

# Nepal

## Human rights defenders under threat

Human rights defenders in Nepal have found themselves on the front line of the country's human rights crisis.

As a result of their efforts to investigate reports of widespread human rights violations committed by members of the security forces and the Communist Party of Nepal (CPN) (Maoist) in the context of the armed conflict they have often found their lives, and those of their families, in danger from both sides. Many human rights defenders have been arbitrarily arrested; some have been tortured or ill-treated; others have been abducted and killed or "disappeared".<sup>1</sup>

Nepal for over a decade has had a vibrant human rights movement with its roots in a strong civil society. Amnesty International itself established its first office in Kathmandu in 1971. Another of the older human rights groups was established in 1988 followed by several new organizations which began functioning openly from 1990 onwards, after the restoration of democracy. The National Human Rights Commission (NHRC) was established in June 2000 to monitor human rights abuses throughout the country. These organizations and other human rights defenders such as lawyers and journalists have been at the forefront of investigative work into reports of human rights abuses, often at great risk to the individuals concerned.

In response to the conflict, the country's security forces have launched a counter-insurgency campaign which has resulted in reports of large-scale arbitrary arrests, detention and "disappearances", extrajudicial executions and torture including rape, all carried out with impunity. Members of the CPN (Maoist) have also been responsible for grave human rights abuses including assassinations of political opponents and other civilians including teachers and journalists, hostage-taking, torture and mass abductions of school students and teachers.

Weak government institutions together with a lack of respect by the authorities for the work of human rights organizations including the NHRC, has contributed to a climate of impunity throughout the country.

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<sup>1</sup> According to the *Declaration on the Protection of All Persons from Enforced Disappearances*, adopted by the United Nations General Assembly on 19 December 1992, a "disappearance" has occurred when persons are arrested, detained or abducted against their will or otherwise deprived of their liberty by officials of different branches or levels of Government, or by organized groups or private individuals acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government, followed by a refusal to disclose the fate or whereabouts of the person concerned or a refusal to acknowledge the deprivation of their liberty, thereby placing such persons outside the protection of the law.

## Background

A human rights crisis has gripped Nepal as a result of an eight-year-old conflict between the government of Nepal and the CPN (Maoist), which declared a “people’s war” in February 1996.<sup>2</sup>

Thousands of people - suspected by the authorities to be members or supporters of the CPN (Maoist) - have been arbitrarily arrested and detained and hundreds remain “disappeared”. They include human rights defenders such as lawyers, journalists reporting on the conflict, members of human rights groups, women and activists campaigning for the rights of socially and economically deprived ethnic groups and castes. Scores of civilians have also been abducted by the CPN (Maoist), including some human rights defenders; some have been killed and the whereabouts of others are unknown.

Following the declaration of the state of emergency in November 2001, the Royal Nepal Army (RNA) assumed overall command of the security forces, including the Armed Police Force (APF) and the civilian police. Although the state of emergency lapsed in August 2002, unified command remains in force.

Reports of grave human rights abuses by both sides to the conflict have continued since the collapse of a ceasefire in August 2003. Under the unified command of the army groups of security forces personnel, often in plain clothes instead of uniform, have arrested people suspected of Maoist activities and taken them to barracks or police stations in Kathmandu and other districts, where they are held incommunicado. Former detainees held in army custody have reported that they were kept hooded for the entire period of their detention and were therefore unable to identify the barracks or premises where they were held. Several reported being subjected to torture and ill-treatment during interrogation. Several former detainees reported that they were threatened by the security forces not to make public the kind of treatment they were given during the time they were held in custody or they would face severe consequences.

Most detainees suspected of Maoist activities are held under the Terrorist and Disruptive Activities (Control and Punishment) Act (TADA) 2002 which gives the security forces the power to arrest without warrant and detain suspects in police custody for up to 60 days for the purpose of investigation and up to 90 days in preventive detention, without being presented before a court.<sup>3</sup> The TADA was first introduced as an Ordinance on 26 November 2001 following declaration of the State of Emergency and was passed as an act in April 2002 for a period of two years. It was renewed by royal ordinance on 9 April 2004.

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<sup>2</sup> For background to the conflict and details of Amnesty International’s concerns, refer to *Nepal: A spiralling human rights crisis* (AI Index: ASA 31/016/2002), *Nepal: A deepening human rights crisis* (AI Index: ASA 31/072/2002) and *Nepal: Widespread “disappearances” in the context of armed conflict* (AI Index: ASA 31/045/2003)

<sup>3</sup> Under Article 14 (6) of the Constitution of Nepal, detainees should be produced before a judicial authority within 24 hours of arrest, excluding the period of a journey from the place of arrest to such an authority.

