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FOR HUMAN RIGHTS IN NEPAL



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**OHCHR-Nepal deplores excessive use of force, denial of the right to
freedom of peaceful assembly, and arbitrary detention**

OHCHR-Nepal deplores the excessive use of force by security forces it has witnessed in the Kathmandu Valley and in other towns over the last week of public protests. OHCHR-Nepal recognises that police have often been faced with violent situations with demonstrators throwing rocks, bricks and other projectiles, destroying public property, and in some cases attacking individual officers: many police have been injured.

Nevertheless, in recent days in Kathmandu OHCHR-Nepal monitoring teams have increasingly observed members of the police and Armed Police Force using excessive force against demonstrators as well as others not involved in demonstrations. OHCHR-Nepal staff have witnessed police firing rubber bullets into crowds of demonstrators as well as police using *lathi* (long baton) charges, often aiming at the head and sometimes causing serious injury. In some cases police have charged peaceful assemblies. OHCHR-Nepal has also observed a pattern of severe beatings by police of individuals after they have been brought under control and when they pose no physical or other threat. Police have been seen attacking bystanders, charging into houses, engaging in indiscriminate beatings and causing some gratuitous damage to property. Women and children have been among the many victims.

OHCHR-Nepal has consistently urged restraint upon both demonstrators and security forces. It has been present at demonstrations in the Kathmandu Valley, Biratnagar, Pokhara and Nepalgunj. In some situations it has witnessed restraint being exercised by security forces in the face of provocation and violence by demonstrators. At other times OHCHR-Nepal has observed individual police officers restrain their colleagues from excessive force against demonstrators.

OHCHR-Nepal monitoring teams have communicated with senior police officers present at demonstrations, in efforts to have them ensure that police meet their obligations in using only the necessary and proportional force. In some instances, officers have been encouraged by OHCHR-Nepal's presence to intervene to check cases of excessive use of force. However, in a number of instances senior officers have refused or failed to control their officers from violence and excessive use of force.

In addition to the use of tear gas and rubber bullets, deadly force has been used on a few occasions. OHCHR-Nepal has already expressed grave concern at shooting by a soldier from the top of a building into a crowd of demonstrators throwing stones at police in the street below in Pokhara on 8 April, resulting in the death of one person and the injury of at least one other. Two others are also reported to have died as a result of being shot by security forces: a woman shot in the chest in Narayangadh, Chitwan District on 8 April; and a man killed in Banepa, Kavre District, the same day.

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OHCHR-Nepal has also seen injuries caused by beatings and rubber bullets in incidents it did not directly witness. Film and photographic evidence of beatings and injuries is now widely available; in this context, it is of concern to OHCHR-Nepal that the authorities have attempted to restrict reporting by limiting the issuing of curfew passes to independent media and local human rights organisations. Some journalists have been singled out for attack by police when covering demonstrations.

Many people have been arrested in the course of the demonstrations, more than 2,300 according to official police figures, of whom over 1,300 remained in detention as of 10 April. OHCHR-Nepal monitoring teams have continuously visited places of detention across the country to assess legality of arrests and conditions of detention, and will continue to do so.

Detention conditions in police stations and unofficial places of detention brought into use in and around Kathmandu are seriously unacceptable, due to overcrowding, lack of provision for decent food and clean water, and inadequate toilet and washing facilities. Medical visits are infrequent and arrangements for taking those in need of medical care to hospital are delayed, which is of increased concern in a context where many of those detained have been severely beaten in the course of arrest. At some places of detention lawyers are consistently refused access. Those detained continue to include eight political and civil society leaders detained since their arrests at the time of January protests – among them UML General Secretary Madhav Kumar Nepal, who has been denied access to lawyers notwithstanding a public statement by the Home Minister that this would be permitted.

OHCHR-Nepal reiterates that international standards require that law enforcement officials, in carrying out their duty, shall as far as possible, apply non-violent means before resorting to the use of force and firearms; and that whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall exercise restraint in such use and minimise damage and injury, and respect and preserve human life. Exceptional circumstances such as internal political instability or any other public emergency may not be invoked to justify any departure from these basic principles. Governments and law enforcement agencies shall ensure that superior officers are held responsible if they know, or should have known, that law enforcement officials under their command are resorting, or have resorted, to the unlawful use of force and firearms, and they did not take all measures in their power to prevent, suppress or report such use.

Ian Martin, Representative of the United Nations High Commissioner for Human Rights stated today:

"OHCHR-Nepal does not condone in any way acts of violence committed by some demonstrators. However, it is time for the Government, and for all commanders of police and other security forces involved in policing demonstrations, to recognise that this level of violence against civilians is not acceptable and is against the obligations of the State. I urge the Government to reconsider its position on the right to peaceful assembly, and to give the security forces the clearest instructions to act only with the minimum necessary force in policing demonstrations. And I urge demonstrators and demonstration leaders to only use peaceful means of protest."