.

Thus, Nepali media has been given a great responsibility of the time. Only accuracy and impartiality are not enough for today's media professional. Responsibility is another pertinent factor that could catalyze the fourth estate towards the solidarity for peace in the conscious or aware manner. Thus the word Accuracy, Impartiality and Responsibility (AIR) represents the main factors that are helpful to peace initiation.

History has established the principle that media can cause both intended and unintended change. But we need positive response, diffusion in development and distribution of knowledge so that we could see a conscious media in the line of Nation's mission of achieving peace.

Need for UN Intervention to Protect HR in Nepal

"Reporters without Borders" (Damocles Network) and "Informal Sector Service Centre" (INSEC) jointly prepared a report regarding the incidents of violations of human rights, torture and arbitrary detention that are taking place in Nepal. This report which was prepared on November 2002, especially in response to the violations that the media persons are undergoing, was filed in the United Nations, in particular UN High Commissioner for Human Rights Sergio Viera de Mello to draw his attention to these incidents and respond accordingly. This report of the fact-finding mission conducted on September 2002 was prepared jointly by the team of investigators, Vincent Brossel and Dr Jean Rivolet of Reporters without Borders and INSEC Representatives. It calls on the United Nations to respond to the gravity of the situation in Nepal by sending a fact-finding mission there as soon as possible and by intervening with both the sides to request that the rights of the civilian population be respected.

The report contains thirty-two cases regarding the human rights violations including the cases of torture and arbitrary detention, both by the state as well as the Maoists.

The cases of human rights violations by the Maoists

The study of the cases where the Maoists injured the people by physical attack show that they

prefer to mutilate the victims and leave them paralyzed to life to prolong their suffering, make them useless as well as remind the others that they should not oppose the Maoists.

Journalists in the Court

The journalists and Human Rights activists who are victims of illegal arrest, detention and torture filed a case in Kathmandu and Sunsari District Court on 28 November 2002 demanding compensation. The journalists have claimed that the security forces tortured them without any reason. The journalists who filed the case were Gopal Budathaki, Shyam Shrestha, Anuradha Paudel, Rewati Sapkota, Deepak Prasad Sapkota, Dipendra Rokaya, Ishwor Chandra Gyrwali, Mananishi Dhital, Dhana Bahadur Magar, Bandhu Dev Pandey, Bijay Raj Acharya, Meena Sharma Tiwari, Binod Tiwari and Ratna Prasad Mainali. Among the human rights activists who have filed the case are President of GRINSO, Pramod Kafle and sub-coordinator of Intellectual Solidarity Group, Mahesh Maskey. The Co-Editor of Blast Times Daily, a newspaper published from Dharan, Mr P. B. Diyala has filed a case in Sunsari district court with the support of Human Rights and Democratic Study Centre and International Press Institute. Similarly, on 29 November 2002, Morang Correspondent of Blast Times, Prem Bastola has filed a case in Morang district court for the compensation. He was provided assistance by the district vice-president of the Bar Association.

The Maoists have also victimized the journalists inhumanely in an accusation of being an informer. This report reveals three such cases of the victim journalists. They are - Founder and Editor of the weekly newspaper "Karnali Sandesh" Nawaraj "Basanta" Sharma, news reader for state-owned Radio Nepal's programme Kham in Magar language, Dhana Bahadur Roka Magar and correspondent of Radio Nepal and Himalayan Times national daily in Sindhupalchowk district, Demling Lama.

Human rights violations by the security forces

From the period of the emergency imposed in November 2001 to its completion in August, the state has arrested thousands of people in an accusation of either being Maoist militants or supporting the Maoists. Among the ones arrested in an entirely unlawful manner, very few were given arrest warrant and they were not even taken before the judge who was looking at their cases. Even the judicial authorities

have remained silent, and have failed to defend the rights of the detainees. Among the 300 persons arrested, 10 were treated inhumanely and 26 are still held in custody with various charges of violating the law. Among the arrested journalists, most of them are accused of being involved in Maoists publications and publicising news in their favour and detained.

Besides this, Reporters Without Borders and INSEC investigated many cases in Nepalgunj District regarding the arbitrary arrest by the security forces. In these cases, none were given written explanation for their arrest, which constitutes arbitrary detention. The victims revealed to the fact-finding team that during the time of arrest, their conditions of detention were harsh but they were not subject to severe forms of torture.

On the process of fact-finding, Reporters Without Borders had access to some documents and pictures of the victims who were mutilated or killed by the severe torture of the security forces. The Human Rights Organisations revealed to the team that they have found more than hundred such victims during the period of state of emergency. It was also found from the pictures and dialogue with the victims that among the people who were arrested and tortured in an accusation of being a supporter of the Maoist, many were tortured by having their hands and legs burnt, mutilated by using blunt weapons, tortured by electric current and drowned.

The obstacles faced during the process of collecting information regarding the human rights condition:

Though there is some slight improvement in the situation of press freedom after the completion of the state of

emergency, still there are many obstacles faced by this sector in gathering and verifying the information received as their field access is very limited. Whether it is the publication of news regarding human rights violation by the state or by the Maoists, both parties equally terrify the journalists and make them more wary. In this regard, both Reporters Without Borders and INSEC met with different representatives of media under the government and newsletters to collect their opinion. This includes local reporters of Radio Nepal, BBC and private sectors for newsletters. Given below is the conclusion gathered from the interaction with them.

Conclusion

In general, it is found that the civilians are held in arbitrary detention. After the completion of the state of emergency, the lawyers presented habeas corpus petition to the Supreme Court on behalf of journalists but the judgement has been deferred. Though there is a provision that the arrested persons have to be presented in front of the judge within 24 hours, it is not implemented accordingly. Besides this, the security personnel targeted the lawyers who presented habeas corpus petition to the Supreme Court on behalf of journalists and tried to ensure the rights of detainees were respected.

The government has placed hundreds of individuals including journalists and human rights defenders in custody. The Terrorist and Disruptive Activities (Control and Punishment) Ordinance 2001(TADA) of Nepal allows the authorities to hold these persons for three months and the period can be extended by decision of any of the 75 district courts. Even then, the government and the security forces failed to bring the detainees

before court. As a result, hundreds of persons are currently detained in Nepal in an illegal manner. In this regard, the Reporters Without Borders and INSEC demand the Kingdom of Nepal to respect its international undertakings in the area of human rights, particularly the International Covenant of Civil and Political Rights (ICCPR) ratified by Nepal as well as to ratify the Rome Statute creating the International Criminal Court.

Recommendations

In view of an urgent need to restore the rule of law and compensate victims, Reporters Without Borders and INSEC recommend the UN High Commissioner for Human Rights Sergio Vieira de Mello to:

- Summon Nepal's ambassador to the UN Commission of Human Rights to remind him of his country's commitments as regards protection of human rights,
- Ask the government of Nepal to present as soon as possible the reports on the situation in Nepal required under the international human rights instruments which it has ratified;
- Organise a fact-finding mission to Nepal led by the commission's special rapporteurs for torture and other cruel, inhuman or degrading treatment or punishment, as well as a representative of the commission's working group on enforced or involuntary disappearances;
- Denounce the acts of violence by the Maoist rebels against civilians;
- Establish a permanent office of the UN High Commission for Human Rights in Nepal.

INSEC objected to the agreement made between the HMG/Nepal and USA regarding surrender of persons to the ICC on 2 January 2002. The text is as follows :

We are seriously concerned about the agreement made between the HMG/Nepal and the United States of America regarding surrender of the persons to the International Criminal Court.

International Criminal Court (ICC), a permanent international tribunal for trying individuals for the most serious violations of international humanitarian and human rights laws have come into the force on July 2, 2002. Aiming to end up impunity for perpetrators of the most heinous crimes such as genocide, crimes against humanity, war crimes and crimes of aggression that are of the paramount concern to the international community.

As a member of NGO Coalition for International Criminal Court (CICC) and the National Coordinator of NGO Coalition on International Criminal Court (NCICC), Informal Sector Service Centre (INSEC) has shown its strong solidarity towards the establishment of the International Criminal Court.

Meanwhile an expert team working on the establishment of the Court was invited as a Lobby Tour on 12-15 May 2002 to create the appropriate situation for the ratification of the Statute of the Court. On the four-day,

tour the lobby team visited Prime Minister's Office, Parliamentarians, Opposition party, Parliamentary Committee on Foreign Affairs and Human Rights including National Human Rights Commission, diplomatic missions, judges, lawyers, media and other groups. The ministers and leaders pledged their full support for the establishment of the ICC during the meeting with the lobby team from abroad.

ICC is meant to be a global court for all humanity and it must be looked to the interest of the victims. Nepal has ratified 16 international human rights treaties including Geneva Conventions. Ratifying the statute of ICC doesn't create extra liability to the state but it rather proves beneficiary to the small country like Nepal suffering from Maoist insurgency and the rampant situation of the culture of impunity.

Despite this background, without ratifying the ICC the HMG/Nepal and the USA have agreed not to surrender each other's nationals to any international tribunal or in third country without the expressed consent of the other.

So, INSEC seriously condemns the agreement done between the Government of Nepal and the United States of America in the

name of combating terrorism. The bilateral agreement completed between the two states, according to the Article 98 of the Statute of ICC, provides the room of impunity to the culprits as well as opposes and undermines the effective function of the Court across the national territory. The agreement is contrary to the purpose of article 98(2) and does not legitimately fall within the scope to the article 98, which constitutes a breach of articles 27, 28, 87, 89 and 90 of the Rome Statute. The agreement also constitutes a breach of article 18 of the Vienna Convention on the Law of Treaties, which applies to Rome Statute States Parties and signatories alike and is likely to create conflicts for states between their obligations under the Geneva and Genocide Conventions and under the Rome Statute as well as their obligations under their own extradition regimes.

INSEC strongly requests parliamentarians, political parties, judges, academicians, civil societies, media and other groups to support the effective function of the ICC by pressurizing the government to ratify the ICC and request the HMG to accede the Statute of the ICC concerning the victims by fulfilling the commitment it has made in the international arena.

Field Survey Report on Missing Kamaiyas

(A case study of Kamaiya liberation and aftermath)

-Padma Khatiwada/Prakash Bhattarai

1. Introduction

A survey has been conducted to collect primary data about missing Kamaiyas with the initiation of INSEC mid-western office. This field survey report is mostly based upon the primary data, which has been collected and compiled by INSEC Mid-western Office. The survey aims at collecting and compiling data relating to missing Kamaiyas and finding their present situation. It further aims to make recommendation of possible ways for their rehabilitation. The survey has been conducted in 34 VDCs of Banke, Bardiya and Dang districts. This report includes a total of 703 missing Kamaiyas containing 158 households in Bardiya, 146 households in Dang and 399 households in Banke. Most of the data incorporated in this report depict the current position of Kamaiyas in different sectors.

2. Background

Kamaiya system existed, and it still exists indirectly, in the mid western and far western regions of the country for decades. After the incessant study and research by INSEC and its published reports on them, the system reverberated around the global as a concerned subject. It then drew the attention of all who were really motivated for its eradication. It was a form of deep-rooted slavery, which transformed from one generation to another.

The cycle of Kamaiya system goes like this. Initially, Kamaiyas use to take a small amount of loan (*Sauki*) from the landlord. If they are unable to pay that on time, they have to stay as Kamaiya at the landlord's house. Even their families have to work as domestic and agriculture labourer for their entire life.

Because of the heavy interest and additional interest levied on the loan, the family cannot pay that *Sauki* for his whole life and the son has to work as *Haliya* for the same purpose. In this way, the family is bound to work as Kamaiya in the landlord's house and the cycle continues on. If the next landlord pays *Sauki* to the present landlord, he gets the authority to take Kamaiya work for him. Surprisingly, Kamaiyas are even treated as an object of purchase and sell.

This cycle remained knowingly for a long time as a form of slavery. But the government never paid serious attention to end this practice. INSEC, in this regard, for the first time highlighted Kamaiya issue in its Human Rights Yearbook as the main event of serious human rights violation and also it was against the international human rights principles and conventions. INSEC in coalition with other human rights organisations and trade unions was committed to make the Kamaiyas aware and organize on their issues and rights. Other various organizations sided them. Even Kamaiyas, getting organized among themselves, formed their own liberation front and worked out successfully. Finally, due to the round pressure, government was compelled to declare the elimination of Kamaiya system. This happened just two years before. But though the system has been legally eradicated, but in practice, it exists even today.

At present, they have been liberated and separated from their owners. They have got the recognition as an independent citizen but they are unable to solve their hand to mouth problem. They are facing rehabilitation

problem. Even the unemployment problem has blurred them. They cannot remain as a human being unless they are guaranteed with their human rights.

At the moment even the data are not accurate to find out the actual number of Kamaiyas. Most of the Kamaiyas are not getting proper land to fulfill their basic needs. Some of them have got some land, but nominally. Some of the Kamaiyas are still missing from the actual data of government. With reference to this, this field survey has been conducted to figure out the actual number of ex-Kamaiyas and evaluate their present position.

3. Significance

The survey, at this moment, is really significant to show the administrative negligence while collecting data. The government after the declaration of Kamaiya's liberation is not paying adequate attention to rehabilitate them. In this regard, this survey assists to pinpoint the weaknesses of the government.

There is a need of relief and rehabilitation programme for Kamaiyas. But in this regard, even the Non Government Organizations (NGOs) are deemed negligible on this issue. They able it as a responsibility of the government. So the campaigns for rehabilitation are not running smoothly. On this backdrop, this survey has aimed at drawing attention of all stakeholders to put forward the issues on missing Kamaiyas.

This survey is an additional initiative of INSEC. It has also confirmed INSEC's commitment, dedication and action for the elimination of bonded

labour system even after their liberation. In this way, this survey doubtlessly facilitates the stakeholders to remain alert on Kamaiya's issues.

4. Objectives

The main objectives of this survey are as follows:

- To find out the total number of missing Kamaiyas.
- To find out the current problems and positions of Ex-Kamaiyas.
- To find the possibilities and programmes for their rehabilitation.

5. Methodology

This survey is based on the primary data collected in three districts: Dang, Banke and Bardia. The data used here are collected by means of administering questionnaire to the households and focus group discussion through the INSEC mid western regional office and even by directly meeting with the target group of this survey. In the same way, this report has been prepared with the help of processing and compiling the available data putting in the certain framework and chart developed and designed by INSEC.

6. Limitations

Data collection about missing Kamaiyas is an ongoing process of this organisation. This survey does not contain the actual number of the target group and has not included overall information about their present situation. Due to our limited sources and time boundary, collected information is not sufficient to analyse their overall condition. However, this survey is the basic foundation to bring out the miserable condition of the ex-kamaiyas at the moment.

7. Findings

7.1 Demographic characteristics

Survey was conducted mainly in three districts: Bardiya, Dang and Banke of mid

Table 1 Demographic characteristics of Kamaiyas			
Districts	Frequency	(%)	Valid Percent
Bardiya	158	22.5	22.5
Dang	146	20.8	20.8
Banke	399	56.8	56.8
Total	703	100	100

western region of Nepal. It has covered 703 households of missing Kamaiyas. Among the households 158 (22.5%), 146 (20.8%) and 399 (56.8%) households were included of the districts respectively. So the total number of household is 703.

According to the data, Banke district has got the highest number of missing Kamaiyas whereas Dang has got the lowest number. The main reason for having highest number of missing Kamaiyas in Banke district may be that the government did not take them seriously while collecting data whereas Bardiya and Dang were highly focused area of existing Kamaiya system in the beginning. Both districts, Bardiya and Dang, had received more publicity during Kamaiya liberation period. Banke district, however, could not receive that much acclaim. So it can be said the Kamaiyas of Banke district were not concerned a lot at the time of their enumeration.

7.2 Caste/community of Kamaiyas

By analysing the above data, it is found that Tharu community has covered the

highest number of missing Kamaiyas. Of the total (703) enumerated, 540 (76.8 %) are from Tharu community, whereas 163 (23.2 %) are from the non-Tharu community. The trend of missing Kamaiya population of Tharu community seems

highest (385 of total) in Banke district and the lowest (10 out of total) seems in Dang district. So far Bardiya remains in the middle position (145 out of 540). In the same way the highest (136 out of 163) number of non-Tharu missing Kamaiyas is in Dang and the lowest (13 out of 163) is in Bardiya district. Likewise Banke is in the middle (13 out of 163) position.

On the basis of district wise Tharu and non-Tharu population, Bardiya has got 158 missing Kamaiyas where 145 (91.8%) are from Tharu community and 13 (8.2%) are from non-Tharu. Similarly, Dang has got 146 missing Kamaiyas in total where 10 (6.8%) of them are from Tharu and 136 (93.2%) are from non-Tharu community. Banke district has got the highest number of missing Kamaiyas that is 399 of total counted population. Of them, 385 (96.5%) are from Tharu and only 14 (3.5%) are from non-Tharu community.

From the above mentioned statement, it is clear that Tharu are the indigenous habitants of Terai community from the very beginning and they have covered the highest population in the specified districts. So most of the Tharus are working as Kamaiyas in comparison to non-Tharus. In case of Dang, a big volume of non-Tharu population living there in hilly areas are migrating to the district for finding jobs to solve their hand to mouth problem.

District	Caste/Community				Total	
	Tharu		Non-tharu			
	No.	%	No.	%	No.	%
Bardiya	145	91.8	13	8.2	158	22.5
Dang	10	6.8	136	93.2	146	20.8
Banke	385	96.5	14	3.5	399	56.7
Total	540	76.8	163	23.2	703	100

7.3 Landholding size of Kamaiya
Of total missing Kamaiyas, 598 (85.1%) have no land. The remaining population (105 or 14.9%) occupies some land but that is uncultivable land. In the district-wise analysis, the Kamaiyas from

Bardiya and Dang are found completely landless. Only a few Kamaiyas of Banke occupy some land but that is unsuitable for cultivation. The overall figure shows that most of the Kamaiyas are landless.

7.4 Caste/community

distribution of landlords

Most of the landlords are from Tharu and Chaudhari community. They cover 47.1 per cent (331 out of 703) of the total missing Kamaiya. Likewise, 20.9 per cent (147 out of 703) have not stated the community they belong to and 20.8 percent (146 out of 703) are from the missing caste of landlords. In

Table 3
Landholding size of Kamaiya

District	Land hold				Total	
	No Land		Yes but study			
	No.	%	No.	%	No.	%
Bardiya	158	100	-		158	22.4
Dang	146	100	-		146	20.8
Banke	294	73.7	105	26.3	399	56.8
Total	598	85.1	105	14.9	703	100

the same way, 9 percent (63 out of 703) landlords are from the Brahmin and Chhetri caste groups and 2.3 percent (16 out of 703) are of other castes.

