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CHAPTER ONE

Introduction

1.1. People's War and the Ceasefire

For over 10 years, since the CPN-Maoist armed insurgency began on 2052 Falgun 1 (Feb. 13, 1996) numerous incidents of killings and violence have occurred. Many people have lost their lives and considerable property has been destroyed. Between the beginning of hostilities and Asadh 2063 (June 2006), 13,256 people died in Nepal; 8,336 were killed by the state and the remaining 4,920 by the CPN-Maoist party.¹ The number of those injured and/or disabled is even larger. Due to the armed conflict, many Nepalis have been displaced. Some are displaced as entire families and others as individuals. The conflict has negatively impacted even those who are not victims of torture, violence and displacement. Life in most parts of Nepal has been dreadful. Although everyone agrees that education is a basic right, most Nepali children have not been able to study at school without fear, even in their own communities.

Several efforts have been made by the government and the Maoists to bring peace at different times. The first time, both the government and the Maoists declared a ceasefire on Shrawan 08, 2058 (July 23, 2001). On this occasion, the government and the Maoists held three dialogues, on Bhadra 14 and 26, and Kartik 28 (August 30, Sept. 11, and Nov. 13, 2001). Two days after the final meeting the CPN-Maoists broke the ceasefire and attacked the security camps.

On Magh 15, 2059 (Jan. 29, 2003) the government and the Maoists declared a second ceasefire, which remained in effect until 2060 Bhadra 10 (Aug. 27, 2003). During that period, several dialogues were held: on 2061 Baishakh 14 and 16 (April 27 & 29, 2004) and from 2061 Shrawan 31 to Bhadra 1 (Aug. 15 to 17, 2004). However, these talks also failed and again the Maoists broke the ceasefire on Bhadra 10 (Aug. 26).

The Maoists declared a unilateral ceasefire on Ashwin 9, 2060 (September 26, 2003) and Kartik 4, 2061 (Oct. 20, 2004), for the nine days in the period of the Dashain festival. Despite the limited time period, since most people were able to celebrate Dashain in an environment free of fear, this announcement was widely welcomed.

Although these various ceasefires failed to establish a sustained peace, moments of peace could be enjoyed during the ceasefire periods. The unilateral ceasefire declared by the Maoists from Bhadra 18, 2062 (Sept. 3, 2005) has contributed considerably to retaining a permanent peace. During the ceasefire, which was initially declared for three months and later extended for another month, a 12-point agreement was signed between the seven major political parties and the CPN-Maoist.

¹ www.inseconline.org

Subsequently, several sets of agreements were made between the seven major political parties and the CPN-Maoist. As a result, the CPN-Maoist fully supported and participated in the peaceful people's movement called by the seven major political parties from Chaitra 24, 2062 (April 6, 2006). The movement had widespread public participation and succeeded after 19 days, on 2063 Baishakh 11 (April 24, 2006), when the sovereignty and royal power of Nepal was returned to the Nepali people.

Following the success of the people's movement, the Maoists declared a three-month ceasefire beginning Baishakh 13 (April 26) and the Government of Nepal followed suit from Baishakh 20 (May 3) onwards. (*Annex 1 provides the Maoist press statement declaring the ceasefire.*) A 25-point 'Ceasefire Code of Conduct' was signed between the Government of Nepal and the Maoists. (*Annex 2 provides the full ceasefire code of conduct.*)

The Government of Nepal and the Maoists had a second series of discussions regarding monitoring of the ceasefire code of conduct. During the dialogues, a decision was made to form a Ceasefire Code of Conduct National Monitoring Committee to monitor implementation of the 12-point agreement between the seven major political parties and the CPN-Maoist. The ceasefire code of conduct was signed between the Government of Nepal and the Maoists.

Through these various efforts and agreements, the Government and the Maoists seem to be following the code of conduct. Nevertheless, incidents of human rights violations have been taking place. Although a bilateral ceasefire is in place, on the basis of the Commission's investigation and monitoring, as well as various complaints received at the Commission and news published in various media, it appears that violations of human rights are occurring from both sides.

On the basis of complaints registered at the Commission and under the Commission's regular process, the National Human Rights Commission has been continuously investigating and monitoring human rights violations and abuses during the ceasefire.

The Commission has monitored the human rights situation in the following districts: Sankhuwasabha, Saptari, Siraha, Morang, Udaypur, Khotang, Rautahat, Bara, Parsa, Makwanpur, Dhanusha, Mahottari, Kavre, Sindhupalchowk, Ramechhap, Dolakha, Kathmandu, Lalitpur, Bhaktapur, Dhading, Chitwan, Lamjung, Kaski, Kapilwastu, Baglung, Tanahun, Gulmi, Palpa, Rupendehi, Nawalparasi, Syangja, Banke, Bardiya, Surkhet, Salyan, Dang, Pyuthan, Jumla, Rolpa, Doti, Achham, Kailali, and Kanchanpur. The main objectives for monitoring and investigation are to make recommendations and appeals to the concerned parties on the basis of the facts collected.

Even during the ceasefire, although both the state and the Maoists are actively seeking sustainable peace, incidents of human rights violations are occurring. In such a situation, the Commission under its mandate must monitor and publicize incidents of human rights violations. Therefore, this report has been prepared.

1.2. Objectives of the Report

- To monitor and investigate incidents and anticipated incidents of human rights violations during the ceasefire period and to recommend to the government and appeal to the CPN-Maoist regarding the incidents;
- By publicizing the report, to create pressure on the parties involved in incidents of human rights violations in order to protect and promote human rights;
- To inform general people and concerned stakeholders about incidents of human rights violations that have occurred during this period.

1.3. Methodology

- Incidents of human rights violations and abuses in various parts in the country are primarily monitored through the Commission's field visits. Investigation and monitoring is also done on the basis of information received at the Commission from the media and/or other sources.
- To validate information received from the mass media, related information is acquired from the concerned parties and agencies.
- In the process of collecting information, the Commission has made inquiries, discussed and interacted with various persons and has visited several places.
- The report is also prepared on the basis of information received from different institutions and from published news as well as on the basis of complaints received at the Commission.

1.4. Limitations

This report is limited to monitoring incidents of human rights violations and abuses that occurred during the six-month ceasefire period declared by the CPN-Maoist on 2063 Baishakh 13 (April 26, 2006) and by the Government of Nepal on 2063 Baishakh 20 (May 3, 2006). Due to lack of resources, time and information, this report may not cover all human rights violations and abuses nationwide.

1.5. Organization of the Report

This report "The human rights situation during the six-month ceasefire period," is divided into three sections.

The first section provides the justification, background, objectives, methodologies and limitations of the report.

The second section presents the incidents of human rights violations during the ceasefire period.

The third section includes the analysis, conclusions and suggestions prepared on the basis of the facts and findings. It also includes recommendations and appeals to the Government, the CPN-Maoist and others to guarantee the protection of and respect for human rights.

CHAPTER TWO

Human Rights Situation during the Ceasefire

On the basis of complaints and information received at the Commission and investigation and monitoring carried out during its own field visits, the situation of human rights during the ceasefire period was found to be as reported below. Annex 3 presents a compilation of incidents of human rights violations and abuses.

2.1. The Right to Life

During the ceasefire period, people's right to life was violated by the state, the CPN-Maoist and other groups as well. The Maoists appeared to be more active than the state in perpetrating such violations.

The first violation of the right to life occurred at Belbari VDC in Morang District and was caused by the state. Security personnel fired indiscriminately at local people gathered near their camp site on 2063 Baishakh 13 (April 26, 2006). The people were protesting the killing of Ms. Sapana Gurung, a 22-year old resident of Belbari VDC 2, by RNA (now Nepal Army) personnel. In the incident, six people were killed and 41 were injured.

Overall, during the ceasefire period, 11 persons were killed by the state. The other incidents were as follows:

- Mr. Sikha Ram Chaudhari, arrested on the charge of killing a rhino and stealing its horn, was held in custody in Chitwan National Park and died there due to excessive torture.
- In the army post at Kawasoti of Nawalparasi District, two security personnel were fighting and another was killed due to gunfire.
- Mr. Bachcha Ram Yadav, a resident of Rupani VDC of Saptari District, was shot by a police patrol and died.
- Similarly, Ms. Tara Tamang of Tatopani VDC-4 was shot by the police and killed.
- An Indian citizen, Mr. Manoj Das, held at the Jana-Sewa Ward Police Office on the charge of robbery, died due to torture.

- Four persons, including 11-year-old Tara Singh Kathayat, were seriously injured by a bomb explosion, the bomb or mine having been placed by the army.

During this period, 15 people were also killed by the Maoists. Among them, the following deaths were reported, after the individuals named had been abducted by the CPN Maoist:

- Mr. Prem Bahadur Thokar, a resident of Jagatpur, Chitwan District;
- Mr. Bishal Lama, a 10th grade student of Shri Kakaling Harisiddhi Secondary School, residing at Thulopokhar VDC-1, Sindhupalchowk District;
- Mr. Shyam Sunder Sahani and Mr. Shambhu Sahani, two brothers from Basantpatti VDC-6, Rautahat District;
- Mr. Sushil Gyawali of Motipur VDC-5, Bardiya District;
- Mr. Deep Narayan Yadav, a Nepali Congress worker and resident of Barumaria VDC-5, Dhanusha District;
- Mr. Rabindra Yadav, an Indian citizen from Champapur, residing in Kalaiya municipality ward no.5 of Bara District;
- Mr. Jhumlal Yadav, elected VDC chairman from the CPN-UML, residing in Hardiya VDC of Bara District;
- Mr. Bijaya Ram, a resident of Kalaiya municipality ward no. 5;
- Mr. Santa Bahadur B.K. of Ishaneshower, Lamjung District;
- Mr. Kumar Pariyar, of Bhalchowk VDC-6, Kaski District; and
- Ms. Phulo Devi Yadav, a resident of Hardiya VDC, Bara District, who was killed in Maoist captivity.

In a clash between Maoists and villagers at Dewapur Teta VDC after a Maoist attack on the village, Mr. Naresh Yadav was killed and 54 other villagers were injured.

Investigation is undergoing on the following incidents after complaints were filed at the Commission:

- The killing of Mr. Man Bahadur Karki, a resident of Lekhgaon VDC-4, Lisne, Surkhet District;
- The torture in captivity of Mr. Phulgen Kunwar Danuwar, a tractor driver for Mr. Bechan Shah, who was a resident of Lavatoli VDC-9 Dhanusha District, presently living at Raghunathpur VDC-1;
- The injuries of four children – Kailash Rawal (3 years), Smriti Sharma (3 years), Sushmita Dhamala (3 years), and Amik B.K. (18 months) – following the explosion of a bomb kept by Maoists in a house near Pitmari Bazaar of Sungurkhal VDC-8, Kailali District at 8:30 am on Asadh 16 (June 30). A two-storey house was completely damaged in the incident; and the injuries of six persons,

including a Maoist worker, by an detonation of explosives kept by Maoists at Sardi Khola, Kaski District.

Members of the *Pratikar Committee* are responsible for the deaths of five persons during the ceasefire period, including the following:

- Three-year-old Majit Barai, son of Mr. Ghanshyam Barai, a resident of Pulika VDC, of Kapilwastu District;
- Bhagirath Kuri (Rajendra) and Keshab Bhar of Kapilwastu District; and
- Mr. Kashi Ram Harijan, a Maoist supporter and resident in Narshahi VDC of Nawalparasi District.

Similarly, *Pratikar Committee* members severely injured Sonu Barai (5 years old) and Bhagawati Barai (17 years old).

Other killings were carried out by villagers in various districts throughout the country during the period of the ceasefire. Altogether seven people were killed by local villagers and unidentified groups.

- Mr. Aasmahammad Mansuri, alias Biltu, local resident of Dewapur Teta VDC, Bara District, died following a beating by villagers after being accused of rape.
- Mr. Iman Singh Thakuri, a resident of Swathi VDC, Nawalparasi District, died following a beating by villagers.
- Two youths were killed by villagers in Phulbari VDC, Nawalparasi District, on the charge of shouting in the village.
- Some unidentified persons killed an unknown youth at the Buddha Chowk in Bhairaha.
- Unidentified persons killed Mr. Dhuplal Prasad Yadav, a resident of Hardiya VDC, Bara district.
- The dead body of a man about 55-60 years old was found at the no. 3 bridge in Amlekgunj VDC, Bara District on Baishakh 22 (May 5).

Five people died randomly from bombs and unidentified explosions during the period of the ceasefire.

- According to the Regional Police Office in Surkhet, 12-year-old Hom Bahadur Rana and Sher Bahadur Karki died while playing with a bomb they found in the jungle. Mr. Karki was a soldier home on leave from the Shiva Dal Ganna Battalion in Kapilwastu. Ms. Mansara Rana and Mr. Rajesh Rana were seriously injured in the same incident. This accident occurred in Pagma Village Hariharpur VDC 6, Surkhet District.

- Ms. Mandhura Bhandari, Ms. ManAsadha Bhandari and Mr. Rajesh Rana were seriously injured in the explosion of a bomb thrown near Ms. Mandhura's tea shop at the Lamki Bazaar of Kailali district.
- Three children died and two people, including another child, were injured in a bomb explosion at Bashsuti VDC, Kailali District.
- Two children, Sachin and Parbati Gahatraj, were seriously injured in a bomb explosion at Jogipani of Bandipokhara VDC, Palpa District.