### **Human rights abuses against human rights defenders**

The NHRC, a statutory body, was established under the National Human Rights Commission Act of 1996 and its members were appointed four years later in May 2000. According to its mandate, it can independently investigate complaints of human rights abuses, and make recommendations to the government for the effective implementation of international human rights treaties to which Nepal is a state party.

The work of the NHRC was initially hampered by insufficient financing and staffing and a lack of cooperation from the authorities, particularly the defence and home ministries and the security forces. More recently, with the assistance of the international community to improve its capacity and resources, it has tried to address the deteriorating human rights situation in the country in the context of the armed conflict by sending fact-finding teams to all five regions to verify reports of human rights abuses.

Amnesty International continues to be concerned about the lack of cooperation extended to the NHRC and the Supreme Court by the government, civil service and security forces. Following a Supreme Court order to the NHRC on 31 May 2004 to try and establish the whereabouts of student leader, Krishna K C, who was arrested by the security forces in September 2003, NHRC staff members were denied entry by the RNA to the Bhairabnath Gan army barracks in Maharajgunj, Kathmandu.

In the course of their work, lawyers and staff members of human rights organizations, including the NHRC, have also received anonymous threatening telephone calls from people believed to be members of the RNA or supporters loyal to them.

Lawyer Bal Krishna Devkota came under suspicion by the RNA in connection with his work as part of an NHRC monitoring team investigating reports of human rights abuses in the western region. Security forces personnel in plain clothes arrested him from his home in Kathmandu on 21 February 2004. He was blindfolded and held at an unspecified army barracks for five days where he was questioned about why he had volunteered to join the NHRC investigation team. He was also subjected to other detailed questioning about the activities of the NHRC, highlighting the deep suspicion under which this statutory body is regarded by the RNA.

Lawyers have frequently come under suspicion by the authorities because of their work investigating reports of human rights abuses or representing people who have been detained under the TADA on suspicion of supporting the activities of the CPN (Maoist).

The Nepal Bar Association (NBA), an umbrella forum of professional lawyers in the country, met with the then Prime Minister, Surya Bahadur Thapa, on 26 February 2004, to request the release of ten lawyers held in custody (four of whom remain “disappeared” at the time of writing). Following the meeting, the Prime Minister directed the security forces to respect court orders relating to *habeas corpus* petitions issued by the Supreme Court in relation to all detainees. The Supreme Court had earlier ordered the government to take action against government authorities which did not respect its orders relating to all *habeas corpus* cases. The government had responded by sending a circular to government ministries and heads of security forces ordering them to act on orders from the Supreme Court.

Between 26 February and 11 March 2004, six lawyers including Bal Krishna Devkota, Dhananjaya Khanal, Gopi Bahadur Bhandari, Basu Dev Sigdel, Lok Krishna Bhattarai and Krishna Silwal were released. In response to a Supreme Court order in early March 2004 seeking the grounds for the detention of Gopi Bahadur Bhandari, the RNA produced a written reply to the court denying that he was held in custody.

The NBA met with the Prime Minister for a second time on 12 March 2004 to request the release of the remaining four lawyers whose whereabouts are unknown, including Jeetaman Basnet, Laxman Prasad Aryal, Sujindra Maharjan and Rajendra Dhakal. The Home Ministry, RNA and Police Headquarters replied to the Supreme Court on 11 March, in response to *habeas corpus* petitions lodged on their behalf, to the effect that lawyers Jeetaman Basnet, Laxman Prasad Aryal and Sujindra Maharjan were not in detention. The RNA's previous refusal to cooperate with the Supreme Court by denying the arrest of lawyer Gopi Bahadur Bhandari casts doubts as to whether their reply and clarification to the court about these cases is reliable or not.

On 24 June 2004, following a meeting with the Attorney General, Chief of Army Staff (COAS), General Pyar Jung Thapa, stated that the RNA had no intention of disobeying Supreme Court orders regarding the protection of human rights. The RNA also stated that it had written to the Prime Minister, Chief Justice and Chairman of the NHRC to notify them that it would not allow anybody to enter any of its units without permission from army headquarters.