The majority of landlords in Bardiya and Banke districts are from Tharu and Chaudhari but in case of Dang district, the community the landlords belong to is not identified. It may be the fault of enumerators or might be of respondents while taking the data. Even some data are not stated over here, which also may be the lack of information, misreporting and fault done by enumerator and the respondents.

Surprisingly, it is identified that Kamaiyas and landlords- those who own Kamaiyas- both are from the same community and caste group. There are other landlords as well but they are a few in numbers.

7.5 Working tenure of Kamaiyas

During data collection period, it is found that 34.4 percent (242 out of 703) have been working as Kamaiya for 16 years and more. 20.8 percent of them (146 out of 703) are the missing Kamaiyas. Likewise the total percent of working as Kamaiyas for the years 6-10 is 14.9 (105 out of 703), 2-5 is 18.9 percent, less than one year is 11.3 percent (45 out of 703) and working for 11-15 years is the lowest one that is 5 percent (35 out of 703).

From the above data it is proved that still the Kamaiya system is prevalent in the mentioned region. They have been living as bonded labour even after their liberation. The main reason for this is the lack of proper rehabilitation for

Table 4
District wise caste/community distribution of landlords

District	Tharu/ Chaudhari		Bramhin/Chhetri		Others		Missing		Not stat ed		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Bardiya	106	67.1	33	20.9	12	7.6	-	-	7	4.4	158	22.5
Dang	-	-	-	-	-	-	146	100	-	-	146	20.8
Banke	225	56.4	30	7.5	4	1.0	-	-	140	35.1	399	56.8
Total	331	47.1	63	9.0	16	2.3	146	20.8	147	20.9	703	100

Table 5
Distribution of missing Kamaiyas according to their working tenure

District	Working years										Missing		Total	
	One Year		2-5 Years		6-10 Years		11-15 Years		16 + Years					
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Bardiya	-		43	27.2	37	23.4	15	9.5	63	39.9	-		158	22.5
Dang	-		-		-		-		-		146	100	146	20.8
Banke	45	11.3	87	21.8	68	17.0	20	5.0	179	44.9	-		399	56.8
Total	45	11.3	130	18.5	105	14.9	35	5.0	242	34.4	146	20.8	703	100

Table 6
District wise distribution of citizenship holder and non-holder Kamaiyas

District	Citizens											
	Yes		Number		missing		not-stated		Not-eligible		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Bardiya	106	67.1	33	20.9	12	7.6	-	-	7	4.4	158	22.5
Dang	-	-	-	-	-	-	146	100	-	-	146	20.8
Banke	225	58.4	30	7.5	4	1.0	-	-	140	35.1	399	56.8
Total	331	47.1	63	9.0	16	2.3	146	20.8	147	20.9	703	100

freed Kamaiyas in one hand and on the other hand, they have been missed in the government statistics. So they are obliged to work as Kamaiya again.

7.6 Citizenship holder and non-holder Kamaiyas

Table 6 deals the total number of citizenship holder and non-holder population of missing Kamaiyas. More than 65 percent of Kamaiya population is not stated whether they hold citizenship or not. But according to the given data, it is found that 26 percent of them have citizenship whereas 3.7 percent have not got their citizenship yet. Likewise 0.4 percent population is not legally eligible to get citizenship. The main reason to be the high population of not stated and missing citizenship holder may be the fault of enumerators or lack of respondents' understanding about the subject matter.

7.7 Sex distribution of missing Kamaiyas

The above table presents the sex distribution of missing Kamaiyas. The

table has clearly shown that the vast majority of missing Kamaiyas is male, which is 95 percent of the total number. The rest of 5 percent is female. It is the general practice to count male as Kamaiya but this survey report here also has counted the females as Kamaiya. Generally, they involve as domestic and agricultural workers and called by different names i.e. Kamhari. This report, however, could help the stakeholders formulate special policies and programmes for the well being of Kamaiya women as well.

7.8 VDC wise distribution of missing Kamaiyas

This field survey has covered 34 village development committees (VDCs) of three districts (Bardiya, Dang and Banke). Among them Naubasta and Bankatuwa VDCs of Banke district have been found with highest number of missing Kamaiyas. 95 of missing Kamaiyas are counted in each of the districts. Likewise, in the Goddhiya VDC of Dang district, 73 missing Kamaiyas have been counted. The lowest number of missing Kamaiyas is counted in Bijauri, Gadhawa and Urahari VDCs of Dang district and Dhaduwar VDC of Bardiya district where only one missing Kamaiya is counted in each of the VDCs. The detail figure can be seen in the appendix.

8. Conclusion

Based on the above findings, the conclusion is drawn as follows:

- There is still a big volume of Kamaiyas, who have been missed on the statistics.
- Most of them have not suitable land for cultivation.
- In Banke district more missing Kamaiyas has been counted in comparison to Bardiya and Dang Districts.
- Government in Banke district has not paid attention a lot to collect the exact data about Kamaiyas.
- Some of them are still working as Kamaiya and most of them are working for a long time as bonded labour with miserable condition.
- Most of the missing Kamaiyas whether they are citizenship holders or not are not specified clearly.
- Big volume of missing Kamaiyas are Male, whereas few number of female are also counted as Kamaiya.
- Large numbers of Kamaiyas and landlords have belonged to the tharu caste.
- There is still a large number of Kamaiyas who are missing in some of the VDCs of Banke district.
- The overall conclusion is that the government is not serious for the elimination of bonded labour system and not taking effective action for rehabilitation even after their liberation.

Table 7
District-wise sex distribution of missing Kamaiyas

District	Sex					
	Male		Female		Total	
	No.	%	No.	%	No.	%
Bardiya	148	93.7	10	6.3	158	22.7
Dang	136	93.2	10	6.8	146	20.7
Banke	384	96.2	15	3.8	399	56.6
Total	668	95.0	35	5.0	703	100

9. Recommendation

Based on the above conclusion, following are the major recommendation.

9.1 Immediate

recommendation

Data related to Kamaiyas must be updated and missing Kamaiyas must be included in the national statistics as soon as possible.

Alternative provisions must be guaranteed to solve their hand to mouth problem.

It is needed to provide health facilities to the Kamaiya family. Provisions of employment to them should be set up.

Implementation of the fixed minimum wage of agriculture labour should bring into effect.

Awareness programme focusing their problem must be geared up.

Interaction programme among different communities should be launched effectively.

9.2 Policy oriented

recommendation

The following policies and programmes should be launched/implemented for the long-term resolution of Kamaiyas problems.

Provision of free and compulsory education to their children.

Vocational education to them for alternative employment.

Encouragement and assistance on different opportunities.

Women empowerment programme.

Free health facilities to them in the local level.

Most of the Kamaiyas should be included within governments' accurate record and if they are not, government has to initiate for that immediately.

Non-government sector should take initiation for collecting accurate data.

Appendix 1 Distribution of Missing Kamaiyas

VDCs	Districts			Percent covered the total frequency
	Bardiya	Dang	Banke	
Manpuratapara	17	-	-	2.4%
Rajapur	5	-	-	0.7%
Mahamapur	52	-	-	7.4%
Badalpur	12	-	-	1.7%
Patbhar	8	-	-	1.1%
Mainapokher	6	-	-	0.9%
Dhaduwar	1	-	-	0.1%
Kalika	10	-	-	1.4%
Daulatpur	24	-	-	3.4%
Deudakala	12	-	-	1.7%
Beluwa	2	-	-	0.3%
Motipur	6	-	-	0.9%
Bhimapur	3	-	-	0.4%
Dhikpur	-	24	-	3.4%
Tribhuvan Municipality	-	5	-	0.7%
Dadhuwa	-	13	-	1.8%
Urigaon	-	7	-	1.0%
Bijauri	-	1	-	0.1%
Urahari	-	1	-	0.1%
Manpur	-	5	-	0.7%
Narayanpur	-	2	-	0.3%
Chaulahi	-	4	-	0.6%
Gadhawa	-	1	-	0.1%
Lalmatia	-	2	-	0.3%
Laxmipur	-	3	-	0.4%
Saudimar	-	5	-	0.7%
Gobdhiya	-	73	-	10.4%
Baijapur	-	-	69	9.8%
Binauna	-	-	64	9.1%
Naubasta	-	-	95	13.5%
Bankatuwa	-	-	95	13.5%
Rajhena	-	-	58	8.3%
Samserjang	-	-	15	2.1%
Ranimapur	-	-	3	0.4%
Total	158	146	399	100%

Trained Ex-Kamaiya has been to offer with employment, right after conducting vocational training.

Compulsory education to all Kamaiyas should be guaranteed.

Provision of informal education to the children of ex-Kamaiyas and agricultural labour.

Adequate rehabilitation programme to all freed bonded labour.

Necessity of awareness and interaction programme among Kamaiya community.

Provision of regular monitoring to find out the present situation of ex-Kamaiyas.

Proper implementation of fixing minimum wages of agricultural labour.

Training to the Kamaiyas about modern and scientific agricultural system.

Coordination among the programmes operated by ex-Kamaiyas.

Thirteen Years of Human Rights: an overview

By Ryan Douglas¹

Thirteen years ago, Informal Sector Service Center (INSEC) was born. Over the past thirteen years, INSEC has managed to develop five regional offices, fifty local networks, and at least one representative in all of Nepal's seventy-five districts. As we know, maintaining such a widespread network of individuals has been quite difficult with the increase of violence between the Maoist insurgents and the Royal Nepalese Army (RNA). Recently I was attending a conference in Denver, Colorado on "Reporting on Human Rights", the guest speaker said that the Human Rights worker who is out in the field collecting data and interviewing victims has a 75 per cent chance of being the next victim of a human rights violations. This usually comes in the form of threats and violence perpetrated by both sides. These district representatives should be applauded for their sincere dedication to the cause of Human Rights and for their bravery in such dangerous times.

With a recent proposal for renewed talks, the people of Nepal can only

hope for the best, but the headlines in the paper continue to read of violent clashes between the Maoists, RNA, and police forces. Most troubling are the reports of the police shooting young unarmed civilians as they are running away. The police use the excuse that they yelled for the children to "Halt" but they continue to run as fear of the police in the rural hills of Nepal is on par with the fear of the Maoist rebels. During times like these, it is imperative that INSEC continues diligently in their support of human rights and their monitoring of such violations; a task INSEC will definitely continue.

So what has the last thirteen years been like for INSEC and Nepal: a *Yam between Bhot and Muglan*². Nestled between two giant neighbors, China and India, Nepal was once envisioned to become a *Zone of Peace* or an Asian Switzerland. However, this imposed identity makes the present situation all that more disturbing. In the past 50 years, Nepal has witnessed the overthrow of the Rana rule, the return of the legitimate monarch, the

implementation and failure of the Panchayat system, the People's Democratic Movement in the spring of 1990 and sadly the insurgence of violence between the Maoists and the RNA and finally the murder of King Birendra and the immediate royal family on 1 June, 2001.

Throughout these troubling times, INSEC has come to the forefront of investigating, exposing, and publishing the trials and tribulations that have attacked the most basic rights, Human Rights. During the 45 days of imposed "State of the Emergency" INSEC continued to push the boundaries of freedom of press. At the same time the formal operations of INSEC were carried out by the following Program Centers: *Human Rights Education Center, Child Rights Center, Women Rights Center, Agricultural Workers Center, Non-Discrimination Center, Human Rights Yearbook and Documentation Center, and the Management Support Center*. Over the past thirteen years and through the development of these various centers, INSEC has grown from primarily investigating Human Rights, to publishing magazines - *INFORMAL*, *Prachi*, *Human Rights Situation Reports* and the *Human Rights Yearbook*, to an active member of civil society that has undertaken the difficult task of program implementation at grassroots organizing. Their active role in social change has without a doubt left a lasting impression on the citizens of Nepal and continues to help shape their society through the promotion and protection of human rights.

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2 Gyawali, Dipak. "Yam between Bhot and Muglan: Nepal's Search for Security in Development" in *State of Nepal*, Kanak Mani Dixit, Shastri Ramachandran (eds). Himal Books, Lalitpur 2002.

In the following pages I would like to highlight some of INSEC's successes over the past thirteen years and conclude with an assessment of the current human rights situation in Nepal. This assessment will include both my views in light of the work that INSEC has done over the past thirteen years and also my own personal views in light of the research I have done and the experiences I have witnessed while staying in Nepal. This paper is not an all-inclusive history of INSEC and human rights in Nepal, as that would warrant an entire yearbook itself. However, this overview of some key campaigns and assessment would bring light to the ongoing struggle here in Nepal through the eyes of the local organization and a western outsider. The goal of this article is to reinvigorate the memories of those who are familiar with INSEC's work and to ignite an interest for those who are being introduced to INSEC.

Plight of the Kamaiyas

The condition of the *Kamaiyas* (bonded laborer) was one of slavery. This indentured servant was controlled by the debt that their family has incurred under the large landowning masters in the mid-West region of Nepal. Though slavery is outlawed, the *kamaiya* system has been allowed to continue despite its obvious slavery condition. The fight on behalf of the *kamaiyas* was one of INSEC's earliest battles and victories. In 1991, INSEC initiated a study of the *kamaiya* system and published the results. In 1994, INSEC set out to emancipate over 40,000 *kamaiyas* through the work of the Kamaiya Liberation Forum.

In 1996, the First National Conference on Kamaiyas was held and a detailed plan to liberate the *kamaiyas* was set into motion. A formal committee was established

and the lobbying of the Nepali Government followed. Some of the demands that were being made were; abolish the *Saunki* (loan), resettle the *kamaiyas*, provide employment opportunities, establish set working hours, a fair wage for the work being performed, inclusion of political rights, free education for *kamaiya* children and establishing *kamaiya* rehabilitation communities at the government and NGO level.

Even though INSEC had helped the *kamaiya* community achieve a ceremonial and legal victory, the ongoing struggle to fight the social structures that enable such a system continue to be waged. The entire system that regulated the way of life in mid-west Nepal had to go through a social, economic, and cultural overhaul. The outcome of such a difficult procedure is under constant scrutiny by INSEC and continues to be refined as needed. This early victory became a pillar of INSEC's work and a foundation for further work.

State of Emergency

On 26 November 2001 the declaration of the State of Emergency was imposed as was the newly drafted Terrorist and Disruptive Activities, Control and Punishment Ordinance (TADO). The rights guaranteed by the 1990 Constitution were suspended. Similar antidemocratic steps were being implemented in other countries as September 11th had changed the way governments dealt with violence. Unfortunately, civil rights were now under attack in many of the world's democracies. Anti-democratic action by the state, usually translate to anti-democratic behavior among its citizens. Both of these work toward the deterioration of civil society and create an atmosphere for further destructive action to occur. However, INSEC took this as a challenge to

continue with their programs and stay true to their ideals.

Even though the right to publish was banned during the State of Emergency, INSEC stepped up their efforts to publish specific reports on human right violations during this time. The first was a brief called, *One Month of Emergency* and was complimented by a interactive program that brought together 62 human rights activists, reporters, lawyers, and members of parliament: "Civil Rights during the State of Emergency." Another publication was *Prachi*, a Nepali version of the incidents. Continuing under pressure from authorities, INSEC published its regular magazine, *INFORMAL*. This issue was specific to the State of Emergency and the continuation of gathering date for the *Human Rights Yearbook 2002*. Seven months into the imposed nine-month State of Emergency, INSEC published a situation report that covered incidents from April to June 2002, followed by a dedication to carryout proposed programs.

Various protest programs were organized such as a 24-hour sit-in, a weeklong relay-hunger-strike, and then weekly rallies every Friday. Interaction programs within the five regions of Nepal were organized; with a total attendance of 822 local representatives, judges, security personnel, district administrators, political leaders, industrialists, activists, etc. These symposiums were a joint effort of the INSEC's head office in Kathmandu, INSEC's regional offices, affiliated human rights organizations, and representatives of the *Human Rights Yearbook*.

Another highlight during the State of the Emergency was a weeklong tour by delegates from the Coalition for the International Criminal Court (CICC), which INSEC hosted. This

brought a great deal of media attention to the situation and to INSEC's undeterred involvement in human rights in Nepal. Though the rural areas were more dangerous now than ever INSEC conducted a fact-finding mission of the bus burning incident in Chitawan, where a nine year-old child was burned along with five others trapped in the bus. Throughout the nine months stint, INSEC investigated and published their findings despite the ban on publishing.

INSEC also looked outside their communities to heighten the awareness abroad. Coupled with other INGOs, two workshops on litigating human rights were conducted. The first was on "Complaint Filing Procedures to the UNHRC" and the second was on "Litigating Human Rights in the State of Emergency." These workshops brought noted guest speakers from the UNHRC, the Human Right Center at Queens' University in Belfast, and other organizations. Its goal was to support and enhance the capabilities of lawyers, judges, and activists to continue with their tasks. These workshops were complimented with an increase in international networking with like-minded organizations.

In line with INSEC's overall agenda, research on "child labourers" and the "Child Rights Awareness Assembly" were implemented. Furthermore, INSEC conducted a massive survey throughout the country to help access the current and future needs of their fellow citizens. The survey was administered in 4,800 households in 20 districts. Another advancement of INSEC's involvement in human rights was established through the

Consultation on Human Rights Treaty Monitoring. This became the foundation for the ongoing "Human Rights Treaty Monitoring Program." This program operates under the umbrella of the "big six" treaties: International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social, and Cultural Rights (ICESCR), Convention on the Elimination of All Forms of Racial Discrimination (CERD), Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), Covenant Against Torture (CAT), and the Convention on the Rights of the Child (CRC). All of which have been signed, ratified and unfortunately defied by the State of Nepal.

The State of the Emergency suspended the rights of the people, however, INSEC worked hard to keep their rights alive or at least not to be violated, without opposition. Investigating human rights violations is never easy, but it was significantly difficult during the State of Emergency. Pressure from authorities and maybe some oppositional forces found their way to the individuals and offices of INSEC. Intimidation was a tool used to silence INSEC, but it was futile and has heightened their duty to continue to investigate and publish. The State of Emergency was a challenge not only for INSEC but also more importantly for the people of Nepal that have little or no voice at all. During this time, INSEC succeeded in being their voice and fulfilling their duty. Furthermore, INSEC continued to monitor authorities and their actions, sending out a message to the government that the people will be informed.