2.2. Torture, Threats and Misuse of Power

During the ceasefire period, both the state and the Maoists have beaten, tortured and threatened individuals in their custody, and have also used their weapons and their power indiscriminately. Some incidents are reported below:

- A resident of Dhangadhi municipality ward no 1, Kailali District, was severely tortured and hurt in the eyes while in the custody of the District Police Office, Kailali on 2063 Jestha 8 (May 22, 2006).
- Nepal Army personnel of the Bhairab Nath Ganna Battalion in Kathmandu and the Gajuri Camp in Dhading district virtually kidnapped some policemen, including a police inspector, taking them to the barracks where they were severely tortured. A Court of Inquiry was formed to investigate the incidents and the perpetrators were court-martialed.
- Security personnel opened fire in the air at an assembly of the CPN-Maoist at Sunwal, Nawalparasi district, injuring one Maoist worker and damaging some houses.
- Soldiers beat up and severely injured a 16-year-old student in Saptari District.
- Public transport staffs were beaten by security personnel at various places. Security personnel also beat up some journalists in Jumla District.
- Policemen brutally tortured detainees at Ward Police Offices of Ram Bazaar and Baidam, and the District Police Office of Kaski, Pokhara.
- Mr. Som Nath Baral, a resident of Pokhara Sub-metropolis ward no.13, was arrested, tortured and then threatened by a police inspector of the District Police Office.
- At a protest by prisoners in Nawalparasi district jail, the police used tear gas and fired into the air. In the Mahottari prison, prisoners were beaten by policemen.
- Karan Raj Regmi, Laxmi Regmi and Bal Kumari Thapa of Baglung municipality ward no 2, Shri Nagar, were injured by a constable named Mr. Bhupendra Singh Kunwar at Bajra Dal Gulma, Beni on 2063 Shravan 31 when Constable Kunwar was intoxicated.

In Pokhari Jhindi VDC of Rupendehi District, police arrived to settle a neighborhood quarrel and began to beat people, fracturing the hands and legs of Mr. Bipat Kolhar.

- An army camp was stationed on land taken from several individuals, including Mr. Dhak Bahadur Chhetri of Harichour VDC ward no. 8 of Baglung District, and compensation has not been provided.

Incidents of torture by the CPN-Maoist have also come to light:

- A group of Maoists brutally beat up 16 women in the name of eliminating prostitution in Dodhara VDC ward no. 7, Kailali District.
- Maoist workers abducted Mr. Khagendra Khanal (former secretary of the Free Student Union of Mahendra Multiple Campus, Nepalganj), Mr. Jagdish Badal and Mr. Shant Dev Pant from Bhaktapur into Kavre District where they were severely tortured while in captivity.
- Mr. Shiva Bahadur Khadka, a resident of Malu VDC ward no. 3, Dolakha District, was tortured by Maoists, after having been taken into captivity. He escaped from Maoist captivity and later committed suicide.
- When the Commission went to investigate a killing in Basgadhi of Rupendehi District, Maoists threatened the family members not to proceed with the investigation.
- The Maoist threatened and severely beat two persons when asking for donations. One was from the Pokhara Sub-metropolis, ward no. 6, Baidam; and one was from Kapilwastu district.
- Maoists took a resident of Kalika VDC, Kaski District, into a local school classroom and brutally tortured him.
- In Mijure VDC 8, Kaski District, a man was expelled from his home with the threat that he would be presented before the people's court within 10 days. In Parsa and Rautahat Districts as well, Maoists have harassed local people in the name of the people's court.
- The people's court office in Makwanpur, under people's justice of Lalitpur District, Mr. C.P. Ghimire, issued a notice in the names of Ms. Radhika Devi Banepali, Ms. Ashika Banepali, Ms. Sharmila Banepali, residents of Hetauda municipality ward no. 3 Sangam Chowk, and Mr. Mangal Joshi and Mr. Bal Ram Manandhar, residents of Lalitpur, on a subject related to land.
- In Rautahat District, two staff members of the Land Revenue Office were manhandled and paraded through Gaur municipality on the charge of asking for a bribe.
- In Parsa District, Maoists have punished the various persons by man-handling them and parading them around the area wearing a garland of shoes.

- In Bara District, for certain transactions, unnecessarily threatening acts and abuses have been carried out, and people have been forced to sign blank pieces of paper. Donations were demanded from VDC secretaries, who were threatened with abduction if they refused. Maoists have also agitated for current cases to be dismissed.
- A report has been received of Maoists abducting Mr. Phalgun Prasad Poudel and Mr. Rewati Raman Poudel, residents of Hetauda municipality ward no.7 on 2063 Asadh 2 (June 16, 2006) and forcing them to sign a paper agreeing to pay NRs. 12,50,000.00 (1.25 million rupees) to a local resident, Mr. Puspa Raj Poudel, by 2063 Bhadra 10 (Aug. 26, 2006).
- Maoists are spreading fear and threats in many areas of Parsa district, including Pokharia, Janakitala, Langadi, Bariyarpur, Bheswa, and others, by training in combat dress, displaying weapons and organizing public assemblies.
- On 2063 Asoj 23 (October 9, 2006), various newspapers published stories about Mr. Narayan Danuwar of Kavre District being tortured with his hands and legs cuffed, on the charge of raising donations in the name of the Maoists, while he was not an actual Maoist.
 - In Kathmandu, Maoists have brutally tortured their own workers physically and mentally for not being in contact for a long time. For example, 10 laborers associated with GFONT were beaten at Sundhara.
 - Maoists took two people into captivity and tortured them severely in Chuha VDC, Kailali District.
 - A complaint was registered in the Commission that someone from Khairal VDC 5, Kailali District was beaten by Maoists.
 - Maoists tortured a person from Madheli 9, Sunsari District.

Other incidents of human rights abuses by individuals who are affiliated neither with the Maoists nor with the government.

- Stating they had played a key role in suppression activities during the People's Movement of 2063 Chaitra-Baishakh (April 2006), the political parties, the joint Jana Andolan committee and FNJ Bara branch mistreated various people in different districts by blacklisting them and publicizing their names, as well as parading them round the city after they had been manhandled.

The insurgency appears to have led to a general breakdown of law and order, as the following incidents reveal:

- Because he touched a public waterspout, an upper caste woman in Gulmi District beat a Dalit child. Likewise, a Dalit woman was beaten in Arghakhanchi district.

- At Sarvodaya Higher Secondary School in Saptari District, a teacher beat a female student, causing damage to her ears. In Jhapa District, a teacher at Janajyoti Primary School committed the inhuman act of feeding a student a human stool.

2.3. Peace and Security

During the ceasefire period, the tenuous situation of peace and security allowed different activities indicative of anarchy to occur in several places. For example, due to allegedly improper and irresponsible treatment of certain patients, health professionals were ill-treated and premises vandalized at several health facilities, including the Lumbini Zonal Hospital in Butwal municipality, the Everest Nursing Home at Baneshower in Kathmandu, and the Zonal Hospital in Janakpur municipality.

Incidents of robbery have increased in the Kathmandu Valley and in several border areas in the Terai. People do not feel the state is providing adequate protection.

2.4. Displacement

The ceasefire period has seen fewer incidents of displacement caused by the state and the Maoists. However, on 2063 Bhadra 23 (September 8, 2006) a clash occurred between the Maoists and villagers in Dewapurteta VDC of Bara District, and some persons were displaced. Although many have returned home, 25 persons remain displaced due to this event.

Although the Maoists have not created an environment enabling previously displaced people to return home without fear, some displaced persons from certain districts, including Siraha, Dhanusha, Rautahat, Makwanpur, Parsa, Doti, Saptari and Sankhuwasabha, have returned. Despite some positive decisions made by Maoists regarding the return of seized properties in Kailali and Doti, displaced people have not yet been able to utilize their properties, as some houses and properties remain under Maoist captivity. In several places, although Maoists have opened the doors of the houses, other properties and livestock taken from the houses have not been returned.

Most displaced persons in Dhanusha District are compelled to stay in temples, inns, relatives' houses and rented houses. Some displaced persons have been found building houses in the Janakpur market area and staying there. In a NHRC-organized program in Arghakhanchi District, during a discussion on returning displaced persons' properties, local Maoists stated that while they did not stop anyone from returning to their homes, they could not return people's properties, and that this was the state's responsibility.

Based on NHRC efforts, and with the commitment of the Maoists, some displaced persons in Ramechhap, Dhading and Surkhet have been able to return home.

A settlement of internally displaced persons has been changed into squatters' camps in Banke District, where about 2,200 families have been living as squatters in the Kohalpur-Chisapani area. Conditions are similar in Dang and Bardia districts.

2.5. Disappearances

Information has not been received about disappearances caused by government security forces during the ceasefire period. However, a report of 25 people being disappeared by security forces before the ceasefire was registered at the Commission. Investigation revealed that 11 of them had been killed. The condition of 495 persons previously registered at the Commission as having been disappeared by the security forces is still unknown.

Among the 66 people reportedly arrested by the army and held in the Bhairab Nath Battalion, the condition of only seven is known and the situation of the remaining 59 individuals is unknown. Investigation of this matter is ongoing, and the Commission found that Mr. Amrit Kandel of Dhading district and Mr. Gyanendra Tripathi of Chitwan district were being held in custody at the Battalion. The Commission, publicizing their conditions, therefore recommended that the government institute legal procedures to take action against the guilty parties. However, the government has not yet acted on this recommendation. The Commission has also informed the government and the Parliamentary Committee for Human Rights and Foreign Affairs about the condition of those citizens who have been forcefully disappeared.

During the period of the ceasefire, the Commission investigation team visited Sindhupalchowk, Kavre, Dhading, Bara, Parsa, Chitwan, Dhanusha, Mahottari Kathmandu, and other districts, and investigated those persons reported to have disappeared. The following facts were uncovered:

- At Chalal, Ganeshthan VDC ward no.1 of Kavre District, security forces had killed and buried Mr. Hari Prasad Bolakhe who had disappeared in 2060 B.S. (2002/3). On 2063 Asadh 21 (July 5, 2006), a team including forensic experts exhumed and tested a body, identifying it as Mr. Bolakhe and handing it over to his relatives. Investigation of this case is in its final stages.
- Ms. Sita Kumari Choudhary of Kanchanpur District who disappeared five years ago was found as a domestic worker at the residence of an army colonel in Lalitpur. She was enabled to return to her parents.

The investigation committee formed to make public the condition of individuals disappeared by the state published its report on 2063 Ashwin 6 (September 22, 2006). The report stated that 174 missing persons had been found while the situation of 600 other people remained unknown.

The Commission sent a letter of inquiry to the Nepal Police seeking information on individuals named in complaints registered at the Commission regarding cases of disappearance on various dates. In response, on 2063 Bhadra 12 (August 28, 2006) the Police Headquarters Human Rights Cell sent information about 583 persons reportedly disappeared by the state,

331 persons disappeared by the Maoists and 56 persons who were reported lost. This response provided information on the condition of some individuals. Complaints were also filed in court about the disappearance of certain persons and the Supreme Court has formed a committee to investigate the condition of disappeared citizens.

The families of people disappeared by the state have organized strike and protest in various places, including Kathmandu and Sindhupalchowk. The Commission team monitored those activities. A group formed of families of the disappeared organized a national meeting in Lalitpur. In addition, widespread criticism has come from the national and the international arenas concerning the serious human rights violation of forceful disappearance. Nevertheless, the government does not appear to be serious about revealing the condition of the disappeared citizens.

2.6. Abduction and Hostage

The CPN Maoist has continued abducting and holding people, even during the ceasefire period. Some of the cases are detailed below:

- Maoists abducted a resident of Rajapur 5, Siraha District, taking his motorbike and 39,000/- rupees.
- A policeman stationed in the District Police Office, Siraha was abducted while going from Lahan to the district headquarters.
- Mr. Kamal Sherpa of Taplejung, Phulbari and seven girl students of Bhalubang Secondary School were taken into captivity by the Maoists.
- Mr. Bhim Bahadur Jimi of Sankhuwasabha District was taken to a labor camp.
- Mr. Indra Prasad Khatiwada, a lawyer from Biratnagar Sub-metropolis, was released after one day in captivity.
- In Nawalparasi District five policemen in civilian attire were taken into captivity, along with their weapons, for two days and then released.
- A man of Bhotewodar VDC 8, Lumjung District, was abducted from his home and, following physical and mental torture, was asked for NRs. 500,000.00. He had to pay NRs. 300,000.00 for his release and was released on the condition that he would pay NRs. 200,000.00 later.
- A former DDC member from Lamjung District was abducted and released after NRs. 100,000.00 had been extorted from him. His condition remains serious due to torture by the Maoists.
- On the charge of killing the three-year-old son of a Maoist worker from Kapilwastu District, an alleged member of the *Pratikar Committee* was abducted.

