

**Nepal Monthly Human Rights Briefing Paper**  
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**Nepal: End of the anachronistic monarchy?**  
Eggs in the China basket

Table of contents

<b>1. OVERVIEW .....</b>	<b>2</b>
<b>2. ATROCITIES BY SECURITY FORCES.....</b>	<b>4</b>
I. EXTRAJUDICIAL KILLINGS.....	4
II. TORTURE .....	5
III. ARREST.....	6
IV. EXTORTION.....	8
<b>3. ATROCITIES BY MAOISTS .....</b>	<b>8</b>
I. TORTURE .....	8
II. KILLINGS .....	9
III. ABDUCTION .....	10
IV. THREATS .....	13
V. EXTORTION AND LOOTING .....	14
VI. DENIAL OF RIGHT TO EDUCATION .....	16
VII. ECONOMIC BLOCKADE .....	17
<b>4. CONTEMPT OF THE COURT .....</b>	<b>18</b>
<b>5. RESTRICTIONS ON THE FREEDOM OF THE PRESS .....</b>	<b>19</b>
<b>6. DENIAL OF THE RIGHT TO PEACEFUL ASSEMBLY .....</b>	<b>20</b>
<b>7. CODE OF CONDUCT – ENFORCED ATTEMPT TO RESTRICT NGOS .....</b>	<b>22</b>
<b>8. DENIAL OF ACCESS TO JUSTICE.....</b>	<b>22</b>
<b>9. CONTACT US: .....</b>	<b>23</b>

## 1. Overview

In its Briefing Paper “*The Chinese Chequer: Split Wide Open in Nepal*” of 1 November 2005, ACHR and FORUM-ASIA observed that “The Chinese military aid may indeed expedite the processes unless key actors drastically reverse their policy with regard to restoration of democracy in Nepal”.

The processes have indeed been expedited faster than expected.

At the sidelines of the 13<sup>th</sup> Summit of the South Asian Association for Regional Cooperation, according to Indian foreign ministry spokesman Navtej Sarna at the SAARC Summit "The prime minister (of India) underlined to his majesty (Gyandendra) the importance of restoring multiparty democracy in Nepal as early as possible and the need to take concrete steps in this regard. He also said this would not be possible without the involvement of political parties." The King reportedly assured Prime Minister Manmohan Singh that he was prepared to take steps towards restoring democracy.

On 17 November 2005, the Communist Party of Nepal (Maoists) and seven-party alliance signed historic 12 point agreement. The agreement called for end of absolute monarchy, followed by the establishment of a full-fledged democracy and the restructuring of state apparatus to address political, social, economic, cultural as well as class, ethnic and gender issues. The Maoists also agreed to participate in multi-party democracy and lay down arms under the UN or any credible international supervision. The two sides also declared that they would boycott and oppose the municipal elections, scheduled for February 8 and the parliamentary elections slated for mid-April 2007 as these are “intended to give legitimacy to the king”. They called for elections for the Constituent Assembly.

Since then China has also delivered the first lot of military hardware to the Royal Nepalese Army (RNA). On 22 and 22 November 2005, the arms and weapons were brought into Nepal in 18 trucks via the Kodari Highway.<sup>1</sup> It is clear that King Gyanendra has put all his eggs in the China basket. At the SAARC summit, Nepal became the most vocal supporter of China’s immediate affiliation with SAARC.

The issue is whether restoring peace, democracy and stability in Nepal will become a victim of China’s attempts at growing influence in the Indian sub-continent. There are many who wrongly urge that Sino-India economic ties are unlikely to make Nepal a geo-political play-grounds. Not that King Gyanendra can sustain in Nepal with Chinese arms given that the kingdom’s almost entire economic geography is inextricably intertwined with that of India and its completely dependency on India for its hydrocarbon supplies. However, the accusation of Bhutan lawmakers in later November 2005 that China has

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<sup>1</sup> . China arms RNA, Kantipur Online, 25 November 2005

been encroaching upon its territory to gather crops of a prized fungus is likely to add spice to the geo-political games in the Himalayas.

King Gyanendra has responded to India's demand for democracy by reshuffling the cabinet on 8 December 2005 and brought more royalists. It is clear that he does not pay a hoot to the Indians.

Facilitating a Memorandum of Understanding between the Maoists and seven party alliance is easier than adopting a credible strategy to squeeze the King to restore peace and democracy and stability. India's Foreign Secretary Shyam Saran visited Nepal from 11-13 December 2005 to convey New Delhi's message. Both the Narayanhiti Palace and Foreign Secretary Saran maintained silence though Saran at a press conference stated that "restoration of peace and stability and economic recovery in Nepal is not only in the interest of Nepal, but also India's interest."

The onus lies on the all-key actors to fasten the process of bringing an end to anachronistic monarchy.

**First**, the onus lies on the Maoists to reassure international community, not only the United States, that they are committed to multi-party democracy and respect for human rights and humanitarian laws. The extension of cease-fire by one month is welcome but not adequate. The Maoists must ensure that no harm will be done to the civilians in conformity with the Common Article 3 of the Geneva Conventions. The Maoists must not violate the cease-fire and should not be provoked by the RNA.

**Second**, New Delhi is not short of options in getting King Gyanendra to meet the demand for an early end to his unconstitutional personal rule over Nepal. China is simply not going to transport food and fire for 25 million populace of Nepal. New Delhi requires concurrence of the United States, United Kingdom and other European countries to discard accusation of bullying or interference in internal affairs if it were to adopt coercive diplomacy with regard to the King. In this regard, New Delhi must unequivocally invite the role of the UN or any other third party for disarming of the Maoists to implement the 12 point agreement between the Maoists and the seven-party alliance.

**Third**, the United States, United Kingdom and other EU countries which have largely deferred to Indian leadership on Nepal, must realize that for the sake of democracy, peace and stability in Nepal, the 12 point agreement signed by the Maoists and the seven party is the solution and not King Gyanendra, who does not keep his words and has turned Nepal into his personal party and RNA as his private army.

## 2. Atrocities by security forces

### i. Extrajudicial killings

On 7 November 2005, an alleged Maoist identified as Tek Bahadur Shahi alias Chatyang was shot dead by police in a gunfight at Saltakura village in Jajarkot. According to a statement of the RNA, following a tip off, a police team went to Saltakura village to arrest the Maoists who were involved in extortion from the villagers. The Maoists attacked the approaching police team with socket bombs and the police retaliated killing one of them.<sup>2</sup>

On 8 November 2005, RNA personnel killed three Maoists in an alleged encounter in Bhorle area of Rasuwa district. In a statement issued on 9 November 2005, the RNA said that the rebels were killed in a retaliatory action when they attacked the security patrol team. The security forces also claimed to have seized two pistols, bullets, socket bombs, cordless set and documents from the rebels.<sup>3</sup>

On 10 November 2005, a Maoist cadre identified as Yadav Dhami was killed by the security forces at Khadagaon area of Kanchanpur district. In a statement, the RNA claimed that he was killed in retaliatory action by the security forces when a group of armed Maoists opened fire at a security patrol, and that they recovered a pistol and terrorist related documents from the deceased.<sup>4</sup>

On 20 November 2005, at least four Maoists were reportedly killed and 28 others injured in an encounter with the security forces at Sapsukhola area in Khotang district. According to security sources in the district, the clash ensued when the rebels opened fire at a team of security forces and government employees that was returning to the district headquarters after conducting a mobile services camp. The sources said the rebels carried away their wounded comrades towards Kharuwakhola in Yamkha VDC. After the incident the Maoists abducted a paramedic from Dandagaun health post.<sup>5</sup>