Human Rights Yearbook: 11 issues strong.

In 1992, INSEC published its first

Human Rights Yearbook. This became an annual publication highlighting the previous years' violations and developments in human rights in Nepal. This was a big step for organizations in Nepal. Previously, outside organizations were operating such ventures. The development of a local organization made of Nepali citizens who were working on behalf of their own country has been truly revolutionary in the "development debate." Finally, the world is realizing that Americans, British, Indians, Germans, and Swedes cannot just come into a country with their Sports Utility Vehicles (SUVs) and throw money at the problems that exist. It is those who have everything to lose, their jobs, their rights, and their lives as citizens who are the people who possess the history, trust, and sensitivity needed to deal with such issues. This is not saying that international organizations and volunteers do not play a role in countries like Nepal; it is only suggesting that a rethinking, a localized version of implementation of these programs needs to occur. This is what the *Human Rights Yearbook* has accomplished and continues to carryout.

Each year since 1993 the *Human Rights Yearbook* has addressed a specific issue or group of people that have experienced gross violations in the past and present. In 1993 that topic was the "Untouchables." Though the caste system has been outlawed in Nepal, it is still a prominent institution on the societal level. In efforts to educate the population on human rights, INSEC sought to implant the idea of universal rights for all citizens of Nepal regardless of class or caste. Another important year was in 1996 when the yearbook highlighted the beginning of the "Peoples War" that was being waged in the name of

Marxist-Leninist ideology and being carried out with the impunity of Mao. This issue provided statistics, reports, and analysis of the present situation that erupted in Nepal. The most recent issue of the yearbook, published in 2002, highlights the State of Emergency during the previous year.

The *Human Rights Yearbook* has continued to compile detailed statistics, reports, interviews, and analysis of the human rights situation in Nepal. It has provided a constant venue to expose violations and perpetrators. Usually numbering around 200 pages, it provides a stark difference to the two to three page country reports found in other INGO annual reports. The goal and duty of the yearbook is to document, record, publish, and disseminate the information to the citizens of Nepal and to the rest of the world. The yearbook is a public demonstration to the atrocities that have occurred. It is forum for victims to tell their stories and share their pain. The yearbook is an educational tool for all and a notice to the perpetrators that their actions will not be swept under the carpet. It promotes human rights and demands accountability.

Human Rights Education Radio

INSEC has been operating Human Rights Education Radio since 1994. Broadcasting nationwide on FM Radio Nepal, the program has been able to reach millions of people who lack the resources that are afforded in the larger cities like Kathmandu. Additionally, radio breaks down the barriers between the educated and illiterate populations who tend to be marginalized the most. Similar programs are becoming popular all around the world; one that I am personally familiar with is F.I.R.E. in Costa Rica, which aims to educate

rural women about the issues that are affecting their lives.

The radio program works toward educating the rural people on the issue of human rights through a few different methods. The program is 25 minutes in length every Saturday morning at 8:35 am. This time slot allows the program to reach the majority of the people before they leave the house to enjoy their holiday. The program consists of three parts; the first is information on specific issues, then there is a drama, and then the end of the program is spent responding to listener's questions, letters and upcoming activities.

The radio program has been such a success that listener clubs started forming at the local level among interested youths. The rural youths were intrigued by the topics being discussed and wanted to learn more about what was going on in their country. In 1998, the National Committee of Human Rights Education Radio Listener Clubs' (HRERLIC) was founded among a gathering of the representatives of the Radio Listeners' Clubs from all around the country. This was the first national conference of the Radio Listeners' Clubs with the initiation form INSEC. Since then, the clubs have grown to over 600 individual clubs and over 5,000 participants. The HRERLIC continues to promote the goals of disseminating human rights education at the grassroots level, preparing young human rights activists, strengthening local human rights clubs, and promoting documentation and volunteer work among the club participants. Every three years there will be a national conference that will bring club members together to network and discuss the human rights issues affecting the country.

Conclusion

As the evidence has shown, the past thirteen years has seen some amazing transformations taking place in Nepal; some positive, others atrocious. However, INSEC has taken an active role in making Nepal a more learned and peaceful country. The most important step that INSEC has taken over the past thirteen years has been their transformation from documenting violations to actively combating human rights abuses on the local and national level. Their specific work through district representatives has been daunting but most beneficial. Their continued pressure on government under the state of emergency has proven to be hallmark to INSEC's survival. More importantly, the ability to work under threatening times shows to the government, the Maoists, and their constituency (the people of Nepal), that INSEC is not going to be the type of organization that withers away with the first sight of trouble. They can be depended on to stand up for the victims and their families.

Where does this put INSEC in the future? Human rights have often been left in the legal realm and not the social and political realm. In fact, some feel that the issue of rights is purely legal. However, if human rights are left for legal scholars and lawyers, then many will continue to suffer as often the legal explanations or precedence lacks the ability to implement the laws created. This is where society and politics have to step in and do their part in the overall goal of establishing such ideal concepts in society. The social sphere can be the vehicle for programs and education implementation, but the political sphere needs to be willing to be the enforcer in conjunction with the judicial members of government. This interdisciplinary approach will

only better the condition of Nepal and ultimately human rights around the world.

In the book titled *The Power of Human Rights; International Norms and Domestic Change*, the authors' layout a five-point plan that discusses the evolution of human rights that often occurs in countries struggling with human rights issues³. I believe that these five phases fit well with the struggle in Nepal and the role INSEC has played and must continue to play. Below I will discuss these five points with this in mind.

The first phase occurs under a repressive state and the activation of a human rights network. Foreign journalists, investors, or organizations that are drawn to such areas, are often the one's who spark this initiation of networks. This is a key and vital role for the outsiders, but without a strong foundation among the people these organizations lack the insight and ability to propel the movement to the next phase. This is where local organization like INSEC fill the necessary requirements. Acquiring accurate information on abuses and networking among the people are important for moving onto the second phase; the yearbook fulfills this requirement perfectly.

The second phase is dominated by "denial" from the state actors. The repressive state wishes to discredit the organization and its findings. This may occur through various subversive methods from public outcries, threats, and even violence against the organizers and their families. The state usually attempts to limit the rights of publication, which has occurred during the state of emergency while announcing to

the international audience that these issues are internal matters to be settled by the government. Again, the international actors (journalists, human rights activists and organizations) need to step up their support of the local people and to continue to pressure their own governments to acknowledge the problems that are going on in Nepal. The world has seen similar examples like the economic sanctions on South Africa, the publicity campaign against Milosovic and even the exclusion of particular countries from international organizations like Turkey in regards to the European Union. Once the problems have reached the rest of the world, it becomes a global issue and cannot be limited to an internal problem for the local government to handle. This allows for the advancement to the third phase.

This phase is called "tactical concessions." The authors agree that this can develop in two ways. One example may open up political space for domestic opposition that will lead to overall change. I see this method experienced through the "People's Movement of 1990", though it fell short in the long run. It is up to INSEC to continue the struggle of human rights in light of anticlimactic effects of "multiparty democracy." It is imperative that both the people of Nepal and organizations understand that democracy is not merely given or handed over, but it is like a child that needs to be raised and nurtured. Politicians, regardless of country origin or style of government are unique individuals. Many are quite energetic and have charisma to win the hearts of the people, but they often lack the self-control to operate outside the realm of corruption. Therefore the will of

the people is compromised through this behavior.

This is where human rights and politics are intertwined. Accountability within the government is necessary in the promotion of the human rights. Regular elections and a participatory electorate help develop a foundation for human rights. When the government knows that their job is on the line based on how they enforce the laws and act, then they will be forced to tow the line and represent the will of the people. I see INSEC's additional role in human rights as an educator and organizer of good citizenship. They must instill both the political and human rights among the people of Nepal because these two are closely related and work hand in hand with each other. In addition, as a member of civil society, this is part of their civic duty.

The other direction that the third phase can follow is that the state attempts to buy off the pressure from external actors. Being that Nepal is not an economically dominant country in geo-politics, this is difficult. However, it can work on a local level with China and India for financial or military support to squash any internal problems in the name of regional security. This too has occurred but to a lesser extent than the previous movement back in 1990.

The fourth phase is called the "prescriptive status" stage. This is INSEC's current phase of operation and may be the most time consuming. Here the government accepts the idea of international human rights norms as being legitimate. The government signs and ratifies international treaties which Nepal has signed all of the "big

3 Risse, T., S.C. Ropp, and K. Sikink. (eds) *The Power of Human Rights: International Norms and Domestic Change*. Cambridge University Press 1999.

six" treaties. However, the problem lies in implementation or consistency in implementation. Even though these norms are legally accepted, they now need to be socially institutionalized among the people and government. Here INSEC plays a valuable role educating the public while monitoring the government's behavior with regards to the treaties signed. The treaty-monitoring program that INSEC has developed is doing just that. As have the past issues of *Human Rights Yearbook* with articles about the problems of the Untouchables, women's issues, etc.

Unfortunately, I continue to meet many middle-class "human rights activists" who continue to enforce the social norms surrounding such inequality in the name of culture. I have had dinner at many houses where there is a child domestic servant, *kamgarnes*. Children should not be working in this capacity, especially considering these children are not being paid a wage but merely living subsistent off the patronage of their "master". Another common practice is the employment of children on public transportation. On most buses around Kathmandu, the money collecting and door person is a young child. A child who should be in school not hanging outside of a tempo or bus taking money from the riders. More often, women rarely eat at the same table as their husbands and guests. If equality is to be realized then one's wife should enjoy the right to eat as part of that family. Until cultural discriminations are abolished socially, human rights are a mere afterthought in the clouds of intellectuals: The promotion of human rights starts with the individual, human rights are of the most basic nature and they transcend the cultural norms. This is where the human rights discussion becomes

very difficult, but is where the most important battles are waged.

The treaties will never mean anything in the eyes of the government officials unless they hold truth in the citizens of Nepal. With this said, it does not mean that the United States and other countries of the west are immune to similar abuses. Domestic violence and the lack of legal cooperation with the victims still plague our so-called "advanced society." Discrimination based on race, religion, and sex is also still occurring and will, even though we have made improvements from our past. Such occurrences only bring attention to the idea that human rights are not only for developed countries, but human rights constantly need to be protected. Human rights are not a state of being, but rather a constant aim to protect and promote. This leads one to the fifth phase in the theory laid out by Risse, Ropp, and Sikink.

The fifth and final phase is never-ending. This is the phase called "rule-consistent behavior." Once the leap from the fourth to the fifth phase occurs, INSEC must be willing to continue to monitor, document, and

publish violation. This I am sure will be done. Furthermore these phases may not occur as distinct changes, but instead they often evolve over time and hard work. Somewhere between the fourth and fifth stage there is an area of ambiguity; a directionless void where the previous hard work and suffering is easily lost. Again, INSEC along with their partners in civil society must fill this void and provide direction to the movement that is occurring in their country. The battle for human rights is never-ending and only through dedication does the fight continue. Given the past record of INSEC I am confident they will continue the fight, while the direction of the fight will have to encompass a broader range of issues. The political fight will be an important area for INSEC to investigate as well as the cultural. INSEC must continue to open up the discussion around cultural norms and practices and develop a culture of equality in light of human rights. As an outside researcher and observer I can only offer my opinions and experiences an ultimately wish them luck not only for the organization but also for the people of Nepal.

Laughter-the Best Medicine

Once there was a boy whose parents named him Odd. Other children used to tease him about his name, but he struck out his chest and refused to be bothered. As he grew up, people continued to make fun of his moniker - even after he became a successful attorney. Finally, as an old man, he wrote out his last wishes. "I've been the butt of jokes all my life", he said. "I'll not have people making fun of me after I'm gone". He instructed that his tombstone not to bear his name.

After his death, people saw the large blank stone and said, "That's odd".

Source: Readers Digest
(Contributed by: Jennifer Kuiper)

Internal Displacement : A Glaring Problem in Nepal

DEFINITION

Internally Displaced People refers to, on the one hand, the people who are forced to leave their villages due to direct threat to their lives from the Maoists, or from the government forces; and on the other hand, it refers to the people who have lost confidence in their possibilities of growth within their immediate surrounding.

The recorded first evidence of internal displacement came from displaced people from Jajarkot district to Dang district. Later on, displacement within Nepal increased dramatically and reached beyond districts. Nepal, as a nation, started to feel the impact of such displacements. The concerned bodies did not address the growing trend, and still try to ignore the question and the need for research and authentic data.

INSEC launched the following and on-going research to highlight the causes, trend and socio-economic consequences of internally displaced people within Nepal, as to further develop programmes to respond accurately to the displaced peoples' needs, and root causes of displacement for the betterment of the nation of Nepal. The initial study was conducted in at least one or maximum three districts of each development region. Some of the results will appear in the upcoming issue of "Human Rights Yearbook".

CONTEXT

Traditionally, the deprived and remote areas of Nepal developed as self-sufficient communities, where elected bodies represented people at the village and district levels. Security forces, limited in number, stayed at the District Headquarters. Their major role was to protect citizens from crimes.

Since the so-called Maoist movement originated in Nepal in 1996, and especially in these deprived and remote areas, the level of violence within the poor communities increased drastically. Therefore, the local security forces did not have the effective and infrastructure to efficiently protect the citizens, and control the spreading of the Maoist rebellion. More remote the communities were, more the Maoists had free access and control over communities. In 2001, the government declared a State of Emergency and became pro-active in their efforts to curtail the rebellion. Today, although the State of Emergency is lifted, His Majesty the King has vowed to eliminate the insurgency. To do so, the government increased its effective concerns in the vulnerable districts. Consequently, the Maoists now face opposition to their policies, and tension between the government forces and the Maoists is raising day-by-day. Unfortunately, the poor people stand between these two forces: they are often accused wrongly of being partisan to one side, and are

threatened by the opposite side; they have their sons and daughters captured to join the Maoist movement; they are victim of mass killing, and sometimes seek for revenge; they bury members of their family every day; their capacity to cultivate land decreases; their schools and health clinics have closed. In other words, the life of the people living in these communities is threatened, and their capacity to better their life is absent.

INTERNALLY DISPLACED PERSONS

Because of the reasons mentioned above, village people leave their communities for places, which are safer and/or can offer possibilities for growth and peace. These people usually move to the district headquarters, towns nearby their villages, other cities and even in the capital city of the country.

There are, in general, three categories of displaced persons: the often threatened people politically involved in one party or the other; the non-political villagers who live in fears because of the whole situation or because they have received direct threats from the Maoists, or from the security forces; and the people who just have lost hope in their economic and social surrounding. Depending on the level of fear, the social status, responsibilities or age, people migrate alone or with all their family. The youth generally moves to Kathmandu alone. Kathmandu has become a

hiding place for them, and a city offering hope to find work. The father of the household will be tempted to go to work in India, or in the Middle East. Full households would generally make a first move to the headquarters of their district or to a near village where they can seek for a new land or new establishment, and if possibilities seem to them negative, the family would eventually plan for Kathmandu.

According to our research, it is clear that the displacement of people is an on-growing trend, and will remain growing until the conflict ceases between the Maoists and the Government. What can be done to curtail this trend will request efforts of all players of Nepal society, as this issue is a complex one.

Internal displacement has been a glaring problem since 1996 when the Maoist movement originated in Nepal. Nepal is facing the Bhutanese refugee problem since a decade and at the same time internal refugee problem has been added to the country.

The people from the conflict-prone districts have been displaced to the district headquarters, towns nearby their villages, other cities and even in the capital city of the country. The common people have not felt secure both from the government security forces and the Maoists to stay in their original places. So the people with all their family members are regularly being displaced for finding safe places.

In the upcoming issue of Human Rights Yearbook, INSEC is trying to include an investigation report mainly focused on the problem of internal displacement. INSEC for this purpose had launched an initial study at least in one or maximum in three districts of each development region. District-

wise preliminary reports have been presented below :

Udayapur District

Only 32 internally displaced people have informed to the district administration office about their unwillingness to return to their village due to the Maoists. According to the report from the district administration office total 2,285 people from this district have made their passport since January 2002 to November 2002.

It is found out that total 5000 people from 250 households have been displaced from the district. Among them some are living in the district headquarters and some of them at neighbour by districts and also in Kathmandu.

Ramechhap District

All together 150 people have formally informed the District Administration Office stating the Maoists problem as their reason for displacement from the village. The Ministry for Home has sent Rs. 200 thousand to distribute for them on daily basis.

An estimate shows that the number of displaced people is higher than the government's record. More than 1000 people have been displaced from their village. Among them, some of them are doing some business in Kathmandu and some are unemployed. Due to the fear from the Maoists, local political leaders have not gone back to their village for one year.

Sindhuli District

This also lies in Janakpur Zone, the mid-region of the country, where there are 53 VDCs and a Municipality all together. According to the collected information from 36 VDCs, total 81 people have been displaced. The people from the Lampantar,

Bhuwaneshwari, Hatpate, Jhangajholi, Purano Jhangajholi, Bhakuwa, Sirthouli, Mahadevsthan and Kalpabriksha have been displaced most. Among the displaced persons some are staying in the district headquarters, some are in the neighbouring districts and some of them are living in Kathmandu. Most of them told their reason for displacement as the fear from Maoists.

Baglung District

According to the report from the District Administration Office, only 65 people have formally informed their displacement from the villages but none of them are getting subsidies till now.

The rate of displacement is increasing. Nearly 200 households from different VDCs are displaced to the district headquarters, Pokhara, Butwal, Kathmandu and other parts of the country. Among the displaced people from the Tara VDC, 40 of them again returned to their village. But 30 people from Burtibang VDC, 5 from Argal, 12 from Damek, 10 from Amalachour, 5 from Resha, 8 from Sarkuwa, 6 from Narethati and 4 from Kushmi VDCs, have been displaced due to the possible attack from the Maoists. The displaced people hesitate to talk openly. So the accurate number of them is difficult to assume.

Banke District

Most of the local political activists of Nepali Congress, CPN (UML) and Rastriya Prajatantra Party have been found displaced. The displaced people from different villages have filled their application in the District Administration Office of Banke district for subsidies. According to the information from District Administration Office(DAO), total 84 people including 21 people from Banke district, 22 from

Bardiya, 12 from Kalikot, 7 from Janjarkot, 7 from Dailekh, 4 from Salyan, 3 from Jumla and 2 from Dang have applied for proper subsidies. But none of them have got any compensation. The District Administration Office said that the Ministry for Finance still has not allocated budget to them. So it has been delayed to distribute relief to the displaced people.