- Mr. Dhata Ram Bhattarai, the former Mayor of Tansen municipality, Palpa District, was held in captivity and sentenced by the people's court to three years in a labor camp.
- Two people from Hatihawa VDC ward no. 5, Kapilwastu District, were taken into captivity by the Maoists.
- A pregnant woman of Tansen municipality ward no.3, Palpa District, was held in captivity for one month.
- Three policemen transferred from Bajura District and going to their work stations in Dadeldura, Kailali and Kanchanpur, were taken into captivity from a place called Shera of Bramhatola VDC, Bajura District, and released after three hours.
- Three persons of Gadaria VDC ward no. 9, Kailali District, were abducted and taken to a labor camp.
- A person from Dhangadhi District was held in captivity for over a month and released in the presence of his family members and civil society.
- Three students studying in class eight at Alliance Boarding School in Kailali, Dhangadhi District, and five students from Sunbal VDC 3, Nawalparasi District, were taken into captivity.
- In Nawalparasi District, eight persons, including two policemen, were taken into custody for two days and then released.
- Soldiers taken into custody at various times have not yet been released, nor have their families been provided any information about their condition. Instead of abducted persons being protected, information indicates that they have been killed.
- Mr. Shanker Pukar Tiwari and Mr. Umesh Pande were abducted by Maoists on their way to the Parsa District Court for a court date and therefore missed their date.
- The Commission has received information that nine persons of Bairia Birta VDC in Parsa District are being held in captivity by the Maoist militia.
- Maoists are using children in mass meetings and assemblies in various districts; they also use children in army activities.

On 2063 Kartik 04 (Oct. 21, 2006) the Maoists made public information on 28 out of 71 individuals from the Kathmandu Valley being held in captivity at Godawari, Lalitpur District. Among them, 10 remain captive, and the Maoists claim to have previously released 33 others.

The Commission has not been provided access to information about the condition of certain individuals, including Mr. Bal Prasad Limbu, who were held by the Maoists.

Maoists also continue to abduct various persons from different places outside the Kathmandu Valley.

After CPN-Maoist president Mr. Pushpa Dahal, aka Prachanda, promised on Kantipur television's interview program "BAHAS" to disclose within one month the condition of those individuals being held by the Maoists, the Commission sent a letter on 2063 Bhadra 26 (Sept, 11, 2006) enclosing the list of people being held whose whereabouts had still not been made public. This letter was sent because the Commission had not received any response from an earlier letter sent on 2063 Asadh 19 (July 2, 2006). However, no response has yet been received. Of 764 persons who have been reported to the Commission as being held by the Maoists, the condition of 156 remains unknown.

The CPN-Maoist's brother organization Newa Rastriya Mukti Morcha (Newar National Liberation Front) is also holding several people from various areas of Kathmandu. The Commission has repeatedly asked the Maoists to reveal their whereabouts and situation and to release them, but they are not even allowed to meet family members or members of the Commission. In this way the party is obstructing the Commission's work of human rights monitoring. Investigation has revealed that these individuals are blindfolded and handcuffed, and have been tortured, both mentally and physically.

Among those residents of the Kathmandu Valley being held in Maoist custody on allegations of involvement in criminal activities, 38 were produced at a press meeting held at the Regional Forestry Office Training Centre at Godawari, Lalitpur on 2063 Kartik 04 (October 21, 2006). On that occasion 28 people were released and 10 remained in custody. The Commission has met with those who were not released to obtain information on their human rights situation.

The Maoist action of holding people in custody violates the 25 point Code of Conduct for the ceasefire as well as their public commitments to respect human rights and obey humanitarian law. Therefore the Commission has met with Maoist leaders of various levels to urge them to stop such activity. Press statements have also been issued making the same appeal. National and international organizations as well as the political parties have also protested these actions by the Maoists but their practice of taking persons into custody continues.

2.7. Extortion and Property Seizure

During the ceasefire period, the CPN-Maoist is continuing to practice extortion in various districts. The Commission has found that the Maoists collect money as custom offices from individuals and institutions, and even, in some places, from local bodies, and also by establishing checkpoints at different places. The CPN-Maoist has stated that it will continue to collect money until the government provides subsistence to the Maoist army. The party has extorted money from businesspeople and industrialists, local private and public schools, employees, contractors, transportation workers and various professionals.

Contractors in the districts of Kailali, Doti, Dadeldhura, Rukum, Dolpa, Siraha, Tanahun, Kapilwastu, Rautahat, Parsa and Bara must pay the Maoists tax equal to what they pay to the District Development Committees.

In Bara District, when some people, including local teachers, whose houses had been seized by the Maoists, sought to have their property returned as promised by CPN-Maoist central level policy, the local area Maoist committee refused to return the land, stating the central level policy did not apply to them.

Specific seizures include the following:

- Maoists seized the house and land of Mr. Chirendra Satyal in Janakpur Bazaar and opened their party office.
- Maoists seized the house of Mr. Dharma Bahadur Shah at Kholagoan VDC 2 of Rukum District, established their mess hall, and cultivated his farm.
- The house and land of Parliamentarian Mr. Hikmat Bahadur Shahi of Bajura District was seized by Maoists and has not yet been returned.
- The Commission received a complaint that Maoists seized properties worth hundreds of thousands of rupees from the houses of Mr. Shiya Sharan Yadav and Mr. Raj Kishore Yadav at Bakhada VDC-3 of Mahottari District.
- When the Commission team met with Maoists to discuss the issue of their having seized the house, important documents and all other properties of Mr. Hem Jung Gurung at Tribenni, Besisahar VDC 2 of Lamjung District, the Maoists agreed to leave the house and returned it to its owner.

2.8. Violation of the Right to Education

During the ceasefire period, Maoists have abducted many students from various locations.

For example, in Gulmi District, the Bhagawati Secondary School and the Sharada Secondary School were closed and all the students and teachers were forcibly taken to protest at the District Education Office.

- The Maoist Krishnasen Memorial Brigade, No. 2 Battalion camp, was stationed at Devinagar VDC 5 of Palpa District, with the Bhimsen Primary School included within the camp premises.
- The Maoist army captured and used boarding schools in Dhading and Chitwan Districts, shut down most schools there and used school vehicles. They have taken the students and teachers to participate in their assemblies, and have used students in a strike program at the Nepal Army Headquarters.
- Huge numbers of children have been used in rallies and assembly programs at the conference of the CPN UML affiliated ANFSU in Chitwan district. The conference decided to form a child *Akhil* (children's wing) at the school level.

These acts constitute the violation of education rights of child and have serious psychological conse-

quence.

2.9. Caste Discrimination

Although the Constitution of Nepal 1991 and various other laws have eliminated caste discrimination and untouchability, discrimination between ‘Dalit’ (untouchable) and ‘upper caste’ (touchable) people remains. Discriminatory and abusive behavior is not countered by government action, and the government may in fact bear some responsibility.

For example, when some Dalits entered Doti District’s Sailishowri temple, upper caste youth protested aggressively, vandalizing the Dalit community and its welfare organizations. Journalists seeking to report the news were also ill-treated and beaten. According to the victims, , the government administration provided no security despite the tense situation. Moreover, they said that the administration, local people and the priest collectively decided to permit Dalits to enter the temple. Old people, women and children from the Dalit community were attacked when they were about to enter the temple. Subsequently, various protest activities were organized.

The honorable justice of Dang District, Mr. Hari Prasad Bagale, told his clerk to distribute the *naivedya* of his late father’s ritual to all staff except two Dalits. As caste discrimination has been eradicated by the constitution and the law, the Dalit community complained that such behavior by the justice violates the law and is inhumane.

Other incidents based on caste discrimination are the following:

- In Hariharpur VDC of Dhanusha District, upper caste people prevented Dalits from using the public well to obtain water.
- In Laxmanpur Bagewa VDC 7, Kumaraura of Dhanusha District, upper caste people completely vandalized the houses of 16 Dalit families, leaving them homeless.
- In Siralaya temple of Silguri municipality 4, Doti District, a dispute arose during the Teej festival when Dalit women went to worship.
- In Gulmi District Dalits were beaten when they touched the water in the public waterspout.

2.10. People’s Court

In the name of the people’s court, the CPN-Maoist has acted contrary to the rule of law in various ways, such as by issuing warrants, summon letters, authorizing torture, enforcing attendance at the court, and collecting statements, etc. On the pretext of crime control, the Maoists have continued taking the law into their own hands through their people’s courts

Specific examples include the following:

- In Dhading District one man was frequently compelled to appear in the court, being summoned on his cell phone and also threatened with physical punishment if he didn't appear.
- In Makwanpur District, two people were abducted and presented before the people's court where they were ordered to pay NRs. 1, 200,000.00 and 50,000.00 respectively.
- Many complaints have been registered at the Commission concerning decisions made by the people's court in Siraha District, imposing fines on different persons of up to NRs. 1,000,000.00.
- One person in Jhapa District and another in Rautahat District were punished on the court's order.
- Within the Kathmandu Valley, Maoists have been operating the people's court in the manner of threatening the general public by forcing people to appear before them and issuing decisions concerning questions of division of land.
- The Maoist's people's court has organized two public hearings regarding the agreement concerning the possession of Kumudini Homes School in Pokhara.
- An individual from Malangawa, Sarlahi District, was ordered to appear before the people's court after refusing to pay a million rupee donation to the CPN-Maoist. Another person from this area was abducted and ordered to obey the decision of the people's court. He was frequently taken to the court and, following a decision of that court, was recently forced to surrender his property.
- Twelve individuals were ordered to appear before the court within 15 days.

2.11. Complaints

A total of 1158 complaints have been registered at the Commission during the ceasefire period. Most of the complaints relate to disappearances and killings that occurred before the ceasefire, indicating that people feel more confident about making complaints to the Commission at this time. Other complaints have decreased.

The complaints presented below were filed at the Commission concerning issues of human rights violations that occurred before the ceasefire period. These include disappearance following capture by security forces; abduction by Maoists; being killed, tortured, and threatened by both security forces and Maoists; compulsory attendance at the Maoist's people's court; and being sentenced to pay fines and suffer other forms of punishment.

During the ceasefire period, the most common complaints relate to abduction and captivity by Maoist forces. Next are complaints of disappearance by the security forces. Complaints of killings and torture are more commonly registered against the security forces than against the Maoists. Complaints about threats and displacement however, are more frequently directed against the Maoists than the state.

Descriptions of the complaints received at the Commission

during six months of the ceasefire period.

S.N	Human rights violation cases	Kath-mandu	Birat-nagar	Nepal-gunj	Pokhara	Dhan-gadhi	Jumla	Rolpa	Butwal	Khotang	Janak-pur	Total
1.	Abduction/Captivity by Maoists	50	46	51	5	9	0	1	4	2	9	177
2.	Disappearance by security forces	33	20	78	5	22	1	5	2	1	1	168
3.	Abduction/disappearance by unknown groups	16	8	4	0	3	0	1	2	0	1	35
4.	Killed by security forces	9	27	18	17	26	3	1	5	2	1	109
5.	Killed by Maoists	8	8	23	3	7	1	3	1	3	1	58
6.	Killed by others	2	2	0	2	1	0	0	7	0	0	14
7.	Tortured by security forces	16	5	11	2	6	3	0	3	0	6	52
8.	Tortured by Maoists	14	1	0	6	4	0	2	4	0	0	31
9.	Tortured / ill-treatment by other groups	3	3	0	0	0	0	0	3	0	2	11
10.	Legal aid	15	6	9	2	0	0	0	1	1	1	35
11.	Displacement caused by security forces	2	0	0	0	3	0	0	0	0	10	15
12.	Displacement caused by Maoists	15	11	15	3	12	0	0	4	3	1	64
13.	Property seized by Maoists	5	11	8	1	10	0	0	1	0	9	45
14.	Compensation	89	6	1	0	2	0	0	0	0	0	98
15.	Threats by Maoists	24	14	29	9	3	1	0	0	2	5	87
16.	Threats by security forces	5	4	10	0	4	0	0	0	0	0	23
17.	Threats by unknown groups	1	2	0	0	0	0	0	0	0	0	3
18.	Re-arrest	0	0	1	0	0	0	0	0	0	0	1
19.	Economic, social and cultural rights	9	3	0	11	1	0	0	1	6	1	32
20.	Bomb explosion / injury	0	1	0	2	2	0	0	3	0	0	8
21.	Died/injured in crossfire	0	0	0	0	3	0	0	0	0	0	3
22.	Violations of rights of women and children	4	0	0	6	0	0	1	0	0	0	11
23.	Others	24	2	19	5	20	0	3	0	1	4	78
	Total	344	180	277	79	138	9	17	41	21	52	1158

CHAPTER THREE

Analysis, conclusions and suggestions

3.1 Analysis and Conclusion

During the period of the ceasefire, the National Human Rights Commission monitored and investigated 209 cases, including cases of violation of right to life and education; of abduction, extortion, torture, displacement, and seizure of property; cases relating to the CPN-Maoist People's Government; and caste-based discrimination. The Commission has analyzed all the facts gathered through monitoring these incidents.

The CPN-Maoist continued its acts of killing, abduction, torture, extortion, property seizure and forcing people to appear before their people's court. They have not returned properties and houses seized and locked up during the armed conflict to their original owners. They have collected tax equal to VDCs and DDCs. They also continued to establish camps at schools and public buildings, and to abduct students and others. These actions by the CPN-Maoist expressly show their non-compliance with international humanitarian law.

