LAIPTPUR: Following the two phases of investigation missions upon complaints, the NHRC central office recently deployed seven investigation missions in various districts of the country to investigate upon the backlog complaints registered with the NHRC offices in the past. The missions were in the field from December 27, 2012 till January 11, 2013.

Provisioned by the Constitution, the complaint handling is one of the major functions of the NHRC, the NHRC strategic plan followed by the annual work plan for the current fiscal year 2069-70 (July 2012 - June 2013), the NHRC has considered the investigation as priority activity for the year. The investigation on the complaints, most of which are the backlog complaints lodged during the period of armed conflict (1996-2006), is taken as the NHRC's special effort leading to the settlement reached at its initiative.

Apropos the above context, therefore, the NHRC deployed seven investigation missions comprising two human rights investigators in each mission from the Centre, Regional and Sub-Regional Offices. The missions were deployed in the southern districts including Saptari, Siraha, Dhanusha, Mahottari, Sarlahi, Rautahat, Bara and Parsa.

During the investigation, each mission met with the Chief District Officer of the district, representative of the village development committee, chiefs of security agencies, victims' families, witnesses, civil society members and political party leaders among others. The missions also visited the incident sites and met with the victims, alleged perpetrators as well as witnesses in the course of on-the-spot investigation and obtained information on the status of the complaints registered.

As per the complaints registered at the NHRC, the types of the cases included extra judicial killings, disappearance, abduction, property seizure, internal displacement, violence against women, administration of justice, torture and rape.

Expediting the finalizing of the backlog cases, therefore, the NHRC missions have accomplished the work of field investigations upon 334 complaints in the southern districts during this past month. In this way, out of 4198 pending complaints, investigation has conducted on 334 backlog complaints as per the preset target of the Missions. The NHRC has planned to field other missions from the centre to the regional offices in the near future where the complaints are found pending, according to Secretary Bishal Khanal.

The investigation mission also visited the prison in Bara district in order to carry out inspection on the condition of the jailbirds serving their terms on various charges.

Meanwhile, the NHRC team deployed from Nepalgunj Regional Office has monitored the protest programs launched by the local media and the residents against the Government's move to thwart the investigation over the murder of journo Dekendra Thapa. It is learnt through the monitoring report that the irked media sector, denouncing the government's move, therefore, demanding the judicial proceeding to take its course in which five Maoists cadres who have already admitted their involvement in the spine chilling murder of scribe Thapa.

The investigation missions comprised the Officiating Director Buddha Narayan Sahani Kewat, Human Rights Officers Surya Bahadur Deuja, Bir Bahadur Budha Magar, Shyam Babu Kafle, Basudev Bajagain, Bhim Prakash Oli, Jiban Neupane, Geeta Kumari Dahal, Badri Prasad Subedi, Kamal Thapa Tshetri, Divye Jha including the staff members Ajit Thakur, Mandira Shrestha, and Khimananda Basyal.
NHRC writes to Prime Minister: Concerns expressed on the Security of Journos and Rights Activists

ALITPUR: The National Human Rights Commission has written to Prime Minister Babaram Bhattarai expressing concerns over recent attacks on journalists and rights activists in various parts of the country.

In the letter dispatched on January 31st, 2013, the Commission has said that although the Prime Minister has been reiterating that the government is fully committed to providing security for media persons and human rights workers, reports of violence against journalists have been pouring in from various parts of the country. Following this, the complaints relating to the threatening perpetuated on the media persons and human rights activities have been registered at the Commission resulting in to rouse concern over such a worrisome situation, the letter says.

Citing the reports regarding the displacement of journalists of Dailekh district and thrashing of journalists in Kavre district, the letter has mentioned that the organization working in the field of human rights has registered the complaints at the Commission stating that their lives are amid growing insecurity due to the intimidation hurled to them.

It has further cited a report from ‘Reporters without Borders’ that ranked Nepal very low on a list of countries where media persons are often at high risk.