CPN (UML) Whery Zone office informed that their 12 activists have been displaced from different districts of the Zone. Different political parties informed the displacement of their activists. All together 47 political activists including 23 of Nepali Congress, 10 of United Peoples' Front, 2 of Nepal Workers and Peasants' Party have been displaced from different villages of Banke.

Rukum District

This is one of the most conflict-prone districts of the mid-western region where 43 VDCs and 2 election constituencies are located. The total population of this district is 14,60,000.

After the origin of Maoist movement, the problem of displacement started over here. Till now nearly 100 local representatives, 500 political activists and 20,000 youths have been displaced due to the frequent attack and counter-attack both from the security forces and Maoists. The youths have gone abroad or in the different parts of India for employment. Likewise, the local representatives and the political activists have been displaced in different parts of the country.

Salyan District

Nearly 4 dozens of family of the district have been displaced due to the Maoist problem. District

Administration Office Salyan recorded total 68 households has displaced from the district and the rate of displacement is still hiking.

Dang District

Total 40-households from the district have been displaced and the record of Dang District Administration Office shows that the total number of displaced household is 33. The number of displacement is still hiking.

Bardiya District

Particularly the people from 11 VDCs of Rajapur area have been displaced. Nearly 200 households from Rajapur have been displaced, on account of the involvement of their family members in the security forces. Nearly 100 political activists from the villages have been displaced due to their different political beliefs from that of the Maoists.

All together 137 households from different villages of the district have informed their displacement in the District Administration Office, Bardiya. Likewise, 60 households of Kailali district have informed their displacement in the Area Police Office Tikapur, Kailali.

Dailekh District

Nearly 250 households from the district have been displaced and still it is ongoing. The details of their displacement are as follows:

- Total 150 households have been displaced to India in search of work.
- Twenty-seven households are living in the District headquarters from different villages.
- Thirty-one households have displaced to the Surkhet, the neighbouring district.
- Eleven households are living in Nepalgunj of Banke district.

- Five households are displaced to Kathmandu.

Causes

- Political Revenge.
- Frequent threats and challenges from the Maoists.
- The Maoists' obstacles to the local representatives to be involved in the people's work, by declaring baseline area and independent land.
- Events of inhuman killings, operated by the Maoists.
- Lack of physical struggle with the Maoists.

Consequences

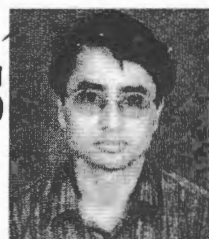
- Hunger and Starvation due to the lack of productivity.
- Price hiking of local agricultural products by deteriorating the agricultural products.
- Unemployment.
- Lack of education, health and sanitation facilities.
- Lack of credibility.
- Youths have been frustrated by the violence.
- Lack of awareness.
- High density in the city areas.
- Declining per capita income
- Physical and mental torture on children, women and the older people.
- Developmental works have been postponed.
- Inactive political affairs.
- Discriminatory local administration.

Conclusion

Displacement has been a great problem of the country and different obstacles have been invited due to this. The social, economic and cultural condition of the nation has also destroyed. Here are some causes and consequences of displacement in conclusion.

Nepal in Deepening Crisis

(A cursory analysis of internal conflict)



-BalKrishna Kattel

A weapon is an enemy even to its owner.

-Turkish proverb

The word 'Nepal' used in this article reflects a brief picture of Nepal after 13 February 1996. Nepal, at present, is obviously in crisis and different from the Nepal before the genesis of 'People's War'. This article, therefore, presents the cursory analysis of Nepal of the 'People's War' and aftermath.

'War' as we see today in the context of Nepal, is savage violation of people's basic rights. Statistics show that more than 7200 people have been killed so far in connection with 'People's War'. Both the Maoists and the State are responsible to these skirmishes and both have been promoting this mishap. The killings have become the natural order of Nepalese people and it is just seen as "the way things are." Life has always been like this for 7 years after the CPN (Maoist) launched their 'People's War' in 1996, and possibly it always will be so unless the corrective measures are used to transfer the conflict. However, only sensible reaction is 'to pursue the justice rather than the revenge for the victims of this terrible crime'. The people unemployed, women belonging to traditional lower castes, marginalised ethnic groups and people of rural areas do not need a 'War' against their cries and sufferings. They need a peaceful culture 'based on justice for all' ². The 'War', practically in the context of Nepal, has not been reverberated as a surprise, this has to be and is expected agitatedly by the politicians who are being gradually pushed 'to the margins by the regime' ³. Being the 'War' based

on Maoists perspective and theoretically scientific and justifiable, it has come to be barbarous in practice due to the draconian measures brought into use by the rebellions and their guide 'to establish workers' paradise'. Even the State is equally responsible to add the facet of intolerance and fury in the armed-youth's 'gene' using the outdated 'herb' in the name of curtailing violence.

1. Background

Seven years back, Nepal was caught into the arm conflict driven by mid western people (people of Rukum, Rolpa, Salyan and Jajarkot) under disparate poverty, illiteracy and scarcity. The 'War', as seen in the present eyes, is savagely violating the people's most basic rights, was virtually bound to grow in perspective. Even after the change in polity after the mass movement in 1990, the socio-economic structure of people remained unchanged. The democratic government established in the aftermath of the popular movement accelerated its policies dividing people into two groups: fairly affluent and fairly poor. The division was so extremely widened that it revealed tremendous difficulty to cross that gorge. Even the so-called leftists broadened the gap by adding a fork of principle- nothing can be done unless the apex of power is seized to exercise incessantly, in the gorge.

The democratic umbrella also could not provide refreshment indiscriminately. People were reportedly seen in the forms of 'haves' and 'have nots'. Beneficiaries were termed to be only those who hover around the four-star umbrella completely disowning any sort of loyalty to the oppositions.

People's participation in the policy making as well as the government's job-contracts required swearing absolute obedience to the Nepali Congress party. Those who denied to be enlisted in the party as members were ruthlessly suppressed with black listing against the government jobs and extra-judicial torture. Even the bureaucrats in no fewer amounts aided escalating the suppression. They could not be undergone according to the norms and values of new system, for they were only given a coat of new paint under the old structure but not the training. In the whirlpool of 'visionless government' (as Girija Prasad Koirala repeatedly has said in the mass meetings), the common people were caught up and obliged to live in the suppression and poverty.

The people living in the districts like Rukum, Rolpa, Salyan, Jajarkot and other western districts were in the quagmire of illiteracy, lack of development, ignorance and poverty. They were far off quotas, contracts, careers and investment portfolios to build. They were not supposed to be the object to address in policy 'centralization' or 'decentralization', 'infrastructure development' or 'sustainable development', 'internal help' or 'self help'. Instead of narrowing the poverty gap, the government added the people with legal corruption and inhuman torture leading them to the bleak future. People's anticipations were finished up in their perception instead of rendering them. The innocent people were victimized of power struggles and the enacted policies of the then government set people against each other. The repressive campaigns

launched in the diverse forms by the government encouraged the common people in their turn towards armed struggle entitling it the 'People's War'.

2. The 'People's War'

After the first general election in 1991, Nepali Congress formed the first 'democratic government' after the restoration of democracy. The government seemingly was ambivalent about the norms and values of democracy. Only Congress and supporters and democracy were considered compatible and those in oppositions were treated as 'undemocratic elements'. The government did not only transplant into unconstitutional framework but also 'justified many unjustifiable policies and actions'¹⁵. The Congressized administration indiscriminately indulged in killing and torturing the voters who cast against Congress in the local election in 1992. The police and the administration turned a blind eye to the unpleasant campaigns of torturing and threatening by Nepali Congress youths. The then United People's Front (UPF) cadres were systematically targeted. They were suffered like never before. The extra-judicial treatment left deep scars among them. The administration also unabashedly threatened UPF cadres to join ruling party and garner support. This sort of abuse, intolerance, and clashes took place daily like between the time of 1990-1995. The repressive campaigns of the government emerged as issues of concern and transformed into frustrations. On the 'undemocratic base' provided by the 'democratic government', the 'People's War' reverberated through the nation and swelled as 'never to return to normal health'.

3. Causes of the 'People's War'

The 'War' we mistake if we see it in isolation. Emerging in a small scale as the response of anguish, frustration and hopelessness in the beginning, it has now grown to threaten the nation's 'concern to eclipse the well-regarded

values of human rights and democracy'⁶

'People's War' is even a break of 'constant movement in relationship' with the state power. For this the ruling party of the time provided with the base to boost up. The changes brought particularly in social, political and legal aspects after the movement of 1990 could not be translated to address the people's basic needs. The then government could not formulate policies and programmes based primarily on the people. Even after the downfall of the Panchayat regime, people from outlying places, from the hills and Himalayas, could not entertain any change. The introduced mechanism failed to solve many problems associated with people's basic rights. All the 'reform measures' of the existing state failed. Almost all the parties in oppositions also maintained their standard to confer silent support to the government instead of correcting the measures.

This sort of negligence and extra-judicial executions scheduled an agreement among the anti-establishments to look for an option. As an achievement of the 'failed governance', the grouped people rendered support of the scared locals and declared 'War' under democratic umbrella to 'smash the old production relation and develop new production relations.'

3.1 Government's failed policy

The democratic government could not translate people's cry. Good policies were played down in a democracy. Progress on the economic front was a big zero. People were obliged to survive in 'doles and debts'. The democracy was deemed to have restored to burden the commoners. Hope of the people from the government was evaporated. Obviously, key-underlying cause of the 'War' is poor governance introduced by the democratic government.

3.2 Impunity

Since past, Nepal has inherited a culture to highly value the 'individual interests', rather than 'the group or national interests'. The authorities reinstated after the democratic change even failed for years to combat against those responsible for human rights violations. State mechanism proved to be failure to work with transparency and accountability. They became only the tools for the benefit of a few powerful people. Public voices for the reforms of corrupt bureaucrats were played down. Common people from the high vulnerable areas were never addressed in policies. Instead of bringing the criminals to justice, they were awarded and granted the party tickets. Even the security personnel indulged in killings have been awarded⁷.

3.3 Political suppression

The Congress government even failed to open up a freedom and fair election. 'Fair and free' was limited only in the words of mass speech. Former *panchas*, the new entry in the parties, were the trusted experts to drive the democratic engine and those who sacrificed for the reinstatement of democracy were booted out. On the other front, corruption, 'deteriorating economic growth, low efficiency in delivery of public services, and undermining of the state institutions and rule of law'¹⁸ were the other causes to fuel the 'War'.

3.4 Geographical aspect

Even after the restoration of democracy in 1990, the Rapti zone could not get any face-lifting. Despite a heavy flow of the US aid with a view to eliminate poverty and backwardness from there, the common people only found themselves an object to be exploited. The adopted policy 'helping those but without their involvement' only helped the poor people to be alienated against the adopted policies and modal of development⁹. On the other hand, the local elites who were themselves supposed to be the rulers imposed discriminatory treatments on the local people and deprived them of the political rights. So the people of Rukum,

Rolpa, Salyan and Jajarkot of Rapti zone revolted against the establishment and moved ahead on the revolutionary path of armed struggle.

4. The Expansion of 'People's War'

The 'People's War' fueled from Rapti zone from the place bordering Rolpa, Rukum, Salyan and Jajarkot. It is developed as a response of despaird people who could not notice any changes in socio-economic structure,

Nepalese lives and destroying a big amount of property. The 'War' began as a very small scale of unrest in the beginning, has now blanketed the whole country as a giant tumor being the greatest problem. The map following shows the epicenter of 'People's War' and its expansion across the nation.

5. Target of 'People's War'

In the dawn of the struggle in 1996, they centered their target to establish

the politics of struggle and prepare base and infrastructure for guerilla warfare. The 'War' as Prachanda claimed in his public statement issued on 18 February 1996, was undertaken against the landlords, local feudal, bureaucrats and the capitalists whose role in rural areas and local politics was dominant. But they failed to keep their words when they chopped Krishna Bahadur Budha, 50 of Korja, Mahat VDC Rukum, a farmer, on 25 February 1996 leveling him the 'enemy of the revolution'! In

A Map of Nepal Showing the Expansion of the 'People's War'

(13 February 1996 - 30 December 2002)



socio-cultural dominance imposed by the ruling class, legal discrimination in terms of religion, language and as a response of political isolation and harsh suppression imposed by the then ruling party Nepali Congress against the communists mainly those affiliated with United People's Front. Emerged it as the transplantation of common people's anguish, frustration, hopelessness and brain drain in 13 February 1996, Nepalese society is caught in to the circular chain of social unrest claiming the thousands of

After a serious thought upon the historical context of the development of class war in the Nepalese society and the overall situation at present, it is clear that there is no alternative except through the process of revolutionary change to solve the existing problems of our society. In this context, our party has appealed the people to move forward on the path of the people's war from 13 February. Following our appeal, the masses, angered by the state terrorism of the present reactionary coalition government, have undertaken action against the landlords, bureaucrats and the capitalist class and their domination in the rural areas. Our party considers these actions as the highest expression of the class war being conducted by the Nepalese people against the reactionary forces.

Source: Human Rights Yearbook 1996 p. 116.

the same year, they attacked on local politicians, the local infrastructure and the police and ambushed two constables to 'develop guerilla war in the planned manner'.

After a year of their proclamation of 'War', they shifted their target to looting people in several places. Further they laid claim on the 'Right to Participation in Political Life' threatening the people to death if they attempted to cast vote in the local election of 1997. To establish 'base areas', they shifted their target to district headquarters in 1998 and exploded bombs in the headquarters of Rukum, Rolpa, Salyan and Dang. Even they looted jewelry and cash from the Nepal Bank Limited at Rukumkot. Arms and weapons were also looted attacking police in different districts and even laid claim on the infrastructure destroying the telecommunication of Tanahu at Jal Bhanjyang. By then they forced the teachers, civil servants to donate levies regularly and even made farmers offer them their seasonal products. By the end of 2001, the Royal Nepalese Army became the center of their target. At present, the Maoists have stepped up their attacks on members of mainstream political parties and the public utilities.

6. Effect of 'People's War'

After the Maoists began their 'People's War', thousands of people lost their lives and an untold amount of property has been lost. The very essence of human rights has been badly hurt, leaving the whole years after 1996 a bad omen.

6.1 Human rights violations

6.1.1 Maoist abuses

In connection with 'People's War', civilians have been deliberately killed to be "enemies of the revolution". Those killed by them have been alleged of spying against them. They also 'tortured captives, took hostages and linked their release to certain demands and recruited children into their ranks'¹⁰. They even killed the people by beating with clubs, rifle butts and spears who did not obey their order. Even the children including girls were deployed in their fighting squads. Further they prohibited the people from rendering death ritual of their family.

6.1.2 State abuses

Unlawful killings

Since the army have been deployed to minimize the volume of rebellions, the armies' 'one and only mission' has come to 'disarm and defeat' the Maoists. In course of their dealing they have reportedly involved in unlawful killings,

arbitrary arrest, detention, disappearance and so on. Not only the Maoists have been targeted then, even the civilians who have assisted them under threat have been badly victimized. Those who have not been identified as Maoists are also being killed under suspicion and those unable to make out the 'halt order' are being killed and have reportedly been publicized that it was an "encounter". The security forces have further been indulged killing people for baseless reason too (one of such victims is Adhiraj Kumar Sharma Dhamboji, Nepalgunj Municipality -2. He was killed when he was having betel in a shop). The incidents of Beluwa, Dang and Kahule, Nuwakot prove this fact. In these two incidents 9 ordinary people who were celebrating a harvesting festival "Pendia" at Beluwa and 5 persons including schoolboys at Kahule have been killed by the security forces on 4 December and 27 November 2002 respectively. The atrocities of security forces have not left unattended even to the ten-month old infant.¹¹

Rape

Rape and sexual harassment have been one of the major damaging forms of torture. Even the innocent girls have been subjected by this sort of torture. The atrocities of security personnel do not end here. They have been reportedly found indulged in inhuman torture including rape. The arrest of Tarnnum and Tabssum Maniyar of Nepalgunj Municipality-3, Banke, from their uncle's mistake and their rape by "Sir" and "Saheb" of Chisapani army camp¹² has left a dark scar on security forces.

Disappearance/abduction

Disappearance/abduction has been appeared as disturbing pattern of human rights violations after the Maoists began their 'People's War'. Suspected members of Maoists or their sympathizers have become the victims of disappearance by the security personnel and even the Maoists have abducted to the cadres of political

Table 1 : Victims killed by the State and Maoists
(13 Feb 1996 – 30 Dec 2002)

Occupation	By State	By Maoists
Agriculturist	404	226
Teacher	18	46
Political worker	4674	228
Police		975
General people	86	138
Student	68	32
Civil servant	15	32
Social worker	1	3
Business man	8	16
Worker	30	17
Law professional		2
Health worker	1	2
Journalist	1	2
Army	1	220
Total	5307	1939

parties and common people on charge of being spy against them. Those disappeared or abducted are suspected to have been killed and disposed of their bodies in secret.

6.2 People's displacement

The State and the Maoists have killed many people in the name of 'People's War'. Because of the insurgency, people living in the villages are suffering from starvation. Furthermore, the Maoists have forced the school-going children to be enlisted in the fighting squad of rebellions. The teachers have been forced to deposit levies and the doctors are warned not to check up the patients and those who reject are condemned to any kind of punishment. All the infrastructures like telecommunications, post offices, bridge and so on have been badly disrupted. Therefore, many people living in the villages have left their houses and displaced into either the headquarters or other cities. It is because of the people's displacement, the district headquarters and city areas are facing various problems and their lives in these areas are pitiable.

7. Consequences

After seven years of the 'People's War', the country has faced deepening crisis in all sides. The gross violations of human rights have been piled up. Extra judicial killings torture, arrest, abduction, rape have been reportedly taken place. A bulk of registered and non-registered public properties along with people's displacement from their origin has been caused by the 'War' and the crisis has become more perilous. As a consequence, the following incidents have come to the scene.