Security forces have also engaged in beating, torturing and killing people. Moreover, the vandalizing of health institutions and ill-treatment of health workers for their alleged carelessness regarding patient deaths reveals the state's inability to maintain law and order in the country. In addition, no action has thus far been taken against those guilty of public incidents of discrimination, let alone providing compensation to the victims.

Many people have been injured and killed by the explosion of stray bombs and mines belonging to the conflict parties during this period.

The Seven Party Alliance has also acted contrary to human rights norms and has exceeded legal limitations, especially by blacklisting people and smearing them with black powder, acts that have serious consequences for human self respect and public esteem.

During the ceasefire period, the National Human Rights Commission issued altogether eight press releases regarding the state's violation of civil and political rights, appealing to the state and recommending that it respect prevailing national and international laws on human rights and make state machinery accountable for violations. The Commission has also appealed the CPN-Maoist to act in adherence with international human rights law through a series of 19 press releases, which are included in Annex 4.

The CPN-Maoist has clearly not fully respected or complied with the spirit of the 25-point Ceasefire Code of Conduct, which declares that "the CPN-Maoist will not take action against anyone during the period of ceasefire." The state has also failed to fully abide by the Code of Conduct though relatively few people have been killed by security forces during the ceasefire. Nevertheless, the Commission's fact-based monitoring has found a decrease in killing, and this can be considered a significant achievement.

The Monitoring and Investigation report puts the death during the ceasefire at 43, the state being responsible for 11 killings, the CPN-Maoist being responsible for 15 killings, with the remainder being attributable to local people, vigilante groups and other unknown persons or groups.

Although Article 12 of the Constitution of the Kingdom of Nepal is silent about the specific right to life, it provides that “no law shall be made to the extent of providing capital punishment”, expressly emphasizing the importance of life. Article 3 of the Universal Declaration of Human Rights, 1948 and Article 6(1) of the International Convention on Civil and Political Rights, 1966 ensure the right to life by providing that “every human being has the inherent right to life and no one shall be arbitrarily deprived of his life.” Similarly, common article 3(1) of the Geneva Conventions, 1949 includes the provision that “those taking no active part in war shall in all circumstances be treated humanely.” However, both sides to the current conflict have been found guilty of violating people’s right to life.

The Maoist’s continuing abductions of civil servants, family members of security personnel, students and other ordinary people, along with forced displacements, the issuance of threats and the seizure and locking up of people’s property and houses, present grave obstacles to ensuring the safe return of residents to their home areas and the return of their property. These actions conspicuously violate the rights provided by the United Nations guiding principle relating to Internal Displacement. Article 14(4) of the Constitution of the Kingdom of Nepal and Article 7 of the International Convention on Civil and Political Rights (ICCPR) provide that “no individual shall be subject to torture or other cruel, inhuman or degrading treatment”. Similarly Article 2(2) and (3) of the Convention against Torture and other Cruel, Inhuman or Degrading treatment or Punishment, 1984 provides that “no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture” and “an order from a superior officer or a public authority may not be invoked as a justification of torture.”

Violating these provisions, security forces continued to beat people, often when inebriated. A Nepal Police inspector and his subordinates were seized from their office, taken to a barrack and tortured by intoxicated soldiers. Transport staff has also experienced unnecessary trouble and torture. The CPN-Maoist has not stopped abducting people, taking them to unidentified locations and physically and mentally torturing them. Thus, both parties have violated the above legal provisions pertaining to human rights.

CPN-Maoist activities such as forcibly recruiting children into their army, abducting students and teachers and forcing them to attend political indoctrinations and training programs or mass meetings, establishing camps and conducting political activities at schools, pasting political pamphlets and writing graffiti on school walls, violate Articles 28 and 38 of the Convention on the Rights of the Child (CRC, 1989) and Article 13(1) of the ICCPR. These actions also contravene article 18 of the Constitution of the Kingdom of Nepal 2047 (1991), providing that “everybody shall have the right of access to school, to build their capacity and receive an education in a free environment”. In addition, Article

52 of the first additional protocol (1977) to the Geneva Conventions declares that “school and school grounds shall be paid unconditional respect.” Both the state and the CPN-Maoist have used schools in violation of this provision.

These actions of the state, the CPN-Maoist and other parties have violated not only the Universal Principle of Human Rights, Human Rights Law and prevailing Nepalese Law but have also breached the 25-point Ceasefire Code of Conduct and the 8-point agreement signed between the government of Nepal and the CPN-Maoist.

All concerned parties must now realize their responsibilities to make the human rights issue central and to translate into action the commitments they have made to protect human rights. Only this can help construct a culture of human rights in Nepal and pave the way for the establishment of a sustainable peace. All the concerned parties should be equally responsible and ready to fulfill this aspiration.

3.2 Impact of the Ceasefire

Human rights violations such as killings, beatings and mutilations have declined during the ceasefire period, with the ceasefire having a positive impact on Nepal's overall human rights situation. In line with the hopes of the general populace, provisions are being adopted to lead towards establishing sustainable peace in the country. If these steps are properly executed, sustainable peace in Nepal is not far away.

3.3 Suggestions

Government of Nepal

1. Immediately provide compensation to the families of civilians killed by the security forces and to the families of those who died in custody due to torture, and initiate action against the guilty parties;
2. Initiate action against members of the security forces guilty of beating and torturing innocent civilians;
3. Ensure law and order against the backdrop of continuing looting occurring in different parts of the country, and of attacks on health institutions and health workers;
4. Immediately execute the Commission's previous recommendation to provide economic compensation (based on financial need) and other relief and assistance to the families of people killed by vigilante groups and the CPN-Maoist, and to inform the Commission about the actions taken;
5. Provide compensation and other assistance, according to the rules, to the families of security forces killed in army barracks due to internal conflicts, and take action against the guilty parties; and

6. Identify the perpetrators of killings, abductions and intimidations, including members of vigilante groups and other involved parties, and prosecute them under the criminal justice system.
7. The NHRC's legal mandate is to monitor and investigate human rights violations and reach conclusions regarding such violations. However, the failure to appoint NHRC commissioners for the last four months has seriously impacted the Commission's ability to carry out its work and to protect human rights within Nepal, so it urges the government to immediately appoint NHRC commissioners.

CPN-Maoist

1. Halt all abduction, killing, extortion and intimidation as this contradicts the 25-point Ceasefire Code of Conduct and the 8-point accord signed between the Government of Nepal and the CPN-Maoist, assist the government in prosecuting the perpetrators of such acts according to their criminal liability, and guarantee that such acts are not repeated;
2. Return properties and houses that were seized, locked up or otherwise rendered useless to the owners or their families, and guarantee an amicable atmosphere in which displaced people can return home in a peaceful, comfortable and respectful manner;
3. Immediately stop abducting, intimidating, beating and torturing people;
4. Immediately halt actions that violate the rule of law, universal principles of justice and fair trials, such as issuing court dates, imposing fines and punishments and partitioning property, all in the name of the people's court – which continues to function in most districts;
5. Halt the abduction and use of children for military activities, mass gatherings and rallies, and cordon off the Nepali army; and
6. Respect the 25-point Ceasefire Code of Conduct agreed upon by the Government of Nepal and the CPN-Maoist.

Government of Nepal and CPN-Maoist

NHRC urges both the Government of Nepal and the CPN-Maoist to identify where explosives and mines are stored and planted, and to defuse them. Many people have been injured and killed due to the explosion of such mines and bombs. Government and Maoists should also make necessary arrangements for the treatment those who have been injured, and should compensate the families of those killed.

Other parties

Acts of killing, abduction and intimidation, which are being carried out by different parties, including vigilante groups, are recognized “offences” under Nepal’s existing criminal law. Individuals perpetrating such acts are liable to criminal prosecution. The Commission urges the concerned parties to halt such actions immediately. Publicly blacklisting and smearing people with black powder as has happened in different districts is a violation of the human right to self-esteem and dignity. The Commission appeals to all concerned parties to respect the Ceasefire Code of Conduct and to conduct themselves in accord with decisions made at the meetings convened between the Seven Party Alliance and the CPN-Maoist at district levels.

The Commission appeals for the settlement of issues of human right violations, atrocities, extortion, abduction and intimidation through meetings between the various parties. It urges all parties concerned to overcome past enmity and encourage success of the peace talks from the local to the national level.

Annex 1
Communist Party of Nepal (Maoist)
Central Committee

Press Release

Our party clearly entered into the historical 12-point understanding with the seven parliamentary parties and took proactive initiatives in the peaceful People's Movement in line with the spirit of the 12-point understanding for the establishment of absolute democracy, peace and progress. Trusting the mutual understanding that was arrived at on a joint struggle, the masses took to the streets and set a new standard for bravery and creativity in the history of the People's Movement. It is crystal clear that unconditional constituent assembly and republic were the Movement's principal slogans and ideals. The present popular movement, which will not only be described in golden letters in the history of Nepal but also in the history of the world, has come forward against autocracy in the form of a special synthesis of armed and peaceful struggle. This analysis and synthesis process has long been studied and debated by intellectuals and the general populace.

However, with the reinstatement of parliament, dangerous attempts are now being made to devalue the great historical synthesis and ideals demonstrated by the people, indicating that the struggle consisted of the Seven Party Alliance alone. Declarations and understandings made without addressing the CPN-Maoist, the party that is a key energizer of the popular People's Movement, clearly reveal a serious conspiracy against the efforts and aspirations of the Nepali people towards absolute democracy, peace and progress.

Our party will never hesitate to work with any front to oppose any conspiracies against the modern republican awareness within Nepal and among the Nepali people. Feeling a responsibility to give a powerful continuity to the currently ongoing people's resistance and struggle for a constituent assembly and democratic republic, and to take it to the end point of historical achievement, respecting the people's commitment to their aspirations for lasting peace as well as being equally aware of our objective to encourage the Seven Party Alliance to declare for an unconditional constituent assembly, our party through this press release again declares a unilateral ceasefire for three months with effect from today's date. The People's Liberation Army will not conduct any offensive military operations during the ceasefire period, but rather will maintain a position of active defense and will actively engage in helping people and moving towards the task of mobilizing peace. Our party believes that this declaration not only respects the waves of the masses that took to the streets with the goal of a constituent assembly, republic and peace, but also takes the history to a substantive conclusion while simultaneously providing continuous synergy to the people's aspirations. Our heart is always with the hearts of the people.

Date: 13 Baisakh 2063 (April 26, 2006)

Prachanda
President, CPN-Maoist

Annex 2

Cease-fire Code of Conduct

On May 25, 2006, a Cease-fire Code of Conduct was signed between the Government of Nepal and the CPN-Maoist. Following is the full text of the Code of Conduct:

Preamble:

Respecting the popular mandate expressed through the historic People's Movement for total democracy, progress and peace;

Remaining committed towards the Universal Declaration of Human Rights, 1948 and the fundamental principles and values of international humanitarian law and human rights;

Remaining committed to fulfilling the 12-point agreement between the Seven Party Alliance and the Maoists;

Remaining committed to democratic values, including the concept of competitive multiparty democracy, civil liberties, fundamental rights, human rights, press freedom and the rule of law;

Guaranteeing the fundamental rights of the Nepali people to participate in the process of constitution-making through elections to a Constituent Assembly without any fear, threats or violence;

Placing democracy, peace, prosperity, forward-looking social transformation and freedom, sovereignty and dignity of the nation in the center;

And, in order to transform the ceasefire between the Government of Nepal and the CPN-Maoist into a permanent peace and to resolve all problems through negotiations, a code of conduct has been issued as follows as per the wishes of the Nepali people:

Guaranteeing civilian life without fear

1. Not to issue any statement or engage in any activities which could provoke each other.
2. Neither party shall mobilize, display or use their armed forces in a manner that could spread fear and terror amongst the people.
3. Not to attack or destroy each other's military or security installations, not to lay down mines or ambushes, not to recruit new people into the military and not to spy against each other.
4. Both sides will extend mutual cooperation in order to maintain peace and security.
5. Discussion and understanding will be made as per need regarding the issue of management of arms and armed personnel.

Creating an environment of trust among the people

6. Neither party will participate in public meetings, conferences or any other political activities in combat fatigues or while carrying weapons.
7. Neither party will hinder political activists nor members of social organizations from moving throughout the country to express their views, organize meetings or engage in other organizational work. They will not be subject to any mental or physical pressure.

On basic services to the people and development activities

8. During the ceasefire period, activities such as *bandhs* (general strikes) and *chakka jams* (transport strikes) will not be organized, but peaceful demonstrations may be organized.
9. Essential services and facilities for the people will be allowed to operate without any disruption.
10. Obstacles will not be created to the peaceful undertaking of regular development work and other work designed to benefit the people.
11. Transportation of items like food, medicine, materials used in development work and daily utility items will not be obstructed or banned.
12. Both parties will create an environment conducive to the smooth functioning of schools, colleges and universities, hospitals, health centers and industrial facilities.