On 23 November 2005, a youth identified as Gopal Maharjan, 22, was killed in police firing at Tahachal in Kathmandu. According to Kathmandu Police Chief Indra Prasad Neupane, the deceased died on the spot when police opened fire at the youths who attacked the police patrol with *khukuris* near Tahachal campus at around 10 p.m. Three police personnel were also injured in the scuffle with the youths. Police arrested some youths involved in the attack.<sup>6</sup>

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<sup>2</sup>. Four Maoists killed: RNA, Nepal News.com, 10 November 2005

<sup>3</sup>. Security forces kill three Maoists, The Kathmandu Post, 10 November 2005

<sup>4</sup>. <http://www.rna.mil.np/news.php?newsid=1600&&lan=en>

<sup>5</sup>. 4 Maoists killed, 28 injured in Khotang clash, The Kathmandu Post, 22 November 2005

<sup>6</sup>. One youth killed in police action, Kantipur Online, 24 November 2005

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On 25 November 2005, an unidentified Maoist was killed during a "retaliatory action" by the security forces in Lamidanda area of Udayapur district.<sup>7</sup>

On 29 November 2005, at least two senior Maoist commanders were killed in aerial firing by the Royal Nepalese Army (RNA) at the border of Salyan and Rolpa districts. On 30 November 2005, chairman of the Communist Party of Nepal (Maoist), Pushpa Kamal Dahal alias Prachanda confirmed that former central member of the Maoist party and "division commander" of the Maoists' "People's Liberation Army", Kim Bahadur Thapa (Sunil) and battalion vice commander 'Nirmam' were killed when an RNA chopper fired "indiscriminately" at a gathering of Maoist militia who were "undergoing a political training on the party's new decisions, the understanding reached between the seven-party alliance and Maoists, and the ceasefire." The RNA also officially confirmed that the army had launched an aerial raid in the area after their chopper came under attack from the Maoists. The Maoists had fired at an RNA MI-17 chopper at Guranse area of Damachaur VDC in Salyan district on the afternoon of 29 November 2005.<sup>8</sup>

## **ii. Torture**

On 31 October 2005, the Police Headquarters told the Supreme Court that it had been exercising its right to take departmental action against junior police officials, which includes resorting to minor physical torture to maintain discipline in the police service. In a written explanation to the court, the Police Headquarters said such actions are in line with the provision of the Clause 9 (4) of the Police Act 2012 BS, which allows the department to take action against junior police officials if they disobey orders or make mistakes. Superintendent of Police, Kedar Prasad Saud, defended such torture on the ground that departmental action was needed to maintain discipline.<sup>9</sup>

On 28 October 2005 at about 11 pm, Krishna Gopal Ghimire, a 50-year-old farmer, was arrested by a group of six plainclothes security personnel from his home in Municipality Ward No 4, Itahari in Sunsari District. Krishna Gopal Ghimire and his family were apparently asleep when the men, armed with pistols, came into the house and began to search it. They reportedly took away Krishna Gopal Ghimire without giving any reason and told his wife and family that he would be released the following morning. He did not return home next day, and his family went to make inquiries at the Area Police Office and the RNA's Regional Headquarters in Itahari, Sunsari District. Both the police and army officers they spoke to denied any knowledge about the arrest of Krishna Gopal Ghimire.<sup>10</sup> On 31 October 2005, the RNA admitted that they had detained Ghimire for 'general inquiry'. Ghimire's family members were given access to meet him after human rights organizations and civil society appealed to the government to make public his

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7. Forces kill 1 Maoist, The Kathmandu Post, 27 November 2005

8. Maoist commanders killed in RNA aerial attack, Kantipur Online, 30 November 2005

9. Police HQ admits to torture, The Himalayan Times, 2 November 2005

10. <http://www.usp.com.au/fpss/news.html>

whereabouts. Family members have alleged that Ghimire was severely tortured in custody.<sup>11</sup>

On the night of 8 November 2005, inebriated RNA personnel beat up locals during Chhath puja celebration in Jaleswor, the district headquarters of Mahottari, injuring over 10 people. Birendra Mandal, who was seriously injured, had to be admitted to the district hospital in Jaleswor from where he was referred to the BP Koirala Institute of Health Sciences (BPKIHS), Dharan. According to the victims, four drunken RNA personnel in civil dress from Gorakbhoj battalion in Parikauli mercilessly beat them up without any reason. Upon a complaint by the victims, the Gorakbhoj battalion chief of RNA, Nirmal Thapa, reportedly claimed that “departmental action” had already been taken against the guilty personnel.<sup>12</sup> But his claims could not be verified. NHRC –Nepal is probing into the incident.<sup>13</sup>

On 16 November 2005, security personnel at Bharatpur allegedly assaulted the driver and helper of a bus carrying representatives of N-PABSON, an umbrella organization of private schools in Nepal. The bus was heading toward Pokhara. According to the representatives, security personnel badly beat up driver Dil Bahadur Ale and helper Binod Karki with rifle butts, accusing them of breaching the curfew imposed in the area.<sup>14</sup>

**(Please also see 6. *Denial of the right to peaceful assembly*)**

### **iii. Arrest**

Nepal witnessed blatant baton charge, arbitrary arrests and detention of political leaders, student leaders, journalists, NGO activists, teachers, and common villagers in the month of November 2005. There have been willful attempts on the part of the administration to suppress peaceful democratic protests and programmes.

On 8 November 2005, the security forces allegedly arrested Shanta Rai and Ghanashyam Shrestha from Gaurigunj in Jhapa. According to the family members, who appealed to human rights organizations, journalists and civil society to help secure their release, Shanta Rai and Ghanashyam Shrestha had gone to play a football match at Gunjibari in Mahabhara for their club where they were arrested by army personnel.<sup>15</sup>

On 8 November 2005, Royal Nepalese Army (RNA) personnel detained for five hours over a dozen political leaders and activists who were going to attend the Democratic Awareness Campaign in Dullu in Dailekh district. Among those detained were several

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<sup>11</sup>. ‘Ghimire tortured in custody’, The Kathmandu Post, 2 November 2005

<sup>12</sup>. Topsy RNA men rough up Chhath revelers, The Himalayan Times, 9 November 2005

<sup>13</sup>. NHRC team to probe army beating, The Kathmandu Post, 13 November 2005

<sup>14</sup>. Securitymen assault bus staff, The Kathmandu Post, 18 November 2005

<sup>15</sup>. Appeals for release, The Kathmandu Post, 11 November 2005

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CPN-UML activists including central advisor Ram Chandra Adhikari, district committee member Laxmi Prasad Pokharel, member of Bheri zone coordination committee Amar Bahadur Thapa, district committee secretary Tej Bahadur Chand, under secretary Raj Bahadur Budha, and over half a dozen local cadres. In addition to the arrests, the army personnel also reportedly made attempts to foil the awareness program by forcing people from neighboring villages to leave Dullu before the scheduled start of the program. On 7 and 8 November 2005, army personnel went around several neighboring villages announcing that the “public gathering had been cancelled”, and the only three telephone lines in Dullu were cut off. The district administration declared the public ground in Dullu a restricted area and people were barred from gathering. This forced the organizers to shift the venue to a nearby pilgrimage site. Although police granted permission, army personnel reportedly created problem even in the new venue. A group led by the army colonel of Dullu army camp reportedly punctured the tire of a motorcycle (registration - Bhe 1 Pa 5961) on which Kathmandu Post journalist Harihar Singh Rathour and Kantipur Television cameraman Chandra Budha had arrived to cover the program.<sup>16</sup>