NHRC urges not to thwart Judicial Proceeding

ALITPUR: The National Human Rights Commission is seriously concerned over the news report published in various media regarding the obstruction caused to the judicial proceeding into the murder of Dailekh based journalist Dekendra Thapa as per the press release issued on January 9, 2013.

The complaint in connection with the murder of Journo Thapa was registered at the Commission on August 6, 2007. Thereafter, further investigation process was advanced upon identifying his dead body through exhumation process at the NHRC initiative, the press release says.

In this regard, unveiling the involvement of the Maoists Cadres in the murder of scribe Thapa, the Commission had recommended to the Government of Nepal on July 21, 2008 for the provision of relief, compensation and reparation to the family members of the victim and the legal action against the perpetrators, reads the press release.

Since the obstruction caused to the probe is unlawful, the Commission has urged all the concerned stakeholder parties to be serious in this matter.

The Commission has also urged all the concerned parties to render support in investigation process without any hindrances, immediately implement the NHRC recommendations and respect the free press.

Dailekh Incident, an Untoward Episode: NHRC

ALITPUR: It is saddening to observe the dispute between the ruling and the opposition parties regarding whether or not to advance the legal proceeding of the murderers of jounro Dekendra Thapa as per the prevalent criminal law, as per the press release issued by the NHRC, according to the Press release issued by the Commission.

Underestimating the local situation, the statement of the ruling party and the tendency of the opposition party to obstruct the leaders of United Communist Party of Nepal (Maoist) to enter into the district to attend the district convention is found responsible for inviting the situation of confrontation, as per the preliminary report of the incident.

At the same time, it is reprehensible to have found the vandalizing of the office belonging to the UCPN (Maoist) due to the agitating circumstances ignited by the police intervention on the peaceful demonstration and general people.

Equally deplorable is the abusing of the media persons and vandalizing of the local communication house involved in the movement demanding the action against the murderer of scribe Thapa, reads the press release.

The press release has updated that the NHRC team has proceeded to the district headquarter of Dailekh for further investigation on the latest development of the incident.

The Commission has, therefore, urged all the concerned parties for the arrangement of the appropriate treatment to be provided to the injured of the Dailekh incident, to protect the lives and properties and create an environment conducive for the human rights activists to discharge their duties without any undue panic, advance or to cause advance the investigation and court process with regard to the murderers of Dekendra Thapa through legal proceeding and also to give a logical end to the existing political impasse through dialogue, says the press release.

Monitoring conducted on the Death of Prison Guard

SINDHULI: National Human Rights Commission had deployed a team to monitor the death of guard Niraj Devkota of Sindhuli district jail on January 2, 2013. The team had consulted with the concerned stakeholders and collected the information regarding the incident of death of Devkota. The incident took place at the time of scuffle between the inmates in which the guard Devkota reportedly died due to the beating of the inmates.

The relatives of the victim including the political parties staged the protest program accusing the slack prison administration, police and the district administration to be the reason behind the death of deceased Devkota.

They have demanded to suspend the security personnel on duty, appropriate compensation to the victim’s family, transfer of CDO and DSP including the effective measures to be taken for the impediment to the recurrences of such incident in future.

During the protest, demonstrators vandalized in District Administration Office, District Development Office, Survey Depart and the Court, as per the monitoring team. The team has submitted its report to the Commission for further action.

The letter further says that it is shameful as well as downright deplorable that if such a situation should arise despite guarantees of the fundamental right to speech and freedom of expression enshrined in the Universal Declaration of Human Rights (UDHR) -1948, International Covenant on the Civil and Political Rights – 1966 and the Interim Constitution of Nepal - 2007.

The Commission, therefore, warned that the current situation could see the country sliding into anarchy and urged the government to create an environment conducive for overall improvement of human rights situation in the country, says the letter.
Interaction on CERD Hauls Priority

DHADING: As laid out in the NHRC Strategic Plan, an interaction-cum-orientation program was held in the district of Dhading on the Convention on Elimination of Racial Discrimination (CERD).

The sole objective of the program was to disseminate the knowledge based publications of human rights promotion, bring about awareness about the caste based discrimination and to inculcate effort in helping launch the movement against racial discrimination. Other objectives were to conceive the future plan thereby involving the stakeholders in broader discussion in order to identify the challenges in the field of rights against the caste based discrimination, empower the people against the violation of rights of Dalits and untouchability.