Cooperation from the media regarding peace talks

13. Use civilized and dignified language while disseminating information about the Ceasefire Code of Conduct, the peace process and other political activities.
14. Nobody should issue statements through the media in a way that could hamper the peace talks and peace process
15. Donation or financial assistance in cash, kind or service will not be collected or mobilized against anyone's will.

Release and rehabilitation

16. Accusations, claims or cases filed by both parties against various individuals will be withdrawn and the detainees will be gradually released.
17. The whereabouts of people who have disappeared will immediately be made public.
18. Cooperation will be extended to displaced people to help in their rehabilitation and so they can return to their respective houses in a peaceful, comfortable and respectable manner.

19. The properties of political party leaders, activists and civilians that were seized, locked up or otherwise rendered useless during the conflict will be returned to the original owners or their families. Problems arising during the return of property will be resolved through mutual agreement.

Facilitating the talks

20. No obstacles will be created for the movement and activities of individuals involved in negotiations from either party.

Monitoring

21. On the basis of mutual agreement between the two parties, national and international monitoring teams will be asked to monitor the ceasefire.

Miscellaneous

22. Any disputes over interpretation of this Code of Conduct will be resolved on the basis of agreement between the parties.
23. In accordance with the spirit of the preamble to this Code, it can be amended through mutual agreement.
24. This Code of Conduct will go into force immediately after it is signed.
25. This Code of Conduct will be made public immediately after it is signed.

Annex 3

Human Rights Violations by the State during the Ceasefire

S.N.	District	Incident Date	Incident Details	Remarks
Killing				
1	Morang	2063.01.01	Security forces killed 6 persons and injured 41 by firing indiscriminately at demonstrators who were protesting against the killing of Sapana Gurung by soldiers of the then RNA (Royal Nepal Army).	
2	Chitwan	2063.02.30	Death of Shikhar Chaudhari while in the custody of staff members of Chitwan National Park at Kasadha due to excessive torture by the park staff.	
3	Sindhupalchowk	2063.04.14	Death of 36-year-old Tara Tamang of Tatopani VDC 4 when the Nepal Police personnel resorted to randomly firing at demonstrators protesting the deaths of two Nepalese who died after being hit by a vehicle belonging to a Chinese person in front of the Tatopani Customs Office.	
4	Nawalparasi	2063.04.31	One security personnel died after being shot during a dispute with fellow security personnel at Ahidaman battalion in Kawasoti, Nawalparasi.	
5	Saptari	2063.06.22	Bachharam Yadav of Rupani of Saptari district was shot by a security patrol team when he was returning from the jungle carrying wood. He died at B.P. Koirala Hospital in Dharan while receiving treatment. The Commission recorded the preliminary information concerning this incident.	
6	Kailali	063.06.28	Locals beat two civilians to death at Fulbari VDC 2 in Kailali, seriously injuring one person. The injured man was taken to Seti Zonal Hospital and was subsequently taken by the police for investigation.	
7	Kathmandu	2063.06.29	35-year-old Manoj Das, from of Raxaul, India, who was residing in Kathmandu, died of torture in the custody of Jan Sewa Ward Police Office. He had been taken into custody after being accused of robbery.	
Torture				
8	Kailali	2063.02.08	Kamal Baral of Dhangadi Municipality 1 sustained injuries to his eye due to physical torture inflicted upon him while he was in the custody of District Police Office, Kailali.	
9	Saptari	2063	RNA soldiers beat and seriously injured 16-year-old student Saroj Kumar Chaudhari of Saptari district.	
10	Sindhupalchowk	2063	A lieutenant of Barabishe Barrack, Mr. Ishwor Singh, beat Public Transportation Staff member Mr. Surya Bahadur Karki.	
11	Nawalparasi	2063	Security forces launched an aerial attack at a CPN-Maoist mass meeting at Sunwal, Nawalparasi. One Maoist cadre was injured and houses were damaged.	
12	Jumla	2063.03.07	Security forces manhandled journalists in Jumla.	Local newspapers in Jumla

13	Dhanusha	2063.04.06	NHRC received a complaint regarding the torture of Laxmi Raut Kurmi, Lalbabu Pandit and Bijay Raut at Area Police Office, Mahendranagar, Dhanusha, following their arrest.	
14	Mahottari	2063	Security forces fired more than 50 rounds of tear gas shells and resorted to indiscriminate baton-charges against prisoners of the District Branch Prison, Jaleshwor. They were protesting for the release of all prisoners, to prevent prisoners from vandalizing the prison's physical infrastructure. Security forces also used boots and rods to beat the prisoners.	
15	Kaski	2063.04.17	NHRC monitoring found that the Ward Police Office Rambazaar, Ward Police Office Baidam and District Police Office Kaski were holding detainees without providing arrest letters, inflicting excessive torture on them, and forcing them to confess to alleged charges. The NHRC Regional Office at Pokhara made inquiries of police inspectors of the concerned police offices concerning the allegation.	
16	Kalikot	2063.04.24	Four persons including 11-year-old Tarasingh Kathayat sustained injuries when a bomb planted by the security forces exploded.	Kalpristh a dated 25 Shrawan
17	Baglung	2063.04.03	Karanraj Regmi, Laxmi Regmi and Balkumari Thapa of Baglung Municipality 2, Shreenagar were beaten up at night by intoxicated security forces, including head constable Bhupendra Singh Kunwar of Bajradal battalion of Beni.	
18	Saptari	2063	A teacher of Suryodaya Higher Secondary School of Kanchanpur, Saptari damaged the eardrum of a seventh grade girl by beating her. NHRC obtained information about the incident from the school principal.	
19	Jhapa	2062.03.10	A teacher of Janajyoti Primary School of Barkhe Danda VDC made class one student Rajan BK eat human excreta. The incident was transformed into an understanding by teaching about the protection of human rights of both the victim and the perpetrator.	Jhapa-based Sandesh Daily Newspaper

Threats

20	Kaski	2063.04.12	Somnath Baral of Arnabijaya VDC 6, who was residing in Pokhara Sub Metropolitan City 13, was arrested at his house by the police and severely tortured by an inspector at the District Police Office. He was also threatened in various ways. NHRC's Regional Office at Pokhara monitored the incident and summoned the responsible inspector to its office for inquiry.	
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Property

21	Baglung	Different dates	Captain Anjan KC of the then RNAbuilt an army camp that encroached on the land of Dhak Bahadur Chhetri, Jamuna Nepali, Shyame Sharki, Purnakala Shahani of Harichaur VDC 8, Bagulung on 2058.11.14. The victims have not yet been compensated and when they demanded compensation the soldiers threatened them at gunpoint.	
22	Rupendehi	2063.05.12	Bipat Kolhar of Pokharjhindi VDC 9 of Rupendehi had his hands and legs broken by beatings from police team. The police had gone to the village to settle a road construction dispute among local people.	

Judicial Administration				
23	Siraha	2063.05.16	Relatives of Sanjay and Ranjan Singh filed applications at the District Police Office, Siraha to find them after they had been abducted by Maoist cadres from their hotel at Mirchiya in Siraha, but the police failed to act on the applications for a month. After the NHRC received the family's complaint, it appealed to the police to take the necessary initiative to discover the whereabouts of the two men.	
24	Doti	2061.06.01	The trouble caused by the prohibition against Dalit women entering the Saileshwori temple in Silgadhi, Doti became serious because of the administration's failure to ensure law and order within a reasonable time. Dalit organizations were attacked and damage was caused; many members of the Dalit community were ill treated and were beaten up in the incident. The administration also failed to take action against those responsible, promoting the culture of impunity.	
25	Kailali	2063.06.28	Villagers in Fulbari VDC-2, Kailali beat two civilians to death instead of handing them over to the police for legal prosecution.	
26	Far West Region	Different dates	The administrative mechanism of the government is failing to control the continuing theft, robbery and looting along highway and other village and bazaar areas.	
27	Eastern Region	Different dates	The increasing incidence of crimes such as robbery, lootings, etc. in the eastern region, including Sunsari and Morang, as well as in areas bordering India, is threatening social life and the right to security guaranteed to civilians by the state.	
Others				
28	Salyan	Different dates	Security forces have patrolled the area between Salyan and Kapurkot three times during this period. The Army has defended the action by calling it part of their "internal regular activities".	
29	Bardiya	2063.05.18	Members of the Badhi community (traditional entertainers and sex workers of Bardiya district were beaten by the police.	Satyapatra dated Bhadra 19
30	Bardiya	From their culture	Women of Bagnaha VDC suffer from Chaupadi (isolation during certain periods when they are considered unclean due to their menstrual periods or childbirth) practice.	Naya Samrachana daily dated 29 Ashar
31	Banke	From their culture	Maite Bahadur Pariyar of Naubasta 2 of Banke suffers because of the practice of forced labor.	Naya Samrachana daily dated 14 Shrawan
32	Karnali zone	2063.04	People of Karnali Zone face food crisis.	Kantipur dated 15 Shrawan
33	Humla	2063.04.28	Fight between police and the local community members in Humla after allegations that the police attempted to rape a 13-year-old girl with the surname "Rokaya".	Samacharpatra dated 29 Shrawan
34	Dang	2063.05.29	Controversy arises on the issue of Dang District Court Justice Hari Prasad Bagale's discrimination against Bhakta Bahadur BK and Hasta Bahadur Nepali on the basis of their caste.	Naya Yugbodh dated 29 Bhadra

35	Salyan	From ages	People of Kaprechaur VDC of Salyan suffer from a lack of drinking water	Naya Yugbodh dated 29 Asadh
36	Bardiya	2063.06.30	Free Kamaiyas (former bonded laborers) injured in Bardiya.	Mid West dated 31 Asadh
37	Banka	2063.06.05	Non Dalits prohibition against Dalits entering into Bageshwori Temple.	Mid West dated 5 Asadh

Law and Order

38	Mahottari		A local journalist from Mahottari district died of a vehicular accident while being treated at Jankpur Zonal Hospital. The hospital was vandalized, set on fire and the health workers were ill-treated, after the death was blamed on the doctors' carelessness .	
39	Dhanusha/Mahottari /Sarlahi		Incidents of robbery and lootings are frequent in Dhanusha, Mahottari and Sarlahi. One member of the Armed Police Force was arrested for his involvement in such incident and was produced at Zonal Police Office. These incidents indicate the failure of the state to provide law and order to the people of this area.	

Human rights violations by the CPN-Maoist during the Ceasefire

S.N.	District	Incident Date	Incident Details	Remarks
Killings				
1	Bara	2063.01.20	Bijaya Ram of Kaliya Municipality 5 and Rabindra Yadav of Champapur, India were killed in a Maoist retreat.	
2	Chitwan	2063.01.29	Death of Prem Bahadur Thokar of Chitwan due to torture inflicted on him by Maoist cadres during interrogation.	
3	Rautahat	2063.02.08	Two brothers, Shyam Sundar and Sambhu Sahani of Basantapatti VDC 6 were abducted by the CPN-Maoist cadres on 2062.02.08 were found dead found by Lal Bakaiya river on 2063.02.08.	
4	Bara	2063.02.18	Maoist cadres abducted former VDC President (UML) Dhumpurasad Yadav of Hadiya VDC 4 on 2063.02.18 and killed him at about 6:30 pm on the same day.	
6	Surkhet	2063.02.26	NHRC received a complaint regarding the killing of Man Bahadur Karki of Lekhgaun VDC-4 following his abduction by Maoists. The Commission is investigating the case.	
7	Sindhupalchowk	2063/02/27	Bishal Lama, a student in the tenth class was beaten to death by Maoist cadres on the day following his abduction on 2063.02.26.	
8	Surkhet	2063.02.27	Two 12-year-old boys, Hum Bahadur Rana and Sher Bahadur Karki, died in a mine explosion.	Gorkhapatra dated 8 Asadh
9	Dhanusha	2063.03.22	Nepali congress cadre Deep Narayan Yadav of Barmajhiya VDC 7, Dhanusha, was abducted by Maoist cadres on 22 Ashad; his dead body was later found at the Kamala river.	
10	Bardiya	2063.05.01	Sushil Gyawali of Motipur VDC 5, Bardiya was brutally killed by a group of Maoist cadres including Dhan Bahadur Chaudhary.	
11	Lamjung	2063.05.23	Santa Bahadur BK of Ishaneshowr VDC 1, Lamjung was beaten to death after being abducted by Maoists on accusation of theft.	
12	Bara	2063.05.23	Naresh Yadav of Devapur Teta VDC, Bara died in crossfire between villagers and Maoists.	
13	Kaski	2063.05.26	Death of Kumar Pariyar of Bhachowk VDC, Makaikhola, Lamjung while he was being held by Maoists.	
Torture				
14	Dhangadhi	2063.02.09	Brutal beatings of more than 16 women at Dodhara VDC 7, Mudha, Dhangadhi by a group of Maoists in the name of controlling prostitution.	Local Paper Angil Times
15	Kailali	2063.03.16	Four children – 3 1/2 year old Kailash Rawal and Smriti Sharma, 3-year-old Susmita Dhamala and 18-month-old Amik BK – were injured when a bomb being kept by Maoists in a house in Sugurkhal VDC 8, Pitamari, Kailali exploded. The 2-story house was completely damaged in the explosion.	
16	Kaski	2063.02.07	Tikaram Baral of Pokhara 6, Kaski was threatened in an effort to obtain donations, and Shree Ram Lodh of Kapilvastu was badly beaten by the Maoists.	
17	Banke		Ex-president of the FSU of Mahendra Multiple Campus of Nepalgunj, Mr. Khagendra Khanal was brutally beaten up by Maoists, and Jagadish Badal and Shantadev Pant were abducted.	
18	Rupendehi		When a NHRC team visited Basgadhi, Rupendehi to investigate the murder of Hari Prasad Adhikari, family members requested the team not to investigate as they were being threatened the Maoists. Therefore, the NHRC could not investigate the case.	