On 1 July 2004, the NHRC was given permission to visit the Bhairabnath Gan army barracks in Maharajgunj, Kathmandu, where it was given access to three detainees held there. On 9 July, in response to directives by the COAS, the Rajdal army barracks at Lagankhel in Lalitpur district and the Bhairabnath Gan army barracks, for the first time, submitted replies to the Supreme Court in response to *habeas corpus* writs on behalf of Machhenarayan Shrestha and Rajendra Thapa, denying their arrest and detention.

Journalists working on human rights have been also been targeted by both the security forces and the CPN (Maoist), because of their work reporting on human rights abuses during the armed conflict. Three journalists have been killed and two abducted by the Maoists, since the breakdown of the cease-fire in August 2003.<sup>4</sup> Dozens of journalists have been arrested and detained by the security forces during the same period and six remain "disappeared".

Local staff working for international aid organizations have been threatened and harassed by the CPN (Maoist). In a joint public statement issued on 10 May 2004, ten international donors announced they were suspending work in six districts of mid-western Nepal because of "serious demands and threats" by local CPN (Maoist) members. The offices of the NGO Backward Society Education (BASE) in Dhangadi, Kailali district, were damaged by a bomb planted by the Maoists on 28 June 2004.

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<sup>4</sup> According to international humanitarian law, enshrined in the Geneva Conventions of 1949, each party to a conflict shall be bound to observe minimum humane standards as set out in Article 3.

Women activists have also been targeted. Shanta Shrestha, a feminist and social worker, was arrested by security forces from her home in Kathmandu in September 2003 and held in custody for 12 days. She had been an active campaigner during the movements for the restoration of democracy in Nepal in 1950 and 1990.

Grass roots activists campaigning on behalf of members of ethnic groups such as members of the Magar, Limbu, Kirat and Tharu communities have also been arbitrarily detained by the security forces and some remain “disappeared”.

*Dalits*<sup>5</sup> have also been targeted; Kailash Dobi was beheaded by Maoists in Kapilvastu district on 21 June 2004 on charges of spying.

### **Case details of human rights defenders**

Cases histories are given below of human rights defenders who have been killed, who remain in detention or who have “disappeared” in custody and those who continue to be held by the Maoists and whose whereabouts remain unknown.

Amnesty International has submitted details of the cases detailed in this report to the Special Representative to the Secretary General of the United Nations (UN) on human rights defenders.

#### **Dekendra Raj Thapa, *journalist and human rights activist***

Dekendra Raj Thapa, a journalist working for Radio Nepal and a member of the Dailekh district branch of HURPES, was abducted by Maoists in 27 June 2004. According to local sources, he is head of the Dailekh Bazar drinking water project and was summoned by the Maoists to discuss the drinking water project on 26 June. According to the Federation of Nepalese Journalists in Dailekh district, the Maoists accused him of misappropriating funds from the project and requested him to show details of the project’s financial records. In December 2003, the Maoists had damaged two pipes bringing water to the district headquarters from the source 18 kilometers away, but following initiatives by Dekendra Raj Thapa, had allowed drinking water supplies to be continued. At the time of writing he was still being held by the Maoists, reportedly at their base area in Naumulle.

#### **Mahendraman Byathit, *social worker and lawyer***

Mahendraman Byathit is a resident of Ward No. 1, Putalibazar Municipality, Syanja district. He is a social worker and a lawyer, and is a district committee member of Human Rights and Peace Society (HURPES), a national human rights organization. He was abducted by Maoists on 16 June 2004, as he was returning home from an inaugural ceremony opening a bridge across the Jyagdi River. He was released two days later, on condition that he report to the Maoist leadership in the area on a date specified by them.

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<sup>5</sup> *Dalits* - or the “oppressed” - formerly known as “untouchables” are one of the groups in Nepal and India which are isolated and disadvantaged by their low status in the traditional Hindu caste hierarchy and therefore exposed to discrimination and social, economic and cultural injustice.

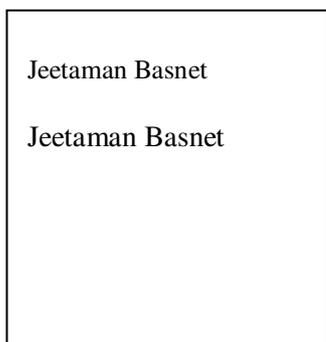
**Ganesh Chiluwal, leader of the Maoist Victims' Association**

Ganesh Chiluwal, the leader of the Maoist Victims' Association (MVA), was shot dead by two armed men, believed to be members of the CPN (Maoist), at the offices of the association in Bagbazar, Kathmandu, on 13 February 2004. The MVA is an organization working for the welfare of victims of Maoist abuses.