7.1 Dialogue for peace

To bring an end of the incidents of attacks and counter-attacks, the erstwhile Deuba government took a

step in solving the Maoist problem through peaceful dialogue on 30 August 2001. The representatives were made public of the sides and dialogue for peaceful solution of the issue took place in three phases. The dialogue was open with the commitment of peaceful solution of the problem. The Maoists submitting a proposal on 'republican state', laid stress on 'new constitution' and the formation of the 'new government'. Finally the dialogue came to be 'meaningless' as Maoists claimed, when the government declined to fulfil their major prioritized ultimatum the 'constituent assembly'. As soon as the third phase dialogue was over, the Chairman of Maoists Prachanda through a statement announced 'an end to the cease-fire since the government had closed the doors to find peaceful solutions to the problem.' Then they attacked an army barracks in Dang on 23 November 2001.

7.2 State of emergency

After the Maoist rebels triggered their target to the army personnel pulling their role off the table of peace dialogue, the situation of the country has seemed to be further perilous. The Deuba government on 26 November 2001 declared the Maoists the 'terrorists' and imposed the state of emergency. Fierce battle has raged between army and rebels thereafter. People's fundamental rights have been suspended. Even though the emergency was imposed as a remedy to settle peace in the country, it resulted with the massive destruction of people's lives in course of repression. General people were caught between the two weapon wielding forces. People have been arrested, detained and disappeared. Even the innocent people under suspicion have been killed. Nepalese people who were living in a peaceful environment are increasingly obliged to live under fear and alarm. To create the present situation, the

government and the Maoists both are responsible.

7.3 Election and its postponement

After the completion of six months of state of emergency, confusion again erupted among the political parties on the ground to extent the emergency for another six months. Koirala-led faction and Deuba-led faction of ruling party were in power tussle on the issue whether the emergency is to extend or withdraw. The oppositions sided Koirala panel and pressurized the government not to extend the emergency. Amid the towering confusion, Deuba dissolved the House of Representatives with the proposal to extend the state of emergency and recommended the King for the fourth general election. After the announcement, Maoist rebels stepped on attacking and killing members and leaders of mainstream political parties. The abduction of party leaders had been reported on a regular basis. This all they did was to create anti-election environment. Finally, the circumstances developed seemingly impossible to hold the election and again a recommendation was made to the King to postpone it for another one year. Undergoing such circumstances, the Nepalese politics dramatically turned to the royal gate.

7.4 Royal takeover and crisis in Nepal

The royal takeover booting Deuba from the Prime Minister has led democratic Nepal in crossroads. Democratic government on account of 'incompetence' has been sacked and cabinet of 'clean figures' has been set up. But these 'figures' are also noticed 'unqualified' to respect people's democratic rights and the future of democracy is likely to be unsustainable. The government by no means is open in their dealings and accountable to the people they govern¹³. They have been increasing the death and destruction rather than reducing misery and instability. People's democratic spirit is played down and the norms of equality and freedom are in crisis.

Table 2:
Victims Killed during peace dialogue
(30 August - 9 November 2001)

By State	By Maoist	Total
	5	5

Source: INSEC, 2002.

Table 3:
Victims killed during the
state of emergency
(26 November 2001-28 August 2002)

By state	By Maoist	Total
3125	722	3847

Killings after the formation of 'Chand' government Table 4 :
(11 October-30 December 2002)

Occupation	By State	By Maoists
Agriculturist		3
Teacher		4
Political worker	1	25
Police		93
General people	3	42
Student		4
Civil servant		3
Social worker		
Business man		1
Worker		1
Law professional		
Health worker		
Journalist		1
Army		17
'Maoists'	509	
Total	513	194

7.5 Deteriorating state.

The violence has left people with few resources to cope with their survival. All the development works are stagnant and the existing infrastructures are being demolished. Continuing threats of violence have undermined the efforts of people to overcome their problems. Frequent strike of school has led the students to bleak future and made students miss a lot of schooling.

Growing poverty, unemployment and unsecured life of people because of the 'War' has led country to deepening crisis and the crisis further widens robbing people's talent and potentiality unless significant instruments are brought into use to curtail the intolerance.

8. Conclusion

Conflict exists as long as there are efforts, contradictions and divisions. The contradictions outwardly as well

as inwardly breed antagonism and hence build up the 'War'. The Maoist 'People's War' obviously is also the byproduct of the contradictions that the unfair and immoral leadership after democratic change was introduced. Unless and until the grievances of common people living in want and fear of political suppression are materialized, the volcano of 'War' is again bound to erupt. Therefore, the Constitutional bodies should take decisions on matters of public importance and the government must take common measures for the people's safety. Otherwise, the scale, depth and speed of violence ring a warning bell steadily and the insurgency will be more perilous. Worsening violence in the context of 'People's War' has resulted from the 'discriminatory and exclusionary policies'. To curtail this perilous situation, the government's functionaries must act investing in people rather than death and destruction. The scared people who need protection need to be addressed in policies and must be provided with services designing economic reforms. The government must commit to uphold human rights standards and de-escalate the violence and protect vulnerable civilians.

Notes:

1. Amnesty International Report, 2002, p.9
2. Ibid
3. Asian Affairs p.22
4. Mikesell, 1999, p.99
5. Pandey, 2002, p.10
6. Ibid
7. Amnesty International Report (Nepal: A deepening human rights crisis), 2002, p.8
8. Asian Affairs, 2002, p.13
9. INSEC, 2001, p.14
10. Amnesty International Report (Nepal: A deepening human rights crisis), 2002, p.7
11. Human Rights Situation report, Vol. 10, No. 3, 2002, p.5
12. Amnesty International Report (Nepal: A deepening human rights crisis), 2002, p.
13. Words into Action, 1995, p.81

REFERENCES:

- Amnesty International. 2002. Amnesty International Report 2002. Amnesty International: London.
- _____. 2002. Nepal: A Deepening Human Rights Crisis. Amnesty International: Kathmandu.
- INSEC. 1996. *Human Rights Yearbook 1996*. INSEC: Kathmandu.
- _____. 2001. *Human Rights Yearbook 2001*. INSEC: Kathmandu.
- Mehta, Anupama. 2002. "Pakistan Occupied Kashmir: Summering Discontent", in Khuswant Singh et. al. (eds.) Asian Affairs. Vol. 6. No. 72. New Delhi: India.
- Mikesell, Stephen Lawrence. 1999. *Class, State and Struggle in Nepal*. India. Manohar.
- Pandey, Devendra Raj. 2002. "Democracy and Human Development: A Review in Nepali Perspective" in Suresh Chandra Pokhrel and Padam Neupane (eds.) Peace Journal. Human Rights & Peace Society: Kathmandu.
- Rao, M. Roma. 2002. "Welcome, Emperor Mushraff", in Khuswant Singh et. al. (eds.) Asian Affairs. Vol. 6. No. 72. New Delhi: India.
- Simmons, Pat. 1995. Words into Actions: Basic Rights and the Campaign against World Poverty. Oxfam: UK and Ireland.

Violence against Women in Nepal

- Nirmala Mahat



At present, the Centre for campaign on social justice, Informal Sector Service Centre (INSEC) is conducting women programmes in four districts: Dhanusa, Sarlahi, Siraha and Saptari. In these districts, 15 each leading women groups from 15 VDCs are working actively on advocacy programmes to make the local government accountable for local development and good governance.

Besides the local development, the participation of the women in social sector is also praiseworthy. These local leading women groups have been successful in providing social justice to the women victims who are affected by the violations that are taking place within the society and the community. Even though by nature, women are calm and sensitive, the violations that are taking on women are increasing day by day, as the present law and act are discriminatory. Similarly, social, economic, political, educational, legal, religious and cultural traditions are considered as major aspects of these violations.

According to the study on the above-mentioned districts, it is found that the women are mostly victimized by household violence and traditional violence. But it is found that even the members of the local Women Lead Groups are not aware of the legal remedies of these kinds of violations. Kusum Acharya, convener of social works, said, "We do not know about the laws concerning the violence against women. I myself am a victim of violence; therefore to prevent our sisters from undergoing such kind of violence, we, along with the local Women Lead Groups, are working on a campaign against polygamy. We have even succeeded to some extent.

Definition

Today, we find that the definition of "violence against women" is widely understood in a broadminded manner. The main reason for this is the declaration of the Convention on the Elimination of Discrimination against women by the UN. In the convention, the violence against women is defined as "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

This definition of the UN is accepted widely as a backbone, which helps in pondering closely at this matter. Similarly, the Ministry of Children and Women Welfare, His Majesty's Government, based on this definition, prepared a national work plan for women development and empowerment. It contains different kinds of violations against women in our society, which are divided into different headings. This reflects that one way or the other, every woman is being violated somewhere in the society.

Physical Violence

This kind of violence includes beatings by husband and in-laws, rape cases, involvement in trafficking, forced prostitution, incestuous sexual relations, infanticide and foeticides, using children in pornography, sexual harassment, humiliating and degrading treatment, mutilation, burning, wounding, abducting, overload of work to the daughter-in-law etc.

Psychological Violence

Psychological violence includes physical torture, Verbal abuse, harassment in public and working places, threatening by letters and telephone which compels one to commit suicide, treat brutally, not praising one for her work, dominating or embarrassing in front of others, restriction to go out to work, suppression of wife, having control over wife's earnings, destroying the necessities of the women, using abusive language in front of children, ejection from family, coercion to accept a husband's extra-marital relations with other women or his second wife, denial of expression, torturing the refugee or asylum women etc.,

Traditional Violence

Endowment to Gods and Goddesses, marriage with older persons, traditional prostitution, bonded labourer, allegation of practising witchcraft, extraction of property from bride's family, suppression in the name of religion, unwanted or forced pregnancy, female infanticide, tattooing, keeping in a dark and isolated place during the first menstruation, placement in unhygienic places during the post-delivery period, restriction on the social interaction of widows and strict prescription of their dress, etc.

When we talk about the context of Nepal, after observing various violations, we find that violation is prevalent all around us. It has come to our notice that the Nepalese women in general are not only being violated by men but also by women themselves. It is not just the rural women who are illiterate and poor but also the women from the urban areas who are literate and rich, but are the victims of violent activities in the name of religion, culture

and tradition. This way, the violations against women that are taking place on the grounds of rich and poor, literate and illiterate, rural and urban areas, culture, tradition and geographical structure are considered as a disappointing and condemning act. Kofi Annan, the General Secretary of UN, said this to the special gathering on the occasion of Women Year 2002 on the inaugural ceremony of "Gender Equality, Development and Peace for the 21st Century". He said that the violation against women is the most shameful human rights violation. No culture or property limitations have been able to create a barrier to these kinds of violation. He also pointed out that if these kinds of violations continue, then we would not be able to progress in the true sense for equality, development and peace.

In brief, Nepalese women are deprived in social, political, legal and psychological aspects. As a result, they have no approach to their power mechanism, economic control, use of economic source, opportunity of employment, decision-making positions, health, reproductive rights, political participation, social norms and values etc. Because of this, they are one way or the other, victim of violations. Therefore, they are not able to present their dignity freely.

In the year 1991, about 12 hundred women were victimised. Similarly, in the year 2000, the number of women victimised reached up to 1320. It further increased to 1664 in the year 2001¹.

This proves that the women are more vulnerable to the violation day after day. There are laws and acts regarding this matter, but as these laws and acts are discriminatory, the women are not getting any kind of justice. Similarly, the acts and laws are silent about the violations that do not fall under its definition like violation of reproductive rights, marital rape, and discrimination during menstruation and delivery etc. In many rural areas of Nepal, women during menstruation and delivery are

forced to live outside home (sheds and huts). So far, the incidents of these kinds have not been filed in the court. Therefore, unless the women go to the court for these kinds of violations, the lawmakers will not consider this matter seriously. Similarly, until there is law for these kinds of violations, the victims will not get any legal justice. It is because of the continuous struggle of the Nepalese women that the reformation of the 11th national code took place, which must be taken as a positive sign.

Furthermore, the Nepalese women are also struggling for the code on the violation against women. In the past, the need for an act on Domestic violence and family court was felt; even the act for this was made. In this context, it is quite clear that in the present and as well as future, all the Nepalese women have to struggle hard to have it approved. Therefore, with the participation, solidarity and unity of all the Nepalese women, it is possible to eliminate all kinds of violations against women.

Case Study:

Justice provided to the victim Sita Devi Pariyar, resident of Bakdhuwa VDC - 9, Saptari by the Women Lead Group

Sita Devi Pariyar: Victim of Polygamy

Sita Devi Pariyar, 19, is a mother of 2 children. She was married 7 years ago at the age of 12 with Gyan Bahadur Pariyar aged 18. At present he is 25 years old. He is the only son of his parents and does not do any work. He is very lazy and his old parents are looking after him by selling firewood.

Suddenly one day, Gyan Bahadur eloped with 21-year-old Mithila Pariyar from Prakashpur village. Women Lead Group knew about the victim Sita Devi Pariyar and they went to her house. When they asked Gyan Bahadur about the incident, he said, "Yes, I have taken Mithila as my second wife because Sita Devi is unhealthy and always ill. Therefore to serve her, I remarried Mithila three days ago. I have explained everything to her. Now I don't care about anything. You people can do anything you like."

Women Lead Group asked Mithila about his first wife. She said, "Yes, he told me about his unhealthy wife. I came with Gyan Bahadur on my own wish."

After hearing them both, the Women Lead Group tried to convince Mithila about the incident. They said, "You are like our sister and only women can understand women. You know that Gyan Bahadur is very lazy and he does not even look after his two daughters. Do you think he will look after you? It would be nice if you would go back to your village. But Mithila disagreed saying, "I have already come with Gyan Bahadur and I do not want to go back. I prefer to stay here in this house." Then the Women Lead Group warned her saying, "If you do not agree with us, then we will inform the police and have you both put in jail and punish you." They also added, "In this village, our group is very strong and we are doing campaign against polygamy. No men in this village are allowed polygamy."

At last, Mithila was convinced and agreed to do as they said. She said, "If I had already known about this, I would never have been here. I want to go back now." Each member of the Women Lead Group contributed some rupees each for Mithila's bus fare and one member went to leave her in her village.

In this way, Women Lead Group was successful in giving justice to the victim, Sita Devi Pariyar.

No. of Victim Killed by State & Maoist in connection with "People's War"

(13 Feb 1996 - 21 Jan. 2003)

SN	DISTRICT	BY STATE	BY MAOIST	SN	DISTRICT	BY STATE	BY MAOIST
1	ILAM	11	4	38	SYANGJA	35	23
2	ILAM	16	9	39	KASKI	14	10
3	PANCHATHAR	20	13	40	NAWALPARASI	19	9
4	TAPLEJUNG	22	21	41	RUPANDEHI	2	5
5	MORANG	27	9	42	PALPA	28	6
6	BUNSARI	13	3	43	KAPILVASTU	7	6
7	DHANKUTA	1	3	44	ARGHAKHANCHI	190	73
8	TERHATHUM	34	7	45	GULMI	12	16
9	BHOJIPUR	12	5	46	BAGLUNG	56	13
10	SANKHUWASABHA	57	11	47	PARVAT	35	1
11	SAPTARI	24	3	48	MYAGDI	58	6
12	SIRAHA	35	27	49	DANG	225	140
13	UDAYPUR	25	2	50	RYUTHAN	42	16
14	KHOTANG	36	9	51	ROLPA	992	182
15	OKHALDHUNGA	66	11	52	SALYAN	159	65
16	SOLUKHUMBU	56	41	53	RUKUM	647	109
17	DHANUSHA	7	13	54	BANKE	101	15
18	MAHOTTARI		3	55	BARDIYA	219	24
19	SARLAHI	12	22	56	SURKHET	116	39
20	SINDHULI	84	74	57	JAJARKOT	108	61
21	RAMECHHAP	50	19	58	DAILEKH	50	45
22	DOLAKHA	41	20	59	DOLPA	26	22
23	RAUTAHAT	22	29	60	JUMLA	188	53
24	BARA	8	10	61	KALIKOT	238	42
25	CHITAWAN	31	22	62	MUGU	26	1
26	MAKAWANPUR	10	15	63	HUMLA	11	1
27	LALITPUR	9	10	64	KAILALI	161	50
28	BHAKTAPUR	12		65	ACHHAM	91	144
29	KATHMANDU	10	12	66	DOTI	50	1
30	KAYRE	43	55	67	BAJURA	31	24
31	DHADING	35	11	68	BAJHANG	43	4
32	SINDHUPALCHOWK	56	38	69	KANCHANPUR	37	16
33	NUWAKOT	55	32	70	DADELDHURA	71	4
34	RASUWA	20	1	71	BAITADI	26	3
35	TANAHU	26	19	72	DARCHULA	42	10
36	GORAKHA	113	81				
37	LAMJUNG	62	51		TOTAL	5402	1964

No. of Children Killed by State and Maoist in Connection with "People's War"

(Feb 13, 1996 - 13 Jan, 2003)

Age	By Police			By Maoist		
	Male	Female	Total	Male	Female	Total
<15 years	29	10	39	35	14	49
15-17 years	17	14	31	2	1	3
Total	46	24	70	37	15	52

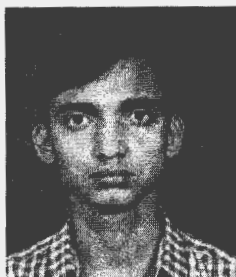
OCCUPATION	BY STATE	BY MAOIST
AGRICULTURAL	404	226
TEACHER	18	48
POLITICAL WORKER	4768	231
POLICE		962
GENERAL PEOPLE	87	144
STUDENT	68	33
CIVIL SERVANT	15	32
SOCIAL WORKER	1	3
BUSINESSMAN	8	16
WORKER	30	17
LAW PROFESSIONAL		2
HEALTH WORKER	1	2
JOURNALIST	1	2
ARMY	1	226
TOTAL	5402	1964

Nepal, the peaceful and beautiful country in the world, is now in the threshold of civil war. The numbers of killings are escalating day by day. INSEC's latest report says more than 7,200 people have been killed so far in connection with the present conflict the "people's war". But still the questions raised are why are so many people being killed and why are the people fighting among themselves?

The government as well as the Maoists have declared that they are fighting for the nation and well-being of the people. On one side, the government is fighting to quell the Maoists for establishing peace and prosperity and on the other side, Maoists are proud of themselves for fighting for the freedom and radical change in the social, economic and political situation of the nation. I don't understand how they are going to achieve their goal either way. But the thing that is still questionable for me is why are these people fighting and what are the reasons behind it? Are they satisfied by killing hundreds of people, wounding thousands and displacing thousands of people? Have they achieved anything so far and are they winning the battle? I feel they are only fighting for their identity for their existence and for the sake of proving themselves superior. Both the parties are losing the battle, but they pretend to be the winners.