Meanwhile, the NHRC team also met with the concerned stakeholders in the district individually as well as in groups in course of collecting the information with regard to the existing racial discrimination in the district.

Prior to the interaction, Deputy Director Durga Khadka and Officiating Head of the Promotion and Advocacy Division Samjhana Sharma presented their papers separately which was followed by comprehensive discussion among the participants on various stipulated themes regarding the issues of rights against racial discrimination.

The participants, while placing their comments, suggested that the NHRC take such program extensively in other parts of the country. They urged the NHRC to provide its coordinating role in launching the movement against racial discrimination along with the monitoring conducted on the rights violations on the basis of caste.

Citing the defunct of the Civil Code 2020, the participants unanimously urged to promulgate the effective laws to deal with the issues of racial discrimination. They were of the view that since impoverishment is the by-product of the discrimination, the state authority must, first of all, devote their attention towards alleviating poverty from society.

It was learnt during the program that ICR had launched the economic and social programs having the Dalits as the target groups in 30 different districts, the report says.

Fifty participants including the district judge of Dhading District Court Sahadev Bastola, Chief District Office, Representatives of the Nepal Police, government and non-governmental organizations, leaders and representatives of the political parties, social workers, intellectuals, teachers and media persons among others.

National Dalit Social Welfare Association had extended their coordination and support in organizing the interaction program.

It can be recalled that the lines in the Interim constitution of Nepal - 2007 have the provisions that no person shall, on the ground of caste, descent, community or occupation, be subject to racial discrimination and untouchability in any form. Such a discriminatory act shall be liable to punishment and the victim shall be entitled to compensation as provided by the law.
KASKI: The NHRC Regional Office, Pokhara adopted seven point resolutions on the Western Regional Conference of the Human Rights Defenders amid an interaction held on January 21, 2013 on overall human rights situation in the region and emerging challenges lying ahead.

At the program, brief presentation was made on the UN Declaration on the Human Rights Defenders, importance of special rapporteur and Human Rights Defenders Guidelines 2069.

Broad discussions were held on the challenges and emerging threats perpetuated on human rights defenders from the state and non-state actors. The participants also came up with identifying the existing problems of human rights defenders. They stressed on the importance of the protection of human rights defenders for sustaining human rights culture and rule of law in the country.

Following are the seven point resolution passed during the program:

1. To appeal to the responsible government agencies to effectively follow the UN Declaration on the Human Rights Defenders-1998 and Human Rights Defenders Guidelines-2012 under the circumstances that the human rights defenders are in vulnerable situation in the present transitional scenario.
2. Focusing on the pervasive transitional period and growing culture of impunity; appeal to the concerned organizations to draw the attention of the Nepal Government for special initiative towards guaranteeing the rule of law in order to protect the human rights of women human rights defenders, senior citizens, human rights activists, Dalit rights activists, vulnerable children in armed conflict, disability rights defenders and child rights.
3. To Forward request to the National Human Rights Commission for human rights education up to the rural level via promotional programs and arrangement of one human rights defender for each Village Development Committee.
4. To Express commitment to fulfill the responsibility and also to fully comply with the code of conduct laid down in the guidelines of human rights defender.
5. To request and help organize / conduct the special programs mainly focusing on the protection of the rights of persons with disabilities in coordination with the NHRC Pokhara and Radio Nepal.
6. Since it is the duty of all human rights defenders to make the NHRC strong and effective, the Assembly hereby expresses its commitment do so.
7. It is not appropriate to use the term compensation for the facility provided by the state in the event of death or casualties of a person. The assembly believes that loss of human is irreplaceable and cannot be compensated. Human rights defenders are encouraged to better use the term justice delivered with reparation as the relief, instead.

