



# राष्ट्रिय मानव अधिकार आयोग

National Human Rights Commission

केन्द्रिय कार्यालय, Central Office

हरिहर भवन, पुल्चोक, ललितपुर, HariharBhawan, Pulchowk, Lalitpur, Nepal



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**Poll proceeding peaceful as anticipated**

April 18, 2008

## Press Release

Over all, the much awaited historical CA election has been held on 10th April, 2008 (Chaitra 28<sup>th</sup>, 2064) more peacefully than it was expected. The Commission extends its thanks and congratulates the Government of Nepal, the political parties, the Election Commission, the national and international observers, voters, security forces including all the concerned for making this great historical event a success. The citizens' right to vote exercised through CA election will leave significant and long term impact. The Commission firmly believes that, with the people's participation, human rights friendly constitution would be framed in near future.

In this regard, the monitoring teams of the Commission conducted the nationwide monitoring prior to election, during the Election Day and after the election in 69 different districts. Likewise, the Commission has continued the monitoring activities in the polling stations where re-polling is taking place. During the election, it has been found that the women's participation was overwhelming; the voters were enthusiastic and the roles of political parties were positive. In an addition, the national and international observers were given the unhindered access to the polling stations.

However, the information is being received regarding the inadequate security arrangement in some of the constituencies. The commission has initiated the investigation on the incidents related to the killing of seven CPN (Maoists) cadres of Dang district caused due to the gun shots opened by the security forces on 8<sup>th</sup> April, 2008 and the killing of CPN (UML) candidate Rishi Prasad Sharma of constituency no 1 of Surkhet district on the same day. The serious attention of the Commission has also been drawn to the incidents of the killing of Shambhu Prasad Singh of Constituency No 6 of Sarlahi by an unidentified group at Gadhia Bazaar on the very day of election; and, the arrest of the Ashok Kumar Yadav, the Madhise Janadikar Forum (MJF) candidate of constituency no 5 of Sarlahi from the premises where the counting of the votes were in progress. Yadav was said to have been in possession of arms when he was arrested.

Likewise, the incidents of attacks on the Finance Minister and the Nepali Congress Candidate Dr Ram Sharan Mahat on 14th April, 2008 and the killing of a voter Ganga Das at Bhutah of Sunsari district indicated that the authorities failed to provide adequate securities to the candidates and the voters. Dr Mahat was attacked by the assailants while he was returning from the procession



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organized to mark his victory in the election. Ganga Das was fatally attacked by the assailant with the sharp weapons while he was returning home after casting his vote.

The sporadic incidents of alleged thrashing and abduction of the staff deployed for election duties, malpractices at polling stations, booth capturing, burning and looting of ballot papers were reported causing the cancellation of the polling in 106 polling stations of 21 constituencies in 12 districts. Such incidents reflects that the security arrangement at various places were apparently weak. Likewise, the Commission has received complaints against the irregularities occurred in various polling stations.

Meanwhile, the information has been received about the thousands of invalidated ballot papers in the districts of Sankhuwashabha, Morang and Kavre due to the lack of intensive voters education.. The inmates of jails, Maoist's PLA living in the cantonments and the security forces in the barracks have complained before the monitoring teams of the Commission about the voters education having not reached to them.

The information received during the monitoring reflects that the polling stations were set up at different places ignoring the proximity where the facilities of drinking water, toilet and first aid treatment were not available. Similarly, the citizens' right to treatment has been ignored in the emergency ward of hospitals due to the deployment of the health staff in the electioneering. On the other hand, it has been found that the ballot papers are burnt; they have been allegedly soaked in water; and are found to be without the signature of the returning officer. Some of the ballot papers were found without the election symbols of some of the candidates. Such instances of negligence have reflected lapses in preparation of the Election Commission.

Although the NHRC has drawn the attention of the Election Commission from time to time towards the priority to avail the conveniences for the senior citizens and physically disabled people, such facilities were not provided in some of the polling stations. The NHRC has taken into notes that there were repetition of casting the votes by the same individual for more than once; and also, the children have been deliberately used to caste the vote in few polling stations. Likewise, it has been found that many persons have cast their votes without any objection on the basis of a piece of paper provided by the concerned political parties instead of the citizenship identification card or other relevant documents specified by the Election Commission.

Meanwhile, various political parties and their candidates have registered the complaints at the MHRC against the cadres of CPN ( Maoist) for having intimidated the voters due to which the polling process in the districts of Sindhupalchowk, Dolakha, Ramechhap, Dhading, Dadeldhura, Nuwakot, Rasuwa and Gorkha could not be free and fair and the voters allegedly failed to exercise their voting rights as per their will.

The increasing number of complaints have been pouring in one after another. Likewise, the Commission has received the information that no voters turned up at the polling stations of Kaa and Kha of Trikol VDC of Saptari due to the threatening fostered by the



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Terai Janatanrik Mukti Morcha (Goit faction ).

Owing to the lack of coordination between the security mechanism and the election Commission, the person accused of criminal offences for gruesomely committed crimes has been allowed to participate in the electoral process. The Commission expresses its grave concern over the impunity.

The NHRC, therefore, appeals to the Government of Nepal to take immediate action against the persons involved in criminal activities, provide relief to the families of the deceased, and arrange for the necessary treatment to the injured persons.

However, the NHRC concludes that the CA election, by and large, has been conducted in more peaceful environment than it was expected. The Commission is hopeful that the peoples mandate will be honored by implementing the process of building the human rights friendly constitution that would pave the way for the inclusion of all castes, class, communities and areas of the country. The NHRC further expects that the international norms and values of human rights will also be taken into account while framing out the constitution.

The Commission hereby draws the attention of all concerned parties to frame the constitution through extensive discussion, debate and dialogue without any dilly dallying; and, likewise the Commission informs all that it is always to extend its support for this auspicious act.

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Tikaram Pokhrel  
Deputy Director