On 9 November 2005, the government of Nepal released 194 prisoners across the country on the occasion of the Constitution Day.<sup>17</sup> But on the very day, police arrested 11 teachers from a peaceful rally organized by the Nepal Teachers Union (NTU) in Pokhara, Kaski district demanding constitutional activation, peace and democracy in the country. Those arrested included chairman of Kaski chapter of Nepal Teachers Association (NTA), Bijay Bhandari and teachers Shiromani Lamichhane, Bishwa Raj Bastola, Khem Nath Timilsina, Binod Subedi, Purushottam Sapkota, Yam Nath Sapkota.<sup>18</sup> They were released on 10 November 2005 after 30 hours detention at the District Police Office (DPO), Kaski.<sup>19</sup> However, the District Education Office (DEO) reportedly initiated departmental action against the 11 teachers for their alleged violation of the Code of Conduct of teachers.<sup>20</sup>

On 11 November 2005, police arrested five people in Rajbiraj of Saptari district for trying to burn the copies of NGOs and INGOs Code of Conduct. The arrested persons were central members of Non-Governmental Organization (NGO) Federation Nepal, Durga Kumar Thapa and Bhagwati Chaudhary, NGO activists Sameer Jha and Jangali Singh and journalist Prakash Khatiwada.<sup>21</sup>

On 11 November 2005, police intervened in a peaceful gathering, and arrested five members of CPN-UML from the concluding program of Democratic Awareness campaign organized in Mahendranagar of Kanchanpur district. Those arrested were Ram Singh Dhimi, Ashok Chand, Sher Bahadur Chand, Chakra Bahadur Bista and District

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<sup>16</sup>. <http://www.kantipuronline.com/kolnews.php?nid=56647>

<sup>17</sup>. 194 inmates released, Nepal News.com, 9 November 2005

<sup>18</sup>. 11 teachers arrested, The Himalayan Times, 10 November 2005

<sup>19</sup>. Teachers released, The Kathmandu Post, 11 November 2005

<sup>20</sup>. Government takes action against teachers, Nepal News.com, 11 November 2005

<sup>21</sup>. Activists burn new code, 5 arrested, Kantipur Online, 11 November 2005

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secretary of CPN-UML Kanchanpur, Rajendra Singh Rawal. They were allegedly baton-charged before being arrested.<sup>22</sup>

Police also intervened in CPN-UML's programmes held at Dailekh, Rautahat and Sindhuli districts. In Dailekh, nine activists of the CPN-UML including adviser to the CPN-UML Central Committee, Ram Chandra Adhikari, Bheri zonal member of the party, Ambar Bahadur Thapa, district committee members Laxmi Pokhrel, Ganesh Bhandari and Lalit Jung Shah, ANNFSU district president Asha Ram Acharya, secretary Dharma Bahadur Budha, and member Sita Ram Jaise were injured when police intervened in a protest organized by the party's district committee on 11 November 2005. Acharya and Pokhrel were reportedly seriously injured and admitted to the Dailekh district hospital. Six district members participating in the programme were arrested and released later in the evening.<sup>23</sup>

On 16 November 2005, the security personnel arrested Sunil Khadka and Mohan Karki of Solukhumbu and Ramechhap districts respectively. On 19 November 2005, HimRights-LifeLine, a human rights organization, urged the government to make public the whereabouts of the two detainees.<sup>24</sup>

At the midnight of 29 November 2005, All Nepal National Free Student Union (ANNFSU) leader Prakash Neupane was arrested by security forces from Tribhuvan University Hostel at Kirtipur, Kathmandu. His whereabouts were not known as on 30 November 2005.<sup>25</sup>

#### **iv. Extortion**

On 20 November 2005, the Royal Nepalese Army said three army men posted at a barrack in Jhapa, who were arrested on 1 November 2005 extorting money from local people, have been sent to military custody for further investigation. A Court of Inquiry Board is investigating the case.<sup>26</sup>

### **3. Atrocities by Maoists**

On 25 November 2005, RNA claimed that Maoists killed 19 persons and abducted 4,013 others after their unilateral ceasefire on 3 September 2005.<sup>27</sup>

#### **i. Torture**

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22. <http://www.kantipuronline.com/kolnews.php?nid=56802>

23. Nine Injured, 11 Arrested During Protests, The Himalayan Times, 12 November 2005

24. Release Khadka, Karki: HimRights, The Kathmandu Post, 20 November 2005

25. Police arrest student leader, The Kathmandu Post, 1 December 2005

26. RNA detains three servicemen for extortion, Nepal News.com, 20 November 2005

27. Over 4,000 Kidnapped, 19 Killed After Maoist Truce: RNA, The Himalayan Times, 26 November 2005

On 1 November 2005, a group of armed Maoists mercilessly beat an activist of UML and secondary school teacher, Shambhu Gyawali. He reportedly refused to pay extortion to the Maoists.<sup>28</sup>

On 11 November 2005, Maoists reportedly beat up Rakshyane Damai of the Nepali Congress (NC), Birman Sunar and Jagad Dev Thapa of the CPN-UML in Pyuthan for lodging complaints against Maoist cadres Harkeman Pun and Shyam Bahadur Thapa some months ago.<sup>29</sup>

The Maoists have reportedly locked up the house of Rim Bahadur Basnet at Maranthana village development committee-3 of Pyuthan district to exert pressure on him to ask his sons to quit jobs in the Nepal Police and the Royal Nepalese Army. The Basnets have been living in an open field in cold weather for a week as on 21 November 2005. Two of Basnet's sons are in the RNA and one is in the police. The Maoists had not lifted the lockout despite appeal by Nepal Bar Association.<sup>30</sup>

On 16 November 2005, Maoists abducted two children – Netra Kumal, 12, and his brother Jhak Bahadur, 15, from Bhimad bazaar in Tanahun district, accusing them of spying on the rebel outfit, and tortured them in custody. They were released on 29 November 2005. According to the victims, they were selling bananas in the bazaar when suddenly three armed men, who identified themselves as security personnel, approached them and abducted them at gunpoint. Jhak Bahadur said the Maoists tied his hands with a rope and hit him several times with a cane. Bruises were visible all over his body. According to the locals, the Maoists had earlier manhandled the boys' parents on the same charge.<sup>31</sup>

## **ii. Killings**

On 1 November 2005, Maoists reportedly killed one Januka Bhandari, resident of Shimle area of Terhathum district by mercilessly beating her.<sup>32</sup>

On 1 November 2005 night, Maoists shot dead 36-year-old local, Laxmi Lal Pode for playing cards during Tihar, a major festival of Hindus, at Ugrachandi VDC-1, Nala in Kavre district. A group of armed rebels reportedly raided a house at Ugrachandi VDC-1 where a group of people was playing cards. They asked nine of them to lie down on the ground, and mercilessly shot dead Pode. The rebels also allegedly looted Rs 30,000 and three mobile sets from the locals.<sup>33</sup>

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<sup>28</sup>. <http://www.rna.mil.np/news.php?newsid=1589&&lan=en>

<sup>29</sup>. Maoists Thrash Three NC Cadres in Pyuthan, The Himalayan Times, 12 November 2005

<sup>30</sup>. Army men's father, The Himalayan Times, 22 November 2005

<sup>31</sup>. Maoists torture children, Kantipur Online, 29 November 2005

<sup>32</sup>. <http://www.rna.mil.np/news.php?newsid=1566&&lan=en>

<sup>33</sup>. Maoists kill a civilian for playing cards, Nepal News.com, 2 November 2005

