

NEPAL

HUMAN RIGHTS YEARBOOK 2010



Highlight of the Year

Hurdles of Peace Process

Human Rights Yearbook 2010

(ENGLISH EDITION)

(This Report Covers the Period - January to December 2009)

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Bhuwan Adhikari

Dipak Raj Tiwari

Dipendra Pant

Ganesh Bhandari

Data Analysis

Pramin Ghimire

Anju KC



Informal Sector Service Centre (INSEC)

POBox : 2726, Kathmandu, Nepal

Tel: +977-1-4278770 Fax: +977-1-4270551

e-mail: insec@insec.org.np Web-site: www.insec.org.np

All materials published in this book may be used with due acknowledgement.

First Edition 2000 Copies
19 February 2010

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Cover Design
Govinda Prasad Tripathy

Layout
Gita Mali

ISBN: 978-9937-8002-8-0

Price
NRs 500.00
US\$ 20.00 (for South Asia)
US\$ 30.00 (for other countries)

Printed at
Jagadamba Press, Hattiban
Tel: 5250017

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Informal Sector Service Centre (INSEC)

Founded in 1988 as an independent, non-profit and non-partisan human rights organization, INSEC aims to cater human rights education and awareness to the grassroots people. INSEC runs its programmes through 5 regional offices, 42 local networks. In addition, 1 representative each in all 75 districts have been permanently deployed to monitor the grassroots human rights situation.

INSEC General Assembly
held on April 5, 2009
has elected a new
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Regional Offices :
Eastern Region
Janapath Tole, Biratnagar
Ph: 021-524025, Fax: 528521

Mid Region
Pulchowk, Lalitpur
Ph: 01-5531701/5550961

Western Region
Annapurna Tole, Pokhara
Ph: 061-465512, Fax: 463492

Mid Western Region
National Trading Road, Nepalgunj
Ph: 081-524504, 522068
Fax: 081-526949

Far Western Region
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Ph: 091-522576, Fax: 523244

Human Rights Documentation and Dissemination Department

This department, involved in monitoring, study, investigation and documentation of incidents of human rights violations and abuses, publicises the report based on field study. The department gathers information on human rights violations and abuses through its 75 district representatives based at each district of the country. Publications including quarterly situation report and Nepal Human Rights Yearbook are prepared by this department. The department also runs a human rights news portal, www.inseconline.org. The department takes initiative for immediate support to the victims, issues urgent appeals, maintains coordination with the national and international human rights institutions and stakeholders. Different books on human rights and social justice including audio visual materials are available in the resource centre of the department.

Human Rights Education Department

Through this department, INSEC disseminates human rights education in coordination of local human rights organisations. To create awareness in the rural areas through literacy awareness programme, this department conducts human rights trainings and broadcasts human rights education programme through radio.

Human Rights Campaign and Advocacy Department

The main responsibility of this department is to exert pressure on the government to formulate policies, rules in compliance with the international human rights and humanitarian laws and identify the rights of the marginalised community. Review of law, monitoring of human rights treaties and programmes on human rights campaign are also conducted through this department.

Peace and Democracy Department

The main objective of this department is the capacity building of the members of the communities for the development of peace and democratic culture. This department is active on drawing attention of the state and stakeholders towards transitional justice. By forming alliances through this department, INSEC has been mobilising the communities for strengthening the democracy. Monitoring the parliamentary activities and coordinating with political powers for strengthening the democracy and pluralism are the additional works of this department.

Management Department

All the administrative and financial management of INSEC fall under this department. This department has been working for the employees' personal development through human resource management. Apart from helping for the development of INSEC affiliated organisations, this department has been carrying the works of planning, monitoring and evaluation. The department publishes regular reports under the organisation's information management work. This department also looks after the public relation and management of regular publications like Prachi, Informal, INSEC Abhiyan.

Year of Uncertainty

Interim Constitution was drafted following the signing of the Comprehensive Peace Agreement. Nepali people eagerly participated in the elections of the Constituent Assembly and subsequently the new government was formed but the Prime Minister resigned after nine months in power.