**Gyanendra Bahadur Khadka, journalist**

Gyanendra Bahadur Khadka, a journalist working for the *Rastriya Samachar Samitee* (National News Agency) in Sindhupalchok district, was killed by a group of Maoists using a *kukuri*<sup>6</sup> knife on 7 September 2003, in the grounds of the Janata Secondary School, Jyamire, Sindhupalchok district. It is reported that the Maoist had leveled 12 charges against him but colleagues suspected that he was killed because his work as a journalist was considered to be detrimental to the interests of the CPN (Maoist).

**Jeetaman Basnet, age 28, lawyer**



Jeetaman Basnet is a lawyer and journalist, currently living in Ward No. 34, Santinagar, Kathmandu, where he worked for a senior lawyer on human rights cases. He also worked as a journalist for *Sagarmatha*, (Mount Everest) a monthly magazine covering current affairs, whose readers include members of the Sherpas, an ethnic group living mainly in the mountains of the high Himalayas. His duties involved going into remote areas of the country, taking photographs and writing reports for the magazine. At 6pm on 4 February 2004 Jeetaman Basnet was seen by witnesses talking to three people dressed in army uniform outside his house. After a while he was taken away and has not been seen since by his relatives. His friends suspect he might have been falsely implicated in Maoist activities because of the fact that he visited Maoist areas during his work as a journalist. His whereabouts are unknown but there are unofficial reports that he may be detained at the Bhairabnath Gan army barracks in Maharajgunj, Kathmandu. Relatives have informed the NHRC and the NBA, who are reported to be making inquiries with the authorities. In response to a *habeas corpus* writ lodged by the Nepal Bar Association, the security forces responded to the Supreme Court, on 11 March 2004, denying his arrest.

**Madhu Sudhan Dhungel, age 32, teacher and human rights activist**

Madhu Sudhan Dhungel is a teacher at the Chamunda secondary school in Jorpati, Kathmandu, and a member of the Forum for the Protection of Human Rights (FOPHUR), a national human rights organization. He was arrested by security forces personnel at 10.30pm on 20 June 2004 from his residence at Ward No. 7, Maijubahal, Kathmandu municipality. According to relatives, five people in plain clothes wearing masks and carrying pistols – believed to be officers from police headquarters - came to the house. When the relatives asked

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<sup>6</sup> A heavy curved knife used to cut wood or bamboo, found in most Nepali households, and traditionally a symbol of the Gurkha regiment of the British army.

for identity cards, they refused to show them, giving a verbal assurance only that they were from the security forces. They demanded to be shown Madhu Sudhan Dhungel's room where he was sleeping, which they entered and searched. They then dragged him from the room, despite his protests that he would come with them freely. Relatives asked the security forces for the reason for Madhu Sudhan Dhungel's arrest, but they refused to tell them. They tied a cloth over his eyes, escorted him to the main road where they put him in a taxi and took him away. Although he is believed to be in police custody, his exact whereabouts have not been made known officially. At a hearing of a *habeas corpus* petition on 28 June 2004 in the Supreme Court, the court ordered police headquarters to produce the detainee. At the time of writing his whereabouts remain unknown.

**Sujindra Maharjan, age 28, human rights activist**

Sujindra Maharjan is an advisor to the Kirtipur Chapter of the Human Rights Organization of Nepal (HURON), a national human rights organization. He worked as a lawyer in the legal section of the Kirtipur Municipality office in Kathmandu district. On 12 November 2003 members of the security forces came to his house at Ward No. 14, Chhobhar, Kirtipur Municipality. They were reportedly looking for his brother, Pancha Lal Maharjan, whom they apparently suspected of being member of Newa Khala (Newar Group), an organization promoting rights for the Newar ethnic group, which is reported to be affiliated to the CPN (Maoist). They searched the house and took away a computer, a motorcycle and some money. The security forces allegedly threatened to arrest another member of the family if Pancha Lal Maharjan did not give himself up. At midnight on 15 November 2003, five members of the security forces in plain clothes returned to the house and arrested Sujindra Maharjan. They took him away in a vehicle and his current whereabouts remain unknown. At a hearing of a *habeas corpus* petition on 4 June 2004 lodged by his family, the Supreme Court requested the NHRC to investigate the case and submit its report to the court. The NHRC is reported to be in the process of visiting army barracks in Kathmandu to try and establish his whereabouts.