On 4 November 2005, Maoists reportedly killed one Nirmala Basnet of Ramche Gaighat VDC-9 in Udayapur district after abduction.<sup>34</sup> According to RNA, who claimed Nirmala Basnet to be a resident of Simpani area of Khotang district, she was severely beaten to death by the Maoists.<sup>35</sup>

On 8 November 2005, Maoists threw the body of abducted teacher Prakash Shah, a resident of Bhatkatiya area of Kailali district. Shah was reportedly almost dead due to the sever torture inflicted by the Maoists following his abduction on 27 October 2005.<sup>36</sup>

On 15 November 2005, a Royal Nepalese Army (RNA) soldier was killed in an IED explosion by the Maoists at Solabhanjyang area in Kavre district.<sup>37</sup>

On 18 November 2005, a security personnel was killed in an attack by Maoists at Dayagaun in Kavrepalanchowk district while the security forces were returning from a counter-insurgency operation. Seven other security personnel were also reportedly injured in the encounter and they were being treated in the Birendra Army Hospital in Kathmandu.<sup>38</sup>

On 19 November 2005, a security personnel died in an ambush by Maoists at Sola Bhanjyang of Gokule VDC-8 in Kavrepalanchowk district. Two other security personnel were also reportedly injured in the attack.<sup>39</sup>

### **iii. Abduction**

According to Amnesty International, Maoists have abducted a total of 8,057 people from at least nine districts during the first four weeks of the declaration of unilateral ceasefire on 3 September 2005. Many of them were children and teachers.<sup>40</sup>

On 1 November 2005, Maoists abducted Shyam Jung Karki from his residence in Itahara VDC in Morang district. NHRC has called for his safe, immediate and unconditional release.<sup>41</sup>

On 1 November 2005, armed Maoists reportedly abducted Shivahari Karki, a resident of Kamane area of Makwanpur district.<sup>42</sup>

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<sup>34</sup>. Maoists kill 3 women, Kantipur Online, 7 November 2005

<sup>35</sup>. <http://www.rna.mil.np/news.php?newsid=1601&&lan=en>

<sup>36</sup>. <http://www.rna.mil.np/news.php?newsid=1602&&lan=en>

<sup>37</sup>. Security man killed in Maoist ambush; abductions continue, Nepal News.com, 15 November 2005

<sup>38</sup>. Two security men killed, seven injured, The Himalayan Times, 21 November 2005

<sup>39</sup>. Two security men killed, seven injured, The Himalayan Times, 21 November 2005

<sup>40</sup>. Thousands of children abducted by Maoists during ceasefire: Amnesty, Nepal News.com, 19 November 2005

<sup>41</sup>. Appeals for release, The Kathmandu Post, 10 November 2005

<sup>42</sup>. <http://www.rna.mil.np/news.php?newsid=1564&&lan=en>

On 3 November 2005, armed Maoists abducted Bhoj Kumar Nepali from his house situated at Barbote area of Illam district.<sup>43</sup>

On 5 November 2005, Kul Bahadur Chhantyal, a People's Front Nepal activist, was reportedly abducted by the Maoists from Baglung district. His whereabouts are not known.<sup>44</sup>

On 5 November 2005, Maoists abducted Krishna Bahadur Singh, a resident of Toleni area of Doti district. He was reportedly severely tortured in custody.<sup>45</sup>

On 7 November 2005, armed Maoists abducted Jhalak Bahadur Shahi, a resident of Kailash area of Bhajang district, and a RNA personnel from Salon area of Dadeldhura district.<sup>46</sup>

On 8 November 2005, Maoists released Arun Chand, the son of former Prime Minister Lokendra Bahadur Chand and Managing Director of Basuling Sugar Mills in Chuha in Kailali district, whom they had abducted on 27 October 2005. According to reports, Chand was released after he agreed to pay Rs.30 million as ransom, which the Maoists claimed he owned to the local farmers.<sup>47</sup>

On 13 November 2005, a group of armed Maoists abducted a driver and a helper of a government bulldozer from Triveni area of Salyan district.<sup>48</sup>

On 12 November 2005, the Maoists abducted two teachers of a primary school at Chyanam area of Okhaldhunga district.<sup>49</sup>

On 14 November 2005, Maoists abducted three teachers - principal Tej Bahadur Rai, teachers Dil Bahadur Rai and Arjun Rai, and three students of grade 10 of Jalapa Higher Secondary School in Diktel, the headquarters of Khotang district.<sup>50</sup>

On 15 November 2005, Maoists abducted respectively 35 students and a teacher from Sitaram Secondary School in Yanjakot in Kaski district, and 20 students and one teacher from Dhruva Secondary School of Tarkang in Thumakodanda VDC in the same district.<sup>51</sup>

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<sup>43</sup>. <http://www.rna.mil.np/news.php?newsid=1589&&lan=en>

<sup>44</sup>. Appeals for release, The Kathmandu Post, 10 November 2005

<sup>45</sup>. <http://www.rna.mil.np/news.php?newsid=1602&&lan=en>

<sup>46</sup>. <http://www.rna.mil.np/news.php?newsid=1597&&lan=en>

<sup>47</sup>. Arun Chand Released, Kantipur Online, 8 November 2005

<sup>48</sup>. Security man killed in Maoist ambush; abductions continue, Nepal News.com, 15 November 2005

<sup>49</sup>. Security man killed in Maoist ambush; abductions continue, Nepal News.com, 15 November 2005

<sup>50</sup>. Maoists abduct teachers, students, Kantipur Online, 15 November 2005

<sup>51</sup>. 59 students, teachers abducted, The Kathmandu Post, 16 November 2005

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Most schools in Thumakodanda and adjoining areas have shut down due to fear.<sup>52</sup> They were reportedly freed on 17 November 2005 after forcing them to take part in a district-level conference of the Maoist-affiliated All- Nepal Free Students' Union- (ANNISU-R) in Taparang, Kaski.<sup>53</sup>

On 15 November 2005, Maoists kidnapped 560 students and teachers from the school premises at Dhungesanghu, Change, Hangpang, Phoolbari and Nighuradin VDCs in Taplejung district. The kidnappings have severely affected the functioning of the schools.<sup>54</sup>

On 18 November 2005, a group of armed Maoists abducted 17 civilians, including former RNA soldiers Nar Damani Rai and Keshav Rai of Risku VDC-2, former police constables Bir Bahadur Rai, Jamdar Rai, Lalit Bahadur Rai, Dhan Keshar Rai and Gyan Bahadur Rai, from Risku and Panchawati VDCs of Udayapur district.<sup>55</sup>

On 20 November 2005, a group of armed Maoists reportedly abducted a policeman Hareshiva Yadav of Tarapatti, Sirsia from Mithileshwar, Mauvahi in Dhanusha. He was reportedly returning to his village for holidays. The Maoists also looted Yadav's motorbike, mobile phone set, a pistol and 20 rounds of its bullets.<sup>56</sup>

On 20 November 2005, Maoists reportedly abducted 125 students from several schools at Sirsha area in Dadeldhura district and five teachers from Deurali of Kaski district.<sup>57</sup>

On 22 November 2005, Maoists abducted three persons - Sita KC, Akbir Tamang and Prem Tamang, who were involved in forest users' groups in Dolakha district. The Maoists demanded that the forest users' groups register with their party.<sup>58</sup>