At the program, Regional Director of National Human Rights Commission Yagya Prasad Adhikari, SCNHRC Consultant Bikram Tuladhar and vice president of Nepal Bar Association Ram Prasad Ghimire presented their papers. Similarly, human rights defenders of Dhaulagiri and Gandagi Zone of western region presented the paper on overall situation of human rights. Bibek Shrestha of regional police office Pokhara, Officer Ramesh Gautam of District Administration Office Kaski, senior human rights activist Teknath Baral, coordinator Nandakala Nepal from Women human Rights Defender network spoke on the occasion.

Altogether 35 participants from different districts of western region participated in the program.
KATHMANDU: Chairperson Justice Kedar Nath Upadhyay has warned that chances of a fair trial are doomed due to the existing vacuum in the apex court with early retirement of justices.

Releasing the book ‘A study on Investigation based Fair Trial’ brought out jointly by the National Judicial Academy and Informal Sector Service Center (INSEC), Chairperson Upadhyay remarked that provision of only six justices in lieu of 24 sitting justices as per the quota is sure to cause undue stagnation in the fair trial process.

The government is rather oblivious in setting up the infrastructure for a fair trial, let alone provide legal assistance for those who cannot afford it,’ the Chairperson said.

Even when incumbent justices are retiring one after another, the government has remained tight fisted to appoint justices to the vacant SC posts. With Constituent Assembly going defunct, the appointment has become a legal constraint in the present scenario as there is provision that they should be endorsed through a special parliamentary hearing, added the Chairperson.

Underlining the need to ensure a fair trial for everyone at the courts, the Chairperson said ‘The accused have the right to know the charges filed against them before they are tried in a court.’

Speaking at the program, Raghab Lal Baidhya, Executive Director of the Academy said 'The situation is worse when quasi-judicial authorities are given the right to hand out sentences to the accused for up to 15 years using their discretion.'

In spite of the SC’s recommendation for orientation and training programs for officials at such authorities last year, the government has done nothing in this regard, lamented Mr. Baidhya.

Tika Ram Bhattari, the newly elected vice-president of Nepal Bar Association, said that fair trials is almost a nightmare in the country. 'Police often launch arrest spree without warrants and intimidate during interrogation to make the accused admit the offense whatsoever. Sadly enough, there is no mechanism to monitor their activities as such,' he said.

Speaking on the occasion, Member Justice Ram Nagina Singh said that we ought to assess the implementation of the commitments expressed during the annual work plan meeting held in Dhulikhel in August 2012.

Member / Spokesperson Gauri Pradhan said that although the Commission had to work amid a number of difficulties in the past, it has tapped its momentum with many of its endeavors fulfilled in recent days.

Secretary Bishal Khanal presented the review detail of the NHRC accomplishments of the first six month of financial year 2069/70 B.S.

During the meeting, Sadhna Ghimire, National Project Manger of the Strengthening the Capacity of National Human Rights Commission Project threw light on the achievements made so far by the project and presented the future work plan to be accomplished in the days ahead.

On the occasion, John Pace, the Quality Assurance and Review Advisor, commended the significant role played by the Commission for the protection and promotion of human rights despite several challenges lying ahead.

In the three day meeting held from January 27-28, 2013, the division heads of the NHRC Central Office and the Heads of the Regional and Sub Regional Offices presented the progress reports of their respective offices.

During the meeting, the plans and policies were laid down for the forthcoming six month period of the financial year 69/70.
Advocacy taps Impetus on Transitional Justice

KASKI: NHRC Regional Office, Pokhara, organized a workshop on Transitional Justice was organized on December 9-11, 2012. Participants of cross-sections of the society representing from various organizations attended the workshop in which they shared their opinions and comments on transitional justice in the country.

The objective of the program was to enhance the knowledge of the participants on human rights concept and development, conceptual clarity on victim justice system, transitional justice and NHRC initiative, and transitional justice in Nepalese context. The program also focused on having the overview on transitional justice, TRC Bill and its functions.

The participants, prior to the discussion session of the workshop, expressed their expectation to have the interaction on Transitional Justice and the recurrences of the incidents in the transitional period, NHRC mandates in ongoing transitional phase and NHRC responses to the victims voice.