I recalled the concept of identities the Philosophical and the Cultural identity, by which the people are involving on their day-to-day activities. Recalling these two identities, I realize the world (nations, country and myself) from my inner soul. But every action around the world in itself is found in dispute between these two identities. The person, politics, religion, language and every identity

Identity and the Nation¹



-Prakash Bhattarai

of the people is revolving within these two aspects.

From the term, the philosophical identity, I think it means the people understanding of the world by reading books, thinking critically, analysing minutely and doing some intellectual exercises as much as possible, whereas the term cultural identity is the indicator of people's personal and social dignity, that they need eternally. This identity also includes the social, cultural and economic status of the community or the people. Both the terms are closely related to each other and both are essential for the people. The best way for accomplishing its uses is by its equal implementation while doing some thing. There is equal importance to have knowledge for analysis and action. Without having common understanding between these two terms, it is not possible to make the world better and work for peace within the nation. Let's take some examples of the world and try to conceptualize these terms.

The war between Palestine and Israel is also based on territory of these two identities. Philosophically, both the conflicting parties are aware that they are fighting for independence and sovereignty of the nation. The

Israelites are fighting against Palestine declaring them 'terrorist'. On the other side, the Palestine is fighting for the independence of the nation. They are demanding their motherland, which the Israelites colonised from their hand. Both of them may be right while arguing with each other. And the war may be justifiable to them. But they are gradually losing their cultural identities of the nation. The Israelites, in the name of 'terrorist' are happy to demolish the Palestine civilization and culture by operating frequent military attacks upon them. In the same way, the Palestines are killing innocent Israelites, by using suicidal bombs and other means of attack. Here the same question can be raised. They are losing their cultural values themselves. They are deteriorating their land where not only the cultural identities of the people but also the sense of humanity is lost.

The ongoing Hindu-Muslim dispute in India is also a kind of contradiction between these two identities. Philosophically, Hindus are considered as non-violent community and their myth advocates peace. But they are killing Muslims, which is contradiction to their philosophy. They also destroyed Babari Mosque in Ayodhya, India. It was the cultural identity of religious faith in India, where they were not ready to accept the Muslim existence in the holy place of Hindu. But the Hindus never think of respecting the cultural values of the nation. On the other hand, the Muslims are also following the same trend as Hindus, which contradicts their belief of religious homogeneity. In reality, when both religious groups

are destroying the cultural identities of the Indian people, they believe they are protecting their religion from others.

Same kind of incident occurred in Sri Lanka, where the government and Liberation Tigers of Tamil Elam (LTTE) are fighting for two decades. More than 64,000 innocent people were killed and property worth millions was lost during the period. Philosophically, the LTTEs were demanding for their separate land and protection of their ethnic community. But the government was not compromising for the negotiation because they were proud and showing their philosophical identity as a ruler of a nation. Even the government did not respect the identity of the Tamil community because Tamils were the minorities of the country. Finally, the conflict came out as a civil war and these two parties fought among themselves for their existence.

The war did not result in freedom, peace and prosperity; rather it resulted in the inhuman deaths, destruction, displacement of the people and loss of the cultural identities of the country. At present, the peace dialogue is going on between Sri Lankan government and the Tamils. This negotiation may work for peace and the strong existence of the Tamils but they cannot reconstruct their destroyed cultural identities and procreate their cultural identities. They can only remember their past. They may be disheartened for losing their family members, having their property destroyed and their superiority but they cannot be the same people as they were before. They cannot treat each other as they used to before.

All around the world, there are different struggles going on between

these two identities. The leaders of every nation and the community think of their superiority while ruling the country or the community. They try to apply their philosophical knowledge in every aspect. But they never try to measure their accuracy and applicability. They never respect others' identity. They are only concerned about themselves, what they have known for so long and their intellectual practices time and again. The dispute between India and Pakistan in Kashmir issue, disagreement about Tibet between China and the Tibetan Holy leader, the fight between America and Iraq and several other disputes, disagreements and divergences around the world are quite related to the Philosophical and Cultural identity.

While talking about the present crisis of our country, two conflicting parties- the government and the Maoists, are carrying their own philosophy to grab the political power of the nation. The Maoists on one hand are applying their philosophy by operating violent activities around the country, which include sabotage of the physical infrastructures of the community, inhuman killing of the civilians and the people with different political beliefs. At the same time, the Maoists have attacked the development works of the nation and the supply of other basic facilities used by the people in the remote part of the country. Their previous work of social activism could not continue when they broke the peace dialogue with the former Deuba government. As a result, the country and the people are facing crisis. Many people have been displaced from the villages. The local festivals and the other cultural activities in the rural communities are in a state of disappearing, due to the possible attack by both the conflicting parties.

On the other hand, the government are also applying their philosophical identity to quell the Maoists through the army operations. The state has declared them as "terrorists" and also imposed the state of emergency to create peace in the country. But every initiation taken by the government has failed. Looking at the past events, we can say that the government's philosophy for quelling the Maoists and establishing peace through the army operation has proved unsuccessful. The Maoists still have enough power to make the situation worse and create disproportion within the nation but even then, the government is not taking any concrete action for the negotiation.

At the same time, the Maoists have already failed to take hold of the power by their revolutionary action. As most of their actions are against the civilians, they have failed to maintain support and people's participation in their mission. Frequent events of abduction and usage of children as armed soldiers are some of the examples to prove their forceful behaviour. After declaring the state of emergency, the rate of killing civilians and the demolishment of physical infrastructures have been increased alarmingly. At the same time, the internal displacement has come out as a glaring problem and more than 150,000 people have been displaced from their origin. Now the conflict-affected areas have been transformed into the blazed areas, where the people's cultural identities and the implication of philosophical identities have been disturbed badly.

We all are in a stage of confusion; what are the better ways for the settlement of the present conflict? Most of us, without any provision say the dialogue is the better way for permanent solution. But what is the dialogue for? And how and when

does it come to the ground of reality? No one can deny that dialogue is inevitable and it should be launched with proper vision to address the present crisis of the country. It should definitely not end like previous dialogues between the former Deuwa government and the Maoists.

But, before the dialogue between two conflicting parties takes place, commitment to protect the philosophical as well as cultural identities of the people is essential. The government and the Maoists have to reconsider and realize the actions they took against the civilians, whether crime against humanity or the way of their guiding philosophy. All of us working for human rights, social justice and peace should go towards the areas of conflagration where people need trauma treatment, where the people are ambitious to enroll their children in the school, where elderly people need medicines, where the people can enjoy with traditional customs and festivals and help the people to forget their bitter past. Only then can the nation progress and the human rights of the people can be protected. We must remember that the most important thing is that the philosophical and the cultural identity of the people should be justified.

References:

1. *The concept of Philosophical and Cultural identity has been used in this article as Mr. Subodh Raj Pyakurel, general secretary of INSEC expressed in his speech during national committee meeting and activist assembly of HRERLIC, Nepal on December 5, 2002.*
2. *Human Rights Yearbook 2001 and 2002, INSEC*
3. *Informal, vol. 12 and 13 INSEC.*
4. *Different issues of "The Himalayan Times" a daily magazine publishing in Nepal: International Media Publication Pvt. Ltd.*

Book Review

Available in INSEC Library

Book 1: Best Practices in Poverty Reduction

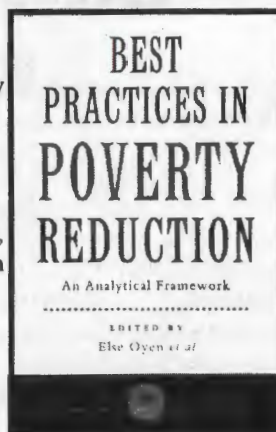
An Analytical Framework

Publisher: Zed Books Ltd,
7 Cynthia Street, London N1 9JE,
UK and Room 400, 175 Fifth Avenue,
New York, NY 10010, USA in

2002.

www.zedbooks.demon.cp.uk

A catalogue record for this book
is available from the British Library
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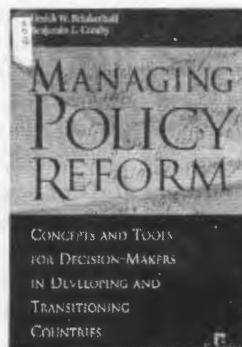
About the book:

Poverty reduction has come to be proclaimed as the core function of international development agencies, including the World Bank. This book focuses on a notion, borrowed from public sector management generally, of best practice, and the key role, which it can potentially play in strengthening anti-poverty strategies.

This book is the first attempt to take the concept of best practice out of its highly politicised and applied context, and to treat it as a scientific tool that can seriously add to the toolbox needed for improved comprehensive of eth many failures in poverty reduction.

Book 2: Managing Policy Reform Concepts and Tools for Decision-Makers in Developing and Transitioning Countries

Publisher: Published in 2002 in the United States
of America by Kumarian Press,
Inc. 1294 Blue Hills Avenue,
Bloomfield, CT 06002 USA



About the book:

This book is about how to implement policy reforms in developing and transitioning economies. Development policy has long been the domain of economists and sectoral specialists located in both international donor agencies and developing countries. These experts know a lot about the technical content of good policies, which is the "what" of policy reform. They frequently feel stymied, however, when it comes to translating those good policies into concrete results. Many a frustrated minister has asked his or her staff, "Our policies are sound, why are they not implemented?" This question is often echoed by the parliamentarian who wonders why the laws the parliament passes do not produce outcomes or lead to improvements in citizens' lives.

These books are available in the library of INSEC, which has access to Human Rights Resources and information.

ON-THE-SPOT REPORT OF KAHULE INCIDENT

People including Schoolboys have been shot dead by the security forces at Burdajung, Kahule VDC-4, Nuwakot, on 27 November 2002. The victims were returning home at around 1 a.m. at night performing the last rite of their relative when the security forces opened fire at them on the suspicion of Maoists as they were carrying firelights with them at night. Among those killed in security action were - Chandra Bahadur Tamang, 16, Chokta alias Chandra Bahadur Tamang, 15, Jit Bahadur Tamang, 19, Pariman Tamang, 17, and Kanchha Man Tamang, 14, residents of Kahule VDC. Two more villagers Chandra Bahadur Tamang and Som Bahadur Tamang, however, could escape this mishap as they put out the firelight and reached home hiding in the dead of darkness at around 12:45 a.m.

In connection with this incident, the Defence Ministry has stated in the press release issued on 29 November 2002 that five suspicious persons were killed in the action of security sentry as they were found indulging in some suspicious activities around the perimeter area of temporary security base and moving towards the security base.

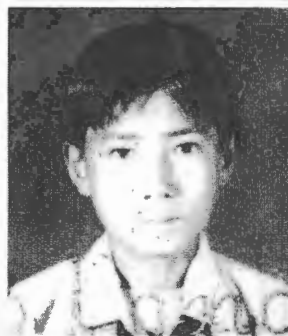
NSEC constituted a fact-finding team in connection with this incident and the information gathered from the spot by the team is as follows:

The victim Pariman Tamang was living in the family having seven members. His father Singh Bahadur Tamang, 53, has been working in India, and mother Bibaha Tamang has been working at Kathmandu. The victim Pariman was the resident of Hatia, Kahule VDC-3, and had been working at Pokhara for 2 years.

According to Kalu Tamang, the elder brother of the victim Pariman had been to the last rite (Ghewa) of his grandfather by relation to a nearby village and was returning home from there around 1 a.m. at night on November 2002. It was the next day at 9:30 a.m. that the local people could reach the spot after the security forces left it by preparing a document and asking the illiterate old people of the village to sign on it. Pariman's left leg was cut off and the dead body was left to be burnt down without postmortem only on 29 November at 2 p.m.

Another victim, Jit Bahadur Tamang's family had 9 members. According to his father Sher Bahadur Tamang, his eldest son Jit Bahadur had been working in Kathmandu for two years and had gone to the last rite of his maternal grandfather that night when he was killed. He was shot on his head and had a cut in his stomach. The firelight was in his hand even after his death.

The victim Chandra Bahadur Tamang had 8 family members. According to his father Buddhi Bahadur Tamang, the security forces ordered them early in the morning to go with them by taking spade and shovel as they had killed five suspicious people. Before the security forces left the spot at 9:30 On 28 November 2002, they threatened the villagers to receive the dead bodies of their relatives as they had killed them by mistake.



Victims : Chokta
(Chandra B.),
Chandra Bahadur,
Jit Bahadur &
Pariman

The spot was only 4/5 minutes' walk from the house. The victim's right hand was cut off. He was studying at grade 8 at Panchalinge Lower Secondary School.

The victim Kanchha Man Tamang, 14, had a family of six persons. According to his father Yangkar Jhankri, 53, Kanchha had left school only 2 months ago. That night he had gone to perform the last rite of his relative. His shoulders was cut and shot on his chest and neck. His body was totally mutilated.

According to Kami Tshiring Tamang, 51, the father of the victim Chokta Tamang, the victim was studying at grade 7 at Aishelu Lower Secondary School. That night he had gone to perform the last rite of his relative. The father knew about this incident only at 7 a.m. in the morning but didn't know about his son's whereabouts until 9:30 a.m. when the security forces left the spot. The victim was shot on his neck, rib and stomach.

Various Statements on the Incident

An Officer of the Nepal Army Training Centre, Trishuli, Nuwakot

Officer says: "A unit of security forces was deputed at Gunga. Information that about 150 Maoists rebels were going to the northern part of the districts via Kahule VDC was received on 26 November. Then we called back the unit from Gunga. On the same night, while they were night halting at Kahule, some unidentified persons entered into their camp. It is because of this that the incident occurred. Death of civilians in this incident is accidental."

Mathavar Adhikari, Chief District Officer

"Death of civilians in this incident is sorrowful. We are enquiring about the incident after we received the information. The families of the victims have demanded the compensation. I will send my report to the concerned authorities".

Suresh Basnet, DSP

"This is a sorrowful incident. Everyone needs to be alert in such matter. The commanders have the major roles."

An Official of the Bhagawati Prasad Gulma (Battalion)

"People with blazing torches came to the area of our camp at around 01:00 am. We warned them not to come forward but they denied. Then we were compelled to open fire for our defence. If they had opened fire sooner than us, our entire unit would have been finished. It is true that some students were killed in this incident. In our evaluation this is the minimum casualty, because they were in a group of about fifty to sixty persons. The human rights cell of Nepal Army is also investigating this incident".

Conclusion

Chandra Bahadur Tamang and Som Bahadur Tamang were returning home from Burdujung Gumbadanda when the security forces opened 3-round fire on them as they were carrying firelights. They, however, could escape the mishap as they put out fire and hid in a canal. After 20 minutes of

the incident, at around 1:05 a.m., again a group of people was returning to their houses with the lights in their hands. The security forces, not following other possible procedure, fired at them causing 5 of them spot dead. The skirmishes took place, as the victims could not make out the order by the security forces.

In course of the fact-finding mission, it has been observed that the security forces killed them only for the reason that the victims were approaching around the perimeter area of the temporary security base. According to the statements given by the local witnesses, the security forces had opened fire from very close to them. Even the victims were unaware about the base camp, which was put up there only at 7 pm on 27 November 2002. The mishap could have been escaped if the security forces had followed other possible procedure like firing in the air. In the incident, the International laws like International Covenant on the Economic, Social and Cultural Rights (ICESCR), Article 3 & 9, International Covenant on the Civil and Political Rights (ICCPR) Article 6 (1), & 27, Geneva Convention, Common Article 3 and the Constitution of the Kingdom of Nepal, Article 12 (1) & 18 have been found violated.



Place where corpses of the victims were cremated

When I left Rajapur on 2 February 2002, I carried a mere hope of returning the delta in one day. That 'one-day' came when I visited Rajapur on 16 to 18 November as a member of human rights and journalists' team that visited the delta to assess the human rights violation there. For me Rajapur delta had a different meaning. I lived there happily for about three years with my wife and growing son. I developed a sense of belongingness to Rajapur though I hailed from eastern Nepal. The delta was colorful: golden mustard flowers, green lush wheat, and ever smiling badhaniyas (Tharu teenage girls). I remembered the day, when I first reached Rajapur in November 1999. I crossed the Geruwa River on the engine driven steamer and took the taxi from Khairi village (on the western bank of Karnali river) to reach Rajapur. In the town of Rajapur, I was surprised to see skyrocketing telephone tower, district revenue office, custom office, Ilaka (area) offices of police, and district administration. The bazaar was electrified by Lamki-Tikapur-Rajapur transmission grid. Though the glamour of Rajapur decreased after the construction of the Karnali Chisapani bridge, its reminiscences could be noticed even after eight years of construction of bridge. The historical importance of the Rajapur bazaar could easily be inferred that the town had shops of foreign goods owned by reputed business houses of Nepal, ancient temples and mosques, dharmasala (the common rest place), tanga (horse chariot), an exclusive cosmetic selling lane, etc. During my three-year stay, I never felt that Rajapur was an isolated and remote place though this was surrounded in all directions by mighty Karnali River.

Rajapur Revisited

-Prakash Kafle
Nepalgunj

Situation had worsened after the Maoists attacked Mangalsen, the district headquarters of Achham in February 2002. In the early April of the same year around 100 policemen, who were stationed at the area police office, Rajapur, left the delta owing to the security reasons. It was in the middle of emergency. After that, the real reign of the Maoists began in the delta. They destroyed the vacant area police station, the custom office, godown of ultra-modern Rajapur Rice Mill and the telephone exchange, recalled a businessman in Rajapur. The area has already been languishing in the darkness after the insurgents blew up power station in Lamki. A high school teacher of the local school said that this has dragged the Rajapur delta fifty years back.

My second visit to the delta happened to be after the Maoist's 3 day (11-13 November 2002) *Nepal Banda*. We took the rented taxi from Nepalgunj though Kohalpur-Lamki-Tikapur-Satti route reached the delta. On the bank of Karnali River in Sitta Bazaar, we left the taxi after hearing that the insurgents have banned the plying of engine-driven vehicle in their hinterland. We trespassed the protected rattan forest and crossed the calf deep Karnali River at Rajapur ghat (river bank for docking of boat). It was my first such long travel as I never used this route to reach Rajapur from Nepalgunj. The usual route was Rajapur-Kothiyaghat-Gulariya-Nepalgunj. The insurgents had blown up the engine driven steamer at

Kothiyaghat, which forced us to the long route.