On 22 November 2005, Maoists abducted journalist Chandra Mani Kattel, a Biratnagar-based reporter of the 'Blast Times' daily, from Durgapuri in Morang district. The rebels accused Kattel of entering into their 'base area' without their permission and locked him up in an empty house. He was released at around 9 p.m after brief detention of nearly three hours and warned him "not to do so in future." Kattel said the rebels manhandled him at the time of abduction and forcibly took away his mobile telephone, which was later returned.<sup>59</sup>

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52. Whereabouts of 55 abducted students unknown, The Kathmandu Post, 17 November 2005

53. 56 abductees freed, The Himalayan Times, 19 November 2005

54. Over 500 abducted from VDCs, The Himalayan Times, 17 November 2005

55. Maoists Abduct 17 Civilians in Udayapur, The Himalayan Times, 19 November 2005

56. <http://www.newslinenepal.com/index2.php?option=news&details&sno=588>

57. Maoists continue abductions, The Kathmandu Post, 23 November 2005

58. Maoists abduct 3, The Kathmandu Post, 26 November 2005

59. Maoists free journo after brief detention, Nepal News.com, 23 November 2005

On 25 November 2005, Maoists released RNA soldier Pyuth Sudhir BK, whom they abducted on 22 November 2005, after dialogue with journalists and human rights activists. Another RNA soldier, Pyuth Dilli Gautam, who was abducted along with BK, was able to run away from Maoists' captivity.<sup>60</sup>

On 29 November 2005, Maoists abducted two persons – Govinda Chaudhary of Kalika and Parashu Ram Chaudhary of Mainapokhar from Saurhawa in Bardiya district.<sup>61</sup>

On 29 November 2005, Maoists held hostage a group of journalists and tourism entrepreneurs in Sikaicha VDC in Taplejung district for 22 hours. The journalists and tourism entrepreneurs were there at the invitation of the UNDP Tourism for Rural Poverty Alleviation Program (TRAP) to study the potential for tourism development in the region. Before releasing them, the rebels abducted Ram Dahal, TRAP program coordinator for Taplejung district, and seized a Sony 170 video camera from Kantipur TV cameraman Upendra Man Singh, a camera worth Rs 200,000 from Madan Maharjan of Cine Graphics, and two still cameras worth Rs 55,000 from Sachit Lamichhane of the Boss magazine and Jit Lama of Destination Nepal Trekking Agency. According to Kantipur TV cameraman Singh, about 60 rebels under the command of one 'Sangam' looted his camera at gun-point while he was taking visuals of Saraswoti Secondary School.<sup>62</sup> Dahal was not release at the end of November 2005.

On 30 November 2005 at 10 am, Maoists abducted 14 teachers of Rastriya Secondary School and Subhadra Primary School from western Phakfok VDC in Ilam district. Locals said the Maoists took them away for "training". Educational activities in the schools have been hampered following the abduction of all the teachers.<sup>63</sup>

#### **iv. Threats**

Although on 30 October 2005, in their first public meeting with representatives of political parties and civil society, the Maoists top brass reportedly committed not to harm human rights workers, political party leaders and cadres, journalists and all those struggling for democracy,<sup>64</sup> there have been reports that the Maoists in Dolkha have threatened to take action against at least 12 CPN-UML leaders who were engaged in a campaign to create democratic awareness among the local people. The Maoists have reportedly put up warning notices at several places in the district headquarters Charikot, ordering the leaders to produce themselves before them within 30 days or face "action". Among those who have been threatened include President of the recently formed civil society in the district, Puskar Kumar Dahal, UML central committee member Yagyaraj

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<sup>60</sup>. RNA man freed; Maoists, forces exchange fire, The Himalayan Times, 26 November 2005

<sup>61</sup>. Two abducted in Bardiya, The Himalayan Times, 30 November 2005

<sup>62</sup>. Maoists harass journos, seize cameras, Kantipur Online, 1 December 2005

<sup>63</sup>. Maoists abduct 14 teachers, The Kathmandu Post, 1 December 2005

<sup>64</sup>. Maoists assure their guns won't harm democrats, The Kathmandu Post, 31 October 2005

Dhungel, UML district committee member Prem Kumari Chaulagain, and member of UML's district peasant's organization Tika Prasad Dahal.<sup>65</sup>

#### **v. Extortion and looting**

There have been reports of widespread extortion by the Maoists, despite the ongoing unilateral ceasefire declared by the outfit.

In Taplejung district, the menace of extortion is so high that local businessmen, government officials and rich people often put on ragged clothes to disguise as poor in order to evade extortion by the Maoists. As Maoists do not ask for donations from the people who look like farmers, government officials reportedly return from office in disguise of poor farmers. Maoists reportedly stop the vehicles at more than 50 places along the highway from Birtamod to Taplejung and check them. The government servants have to request the bus drivers and conductors not to reveal their identities to the Maoists.<sup>66</sup>

But in Bhojpur district, even the poor farmers are not spared. In many villages in the district, the Maoists have been harassing the farmers and forcing them to give a portion of their harvest as “donation” to the rebels. The toll has been regretted by the locals but they had no option but to concede. “The days are gone when we used to be happy during harvesting season as our summer ordeal paid off in the form of stores full of crops in our houses,” lamented a local of Ranibas VDC-9. According to him, he has already supplied a certain amount of grain at Purne Bazaar for the rebels. He further revealed that the locals had to carry a portion of their harvest to places as directed by the rebels.<sup>67</sup>

On the other hand, the Maoists leadership does not see such “crop collection” from local farmers as violation of the ongoing ceasefire. “We are not forcing anybody but have been accepting any kind of help that is offered by the people,” said a Maoist commander, adding, “ceasefire was not for stopping party organization work and donation campaigns, as we can't run the party without such help”.<sup>68</sup>

Maoists have reportedly threatened to padlock the homes and capture the lands of those going for foreign employment from different villages of Paanchthar district if they did so without the rebels' sanction. A statement signed by the chief of the Maoists' district government, Bishnu Tumbapo, said locals would be allowed to go for foreign employment only if they agreed to submit 50 per cent of their remittance to the Maoists. The statement was reportedly distributed in different parts of the district in the week ending on 9 November 2005. The Maoists reportedly extorted Rs 60,000 from a youth of Khajum who had returned from Malaysia recently. The Maoists have even threatened to

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<sup>65</sup>. Maoist threaten CPN-UML leaders, Kantipur Online, 11 November 2005

<sup>66</sup>. Rich put on tattered clothes to evade extortion, The Himalayan Times, 2 November 2005

<sup>67</sup>. Farmers forced to donate harvest to Maoists, The Kathmandu Post, 21 November 2005

<sup>68</sup>. Farmers forced to donate harvest to Maoists, The Kathmandu Post, 21 November 2005

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take action against those providing loans and the agents of those going abroad without agreement with them. The Maoists have reportedly admitted to having padlocked the home of one civilian of Lungrupa of Paanchthar who left for abroad without their consent.<sup>69</sup>

On 5 November 2005, armed terrorists reportedly looted a telephone and a generator from the house of Bhuwan Rana, a resident of Beli Bazaar area of Kailali district.<sup>70</sup>

On 8 November 2005, armed Maoists allegedly extorted money from the local businessmen of Jaygadh Bazaar area of Achham district. On the same day group of armed terrorists also looted 350 sacks of cement of GTZ from Lekam area of Darchula district.<sup>71</sup>