19	Dhanusha	2063.03.27	Ramdayal Gaderi of Nakatajhijh VDC 1, Dhanusha was abducted by Maoists on the allegation that he was having a relationship with a girl from the same village; he was freed after undergoing physical and mental torture.	
19	Kaski	2063.04.14	39-years-old Krishna Prasad Poudel of Kalika VDC, Vimirapani village, Kaski was taken to Janjyoti School from his house by CPN Maoist cadres. He was confined in a classroom of the school and beaten.	
20	Kailali	2063.05.20	Ex-Armed Police Personnel Bhim Bahadur Bhudha of Chuha VDC and Mithu Bhul of Baniya VDC were severely tortured by Maoists after being captured by them. NHRC has received a complaint regarding the Maoist's threat to take additional actions against them.	
21	Kaski	2063.07	Six persons, including three children, sustained serious injuries when a bomb exploded in the house at Sardikhola 1, Kaski where the Maoists were storing weapons. The explosion took place when the Maoist cadres were trying to make bombs by using explosive powers.	Kantipur National Daily dated 2063.07.09, Thursday
22	Banke	2063.04.15	Ghanshyam Burma of Basudevpur, Banke was beaten by Maoist cadres.	Kalprishtha dated Shrawan 15
23	Jajarkot	2063.04.30	32-year-old Gulabi BK of Dalli Khagenkot, Jajarkot sustained injuries in a bomb explosion.	Kantipur National Daily dated Shrawan 31
24	Dailekh	2063.05.06	Bhakta Bahadur Shahi of Dandaparajul, Dailekh was beaten.	Annapurna Post dated Bhadra 6
25	Dailekh	2063.05.09	Bhupendra Jung Shahi, a secondary school teacher Dandaparajul 5, Dailekh was seriously injured after being beaten by the Village People's Government.	Kantipur dated Bhadra 11
26	Salyan	2063.05	Rana Bahadur Nepali of Badagaun 6, Salyan became mentally disturbed due to beatings received from CPN Maoist cadres.	Gorkhapatra dated Bhadra 29
27	Banke	2063.06.24	Chirag Burma was beaten up by Maoist cadres.	Nepali Express dated Asadh 25
28	Sunsari	2063.06.25	49-year-old Kalimumddhin Miya of Madheli VDC-9 was tortured at his house by Maoist cadres.	

Threats

29	Bara	2063.02.16	Secretary of Gadahal VDC, Bara was forced to sign two blank papers by Maoist cadres after they took him into their control.	
30	Makwanpur	2063.03.02	Falgun Prasad Poudel and Rewatiraman Poudel of Hetaunda Municipality 7 were forced to sign a paper stating that they would pay the Maoists NRs. 12,50,000	
31	Makwanpur		Makwanpur People's Court, under the name of District People's Court's judge C.P. Ghimire dispatched a letter stating a deadline to Radhika Devi Banepali, Ashika Banepali, Sharmila Banepali of Hetaunda Municipality 3, and to Uttam Mangal Joshi and Balaram Manandhar of Lalitpur pertaining to a land issue.	
32	Kaski	2063.03.22	Min Bahadur Gurung and his family of Mijure VDC-8, Galte Beshi were expelled from their house and their properties seized by Maoists along with the threat that he must present himself to the People's Court within 10 days.	
33	Rupendehi		The family of Hari Prasad Adhikari of Bashgadhi, Rupendehi, who had been murdered by Maoists, requested the NHRC Investigation Team not to investigate the case saying as they were still receiving threats from the Maoist. Therefore, the investigation is still pending.	
34	Dhanusha	2063.03.27	Ram Dayal Gaderi of Nakatajhijh VDC-1 was physically and mentally tortured following his abduction by Maoists on 2063.03.27 on the allegation that he was having an affair with a girl from the village.	
35	Kapilvastu	2063.03.29	Mr. Ghanashyam Tiwari of Nandapur VDC 1, a member of a Vigilante group, was threatened by Maoists that his house would be locked up and he would not be allowed to plant rice on his farm unless he quit the vigilante group.	

36	Kaski	2063.04.16	Durga Bahadur Gurung of Pokhara Sub-Metropolitan City 1, Bhimkali, Patan was threatened by someone who introduced himself as "the Chief of Lekhnath area", and ordered to withdraw a case that he had filed.	
37	Jumla	2063.04.16	Purna Bahadur Karki of Patmara VDC received threats from the Maoists.	Mid Western Daily dated Shrawan 17
38	Tanahau	2063.05.01	Krishna Kumar Shrestha, Secretary of Abu Khaireni VDC, was threatened by Maoist cadres to quit working at the VDC, and it was alleged that he had embezzled money from the VDC.	2063.05.01, Adarsha Samaj
39	Banke	2063.06.13	Prabhat Devkota of Banke received threats from Maoist cadres.	Satyapatra dated Asadh 17
40	Banke	2063.06.16	Anil Gupta of Bhatitole of Nepaljung, Banke received threats from Maoist cadres.	Satyapatra dated Asadh 28
41	Bara	2063.	Maoist cadres of Simra paraded the middle son of Ganeshman and Laxmi around the village wearing with a garland of shoes for a household dispute.	
42	Kathmandu	2063.06.23	Narayan Danuwar of Kavre was tortured by Maoist cadres on the allegation that he was collecting money in the name of the Maoists.	Published in different newspapers on 2063 Asadh 23

Abduction

43	Siraha		Yogendra Shah of Rajpur 5, Siraha was abducted by Maoist cadres, who took his motorcycle and NRs. 39,000, properties that have not yet been returned by Maoist cadres.	
44	Bhaktapur		Jagadish Badal and Shantdev Pant were abducted from Bhaktapur, Lokanthali and taken to Kavre.	
45	Siraha		Ganapati Mahoto, who was working at the District Police Office, Siraha, was abducted while he was going to the Police Headquarters from Lahan.	
46	Nawalparasi		Five plainclothes police bearing arms were captured by Maoists from Nawalparasi and freed after two days.	
47	Lamjung		Mohan Lal Shrestha of Bhotbadar VDC 8, Lamjung was mentally and physically tortured following his abduction. He was freed only after he had paid them NRs. 200,000 and promised to pay them 300,000 later.	
48	Kapilvastu		Mallauddin Musalma a.k.a. Pappu, allegedly a member of a vigilante group, was abducted by Maoist cadres on suspicion that the 3-year-old child of a Maoist cadre was murdered in Kapilvastu district.	
49	Palpa		Dhatarama Bhattarai, former Mayor of Palpa district, Tansen Municipality, was taken to the People's Court following his abduction, and sentenced to three years in a Maoist Labor Camp.	
50	Kapilvastu		25-year-old Chandra Sukla and Munnilar Yadav of Hatihawa VDC 5, Kapilvastu were abducted by Maoist cadres.	
51	Palpa		25-year-old Laxmi Kumal of Papla, Tansen 3 was kept in Maoist control for a month while she was pregnant.	
52	Bajura		Police Constables Chandradev Bhatta, Rajendra Rai and Krishna Bhattarai, who were heading to Dadeldhura, Kailali, Kanchanpur respectively following their duty posting from Bajura district, were captured at Sera in Bramhatola VDC by Maoists and freed after three hours.	
53	Kailali		Govinda Raj Bhatta, Jitendra Chaudhary and Chheda Lal Chaudhary of Gadariya 9, Kailali were abducted by Maoist cadres and sent to a Labor Camp.	
54	Kailali		Chandra Bahadur Singh of Dhangadhi Municipality was kept in Maoist captivity for a month and released only on 2063.02.31 in the presence of family members and civil society.	
55	Kailali		14-year-old Sushil Khadka (studying in class 8), 13-year-old Binod Lama and Dipak Awasti were abducted by Maoist cadres.	

56	Makwanpur	2063.03.02	Rewatiraman Poudel and Falgunprasad Poudel of Hetaunda Municipality 7, Kamane were abducted on 2063.03.02 and released on 2063.03.09. Similarly, Kajiram Tamang, a rickshaw driver from Manahari VDC 3, Bagartol, was freed two days after his abduction on Shrawan 21 on the condition that he produce his younger brother before the Maoists.	
57	Bara	2063.02.08	Indra Bahadur Lama of Area Police Office, Simraungadh, Bara was abducted on the morning of 2063.02.08.	
58	Bara	2063.02.08	Ramaikwal Giri of Babuaain VDC 5 was also abducted on the same day and freed late in the evening after being kept in Gadhal High School for an entire day.	
59	Bara	2063.02.08	Hari Narayan Shah, Secretary of Gadhal VDC, was abducted on 2063.02.16 at around 4 pm from Bharatchowk, Kaliya Bazaar and released on Jestha 18.	
60	Bara	2063.02.18	60-year-old Dhup Prasad Yadav of Hardiya VDC 4 was abducted by Maoists on 2063.02.18 from Hardiya Belwa Tole Chowk and killed on the same day.	
61	Bara	2063.02.18	34-year-old Sikandar Alam of Purainiya VDC 8 was abducted on 2063.03.28 and freed on Shrawan 14.	
62	Makwanpur	2063.03.02	Shyam Lama of Hetaunda Municipality 3 was abducted by Maoist cadres.	
63	Lalitpur	063.06.17	Birendra Mahajan and Bamprasad Limbu of Lalitpur Sub metropolitan city 5 and 15 and Shyam Singh Bhandari of Hetaunda 4, Makwanpur were abducted. Birendra and Shyam were freed in the presence of journalists while Bamprasad is still being held captive.	
64	Taplejung	2063.04.28	Kamala Sherpa of Fulbari 8, Taplejung was abducted from the hotel where she was working and released following an NHRC discussion with the Maoists. Netra Prasad Puri of Khamlung 3, was abducted from Khamlung Bazaar by Maoists, who then said he would be released after some days.	
65	Syanja	2063.03.07	Nine people from different areas of Syanja, including Lal Bahadur Dama, were captured by Maoists in various parts of the district on the allegation of involvement in theft and robbery.	Publicized on 063.03.21
66	Bara	2063.01.17	40-year-old Shiva Mangal Chaurasiya of Bariyapur VDC 5 was abducted from Bariyapur Bazaar.	Freed on 2063.02.06
67	Bara	2063.01.17	Birendra Kumar Kushwaha of Patarhatti, Mohanitole was abducted from Sapahi, Pragatinagar by Maoist cadres.	
68	Morang	2063.03.18	Legal Practitioner Indra Prasad Khatiwada of Biratnagar Municipality 1, Pokhriya was abducted regarding a dispute with his brothers regarding property. He was kept in a labor camp at Rangeli, Morang overnight and later freed following the efforts of NHRC and other human rights organizations.	
69	Bara	2063.01.26	Surendra Prasad Chaurasiya was abducted on 2063.01.26 and freed on 2063.02.06.	
70	Bara	2063.02.22	Mahendra Kumar Jaiswal, an employee of the Area Forest Office, Nijgadh, Bara was abducted on 2063.02.04 and freed after two days.	
71	Bara	2063.02.23	Following the Dewapurte incident, several individuals from the locality were abducted by Maoist cadres and freed three days later. They were: Nandalal Yadav, Manoj Yadav, Krishnachandra Yadav, Hridaya Yadav, Sukhal Yadav, Ramgya Yadav, Ram Yadav.	
72	Bara	2063.02.24	Jodhi Sha of Dewapurte was abducted from Kaliya Municipality on 2063.05.24 by Maoists and freed on 7 Asadh in the presence of NHRC representatives.	
73	Rupandehi	2063.04.08	Ashok Sukla of Karaute VDC 4 was beaten and then abducted by Maoist cadres. He was freed on 2063.04.10 following NHRC efforts.	
74	Dang	2063.04.19	Shyam Bhusal and Bharat Bhandari of Lamahi Dang were abducted by Maoists.	Naya Yugboth dated Shraan 19