When I reached Rajapur I was astonished to see bazaar almost in coma, men with frightened and pale faces, and the empty rays of gloom in their complexion. This is the season of rice harvesting and marketing. The local Tharu with hot pocket and smiley complexion used to roam in the small gullies of the town, while the Tharu youths were found in new dresses in the premises of dilapidated film halls. The grunting of buffalo bulls made the surrounding more colorful and musical. I was shocked to see none of those beauties. Contrary to the insurgents' Mini Rolpa, Rajapur is a dead town for me. I barely sobbed to see the fallen red-white painted telephone tower, destructed office buildings, and godown of rice mill. The destructing tentacles even to the docile excavator of Rajapur irrigation project, which was used to clear the sand that deposited on the canal forced me to think for whom they are waging the war. Once regarded as abode of hospitality, now the people are frightened even to speak to new faces. I saw many known and recognized faces that were turned around to avoid verbal contact with me. I asked a photographer what made this to my poor fellow men. He replied that it is simply due to fear that has resulted after the security forces and the insurgents sent their men in concealing outfit to know their opponents' strength. He warned us that remained careful; many informers might be watching your activities secretly because the

insurgents have very strong network of communication and espionage. Late, it was found that none of the villagers were allowed to speak to any new faces.

After the sabotage of the steamer and banning of vehicle to run, people were forced to use Indian soil to reach Gulariya, the district headquarters of Bardiya. The old heydays of tangawallah have now returned thanks to the Maoists. The remaining four tangas are all packed with passengers- the poor Tharus and other. After the arrival of bus services, many tangawallahs left their job and went to their own villages in India to earn a life. The Rajapur dwellers crossed the Geruwa River in Katarniyaghat amid thick Indian forest on steamer. The fare has risen from IC five to IC ten. The heart of every Nepali shrinks just to know that the Nepali travelers are being looted and cheated in the Indian territory. Take it seriously comrade; your deed has indirectly profited India, the expansionist.

Just before two hours when we reached Rajapur bazaar a Maoist cadre was shot dead mysteriously by some unidentified persons in the midday sun. In the same incidence, another cadre was hacked at back. Though this was a serious blow for the Maoists in their safest places, the humanity of the societies seemed to be sagged away. Killing of people has become such a common phenomenon that nobody cares who was he/she and how was he/she killed? We came to notice that a young boy from Durganagar village of Bhimmapur VDC was decapitated in the middle of village over a concrete bridge. His screaming was heard by everyone in the village but shame to say nobody challenged the Maoists to stop them to slash his head off. After 24 hours, the deceased's mother and elder

brother came and kept the dead body on ladiya (buffalo/ bull driven cart) and did the cremation. The neighborhood and cooperation among villagers have now come to an end. Peoples of different castes and ethnicities used to attend the funeral of whosoever was dead. During my stay, I had not seen women participating in the funeral procession before. The insurgency has left many traditions and rituals upside down. The women, who previously even, did not venture into the funeral procession, were carrying the dead body and cremating it. The neighbors didn't participate in it because he has been labeled as informer for government forces. The Maoists should now realize that the social change could not come through the reigns of threats and fears.

After the much talked security force's Karnali operation, the Maoist evicted the families and dependants of the security forces. Others fled due the fear of attack, counter-attack, and anticipated bloodiest war, which has turned once a crowded area into a meagerly populated village. Only a handful of UML cadres were there, while almost all NC leaders were forced to leave the delta. This has caused the political vacuum. A local UML leader told us that their committee is nearly dysfunctional; they weren't holding regular meetings for the last one-year. In the third day of the successful Nepal Banda (closure), a Maoist leader warned the mainstreaming political parties not to hold any political activities, which, according to him was against the spirit of the protracted people's war.

Life seemed to be normal during daytime. But after the sun got pale, the real suffering began. Adapted to the light of electricity bulb they were forced to use kerosene

lantern/lamp. The villagers completed their routine in the encounter. "Life has become very difficult", conveyed a student, "there is constant and enduring threats from both forces". He added that this Tihar (the deepawali, festival of light) was so dismal that I could not imagine that. If such situation persists for a long time, our generation and descendants would forget the colorful Nepali festival".

Furthermore, there was no government's presence. "It was not Maoists to be blamed but the government who cleared the road for the Maoist to broaden their grip in the delta", said a health personnel. "The modus operandi of the security forces to suspect every people as Maoist was found counterproductive, a new wave of Maoist sympathizers may arrive", added the health personnel.

During my stay for three days in the Rajapur delta, I noticed that there were many rumors and hearsay about the area. Though it was true that the plying of engine driven vehicle was forbidden, paddy was allowed to sell. A long queue of ladiya loaded with sacks of paddy was seen across the trail of rattan forest. The next thing was the reign of terror and fears the insurgents and the government forces imposed on people. Other was lack of political activities and fleeing of political activists and cadres. If the Maoists continue their policy of sabotaging the infrastructures, it seemed that the days are knocking the doors of mass distraction from the Maoist party.

I returned Nepalganj carrying the images, empty eyes, gloomy faces, and frustrated complexions of the Rajapur dwellers. May they live in peace.

Ten Years of INSEC

Bhutanese Tears: Still Flowing

.... Nepal, an under-developed country, now has to shoulder an extra burden of around 1,00,000 refugees. United Nations High Commissioner for Refugees (UNHCR) through various NGOs has managed proper arrangements to date. If Nepal, like in the past with the Tibetan refugees, had to bear their burden, the economic structure of the country would be devastated and the society would be complete chaos. Such situation is likely to bring a great turmoil, which affects neighbouring states of India too. In that situation, will India be a silent by-stander? The answer should be searched in the days to come....

-(INFORMAL, Vol.5 No.1 April 1995)



Bride Burning -- Women Burning

-Elizabeth Padillo Olesen

Let me register my shock
As a mother watches
What a word
a dying child
What a horror in history
without medicine to offer,
That she a lover,
as parents' only desire
a wife, a mother,
the birth of a son,
a worker, and helper
as a wife losses
be burned to death!
Self-esteem by

the rejection of a husband,

How on earth
as a girl or women
greed sucks
is sold for prostitution
the life of love
or as she labourers
the beauty of partnership
in the field and factories
the joy of motherhood
and yet cannot as a person.
the flow of creativity
The burning of brides

by some cruel art!
The burning of women

are seen by other clouds

How can it be true?
Of witnesses that try
How can it be true?
To water the fire
And yet the fire flickers
but the flames
And the wind blows
are still all over.
The flames.

Let this burning
Other shapes
be brought an offering
Of burning women
to the heavens
Are still in the furnace
to melt the steel gate
Each day burning
of women's justice on
Each day burning.

Courtesy: in God's Image
(from INSEC bulletin, Vol.4 No.1
published in May/June, 1994)

HUMAN RIGHTS VIOLATIONS IN 2002 AT A GLANCE

Khimlal Devokota's Arrest: Violation of rule of Law

General Secretary of People's Concern Campaign (Jana Sarokar Aviyan) and Central Member of Nepal Bar Association, Khim Lal Devokota was arrested on 11 June 2002 from his law firm at Bagh Bazaar, Kathmandu by security personnel who came in civilian attire. His family members were not informed about his whereabouts by the authorities, neither the reason for his arrest.



Laxmi Sharma, Khimlal's spouse, filed a habeas corpus writ petition in the Supreme Court (SC) on 18 June 2002 following which the SC issued a directive, through the attorney general, on 19 June 2002 asking the security forces to make public the whereabouts of Khimlal Devokota within 24 hours. However, on 25 June 2002, the police and the next day also, the Royal Nepalese Army responded to SC's directives by stating that neither of them had arrested Khimlal Devokota.

On 29 June 2002, Khimlal's family members had met him at District Police Office, Hanuman Dhoka Kathmandu. Also a team of human rights activists and legal professionals under the leadership of President of Nepal Bar Association; Sindhu Nath Pyakurel had met Khimlal in Hanuman Dhoka.

The SC issued a second directive, ordering the police to inform them within three days about Khimlal Devokota's arrest and his whereabouts. The Chief of the District Police informed the SC that there was no one by that name in the police custody while on 5 July 2002, the District Administration Office issued an internment order to Khimlal Devokota. He was released after the SC sent another directive to submit a written description on 12 July 2002.

Banke

Adhi Raj Sharma, 23, resident of Ganeshpur, Nepalgunj

Municipality-2, was shot dead by two police officers near Birendra Chowk on 7 June 2002.

According to Jayalal Sharma, father of the victim, Adhi Raj was standing near a betel shop, at Birendra Chowk when he noticed two men quarrelling and having a fistfight. Reportedly Adhi got involved in the squabble in effort to pacify the two men to stop fighting like that and was holding both of them back and urging them not to fight. Two policemen appeared in the scene a little later using abusive language. They told Adhi that it was not his duty but theirs to settle quarrels like that. Adhi told them that if it was their duty, why didn't they do it and asked if he should have let these people die fighting like this? Hearing this, the policemen caught hold of Adhi by his shirt collar and his head. Eventually, they shot three times between Adhi's stomach and legs and killed him.

Victim Adhi Sharma was a member of the Nepali Congress and was studying engineering Lucknow, India. According to his father, he had shown his humane side by regularly donating blood and was friendly with everyone.

Children killed in an ambush

Bajura

Pasang Thapa, 10 and Nima Thapa, 5 were killed in the ambush planted by the Maoists in the wooden bridge over the Alsyabari river that lies between Kolti and Koltila VDCs of Bajura on March 2002 while Minu Thapa, 8, was injured in the same incident.

Bardiya

At least 6 civilians including a woman from Bardiya district are said to have been killed by security forces in the name of Maoist in the first week of June. Chaure Tharu, Pradeshni Tharu and Sushila Tharu, in their early twenties, the resident of Bhuinkaiya village of Thakurdwar VDC, were shot dead

by security forces on 8 June 2002. All three of them were sleeping when security personnel raided their house and took them to the nearby Dhondra Bridge and shot them at close range. On the same night, two others whose names have not been identified were also taken to the same place and killed by the security forces. All those killed were identified by security forces as Maoists. According to the local witness, the police cremated 5 dead bodies the next day. Chaure Tharu, former Maoist, had surrendered to the district administration in November 2001 and gone to India. He had returned from India just that day.

In another incident Bhawana Tharu, 24, of Sujanpur village in Neulapur VDC, was shot dead inside her own house by security personnel on 7 June 2002 on the charge of being the Maoist. The deceased was eating her lunch at the time when she was shot dead. Her neighbours are convinced that she was not involved in any Maoist activities.

Dang

The Maoists attacked the Armed Police Camp in Satbaria VDC, Satbaria, Area Police Office at Lamahi, Chaulahi VDC and Armed

Police Training Centre in Bhalubang the same time in the night on 11 April 2002. At the same time, the Maoists had also attacked Tulsipur and Ghorahi. In Satbaria, 37 police personnel including 1 DSP and 3 inspectors, 1 person in the custody and 9 police personnel including 1 inspector in Lamahi and 5 passengers including a night bus driver were killed. In the crossfire in Satbaria, though there was a great loss from the Maoists side, the actual number could not be known. But, according to the government source, the security force found 92 corpses buried in different parts. According to the field study done by the joint team

An Example of Barbaric Murder

Gorkha

Lilanath Adhikari, 55, of Gorkha District, Harmi VDC-8, was crushed by a log to death by a group of Maoists on 1 January 2002. When Adhikari was sleeping at his home, a group of Maoists came inside his house about 10 pm and took him out. The Maoists then put him above a log and crushed him by putting another log over him. The Maoists had accused Adhikari of being an informer. Adhikari was a supporter of RPR.

Maoists Killed a Teacher/HR Activist

In Lamjung District, Mukti Nath Adhikari, 46, of Duradanda, Chandeshwor VDC and Headmaster of Padini High School located in the same V D C - 6, Chaharepani, was shot dead by the Maoists

on 16 January 2002. The victim was teaching at school when he was abducted by the Maoists, taken to Khajegaun of the same VDC-4 and killed. Late Adhikari was the co-ordinator of Amnesty International Lamjung, Duradanda Group-79.

Ramechhap

The Maoists have killed Uttar Bahadur Khatri, 72, resident of Kathor VDC, -8, Ramechhap district on 4 September 2002. They took the victim to Saunepani, the place in the same VDC, struck him with stone, broke both his legs and ruthlessly killed him by striking with stones.

of INSEC, Nepal Bar Association and the journalists on 16 and 17 April 2002, the police post situated in and outside the walls of the residence of the Minister for Home, Khum Bahadur Khadka in Gojhena, Satbaria VDC, was destroyed and large strains of blood were seen. The tent and blankets inside and outside the compound were burnt. The residence of the Minister for Home was damaged by the fire and the crops in the godown were all burnt. The unused bullets of the rifles and socket bombs were found near the place where the incident took place. Similarly, 2 burnt vehicles were found in that spot. The corpses buried in the sands of Hattisar River, between Gojhena, Satbaria VDC and Gabeshpur Gaun, which had been taken out by the security personnel were as it was till the day of the field study. There are people living in Ganeshpur, a place nearby from that spot. The team found 17 corpses altogether in 3 different places. Among the corpses found, one had a combat half jacket on and one corpse was beheaded (most probably these corpses were determined by the security personnel as activists of the commander level). Another



corpse had no legs. The corpse of both men and women were scattered in that area. The corpses were rotten and one could see it covered by insects. As the faces of the corpse were burnt, one could not identify them.

Memorandum to the Prime Minister by the Human Rights Community

On 13 January 2002, 18 members delegation of 17 human rights organisations met Prime Minister Sher Bahadur Deuba in his residence at Baluwatar and presented a memorandum.

On the occasion, discussion on different issues like the violence resumed by the Maoists after the 23 November 2001, and the counter-attack by the government after declaring the state of emergency and promulgating the Terrorist and Disruptive Activities, Control and Punishment Ordinance (TADO), 2001, were made.

The Prime Minister was informed of the misbehave of the security personnel to the innocent citizens, and torture and victimisation of the human rights defenders in the operation. On the same occasion, an ineffectual attempt made by the security personnel in civil dress to take General Secretary of INSEC Subodh Raj Pyakurel to an

The security force shot dead Top Bahadur Nepali, 38, Chudamani Shrestha, 50, Top Bahadur BK, 40, Ram Kumar Sarki, 24, Manoj Sarki, 23, and Dharma Bahadur Sarki, alias Dhaire, 35, residents of Phulbari VDC-4, Dang district on 8 September 2002 on charge of being Maoists. It is said that the security force fired at them while they were feasting by killing buffalo.

Right to Food Sought in the Court

The Appellate court has issued an order to the government to show cause within fifteen days in response to the writ filed regarding the delay in transportation by the government in the remote mountainous district Mugu, which is facing food crisis for three months.

In the writ filed by advocate Padam Bahadur Shahi against the Ministry of Industry, Commerce and Supply, the order was issued by the single bench of Judge Gauri Bahadur Karki.

unspecified place was raised with prime concern.

The Prime Minister repeated his commitment on playing a responsible role and requested all the concerned to perform their respective duties accordingly.

The following proposals were put forth by the delegates on the occasion:

A separate national mechanism should be formed under the direct command of the Prime Minister so that he could receive reliable and timely information.

1. The Human Rights activists should get opportunity to make a field visit in order to monitor the situation of human rights
2. Arrangements for direct access of Human Rights Community with the Prime Minister should be made.
3. Human Rights Community should take initiation for the peace process.

Prime Minister Deuba expressed his deep sorrow on the incident, supported all the proposals and expressed his commitment to make such an endeavour a success.

He also urged the Human Rights Community to go ahead without any hesitation and inform directly to the secretariat of the Security Council, if any problem arises.

PETITION TO NHRC BY INSEC

INSEC had submitted a petition to The National Human Rights Commission (NHRC) on January 9, 2002, in connection with the incident occurred in Sankhuwasava district. The petition stated that INSEC has felt that the situation of human rights is deteriorating day by day after the declaration of the state of emergency. It also stated that incidents of indiscriminate killings, arrests and inhumane tortures are increasing day by day. It pointed out that it has already come to the notice of the National Human Rights Commission that the incidents of arbitrary arrests and other inhumane tortures have increased in Sankhuwasava

Deprived of Drinking Water

Bajhang

Jaya Bahadur Sharki, 38, the resident of Byashi VDC, was deprived of drinking water from the public tap on July 25 2002. The perpetrator Take Bahadur Singh did not allow him to drink water and also scolded him as a man from the lower cast.

Burglary

The armed activists of Kirat Workers' Party in Beltar of Udayapur district captured the local market for six hours (From 5 to 11 a.m. in the morning) and collected a large amount of money (1.2 million) on 25 October 2002. After this incident, the local people are displaced from the village to the district headquarters and other places due to their frightened mentality.

district. It further stated that INSEC would like to draw attention of the Commission regarding the incident of Sankhuwasava district that a similar attention letter has been registered in this Commission by 17 Human Rights organisations on 8 January 2002. It concluded saying that it would like to reiterate the incident occurred in Sankhuwasava District.

Some Incidents of Grave Violations

Banke

The security personnel manhandled and looted thousands of rupees from Sarita Chapagain (Sharma), aged 30, of Kohalpur bazaar, near Nepalgunj on 12 March 2002. The perpetrators in a group of 15-20 came to the house of the victim in the early morning at about 3 o'clock and knocked the front door with their boots. Victim Sarita opened the door. Then they assaulted her by dragging and catching her hair and beating with the boots. The security personnel targeting her breast with their gun threatened to take out the money of the Maoists she had kept as she told the INSEC Regional Office. She told them that she had not kept the Maoists' money. However, the security personnel threatened her to death if she did not take out. So she gave them an amount of 25, rupees, which she had collected by selling, rice (Rs 21,000), and milk and ghee (Rs 4,000). The security personnel had also manhandled her 11-year-old son by dragging him out of the room. Her husband Sesha Kanta Sharma is in custody charging him to be the Maoists from 29 November 2002.

In a similar incident, the security personnel have disappeared 21-year-old Dhan Kumari Chaudhari, daughter of chairmah Satiram Tharu of Naubasta VDC from 14

December. The victim had gone to the security office on that day as she was called for some inquiry.

Earlier, the security personnel had raided the house of the victim on 3 December. She was from time to time inquired by them asking whether she was Juna. She had to prove herself that she was not Juna by showing her testimonials. After that the security personnel had consoled the victim and her father that the investigation on her was a

misnomer as they were informed that she was Juna.