According to a release of Department of Public Relations of the RNA on 8 November 2005, so-called District Committee Member (DCM) "Chiteez" extorted Rs. 35,00,000 from civil servants, locals and local businessman from various regions of Bajura district.<sup>72</sup>

On 13 November 2005<sup>73</sup>, Maoists allegedly looted property worth Nepali Rupees 200,000 from the houses of Bir Bahadur Khadka, Yukta Bahadur Khadka and Durga Bahadur Khadka in Bijulikot VDC Ward no. 1 of Manthali in Ramechhap district. The Maoists also allegedly beat up the family members including a 96-year-old grandmother without any reason. Following the looting, the Maoists also locked their houses forcing the family members to leave home on charge of allowing their sons to join the Royal Nepalese Army. The displaced families had been forced to take shelter on open fields.<sup>74</sup> According to the victims, the looting was carried out by a dozen Maoists led by rebel commander Kailash Thapa.<sup>75</sup>

On 16 November 2005, the Jana Astha weekly reported that Buddhiraj Bajracharya, Minister for Culture, Tourism and Civil Aviation, had paid Nepali Rs 10,000 to the Maoists rebels as "donation". In a front-page report headlined "King's minister at Maoists' door", the weekly claimed that security forces had come across a letter purportedly written by the minister to the local Maoist leader 'Bikram' during raids on the homes of Maoist suspects. During the raids, security forces had also come across a register of 'donations' where Bajracharya's name was listed as having paid Nepali Rs.10,000 to the central committee of the CPN-Maoists.<sup>76</sup>

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69. Maoists threaten to lock migrants' homes, The Himalayan Times, 10 November 2005

70. <http://www.rna.mil.np/news.php?newsid=1594&&lan=en>

71. <http://www.rna.mil.np/news.php?newsid=1602&&lan=en>

72. <http://www.rna.mil.np/news.php?newsid=1594&&lan=en>

73. Maoists loot houses, shops, The Kathmandu Post, 15 November 2005

74. Maoists loot property worth Rs. 200,000, The Rising Nepal, 18 November 2005

75. Maoists loot houses, shops, The Kathmandu Post, 15 November 2005

76. Nepal minister pays money to Maoists: report <http://in.news.yahoo.com/051116/43/612gz.html>

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On 26 November 2005, Maoists released truck driver Rajesh KC, and helper, Ramesh Bikram Shah, whom they had abducted along with their rice-loaded truck (Na 1 Kha 5117) from Churimai VDC on 24 November 2005. However, the rebels seized all the 10.5 tons rice saying the rice would be distributed to poor.<sup>77</sup>

#### **vi. Denial of Right to Education**

The Maoists have continued to deny right to education to school students through abductions, threats and closure of schools.

The Maoists have abducted about 766 students and teachers during November 2005 from various parts of the country, and released most of them after imparting so-called “*janawadi shiksha*” (people’s education). Apart from regular abductions, they have also closed down schools. Some schools have remained closed for months due to threats by Maoist-aligned All Nepal National Independent Students’ Union-Revolutionary (ANNISU-R). Such closure has adversely affected functioning of the schools, examinations and the future of the students as well as teachers.

In early November 2005, the Maoist rebels forcefully shut down schools in Banepa in Kavre district, 60 km east of Kathmandu, depriving over 10,000 students their right to schooling. The Maoists reportedly opposed government’s policy under which it handed over management of these schools to the local community under its programme of running schools by public participation.<sup>78</sup>

On 13 November 2005, Maoist-aligned All Nepal National Independent Students’ Union-Revolutionary (ANNISU-R) issued a notice asking all government schools in Dharan to shut down for four days in protest against the government’s decision to hand over schools to communities. The revolutionary students reportedly threatened school authorities of dire consequences if they failed to comply with the shutdown directive. Around 25,000 pupils studying in 20 government schools in Dharan have been affected by the closure. According to teachers, the shutdown would affect the forthcoming last terminal examinations in schools.<sup>79</sup>

In Pyuthan district, ANNISU-R activists seized examination question papers for the Naitik (Moral Education) subject for grades six, seven and eight from a store belonging to the examination committee at Bagdula, ahead of the examination scheduled to start from 15 November 2005. Student wing of Maoists ANNISU-R claimed that the papers were seized as per the central level policy of the organization. ANNISU-R has been

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<sup>77</sup>. Maoists seize rice, The Kathmandu Post, 27 November 2005

<sup>78</sup>. Forced holiday, The Statesman, India,

<http://www.thestatesman.net/page.news.php?clid=8&theme=&usrress=1&id=95536>

<sup>79</sup>. ANNISU-R slams shut Dharan govt schools, The Himalayan Times, 15 November 2005

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maintaining that the moral education subject is "nothing but mere glorification of the royal family".<sup>80</sup>

Students at Bangesal VDC in Pyuthan district reportedly could not appear for the half-yearly examinations that started on 16 November 2005 after the Maoist affiliated ANNISU-R padlocked schools in the district.<sup>81</sup>

ANNISU-R has locked up Surodaya Secondary School in Damak saying the school was being run by foreigners, and the school have remained close for the last two months following threats from the ANNISU-R activists. The closure has adversely affected over 1100 students of the school and particularly the 81 candidates who were scheduled to take their upcoming School Leaving Certificate (SLC) examinations. No classes are held in the school. "We go to school everyday but return back to home without taking classes," said Sabina Rai, a grade-10 student, who will write the SLC examinations. Like all other candidates, Sabina Rai was not sure whether she could be able to appear in the examinations. The ANNISU-R has refused to lift the closure of Suryodaya school even after appeal by the Office of High Commission for Human Rights (OHCHR) not to deprive the students their right to education.<sup>82</sup>

All Nepal National Independent Students' Union-Revolutionary (ANNISU-R) has shut down over two dozen schools in Tehrathum and Dailekh districts and vowed not to allow re-opening of the schools until the government annuls the agreement reached with the schools to hand over their management to local communities. Of the 239 schools in the district, 71 have been handed over to the community so far. The rebels have also threatened to shut down other community schools if the government failed to comply with their demand.<sup>83</sup>

On 21 November 2005, Maoists reportedly forced students and teachers across Darchula district in far western region to go to the district headquarters to participate in a "peace campaign" of the Maoists. The Maoists closed the schools in various parts of the district, and made participation in the campaign mandatory for students from grades six to ten, all teachers (including female) and members of school management committees. Due to this, half-yearly examinations that started from 21 November 2005 have been disrupted.<sup>84</sup>

### **vii. Economic Blockade**

The Maoists imposed blockade on the Damak-Rabi road section since 18 November 2005 after the Royal Nepalese Army (RNA) established a camp in Rabi bazaar in Panchthar district. Traffic has totally halted due to the blockade, triggering a scarcity of basic

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<sup>80</sup>. Maoists seize question papers, The Kathmandu Post, 15 November 2005

<sup>81</sup>. Maoists halt road work, lock schools, The Kathmandu Post, 18 November 2005

<sup>82</sup>. SLC pupils in trouble after school lock-up, The Himalayan Times, 17 November 2005

<sup>83</sup>. ANNISU-R closes down dozens of schools, Kantipur Online, 21 November 2005

<sup>84</sup>. Maoists herd students, teachers to district HQ, The Kathmandu Post, 22 November 2005

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commodities in Rabi bazaar. The Maoist cadres had notified the locals of the blockade by posting notices in the Rakse bazaar.<sup>85</sup>

Maoists launched indefinite blockade in Budhabare VDC of Dhankuta and Ravi Bazaar of Panchthar since 27 October 2005 in protest against the establishment of security posts in these bazaars. Shree Krishna Shrestha, former vice-chairman of Budhabare VDC said that the blockade resulted in short supply of daily-use commodities in the area.<sup>86</sup>

On 24 November 2005, Maoists held a truck carrying 10.5 tons of rice at Ratomate VDC on Hetaunda-Birgunj section of Mahendra highway. The vehicle was released on the following day after seizing the entire quantity of rice.<sup>87</sup>

#### **4. Contempt of the Court**

It is a well-known fact that the government has little respect for the court in Nepal.