75	Salyan	2063.04.31	Bhagiram Batala of Rural Development Institution in Salyan was abducted by Maoist cadres.	Kantipur Daily dated Shrawan 30
76	Dhanusha	2063.05.01	Three students of Sharada High School of Machhapuchhre VDC 1 and one student of Meghraj Lower Secondary School at Miteri Tole of Pahachowk VDC 8 were abducted by Maoists.	
77	Kaski		Sukmaya Nepali, Samjhana Nepali and Lekh Kumari Nepali, 14, 15 and 16 years old respectively, and students of Sharada High School, were abducted by Maoists.	Pokharapatra dated 2063.05.02, Samadhan Rastriya Dainiki and Adarsha Society
78	Phuthan	2063.05.03	Gopal Giri of Tusara 3, Rotepani was abducted allegedly for his polygamous marriage.	Gorkhapatra dated 20
79	Kailali	2063.06.12	Hikmat Khadka of Kailali Tikapur Municipality 9 (block no. 11) was abducted by the Maoists on the allegation that he and his neighbor Birendra Thapa beat up Bhupendra Thapa, also from the same locality.	Hikmat was released on 2063.07.03 by the efforts of the Commission
80	Kailali	2063.05.18	Mithu Bhul of Bauniya VDC of Kailali district and Bhim Bahadur Budha of Chhuwa VDC were abducted from their own houses by Maoists. Mithu was freed one day after his abduction. Bhim Bahadur escaped from captivity on the day Mithu was freed. Both were injured and came to the NHRC to lodge a complaint.	
80	Sunsari		Maoist abducted seven students: Hem Kumari Rai, Sangita Rai, Junu Rai, Patana Rai, Hira Rai and Puna Sarki, of Bhaluwang High School situated at Bishnupuri, Sunsari.	
81	Navalparasi	2063.05.05	Five girl students of Mahakabi Higher Secondary School of Sunwal VDC 3, Navalparasi, were abducted by Maoists.	
82	Rautahat	2063.05	Sanjay Kumar, a policeman of Sarhatta, Rautahat was abducted by Maoist cadres on Bhadra 2063 and was freed a day later.	
83	Parsa	2063.05.13	Sankarpukar Tiwari and Umesh Pandey of Jhugwa Guthi of Parsa district were freed on Asadh 6 from Bagwana, after being held for 25 days. Because of their abduction they missed their due date of Bhadra 19 in district court.	
84	Gulmi	2063.05.17	The Maoist Student Wing took the students and teachers of Shree Bhagwati High School of Simachaur and Shree Sharada High School of Rupakot to the district headquarters to cordon off the District Education Office.	
85	Baglung	063.05.25	Maoists abducted 14-year- old Laxmi Nepali and 15-year- old Nirmala Uperti from Ward no. 2, Narayansthan, Baglung to make them participate in their cultural program.	
86	Kalikot	2063.05.06	Maoists abducted Devendra B. Shahi, Man B. Shahi, Ratan B. Shahi and two others from Jawita VDC, Kalikot.	
87	Bardiya	2063.05.	Maoists abducted Santa Sunuwar (15 years old), Mina Pokhrel (15 years old) and Laxmi Khadka (14 years old) of Purnapuri Lower Secondary School in Gularia.	
89	Dang	2063.05.16	Maoists abducted Dil Bahadur Basnet of Dang.	Naya Yugbodh dated Bhadra 20
90	Rolpa	2063.05.16	Maoists abducted five people, including Narendra Prasad Oli of Rolpa.	N. Express dated 22 Bhadra
91	Rolpa	2063.06.04	Maoists abducted Govinda Prasad Budhamagar of Hawama VDC.	Naya Yugbodh dated Asadh 9
92	Kalikot	2063.05.25	Maoists abducted Kalikot Labor and Peasant Party cadre Ain Bahadur Shahi and three others.	Mid Western dated Bhadra 31
93	Dang	2063.06.10	Maoists abducted 13-year-old Smriti Chaudhary of Bela 1, Dang and later released her unharmed.	Naya Yugbodh dated Asadh 22
94	Sankhuwasabha	2063.06.12	Maoists abducted Bhim Bahadur Gimi of Tamaphok VDC 7 of Sankhuwasabha and sent him to labor camp on the allegation of having murdered his own daughter.	

95	Dhanusha	Different dates	Although no reports of abduction were received, eight incidents of abduction took place in the district.	Local newspapers
96	Nawalparasi	2063.06.28	Local people beat eight people, including two members of the Armed Police Force, at Rupauliya of Nawalparasi district for allegedly collecting money illegally from a rickshaw and a tractor bringing various goods and items from an Indian market to Nepal. They were handed over to local Maoists and freed from Maoist custody after two days.	
97	Parva		Maoists abducted nine people, including Muktan Miya and Bikram Sahani of Bairiya birta, Mundrika Sahani of Dhore, Hirralal Kushwaha of Gamariya, Samsulmiya of Lalparsa. According to those released, three people, including someone posing as a chief of the People's Government, were sent to a labor camp.	
98	Kathmandu	Different dates	Maoist-aligned Rastriya Mukti Morcha made public 38 people that it had captured from different parts of Kathmandu during a Crime Control Operation. They were made public at a press release organized by Maoists at the Regional Forest Office Training Center at Godavari, Lalitpur on 4 Kartik. 28 people were released on that day and the Maoists stated that they had already freed 33 others.	

Property Seizure

99	Lamjung	2063.03.	Maoists seized Hem Raj Gurung's house, properties, and documents located at Beshisahar VDC 2, Treveni Tole, Lamjung District. After the NHRC team visited the area, the Maoists returned his properties and house.	
100	Parbat	2063.03.04	Maoists established their party contact office at the District Development Committee office and also took over the post of DDC president, Parbat. The party contact office was removed from the DDC office after a consensus was reached with the cadres of political parties.	
101	Tanahun	2063.04.02	Maoists forced Resham Gurung, an army soldier working at Shree Ramban Battalion of the Shree third brigade, to return to his home when he was going to the battalion from there.	
102	Rukum		Maoists ran a Mess at the house of Dharma Bahadur Shah of Kholagaun 2, who has been displaced to Nepaljung. Maoists also planted rice in his farm, which yields almost 2/3 hundred sacks of rice.	
103	Palpa		Maoists seized the houses of at least 15 people at Palpadevi Nagar 5, Muntung, and established a base camp for the fourth battalion of the second Krishnasen Brigade.	Pokharapatr a dated 2063.05.14
104	Sankhuwasabha		Maoists have not returned lands and properties in Sankhuwasabha that were seized during the armed conflict.	
105	Sankhuwasabha		Maoist cadres seized <i>Alaichi</i> (cardamom) from the farm of ex-cadres who had allegedly fled after collecting donations in the name of the party. After the NHRC team discussed the matter with the Maoists, they agreed to return <i>Alaichi</i> to the family members.	
106	Dhanusha	2063.05.29	Maoists seized Chirendra Satyal's house at Janakpur bazaar for their party activities and established their party office at the house. Despite the Commission's appeal to the Maoists to respect human rights and the Ceasefire Code of Conduct, they continue to hold the house.	
107	Mahottari	2063.05.18	Commission received a complaint regarding the looting of the houses of ShiyAsadhan Yadav and Rajkishor Yadav at Bagada VDC 3 of Mahottari by a group led by Maoist cadre Bharat Shah.	
108	Rautahat		Maoists intensified their campaign of collecting donations and imposing taxes by capturing the income sources of local people. Maoists also twice locked up the office of the District Administration. The lock was later removed.	
109	Parva	2063.05.	Maoist intensified their campaign of collecting donations and imposing taxes by capturing the income sources of local people. The industrial sector remains tense because of intensified Maoist demands for donations. Maoists collected taxes from Tarakchowk, Pokharia, Janakitole, Jagannathpur, Belwa, Milanchowk, Gajuk and Janta Road. These taxes were previously collected by the DDC and Forest Office.	

110	Parsa	2063.05.25	Maoists intensified tax imposition by capturing the income sources of local people. After failing to abduct Akshayashwor Yadav of Mahuvan VDC-8 of Parsa district, Maoists vandalized his house and seized his documents.	
111	Bara	2063.05.	Maoists intensified tax imposition by capturing the income sources of local people. Maoists have not returned the properties and houses they had seized during the armed conflict; those houses remain locked. Maoists continued their act of collecting donations, making entrepreneurs and traders suffer.	
112	Bara	2063.05.	The Commission team stopped Maoist cadres from forcefully taking 75% of the rice that Jawahar Prasad Shah of Kaliya Municipality 6 had in his house. Maoists were about to break the lock of the paddy storage area when the Commission team reached the house. The Maoists needed rice to feed their militias.	
113	Bara	2063.05.	The land that Rambabu Singh Chetri of Maheshpur VDC 7 of Bijulpur Tole had acquired according to a court order was seized to support the Maoists.	

Donation

114	Dadeldhura	2063.04.29	When the NHRC team was returning from Doti district, it found Maoist cadres to be stopping vehicles and collecting donations at Gairamariya. The Maoists had established a blockade and vehicle drivers were forced to make donations as demanded to Maoist cadres.	
115	Kailali		When the NHRC team visited different parts of the Kailali district to investigate complaints , Maoists were found to be collecting taxes from common people in the amount of 5% for domestic items and 15% for a sack of cement.	
116	Kanchanpur	2063.06.04	The NHRC team found the CPN-Maoist operating a customs office at Chandani Jholengepool. They were collecting taxes from daily consumption items and other goods and items that were imported from India and cost more than NRs. 2,000.	
117	Kailali		Maoists placed a blockade at Chisapani of Kailali district to collect taxes. A CPN-Maoist central committee member said that the blockade would not be removed until the government arranges to feed the Maoist militias.	
118	Tanahaun	2063.04.02	Maoists return Resham Gurung, an army soldier from Tanahaun, to his home from Ghermani after interrogating him while he was returning to the barrack. The Maoists accompanied him home, where they ate. They also took NRs 990 as a donation and asked him to quit his job.	
119	Syanya		Maoists intensified the collection of donations in Syanya to run their internal party affairs, to meet the expenses of the general assembly of their sister organization and to meet their cadres' transportation expenses. They aim to collect at least 5 lakhs from the district's teachers.	Nepal Samarchar Patra dated 2063.05.16
120	Saptari		Maoists were found to be collecting daily donations from vehicles at Bhardaha, Saptari.	
121	Surkhet		Maoists continue to collect donations and abduct people in the villages of Surkhet.	
122	East West Highway		Maoists continue to collect taxes from vehicles in the name of Highway Security.	Nepali Express dated Asadh 24
123	Palpa	2062.04.23	Maoists setup a battalion camp at Devinagar VDC 5, Muntang, Palpa from 2062.04.24, violating child rights and student rights since the camp covered the entire area of Shree Bhimsen Primary School. The Maoists set up a Health Center and provided free health care, and were also found to be constructing roads and a school playground.	
124	Sankhuwasabha		Maoists collected donations from civil servants in Sankhuwasabha saying they were voluntary, but a discussion program between local human rights activists, civil society, civil servants and journalists said that the Maoists were collecting donations by force.	

125	Sarlahi/Dhanusha		The Maoist's Central Level Committee's policy to assist Internally Displaced People (IDP) to return homes has not implemented at local levels. Most houses and properties seized by the Maoist have not been returned.	
126	Saptari	2063.05.16	People of different VDCs in the district, who were displaced during armed conflict and are now living at the headquarters (Rajbiraj), have not found the atmosphere conducive to returning to their homes. CPN-Maoist cadres have assured the NHRC team that all the IDPs will be returned to their respective places after a detailed study is conducted on those people.	
Displacement				
127	Parbat		84-year-old Dhan Bahadur Gurung of Chitre 5 of Parbat district was displaced after becoming unhappy having to repeatedly give donations to the Maoists. Mr. Gurung is upset that an amicable atmosphere to return home has not been created even two and a half months after announcement of the ceasefire.	Adarsha Samaj dated 2063.05.06
128	Sankhuwasabha		The CPN-Maoist has stated that IDPs of Sankhuwasabha have returned to their houses while some of the IDPs say that they still can't return due to fear and Maoist threats.	
129	Doti/Kailali	2063.04.14	Seti Mahakali Bureau of the CPN-Maoist Dhangadi declared that they had returned nine houses (five in Doti and four in Kailali) and lands seized during armed conflict. This action is laudable but the Commission's monitoring finds that the houses and lands that the Maoists said they had returned still can not be used by the owners.	
130	Doti/Kailali	2063.05.23	Maoists declared that they had returned the land of 36 persons. However, some received only 10 <i>bighas</i> of land. The NHRC team received information from about 12 families of the Urma, Basauti and Narayanpur area on the local level Maoist's non-compliance with their Central level order and decision.	
131	Doti		IDPs of Doti district still cannot return to their houses despite the Maoist's statements about returning their properties. Most of the IDPs don't return home for fear and threats from the Maoists.	
132	Dhanusha	2062.03.17	Ramchandreshwor Yadav of Balawakhar VDC of Dhanusha district was severely tortured on an issue pertaining to land distribution and was threatened with death if he did not follow the decision of the villagers. He is still living as an IDP in Janakpur.	
133	Sarlahi/Dhanusha		The Maoist central level policy of assisting IDPs to return to their houses has not been implemented. Maoists still hold all the houses, land and properties they seized during armed conflict.	
Others				
134	Salyan		15 persons (under 18 years old) of Kajeri VDC 6 of Salyan were recruited to the Mangalsen Brigade of Salyan and received a month long training session at Jhimpe.	
135	Salyan		NGOs were prevented from working freely in Salyan.	
136	Salyan		Maoists provided the information that they have 15-20 people in their labor camp in Salyan.	
137	Baglung		Landmines planted on the premises of Rudrepipal Lower Secondary School of Baglung have still not been removed.	Annapurna post dated 2063.05.20
138	Saptari		The CPN-Maoist established a base camp at an individual's home.	
139	Nawalparasi	2063.06.16	Weapons were seized from the house of Munna Khan, the head of the vigilante group actively working in Nawalparasi.	