NHRC Regional Director Yagya Prasad Adhikari, Judge of appellate court Dilliraj Acharya, constitutionalist Dinesh Tripathi, Ram Prasad Ghimire from Advocacy Forum, and senior human rights activist Charan Prasai delivered their lecture on the stipulated themes.

During the discussion session, the participants came up with various opinions and comments. They said the victims could get relief if the NHRC teams would visit and listen to the grievances and problems of the victims. They stressed on the NHRC presence in all parts of the country.

Participants unanimously expressed that the justice delivery would expedite only when the NHRC intervenes over the past incidents of rights violations. They also stressed on increasing activities and participation of women to help them realize their status in the peace process.

At the program, it was also emphasized that the role of the local peace committee in rural level be revitalized and the problems of the victims be addressed.

Transitional justice doesn't always mean to have the investigation over the war time incidences and to give continuity to the justice delivery to the conflict-victims and punish the perpetrators. In real sense, justice should be always victim-centered approach; the participants echoed the experts’ quotes during the workshop, the report says.

Participants comprising the representatives from civil society, human rights activists, lawyers, journalists including the conflict victims and their family members attended the program.

Woman Human Rights Defenders trained on Human Rights

KHOTANG: The members of the women human rights network of Khotang district attended two day training on human rights on January 8 -9, 2013. The objective of the training was to enhance the capacity of women human rights defenders with the knowledge of basic human rights and the provisions set forth in the international human rights instruments.

First day of the training kicked off with the participants placing their expectation on learning more and more about basic human rights, jurisdiction of NHRC, women's rights, violence against women ( Act and Punishment - 2066), gender discrimination, right to health, and the legal provisions made for the women's rights including the monitoring and investigation on the incidents of human rights violation.

The training mainly focused on the discussion on human rights, Universal Declaration of Human Rights (UDHR) - 1948, International Convention on the Civil and Political Rights - 1966 (UNICCPR) and its Optional Protocol Presentation was made on the general aspects of human rights which was followed by group discussion on the women's human rights.

The training was facilitated by Lok Nath Ghimire officiating head of the NHRC sub-regional office Khotang, and Purnamaya Tamang, the district president of the network for the women human rights defenders and DSP Rajeev Basnet.

The following day, the recap of the presentation of the day one training was made which included the overview on the Convention on the Elimination of all Form of Discrimination against Women-1979, Violence against Women (Act and Punishment - 2066). The participants then had broad discussion on the Convention on the Elimination of Racial Discrimination-1984, rights of human rights defenders and the crime and investigation as well as report writing.

The participants had comprehensive discussion on the stipulated themes of the training. The participants then involved themselves in on-the-spot study of the monitoring and investigation on the incidents of human rights violation in the area in which they actively took part. DSP Rajeev Basnet facilitated the training on the crime and investigation. Adding the significant role of the civilians in pledging support in crime investigation, DSP Basnet said that the security agency is always alert in minimizing the rate of crimes in the district.

The participants thanked the NHRC for organizing the training.
Monitoring on CPA continues in East

KOTANG: NHRC Sub-Regional Office, Khotang has monitored the status the Comprehensive Peace Accord (CPA) implementation status in District. The team comprising the Officiating Head Lok Nath Ghimire of NHRC and the support staff Gyanendra Khadka conducted monitoring on the incidents of human rights violations including the displacement and property seizure during the decade long insurgency period, as per the report sent from NHRC office, Khotang.

During the monitoring, the NHRC monitoring team met with the government officials and political party leaders in order to obtain the information about the district level implementation status of CPA and human rights condition.

Violent activities continue to take place even the country is gradually undergoing peace process. The commitment, as provisioned via CPA like returning of confiscated land and property to the rightful owners, provision of relief to the conflict affected people have not been translated fully into action. It is learned that 128 persons, who have lost their lives in armed conflict, have received relief out of 133. Similarly, twenty injured have got relief fund and the status of ten disappeared citizens is still unknown. In the district, only 140 families have got relief among 400 and yet a number of kin of injured and disappeared have not got any relief and more than 10 people have not been able to return to the home of their habitual residence with their land still disowned.