Despite repeated orders of the Supreme Court to furnish a document relating to the agreement signed between the government of Nepal and the UN on the peacekeeping force of the RNA, the Ministry of Foreign Affairs (MoFA) and the RNA failed to furnish the same before the court. Ex-Army Welfare Council chairman Ambar Bahadur Thapa Magar had moved the Supreme Court four years ago accusing the RNA of misusing the RNA Welfare Fund. In response to the petition, the Supreme Court had directed the MoFA and the Headquarters of the RNA several times to furnish a copy of the agreement. On 23 August 2005, the SC had issued a fresh directive to the concerned parties to furnish a copy of the agreement within 15 days or face contempt of court action. But the court failed to get a reply.<sup>88</sup> On 21 November 2005, the Ministry of Foreign Affairs submitted a copy of the said agreement before the apex court.<sup>89</sup> Earlier, the MoFA had told the Supreme Court that no pact on peacekeeping was signed with UN.<sup>90</sup>

There have been instances of re-arrests in direct defiance of the court.

On 20 November 2005, police re-arrested Aiendra Bikram Begha, alternative central committee member of All Nepal National Independent Students' Union - Revolutionary (ANNISU-R) as soon as he was released following the order of the Appellate court, Biratnagar.<sup>91</sup>

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<sup>85</sup>. Maoist blockade sparks goods scarcity, The Himalayan Times, 22 November 2005

<sup>86</sup>. Maoist blockade affects life, The Himalayan Times, 25 November 2005

<sup>87</sup>. RNA man freed; Maoists, forces exchange fire, The Himalayan Times, 26 November 2005

<sup>88</sup>. Defiance of SC for nth time, to nth degree, The Himalayan Times, 5 November 2005

<sup>89</sup>. RNA PEACEKEEPING MISSIONS CASE: Ministry admits to agreement with UN, The Himalayan Times, 26 November 2005

<sup>90</sup>. No pact signed on peacekeeping: MoFA, The Kathmandu Post, 23 November 2005

<sup>91</sup>. ANNISU-R man re-arrested flouting court order, The Kathmandu Post, 21 November 2005

On 22 November 2005, police re-arrested Krishna Chaulagain, resident of Bayarban in Morang district, after he was released by Appellate court, Biratnagar. He was arrested two years ago on charges of being a Maoist.<sup>92</sup>

On 24 November 2005, police re-arrested secretary of ANNISU-Sunsari, Lochan Dhamala (25), and Him Prasad Mishra – both residents of Dangihat VDC of Morang district – from the premises of the appellate court Biratnagar immediately after the court released them.<sup>93</sup>

On 27 November 2005, plainclothes police personnel re-arrested three Maoists- Shyam Sundar Dhungana, Bhola Thapa and Sukram Lama - immediately after they were freed from the premises of the Parsa District Court. The Appellate Court Hetauda ordered their release on 24 November 2005.<sup>94</sup>

## **5. Restrictions on the freedom of the press**

On 11 November 2005, the Supreme Court refused to block King Gyanendra's draconian media ordinance that bans criticism of the king and bars private radio stations from broadcasting news. The three-member Special Bench headed by Supreme Court chief justice Mr Dilip Kumar Poudyal rejected the three writ petitions filed by the Kantipur Publication, owner of the popular Kantipur FM, and eight other professional organizations including the Federation of Nepalese Journalists (FNJ) challenging the Ordinance and the action against Kantipur FM.<sup>95</sup> However, the Supreme Court is yet to decide on the constitutionality of the media ordinance.

The verdict paved way for the government to tighten screw on free Media. The Ministry of Information and Communications notified news agencies not to sell and distribute news to any 'Publishers, Broadcasting Agency or Individual' without approval of the government. In a statement issued on 15 November 2005, the ministry said the notification was made in accordance with the Ordinance to amend some Nepal Acts 2062 B.S. that amended Clause 32 (2) of the National News Agency Act, 2019 B.S. requiring all national and international news agencies to sell and distribute their news within Nepal only after taking approval of the government.<sup>96</sup>

As immediate fallout of the apex court verdict, the Kantipur FM 96.1 had to suspend broadcasting Kantipur Diary- its news based programme – with immediate effect from 11 November 2005.<sup>97</sup>

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<sup>92</sup>. Police re-arrest man released by court, The Kathmandu Post, 23 November 2005

<sup>93</sup>. 2 youths rearrested flouting court order, The Kathmandu Post, 25 November 2005

<sup>94</sup>. 3 Maoists re-arrested, The Himalayan Times, 28 November 2005

<sup>95</sup>. SC strengthens king's hand, The Statesman, 12 November 2005

<sup>96</sup>. <http://www.newslinenepal.com/index2.php?option=newsdetails&sno=556>

<sup>97</sup>. Kantipur FM suspends airing news, Kantipur Online, 11 November 2005

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Following increased censorship and pressure from the government, Informal Sector Service Centre (INSEC) decided to discontinue a popular human rights education programme being aired on state-owned Radio Nepal for the last ten years on every Saturday morning. In a statement INSEC chairman Subodh Raj Pyakurel said the decision was taken after the government barred INSEC from airing human rights programme about the recently enforced Code of Conduct for NGOs/ INGOs on 12 November 2005.<sup>98</sup>

On 27 November 2005, the government closed down Radio Sagarmatha, the first community radio in South Asia, for "attempting to carry a BBC Nepali service relay broadcast that included the interview of Maoist leader Pushpa Kamal Dahal alias Prachanda." A police team led by Inspector Bishwa Khadka raided the Master Control Room of the radio station at around 8:55 p.m. and forcefully seized transmission equipment, and arrested five persons<sup>99</sup> - producer Durga Karki, co-producer Dipak Pandey, reporters Dipak Babu Aryal and Punya Bhandari, and technician Rajendra Rijal. Karki was later released.<sup>100</sup> The government also stopped airing the relay transmission of BBC World Service on 103 FM through Radio Nepal.<sup>101</sup> While Durga Karki was freed on the same night, the other four were freed on 28 November 2005 following intense pressure from national and international media rights groups and human rights organizations.<sup>102</sup> On 28 November 2005, Radio Sagarmatha moved the Supreme Court against the government action.<sup>103</sup> However, in an interview to BBC Nepali Service on 28 November 2005, then Home Minister Dan Bahadur Shahi denied that the government had forcibly shut down the Sagarmatha FM, and said the FM could run its programmes.<sup>104</sup> On 29 November 2005, the Supreme Court issued a stay order allowing Radio Sagarmatha to resume its operations,<sup>105</sup> but the Ministry of Information and Communications sent a letter on the same evening asking the radio station not to broadcast any news.<sup>106</sup> On 30 November 2005, SC ordered the government not to restrict news broadcasts on FM radio stations until the court gives its final decision on the issue.<sup>107</sup>

## **6. Denial of the right to peaceful assembly**

On 12 November 2005, at least a dozen CPN-UML activists were injured when police tried to foil a gathering of People's Awareness Campaign organized by the party in