**Dhani Ram Tharu, age 40, NGO worker and journalist**

Dhani Ram Tharu acted as district secretary of a non-governmental development organization called Backward Society Education Society (BASE), in Bardiya District, mid-western Nepal. He was also involved in the production of a radio program called *Hamar Saidan* (Our Gift), broadcast by a community radio station, *Swargadwari FM*, based in neighbouring Dang district. Its main audience are people from the Tharu ethnic community living mainly in the south western area of Nepal, who are recognized as being socially and economically deprived. *Swargadwari FM* aired news reports that were critical of the government and the security forces, as well as detailed reports about human rights abuses by the Maoists.

At around 5.30pm on 13 March 2004 Dhani Ram Tharu and six colleagues working on the same radio program were in the office of "Youth Society Adult Education Service Forum" in Nepalgunj, Banke district, when they were arrested by members of the APF. Nepali newspapers reported that the authorities suspected that all seven were involved in Maoist activities. Witnesses said that they were taken away in a white van with government

number plates to the Birendra Prahari Byayamshala police compound in Nepalgunj. Witnesses reported that Dhani Ram Tharu was blindfolded and taken inside, while the six others were taken to the Banke District Police Office in Nepalgunj. The six were released the following morning, but Dhani Ram Tharu was kept in custody. Observers believe he may have been arrested because the security forces suspected he had information from Maoist sources. On 16 March 2004 he was transferred to Banke district prison in Nepalgunj, where he is reportedly being held in preventive detention under the TADA.

**Maheshwar Pahari, age 27, journalist**

Maheshwar Pahari

Maheshwar Pahari is a resident of Buddha Chowk, Ward No.10, Pokhara municipality, Kaski district. He was a reporter for the weekly *Rastriya Swabhiman* (National Pride), a local newspaper in Pokhara, which published information on human rights abuses allegedly carried out by the government security forces. The *Rastriya Swabhiman* ceased publication when the ceasefire between the government and the CPN (Maoist) broke down in August 2003, but some of the journalists involved continue to publish articles in their private capacity. Maheshwar Pahari was arrested on 2 January 2004 in Khorako Mukh village in Lwang Ghalel VDC, Kaski district, by a group of uniformed army personnel and reportedly taken to the Phulbari army barracks in Pokhara.

Local journalists believe that his detention may be linked to his work as a journalist. At the time of his arrest, local sources reported that Maheshwar Pahari was travelling into a Maoist-controlled area to investigate their activities there. Observers believe he may, therefore, have been arrested because the security forces wanted to gather intelligence from him about Maoist activities in the area. It is reported that Maheshwar Pahari was transferred to Kaski prison on 14 May 2004. He has access to his relatives but no lawyer and no legal action has been initiated on his behalf. He has not been produced in court and is reported to be detained under the TADA.

Maheshwar Pahari was previously arrested at the time the state of emergency was declared on 26 November 2001, on suspicion of sympathising with the CPN (Maoist), and detained for 13 months before being released on the orders of the Supreme Court.

**Ram Bahadur Limbu, age 47, community activist**

Ram Bahadur Limbu, who campaigns on behalf of an indigenous ethnic group, was arrested by security forces personnel in plain clothes on 26 September 2003 in Indrapur VDC, Morang district, eastern Nepal. Shortly after his arrest, the Ministry of Defence issued a press statement confirming his arrest, and claiming that he was the regional chairman of the Limbuwan Liberation Front, which is affiliated to the CPN (Maoist). Ram Bahadur Limbu's relatives have denied this accusation.

Ram Bahadur Limbu is a central committee member of *Kirat Yakthung Chumlung* (KYC), an organization concerned with the preservation and promotion of the Kirat indigenous people which has no association with the Limbuwan Liberation Front. The KYC is a registered non-governmental organization.

Amnesty International received information in February 2004 that Ram Bahadur Limbu is currently detained in Morang district prison under TADA. He is believed to have access to his relatives, but has not been produced in court.

**Khadga Bahadur Swar (also known as K B Jumli), *journalist and teacher***

Khadga Bahadur Swar worked as a correspondent for the *Nepal Samacharpatra*, a Kathmandu based daily newspaper. K B Jumli is the name under which he writes. He is a resident of Ward No. 9, Nanku VDC, Gautambada Village, Jumla district, mid-western region. He also worked part-time as a primary school teacher at the Milika Primary School, in Haku VDC, Gautambada. He was arrested on 15 April 2004 from Chandan Nath VDC, in the district headquarters of Jumla, by a group of 30 security forces personnel from the Kabaljung army barracks in Jumla district.