However, the security personnel on 13 December ordered the father to send his daughter (Dhan Kumari) the next day to inquire something. Accordingly, victim Dhan Kumari had gone to the security office at Chisapani Barrack with her younger sister on cycle the next day. The younger sister, after waiting for long, returned alone, as her sister did

News over the death of Krishna Sen

The June 26 issue of Jana Aastha vernacular weekly reported that journalist Krishna Sen, who had been arrested by the police on 20 May 2002, had been killed in custody due to massive torture. The report further elaborated that he had been brought to Tribhuvan University Teaching Hospital where he was being projected as some one who died 'during an encounter in Kiritpur' with security forces patrolling the area. His body was later brought to Pasupati Aryaghat by the security personnel for cremation.



However no one from the government side came up with any statement on the death of Krishna Sen so far although several others have expressed serious concern to the authorities on Krishna Sen's mysterious death. Robert Menard, General Secretary of Reporters' without Borders (Reporter's San Frontiers) on 26 June 2002 in a letter to Prime Minister Sher Bahadur Deuba stated that he was deeply hurt over the death of Krishna Sen. He categorically stated in the letter that the killing of a journalist using torture cannot be considered as a war against terrorism even if he had supported the Maoist movement. Similarly, a press release issued by Federation of Nepalese Journalists (FNJ) asked the authorities to make public the real status of Krishna Sen.

His Majesty's Government, on the first day of the Maoists' declaration of Nepal bandh that is on 28 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 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

not come out of the barrack. Chairman Satiram Tharu, the victim's father, waited for her for 2 days, but she did not return. Then he himself went to inquire of his daughter's whereabouts. The army personnel said she had returned on the same day.

Then Dhan Kumari's whereabouts was searched through the then CDO Balkrishna Parsai. But this also went in vain. Satiram, while going to the security office the next time, was verbally abused by the security personnel as he told Bhola Mahat, INSEC Coordinator, Nepalgunj.

Palpa

The security forces have shot dead Raju Nepal, 19, Yam Bahdur Rana, 21, the residents of Deurali VDC, and Chun Bahadur Palli, 22, of Sidhdeswar VDC, in Bhalukhang jungle of Khunghola VDC-7, on 18 July 2002. The victims had been taken to the jungle at 3 am from Tansen barrack and killed there.

According to the information received, the victims had been arrested on charge of supporting Maoists on 1 July 2002 and imprisoned in Tansen barrack. On 10 July, Raju's father went to meet his son but was not allowed and was informed that his son was still in the barrack. Considering the issue seriously, the representatives of CPN (UML), RPP, NPF, and INSEC inquired about the incident and were informed by the CDO and SP that the victims were killed while they attempted to break the security enclosure. The victims, however, had abandoned the CPN (Maoist) since December 2001.

Kavre

The Maoists have killed the former VDC Chairman of Ryale VDC, Krishna Prasad Sapkota, on 15 September 2002. The perpetrators had kidnapped the

victim at night and mutilated his body with knife by taking him to Thatigairo, the frontier between Kushadevi and Bhumedanda VDCs. The victim's severed head was left on the way while his torso was thrown aside into the gorge, 50 metres away from there.

Argakhanchi

The Maoists have made a violent attack at the district headquarters, Sandhikharka, of Argakhanchi district and killed 63 security personnel, on 8 September 2002, at night. Those who were killed in the incident consist of 31 civil police, 11 armed police, 17 army personnel, and 4 ordinary people. Many casualties are suspected on the part of the Maoists also, as 57 dead bodies of the Maoists in combat dress were identified on

the spot around the gorges, hills, fields and banks of the river. These skirmishes left 38 security personnel, 26 civil police, 6 armed police, and 6 army- injured. Meanwhile, the Maoists had kidnapped altogether 83 people including the District Education Officer, Deputy-Chief District Officer and 18 army personnel and released them after an hour on the condition to quit their jobs. The Maoists had made the kidnapped people carry weapons and their injured comrades and one of the policemen Suresh KC, who disobeyed them, was shot dead. Four other security personnel in this incident were disappeared. The Maoists had mutilated many of the government offices at the district headquarters in this incident.



DISCRIMINATION BEGINS AT HOME

-Manju Khanal

"Mummy, is it true that a girl must not whistle?" my daughter asked me one day. I was spellbound by this sudden question put forward by my daughter. I hesitated for a while. I was in a dilemma as what to answer her. This took me years back in my childhood days when I too had to hear this very same line then, which, of course, really used to vex me. Now after years, I was the one who had to answer the very same question. I was totally engrossed in thought as to what to answer her. Slowly after a long interval, I answered, "Chori (daughter), there is no such thing that a boy must do and a girl must not. It's just an accepted conservative mores that have been passed on from generation to generation. But frankly, there is no scientific reason behind this. There is no such thing that a boy can do but a girl can't do. What a boy can do, can be easily done by a girl as well. "Oh! I see", she replied and went off to play, gaily whistling as she went out. I gazed towards the direction she ran for a while, wondering for a moment what a child of nine years would understand with this remark of mine and whether I had succeeded in satisfying her curiosity.

But actually, if we really ponder over matter, we will see that there are many things we believe and follow, just because this is the practice that has been going on for ages. We ourselves have become so accustomed to these kinds of practices for ages that we do not give a second thought to this matter whether this makes sense or not, but rather, we just follow it. There are times when we ask certain questions regarding these kinds of traditions. But the answers we get for our questions are so convincing, we really go for it. We do not even look at the practical part of it.

The incident I cited above is just one small example of many such cases. There are many such cases, which we can refer as an example. For instance, girls are forbidden to play with marbles, fly kites, play football etc. The parents tell them these are for boys. But where on earth is it written that the games or things can be classified as something for girls or boys? It's just a whim, which has been followed from generation to generation. These kinds of actions amounting to discrimination have brought dissatisfaction among the children but still it is there.

In the little world in which children have their existence... There is nothing so finely perceived And so finely felt as injustice.

-Charles Dickens

Real difficulties can be overcome, it is only the imaginary ones that are unconquerable"

-Theodore N. Vail

"True wisdom consists not only in seeing what is before your eyes, but in foreseeing what is to come."

- D.S. Jordan

It is often easier to become outraged by injustice half a world away than by oppression and discrimination half a block from home.

- Carl T. Rowan

The women and men have been given unequal status within the society from the time they are born, just because of their gender. But if we consider this matter closely, we find that the inequality really begins at home. From the time a child is about to be born, people start hoping it's a boy so that you will be taken care of by him when you are older. After his birth, they rejoice and perform a grand celebration. But if it is a girl, her birth is hushed up as if she does not mean a thing to them. This way, from the time she is born, the girl is given the status of an unwanted object. As the child grows older, he/she is told what to play with and with whom to play, although he/she does not understand anything about gender equality. This is specially found among girls where we tell them what to do and what not to do. We tell the girls to play with their dolls and *bhadakuti* (play sets, utensils) rather than playing with other things. We don't realize for a second that instead of telling the girl to do this and not to do that, we should give more emphasis on their capacity building. The actual fact is that we do not realize that at this age, the kids just need toys that help them to develop their skills and abilities without limiting their growth by concepts of gender.

This is the practice that is found everywhere, mostly in our nation, where these kinds of conservative mores are blindly followed. The people in the urban areas who are literate are aware of this inequality; they do talk against it, and even preach others to go against these, but when it comes to their dealings, they too follow it, either knowingly, unknowingly or ignoring it, thinking whatever we preach cannot always be put into practices. But mostly, these kinds of practices are found in the rural areas where people are illiterate and unaware of the

equality. This is mostly found among the elderly persons. For them, men are superiors. They believe that only men need freedom, attention and care, and more opportunities, as they are the ones who earn and look after the family and the parents in their old age. Due to this concept, the women and men are given unequal status from the time they are born even from their own parents. If one receives this kind of discrimination from ones own parents, what can we expect from others who are not bound to us and have no soft feelings for us?

The discrimination also means "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of

their marital status, on the basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil and any other field". Therefore, now it is high time for some of us to step ahead and show the world that the gender equality should really start from ones home by ones own parents. The parents must be aware that there should be no such discrimination between son and daughter. They should understand that they have to undergo the same kind of hardships while raising both the children. Similarly, they should also realize that if given an equal opportunity, daughter can do the same kinds of things that son can do. If they think deeply, they will understand that daughters are more concerned about their parents' well-being than sons. If

this realisation comes, then this can be taken as a first step towards success. This will, I believe, to some extent, help in lessening these kinds of discriminations.

As for the children who are brought up in this environment where they see this kind of non-discrimination practice in their family, they too will understand the term discrimination, know the true meaning of equality, accept it for granted and follow the same trend in life. This can be counted as a stepping-stone to success towards practice of non-discrimination. Then, I believe, we will have a society where no girls will ever ask us whether or not they can do the things that the boys can do. In this particular case, we can take example of whistling being allowed even for the girls, when it is allowed for boys.

¹ Convention on the Elimination of Discrimination against women (CEDAW), Article 1

No. Victim Killed by State and Maoist during the State of Emergency Period (1 Jan -31 Dec, 2002)									
SN	District	By State	By Maoist	Total	SN	District	By State	By Maoist	Total
1	Jhapa	10		10	38	SYANGJA	34	2	36
2	ILAM	12	6	18	39	KASKI	14	6	20
3	PANCHATHAR	19	13	32	40	NAWALPARASI	16	7	23
4	TAPLEJUNG	13	19	32	41	RUPANDEHI	2	3	5
5	MORANG	22	8	30	42	PALPA	26	3	29
6	SUNSARI	12	1	13	43	KAPILVASTU	7	7	14
7	DHANKUTA	1	2	3	44	ARGHAKHANCHI	188	70	258
8	TERHATHUM	32	3	35	45	GULMI	10	1	11
9	BHOJPUR	9	3	12	46	BAGLUNG	54	6	60
10	SANKHUWASABHA	55	10	65	47	PARVAT	35	2	37
11	SAPTARI	23	2	25	48	MYAGDI	57	6	63
12	SIRAHA	33	19	52	49	DANG	193	93	286
13	UDAYPUR	15	1	16	50	PYUTHAN	35	6	41
14	KHOTANG	27	8	35	51	ROLPA	756	98	854
15	OKHALDHUNGA	77	3	80	52	SALYAN	93	38	131
16	SOLUKHUMBU	11		11	53	RUKUM	426	5	431
17	DHANUSHA	3	7	10	54	BANKE	92	4	96
18	MAHOTTARI		1	1	55	BARDIYA	195	20	215
19	SARLAHI	7	19	26	56	SURKHET	86	13	99
20	SINDHULI	30	57	87	57	JAJARKOT	14		14
21	RAMECHHAP	41	13	54	58	DAILEKH	44	5	49
22	DOLAKHA	29	8	37	59	DOLPA	17		17
23	RAUTAHAT	22	22	44	60	JUMLA	171	41	212
24	BARA	5	7	12	61	KALIKOT	158	6	164
25	CHITAWAN	30	20	50	62	MUGU	24	1	25
26	MAKAWANPUR	6	15	21	63	HUMLA	9	1	10
27	LALITPUR	6	3	9	64	KAILALI	132	38	170
28	BHAKTAPUR	12		12	65	ACHHAM	68	137	205
29	KATHMANDU	10	10	20	66	DOTI	48	1	49
30	KAVRE	13	30	43	67	BAJURA	53	5	58
31	DHADING	31	6	37	68	BAJHANG	41	4	45
32	SINDHUPALCHOWK	45	19	64	69	KANCHANPUR	90	15	105
33	NUWAKOT	50	14	64	70	DADEL DHURA	64	4	68
34	RASUWA	17	1	18	71	BAITADI	21	2	23
35	TANAHU	22	6	28	72	DARCHULA	30	3	33
36	GORAKHA	51	47	98					
37	LAMJUNG	47	6	53	Total		4151	1062	5213

CONTEMPT OF COURT ORDER

The government has disappeared five detainees: Narayan Adhikari, Chaturman Gurung, Dambar Bd. Karki, Haridwar Kunwar and Shanti Ram Bhattarai even after the habeas corpus order of the Supreme Court.

Narayan Adhikari, 25, is a legal professional, and member of Nuwakot Bar Association. Chaturman Gurung, 16, of Lalitpur Municipality - 3,

Kupandol is a student. Dambar Bd Karki, 23, is a wage earner. Haridwar Kunwar, 19, of Khare VDC - 5, Dolakha is a student. And Shanti Ram Bhattarai, 40, is a professor.

The security forces arrested Narayan Adhikari from Dhalko, Kathmandu on 25 January 2002.

Similarly, the security forces arrested Chairman Gurung on 22 February

2002 from his house. He was kept in detention on 6 May 2002.

Dambar Bd. Karki was arrested from New Baneshwor on 16 March 2002. On 2 April 2002, he was kept in detention.

Similarly, Haridwar Kunwar was arrested on 19 June 2002 on the way to Mulpani, his residence, from Palten

National Human Rights Commission (NHRC) on 16 January 2003 has stated that the government has breached the Court's Habeas Corpus Order. In a letter to the government, the Commission has said, "The government by disobeying the Court's order has breached the rule of law."

Writing a letter to the Prime Minister the Chairman of National Human Rights Commission (NHRC) Nayan Bahadur Khatri said the behavior of the government to be indifferent upon the decisions of the Supreme Court has made the Commission serious. The recent event in which some of the persons were not released even after the order of the Supreme Court has made mockery of the essential element of Human Rights "Rule of Law".

The following is the English translation of the letter sent to Prime Minister Lokendra Bahadur Chouda by NHRC Chairman Nayan Bahadur Khatri.

Be Hon'ble Prime Minister
Office of the Prime Minister
Singha Durbar Kathmandu

Mr. Prime Minister

I would like to remind you that a team of the Commission led by the Chairman on October 22 after the assumption of office by you, had presented an attention letter to you. The letter had stated the works to be done forthwith for the protection and promotion of Human Rights. In this regard, a Human Rights Cell has been established under the Ministry of Home and news reports have it that Human Rights Cells are to be established in the police organization too. NHRC would like to express pleasure over this act of His Majesty's Government.

We have been often drawing the attention of His Majesty's Government that the protection and promotion of Human Rights is the responsibility of the state. But the government especially the agencies directly concerned to the security of the people and protection of rights of people are not found serious but indifferent to Human Rights.

The recent event in which some of the persons were not released even after the order of the Supreme Court has made mockery of the essential element of Human Rights "Rule of Law." The behavior of the government to be indifferent upon the decisions of the Supreme Court has made the Commission serious. I would like to remind you that the dishonor or indifference of the decisions of the constitutional or legal agency by the government triggers serious violation of Human Rights.

NHRC needs the cooperation of His Majesty's Government in the task of fulfilling its responsibility given by Human Rights Commission Act, 2053. But I would like to request that the constitutional commitment of the government upon Human Rights would infringe if various agencies of the government are indifferent towards the same.

At last, hoping that the government would be more serious in the time to come for the protection of Human Rights, I would like to request to make appropriate efforts for the cooperation of United Nations Office of the High Commissioner for Human Rights regarding the increasing violation of Human Rights in Nepal.

Nayan Bahadur Khatri
Chairman

Source: a - bulletin of NHRC, Vol. 1, No. 16, 17 January 2003.

Carpet Industry at Dallu, Kathmandu. After 20 days, on 4 July 2002, he was kept in detention.

The security forces arrested Shanti Ram Bhattarai from Kathmandu Metropolis - 7, Kumari Gal, Chabahil on 9 February 2002. He was kept in detention on 2 April 2002.

The Supreme Court had issued a habeas corpus order on 4 January 2003 to release advocate Narayan Adhikari and student Chaturman Gurung. Similarly the Court had also issued a habeas corpus order on 7 January 2003 to release wage earner Dambar Bd. Karki, student Haridwar Kunwar and Professor Shanti Ram Bhattarai.

But the government did not obey the order of the Supreme Court; the detainees were not released. The Supreme Court once again issued a habeas corpus order on 15 January 2003 to release all the above-mentioned detainees.

To date, the government has not announced any whereabouts of these five detainees, neither has it replied to the Supreme Court.

Prior to the Court's order, all the detainees had been kept in the central jail, Kathmandu.

Meanwhile, the relatives of Shanti Ram, Haridwar and Dambar met them at Hanuman Dhoka the next day the Court issued the first habeas corpus order. According to the relatives of the detainees, they are being kept at Hanuman Dhoka at night and in the day they were kept at the police post, Sorah Khutte, Mahindra Police Club and at the police post, New Baneshwor.

The Supreme Court in its order has also warned to issue a search warrant or to take a departmental action against the breach of its order.

Right against Preventive Detention has been mentioned in The Constitution

of the Kingdom of Nepal, 1990, Article 15 as:

1. No person shall be held under preventive detention unless there is a sufficient ground of existence of an immediate threat to the sovereignty, integrity or law and order situation of the Kingdom of Nepal.
2. Any person held under preventive detention shall, if his detention was contrary to law or in bad faith, have the right to be compensated in a manner as prescribed by law.

Article 14 of the Constitution mentions that 'no one shall be detained beyond lawful period.'

This incident is thus against the constitutional spirit and due process of law (The International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture (CAT), both of them have been ratified by Nepal).

Killings after the Formation of 'Chand' Government

(Oct 11, 2002 - Jan 21 2003)

Occupation	By State	By Maoist	Total
Police	-	100	100
Army	-	23	23
"Maoist"	646	-	646
Political Worker	2	28	30
Student	-	5	5
Worker	-	1	1
Agricultural	-	3	3
Teacher	-	7	7
General People	4	48	52
Businessman	-	1	1
Health Worker	-	-	-
Law Professional	-	-	-
Social Worker	-	-	-
Journalist	-	1	1
Civil Servant	-	3	3
Total	652	220	872

No. Victim Killed by State and Maoist during the State of

Emergency Period

(1 Jan -31 Dec, 2002)

Occupation	By State	By Maoist
Police		485
Army		187
"Maoist"	4021	1
Political Worker	12	118
Student	10	13
Worker	21	9
Agricultural	35	57
Teacher	4	28
General People	41	131
Businessman	1	8
Health Worker		2
Law Professional		2
Social Worker		3
Journalist	1	2
Civil Servant	5	16
Total	4151	1062



Child Victims Rabin & Rabina With Their Father



Victims' Father Receiving a Cheque Donated by Various Persons/Organizations for Their Rehabilitation



Procession for Peace on International Human Rights Day



Interaction on Impact of Armed Conflict on Children

RESEARCHERS
STUDENTS
ACADEMICS
ACTIVISTS



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