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<sup>98</sup>. Censorship forces NGO to close Radio Nepal programme, Kantipur Online, 15 November 2005

<sup>99</sup>. Govt closes down Radio Sagarmatha, arrests journalists, Kantipur Online, 27 November 2005

<sup>100</sup>. Govt shuts down Sagarmatha FM, The Kathmandu Post, 28 November 2005

<sup>101</sup>. <http://www.kantipuronline.com/kolnews.php?&nid=58346>

<sup>102</sup>. All four Radio Sagarmatha journals freed, Nepal News.com, 28 November 2005

<sup>103</sup>. Sagarmatha FM moves Supreme Court, Kantipur Online, 28 November 2005

<sup>104</sup>. Sagarmatha FM can run programs: Home minister, Kantipur Online, 29 November 2005

<sup>105</sup>. Sagarmatha gets stay till December 7, The Himalayan Times, 30 November 2005

<sup>106</sup>. Govt flouts SC stay order on Sagarmatha FM, The Kathmandu Post, 30 November 2005

<sup>107</sup>. SC allows FM stations to broadcast news, Nepal News.com, 30 November 2005

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Dailekh. Dharma Bahadur Bohara, district secretary of All Nepal National Independent Students Union and UML's central committee advisor Ram Chandra Adhikari, were seriously injured in the incident. Police allegedly used "vigilantes" to round up the demonstrators. Many activists were sent back from entry points into the district headquarters by the police, who also manhandled journalists covering the rally. The police reportedly snatched the notebook of Kamal Neupane, reporter of *Nepal Samacharpatra* daily and attempted to seize cameras of Yagyaraj Thapa, of Nepal-1 Television and Chandra B C, cameraman of Kantipur Television.<sup>108</sup>

On 23 November 2005, at least 21 political activists of the agitating seven-party alliance were injured in a police baton charge during a peaceful people's awareness campaign at Manma, district headquarters of Kalikot. Among those injured included Nepali Congress leader Hridayaram Thani, UML's Dil Bahadur Bam, Jaya Krishna Sanjal of Janamorcha Nepal. Police also manhandled a Kantipur Publications journalist and seized his camera while covering the event.<sup>109</sup> Police reportedly beat up locals even by entering into their homes.<sup>110</sup>

The Dang District Administration prohibited a mass meeting of Nepali Congress scheduled to be held at the Arniko ground in Dang on 25 November 2005. The District Administration cited the code of conduct enforced for the upcoming municipal elections as the reason for the prohibition. Heavy security personnel were deployed around the venue to foil the demonstration. This forced the National Congress to shift the venue to the Siddeshwori temple premises.<sup>111</sup>

On 29 November 2005, the state-owned news agency Rastriya Samachar Samiti (RSS) reported that the Kathmandu District Administration Office (DAO) banned mass public gatherings in various parts of Kathmandu including Naya Baneshwor, where the UML was scheduled to take out a protest rally against the government on 2 December 2005, timed to coincide with the King's return from a tour of Africa. However, on 30 November 2005, the DAO clarified that it had "not imposed any ban order in any new locations".<sup>112</sup>

On 29 November 2005, Royal Nepalese Army personnel disrupted a demonstration organized by CPN-UML at Tundikhel in the district headquarters of Salyan. Villagers heading toward the headquarters for the demonstration were returned to their villages by RNA personnel deployed at various entry points including Shahutola, Marke, Kupindedaha, Barala and Sitalpati. The CPN-UML was forced to shift the venue of the programme.<sup>113</sup>

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<sup>108</sup>. One dozen activists injured in Dailekh, Kantipur Online, 14 November 2005

<sup>109</sup>. Police disrupt parties' awareness campaign, Kantipur Online, 23 November 2005

<sup>110</sup>. Police beat up party activists, The Kathmandu Post, 24 November 2005

<sup>111</sup>. Admn prohibits NC demo, The Kathmandu Post, 26 November 2005

<sup>112</sup>. DAO denies ban on rallies, Nepal News.com, 1 December 2005

<sup>113</sup>. RNA obstructs UML Salyan rally, The Kathmandu Post, 30 November 2005

## **7. Code of Conduct – Enforced attempt to restrict NGOs**

On 10 November 2005, the Social Welfare Council (SWC) enforced a 15-point Code of Conduct for Social Organisations-2005<sup>114</sup> that seeks to regulate the National and International Non-Governmental Organizations (NGOs).

The Code of Conduct has imposed several restrictions on the NGOs. It stipulates that the office bearers of NGOs should not be involved in political activities, and nobody can head any social organization for more than two terms. It makes mandatory for the NGOs to publicize their audited financial and yearly progress reports and submit them to the respective District Administration Office and District Development Committee. The Code of Conduct also stipulates that no member of a social organization should receive a monthly salary from the organization except reimbursement of the expenditure incurred while executing the activities of the organization and those getting a monthly salary from an NGO should not be on its executive committee. Besides, NGOs should not carry out any activities that could be the subject of defamation, disrespect and contempt of court. Social organizations should not use resources received as foreign aid in the government's name and they should receive permission from the SWC before receiving any foreign assistance. The local bodies have to be informed before any programmes are launched with foreign assistance.<sup>115</sup>

The Social Welfare Council (SWC) has reportedly started posting supporters of the February 1 Royal move as "consultants" to Non-Governmental Organizations (NGOs). One of such royalists, Diwakar Chand has been designated as a "consultant" to one of the popular NGOs. He was member-secretary of the Panchayat era Social Service Coordination Council. Dr Arjun Karki, president of the NGO Federation Nepal, regretted that NGOs have to bear the burden of paying these "consultants".<sup>116</sup>

## **8. Denial of access to justice**

The police have denied access to justice to the victims of human rights violation by the security forces by refusing to register the First Information Report (FIR) into the murder of Maina Sunuwar, who was killed in RNA custody in 2004.

According to Devi Sunuwar, mother of the victim, she approached the District Police Office (DPO) on the morning of 13 November 2005 along with some 50 representatives of various human rights organizations including the UN Office of High Commissioner for Human Rights, and asked for further investigation into the case. But the Deputy Superintendent of Police, Sanjaya Sing Basnet allegedly refused to register the complaint

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<sup>114</sup>. <http://www.gorkhapatra.org.np/pageloder.php?file=2005/11/11/topstories/main9>

<sup>115</sup>. Now, govt takes on NGOs, INGOs, The Himalayan Times, 11 November 2005

<sup>116</sup>. Government posting 'consultants' to NGOs, The Kathmandu Post, 30 November 2005

saying that he could not entertain the complaint and probe the same persons who were punished by the RNA court. Mrs Sunuwar then filed the complaint at District Administration Office (DAO).<sup>117</sup>

In February 2004, 15-year-old Maina Sunuwar was arrested by the plainclothes security personnel and killed in security custody. In March 2005, the army admitted publicly that Maina's death had been a "mistake". On 27 September 2005, a court martial held three army officers, Colonel Bobby Khatri, Captain Sunil Adhikari and Captain Amit Pun, responsible for the killing of Maina Sunuwar and sentenced them to six months' imprisonment and a fine. But all the three army officers were released immediately on the grounds that the time they had spent consigned to barracks while awaiting trial should count towards their sentence.<sup>118</sup>

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South Asia Forum for Human Rights

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<sup>117</sup>. Kavre police refuse to register Maina case, The Kathmandu Post, 14 November 2005

<sup>118</sup>. <http://web.amnesty.org/library/Index/ENGASA310772005?open&of=ENG-NPL>

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