Local people believe that Khadga Bahadur Swar's arrest may be linked to his work as a journalist, since his reports often criticized the local administration and the actions of the security forces. Since he was reported to have had contact with Maoists in the area, the security forces may have detained him to gather intelligence. He was remanded to the Jumla district prison, under the TADA, where he has access to his relatives, but has not been produced in court.

**Response by the authorities**

Moves initiated in 2004 by the NHRC to develop a Human Rights Accord that would commit both the government and the CPN (Maoist) to uphold human rights have stalled, in part because of government reluctance to formally recognize the CPN (Maoist). Instead, on 26 March 2004, the government independently issued a formal statement entitled "*His Majesty's Government's commitment to the implementation of Human Rights and International Humanitarian Law*", which, if implemented, would produce a measurable improvement in the human rights situation in Nepal.<sup>7</sup>

In addition, on 1 July the Home Ministry announced the formation of a five-member committee to probe into the status of individuals who have "disappeared" after arrest by the security forces, which would submit its report at the end of 30 days.

While welcoming these measures to address the grave human rights situation in the country, Amnesty International remains concerned that these initiatives may largely remain

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<sup>7</sup> See *Nepal: Will human rights be fully protected?* (AI Index: ASA 31/093/2004) issued on 2 April 2004.

on paper and fall short of Nepal's commitment to fully implement all its obligations under the international treaties to which the country is a state party.<sup>8</sup>

The organization also remains concerned that despite a Chairperson's statement at the UN Commission on Human Rights in Geneva in April 2004, providing for technical assistance and capacity building within the NHRC, the government of Nepal has not yet signed a memorandum of understanding for its implementation.

## **Recommendations**

### **To the government**

Amnesty International is appealing to the authorities to ensure that the government's commitments to human rights, enshrined in the statement made public on 26 March 2004, are implemented, in particular its commitment to respect human rights defenders. Paragraph 18 states that "Human rights groups, other non-government organizations and human rights activists working for the implementation of the principles of human rights and international humanitarian laws shall be protected". The organization is also urging the government:

- To implement its commitment to strengthen the National Human Rights Commission (NHRC) and ensure that it has access to all detainees held in army and police custody
- To instruct the five member committee, announced by the Home Ministry on 1 July 2004, to exhaustively investigate the fate and whereabouts of the people whose cases are mentioned in this report and the cases of all "disappeared" persons
- To immediately release all human rights defenders who are in detention, unless they are charged with a recognizably criminal offence
- To ensure exhaustive and impartial investigations are carried out into all allegations of torture, ill-treatment and "disappearance", make the findings public and to bring to justice those responsible
- To stop the country's security provisions being used to prevent legitimate political expression and to harass and arbitrarily detain peaceful protestors, including human rights defenders
- To provide an effective remedy and reparation for victims of human rights violations, including human rights defenders, who have been arbitrarily arrested or detained and to the families of those who remain "disappeared"
- To implement measures, as laid out in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by the

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<sup>8</sup> In the early 1990's Nepal signed up to six main human rights instruments, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights (ICCPR).

UN General Assembly on 8 March 1999, for the promotion and protection of human rights and fundamental freedoms

- To respond favourably to any request for a visit made by the Special Representative of the UN Secretary General on the situation of human rights defenders

**To the leadership of CPN (Maoist)**

Amnesty International has been calling on the leadership of the CPN (Maoist) to at all times abide by its stated commitment, made public by Baburam Bhattarai in April 2003 and by Prachanda in March 2004 respectively, to abide by fundamental human rights standards and international humanitarian law as laid out in Article 3, common to all four of the Geneva Conventions.

- The leadership of the CPN (Maoist) should issue immediate instructions to its members to cease all human rights abuses immediately, including the taking of hostages
- It should take steps to abide by its stated policy of respect for Article 3 common to the four Geneva Conventions of 1949, which promotes respect for civilians in times of conflict and which, amongst other recommendations, prohibits murder, mutilation and torture and the taking of hostages
- It should immediately release all human rights defenders and others who are held in their custody
- The CPN (Maoist) should investigate abuses by its forces and take measures to prevent them reoccurring
- The CPN (Maoist) should allow freedom of expression and association in areas under their influence
- The leadership of the CPN (Maoist) should make a public commitment to respect the humanitarian missions of all humanitarian agencies including NGOs, the UN and relief agencies.