Human Rights Violations by other parties during the ceasefire period

S.N.	District	Incident Date	Incident Details	Remarks
Killing				
1.	Bara	2063.02.18	60-year-old Dhup Prasad Yadav of Hadiya VDC 4 was abducted by an unidentified group on 2063.02.18 and killed on the same day.	
2	Rupendehi	2063.01.31	12-year-old Gopal Thapa died instantly in a bomb explosion in the jungle in Devdaha of Rupendehi; two other boys – Rambhe Kumal and Pappu Thapa – sustained injuries in the same incident.	
3	Kapilvastu		3-year-old Manjot Barai, son of Ghanshyama Barai of Pulika VDC, Kapilvastu, was killed, and 5-year-old Sonu Barai and 17 -year-old Bhagwati Barai were injured.	
4	Rupendehi	2063.02.23	12-year-old Kul Bahadur Thapa of Butwal Municipality 11 sustained serious injuries when a stray bomb he had brought to his house from a nearby jungle exploded. He died on the way to the hospital.	
5	Nawalparasi	2063.04.07	45-year-old Maoist supporter Kasiram Harijan of Nursery VDC 5, of Nawalparasi was killed at his house at around 9 pm by a vigilante group.	
6	Mahottari	2063.04.08	Local newspaper Janakpur Express reported that 25-year-old Bechani Devi Sada aka Rina of Dhamaura VDC 4, Musahar Tole, Mahottari was raped and killed by a man from the same village.	
7	Kapilvastu	2063.04.13	35-year-old Bhagirathi Kurmi aka Rajendra of Hathihawa VDC 3 of Kapilvastu and 30-year-old Keshav Bhar of the same VDC ward no. 7 were killed by a vigilante group on the night of 2063.04.13.	
8	Rupendehi	2063.04.26	An unknown person who was injured when an unidentified group shot him at Buddhachowk of Bhairawa died at Teaching Hospital in Kathmandu during treatment on 2063.04.27	
9	Bara	2063.05.22	Villagers beat fellow villager Asamhammad Mansuri to death at Devapur Teta VDC on 2063.05.22 allegedly for raping a girl. 54 people were injured in a Maoist attack at the same place on 2063.05.23.	
10	Kathmandu	2063.05.24	Eight-year-old Bibek Sharma was abducted from Koteshwor and his body was found 24 days after his abduction from the bed of the Dhoibikola river situated at the eastern side of a damaged bridge in Chabahil. Wakil Ansari, Bhikhari Khan, Pateni Lama and Pappu Mandal were prosecuted for their alleged involvement in the murder.	
11	Nawalparasi		30-year-old Iman Singh Thakuri of Swathi VDC 5 of Nawalparasi was beaten to death by villagers for making unnecessary noise in the village.	
12	Kailali	2063.06.20	Three children playing at home were killed when a stray bomb exploded at Basauti VDC, Kailali. An eight-month-old child and one elderly man also sustained injuries in the explosion. NHRC is investigating the case.	
Injured persons				
13	Palpa		Sachin Gahatraj (7 years old) and Parbati Gahatraj, another boy sustained serious injuries when a stray bomb exploded at Jogipani, Bandipokhara, Palpa.	
14	Surkhet	2063.04.10	Tham Bahadur Sunar of Chhinchu 7, Surkhet sustained serious injuries when a bomb planted by an unidentified group exploded.	Mid West dated 14 Shrawan
15	Kaski	2063.06.31	Shivaji Koitala, Robinson Praju, Mankaji Makaju, Lalkaji Shrestha, Shishir Subedi and Kashinath Subedi were injured in a dispute between two opposing parties on the FNCCI's announcement of nationwide strike 2063.06.31.	

Abduction				
16	Banke	2063.04.07	The Terai Liberation Front abducted Yunish Khan of Betahani 2, Banke and his whereabouts remain unknown.	
17	Nawalparasi	2063.04.12	Six families of Paklihawa VDC of Nawalparasi were displaced to India due to fears and threats of a vigilante group.	
18	Saptari	2063.04.16	The Terai Liberation Front abducted two engineers – Gynaesh Dangal and Prasant Tiwari – from Trilathi VDC 9, Belahi Bhansar Chowk. Driver Rudra Panedy and Nepal Telecom Lineman Prem Mandal were abducted in the same incident. They were all taken to Saptari for C-Phone Testing.	The Commission took the necessary initiative in this regard.
19	Rupendehi	2063.05.25	13-year-old Sanjay Kahar of Rayapur-7 of Rupendehi district was abducted.	
Beating/Ill-treatment				
20	Bara	2063.02.01	The Federation of Nepalese Journalists of Bara District blacklisted certain journalists and others.	
21	Bara	2063.02.02	The Joint People's Movement Committee of Bara district blacklisted DDC president Ram Bilas Chaurasi.	
22	Dadheldhura	2063.02.21	Political parties mistreated Govinda Pant of Amargadhi for his alleged role in suppressing the People's Movement.	
23	Dadheldhura	2063.02.21	Members of Nepal Student Union and All Nepal National Free Students Union mistreated Amitadevi Rawal of Dadheldhura by going to her house.	
24	Gulmi/Syanja		Cadres and leaders of the Seven Party Alliance smeared black powder on former DDC president and former mayor of Syanja and damaged the DDC building.	
25	Gulmi	2063.04.12	An “upper caste” woman, Krishna Kumari Thakuri, beat a Dalit boy named Man Bahadur Pariyar for touching a public tap.	
26	Gulmi	2063.04.15	Aglung VDC Secretary Narendra Hamal, and Dambar Singh Basnet who runs a hotel in the same VDC, beat and seriously injured a tailor named Krishna Pariyar for allegedly asking more money for pressing their clothes.	
27	Arghhakanchi	2063.04.20	Gunnidhi Khanal of Khandaha 7, of Arghhakanchi district beat and seriously injured a Dalit woman, Mankala Nepali.	
Caste Based Discrimination				
28	Dhanusha		NHRC received a complaint regarding Dalit people from the Dom Community being prohibited by non-dalits from using a public well in Hariharpur VDC, Dhanusha. The problem still continues.	
29	Dhanusha		Led by “upper caste” community members, 16 houses of people from the Dalit community were completely destroyed just before the beginning of the major Hindu festival Dashain.	

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The report has been prepared on the basis of monitoring by the National Human Rights Commission during the period of the six-month ceasefire between the Government of Nepal and the Communist Party of Nepal (Maoist)

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ACRONYMS

ANFSU	All Nepal Free Students Union
CPN-MAOIST	Community Party of Nepal - MAOIST
FNCCI	Federation of Nepal Chambers of Commerce and Industry
ICCPR	International Convention on Cultural and Political Rights
IDP	Internally Displaced People
NA	Nepal Army
RNA	Royal Nepal Army
VDC	Village Development Committee
DDC	Disrtict Development Committee

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Summary

Foreword

The National Human Rights Commission was established to promote and protect human rights. It has been playing a crucial role in developing the human rights culture in the country. Its role becomes all the more important due to the ongoing conflict.

The Government and the Maoists have been holding talks in their bid to transform the ongoing conflict into peace. However, they have not yet ironed out all their differences to arrive at a concrete solution. After the success of the People's Movement in April 2006, the Government of Nepal and the CPN-Maoist declared truce. They had also signed ceasefire code of conduct.

NHRC took upon itself to monitor the incidents of human rights abuses during the ceasefire by both sides and prepared a report: "The situation of human rights during the six month ceasefire (period April 26 to October 30 2006)".

Despite the commitment shown by the Government and the Maoists towards protection and respect of human rights, violations continued. And despite the posts of commissioners remaining vacant for a long time, the NHRC has tried to throw light on the incidents of human rights violations and abuses by the government and the Maoists. This report is expected to draw the attention of the concerned parties towards such abuses and make them feel their responsibility to check the same. This report will also help the individuals and the institutions that wish to acquire information regarding the situation of human rights during the ceasefire period. In addition, it is expected that the report will help to improve the human rights situation in the country and would be beneficial for all parties engaged in the field of protection and promotion of human rights.

The Commission would like to thank all those engaged in monitoring and investigating the rights abuses including the NHRC staffs, the staffs of government and non-government agencies, human rights activists and representatives of the professional institutions. This report would not have been possible without their generous support in the monitoring works as well as providing the required facts and figures. In addition, the Commission thanks all those who worked hard to prepare and bring out this report.

Dhruba Nepal
Officiating Secretary

Summary

Since the CPN-Maoist armed insurgency began on 2052 Falgun 1 (13 Feb 1996) many people have lost their lives and many have been maimed for life. Many have displaced from their places due to armed conflict. Those who were not victims of killings, torture and displacement have also been caught in the armed conflict. Children don't have a free and fearless environment for their studies. Despite the numerous attempts of both government and CPN-Maoist to transform internal conflict into peace at various times, it could not prove productive. However, the CPN-Maoist's announcement of the unilateral ceasefire on 18 Bhadra 2062 proved to be a milestone for establishment of sustainable peace. During the period, a 12-point agreement was also signed between the major seven political parties and the CPN-Maoist.

Following the endorsement of the 12-point agreement, seven major political parties, CPN-Maoist and the civil society jointly organized and participated in the people's movement. The movement was successful after the 19 consecutive days of resistance which returned the national sovereignty and royal power back to the Nepali people. After the historical success of the people's movement, the CPN-Maoist declared for a 3-month ceasefire on 13 Baikash 2063 which was promptly followed by the Government of Nepal on 20 Baisakh 2063. On 12 Jestha 2063, government of Nepal and CPN-Maoist signed a 25 point Ceasefire Code of Conduct.

Despite the signing of the Ceasefire Code of Conduct by both parties, incidents of human rights violations and atrocities continued. This is the reason that the National Human Rights Commission has monitored and investigated the human rights situation during the period of the ceasefire. On the basis of the facts gathered through monitoring and investigations, NHRC has prepared a report on human rights situation during the 6- month ceasefire period.

According to this monitoring and investigation report, 43 people were killed during this period, the state being responsible for 11 killings, the CPN-Maoist being responsible for 15 killings and the local people, vigilante groups and other unknown persons or groups being responsible for 12 killings. Likewise, 5 killings are attributable to explosion of the stray bombs.

In addition to this, the acts such as infliction of physical torture in police custodies, the Nepali Army's beatings to common people in different places and security forces' manhandling of, and issuing threats to the staffers of public transport, continued. The state was unable to ensure adequate law and order in the country during the period. Public incidents of discrimination continued while the guilty of such incidents of discrimination were not prosecuted appropriately on time.

The CPN-Maoist also continued its acts of killing, abduction, torture, extortion, property seizure and compelling people to appear before their people's court. They have not returned properties and houses to their original owners which they had seized during the armed conflict. They have collected tax equal to VDCs and DDCs. They also continued to establish camps at schools and public buildings, and to abduct students and others. Despite their announcement to the displaced persons to return home, the latter have not been able to do so lacking the environment required for respectable return. These actions by the CPN-Maoist expressly show that they could not fully abide by international humanitarian and human rights law, the ceasefire code of conduct, and their own commitments expressed on different times. Similarly, many people have been injured and killed by the explosion of stray bombs and mines belonging to the conflict parties during this period.

The Seven Party Alliance has also acted contrary to human rights norms and has exceeded legal limitations, especially by blacklisting people and smearing them with black powder, acts that have serious consequences for human dignity and public esteem.

A total of 1158 complaints have been registered at the Commission during the ceasefire period including the complaints related to disappearances and killings that occurred before the ceasefire. On the basis of these complaints, the commission monitored and investigated 209 cases in 43 districts.

During the ceasefire period, the National Human Rights Commission issued altogether eight press releases regarding the state's violation of civil and political rights, appealing to the state and recommending that it respect prevailing national and international laws on human rights and make state machinery accountable for violations. The Commission has also appealed the CPN-Maoist to act in adherence with international humanitarian laws through a series of 19 press releases.

The report includes the commission's suggestion to the government of Nepal to provide compensation to the families of the civilians killed by security forces, CPN-Maoist and vigilante groups and for criminal prosecution against the perpetrator involved in such incidents, ensuring law and order in the country and to execute the commissions' previous recommendations.

The report includes the commission's suggestion to the government of Nepal to provide compensation to the families of the civilians killed by security forces, CPN-Maoist and vigilante groups and for criminal prosecution against the perpetrator involved in such incidents, ensuring law and order in the country and to execute the commissions' previous recommendations.

The report appeals both government and CPN-Maoist not to act in contravention of the 8-points agreement and the 25-point Ceasefire Code of Conduct and to assist the government in the criminal prosecution of people involved in such acts and to guarantee that such acts will not occur. The report also appeals the CPN-Maoist to return the properties they had seized to its owners and to guarantee an amicable atmosphere in which displaced people can return home in a dignified manner. NHRC also urges the conflict parties to identify the places where explosives and mines are stored and planted, and to defuse them. It also urges the seven political parties not to act in contrary to human's self esteem and dignity.