The trend of unruly behavior, indiscipline and violating law by the party leaders, local cadres and ministers continued unbridled during the periods of interim government, elected government and the following coalition government.

The undemocratic and anti-people trend of attacking others' honor, indecent and uncivil verbal abuse, indecent obstruction and tormenting people in the name of political demonstration as active political victory was seen on the rise.

The top leaders of the largest party kept on misleading the public by terming the acts performed as per the constitution as unconstitutional one, not respecting diplomatic norms at public programs and announcing the capture of state power. It seems that the political parties think it is possible to create new Nepal by uttering offensive words.

The People's Uprising was the concrete expression of people's unlimited faith towards peace. It was an enlightened result of the need to find judicial resolution of national problems with building of consensus in peaceful way. The scheduled pledges including removing the explosive devices in 60 days, identifying the families of the disappeared persons within three months and management and integration of combatants within six months had great excitement and faith. But not one of the mentioned pledges was materialized. Special committee and technical committee formed for the management of combatants were kept in limbo. Lately, the UCPN-M's stand that it would not disband combatants before the promulgation of the new constitution has given rise to fear whether the constitution is promulgated on the scheduled day.

Criticism is mounting on the proposals of state restructuring stating that the proposals were susceptible to increase ethnic division and enmity and bestowing monopoly to the leadership of some influential persons of the communities. The 601 CA members elected with much enthusiasm were the symbol of national unity in diversity. But, that symbol is apparently flaking off. In the public eye, they are becoming cronies of leaders and a mob bearing partisan interests. It is sad to see a decline of respect for one's representatives and leaders. This creates skepticism in people's mind and human life without faith becomes stagnant.

It is getting clear that the constitution would not be ready on the deadline. It is also proving clear that attempts to create ethnic divisions in the country with over 100 ethnic groups would be an audacity. Commitments to principle of human rights are clearly mentioned in transitional political agreements, understandings and the Interim Constitution. This year, the government expressed formal commitment to some important international treaties. The Supreme Court established the national commitment towards justice through some landmark decisions. Despite proposed on time of earlier government and completion

of all formalities, accession of the Rome Statute of ICC did not occur. The government disregarded repeated requests from the human rights community to extend invitations to some UN Special Procedures including the Special Rapporteur for Human Rights Defenders. Current government did hold several rounds of discussions, amended and improved but the Motions on the establishment of Truth and Reconciliation Commission and Commission on Disappeared Persons could not be tabled in the parliament.

The political parties, who were appealing to the people not to doubt their commitment to human rights, could have agreed on the principle of human development index as the yardstick to identify the marginalized communities. They could have accepted the principle of progressive realization. They could have acceded to Rome Statute of ICC to make the national judicial system organized and of international standard and could have drafted code of laws. But, nothing of this sort could happen. Culture of impunity dominated the Nepali politics. The Maoists promoted the persons it once accepted as being involved in the killings of Ramhari Shrestha and Birendra Sah while the government showed its shamelessness by not presenting the army officer accused in Maina Sunuwar killing to the civilian court as per the court order. Most of those whose cases the UCPN-M led government withdrew were involved in grave crimes. The decision met with protest from the range of international human rights organizations to the local public but the government remained firm on its decision.

The Constitution of Nepal should be an outcome document of conclusion of the peace process. It means the constitution should be a document addressing and resolving the root causes and reasons of unrest. It should become a document that would guide people to move ahead with individual and collective freedom and towards actions for development.

Any attempt to deny the people of any right that they had already obtained two decades ago would be acceptable neither to the people nor to the international community.

Year 2009 passed as a year of uncertainty. It was a year in which the leadership could do nothing on its own neither it could hand over the power to others. We can take good direction in the future if our leaders can limit themselves to creating working constitution.

We have been documenting the incidents of human rights violations for the past 18 years in a hope of creating an environment of justice and co-existence through documentation of truth and its dissemination. We are glad to be able to present 18th Human Rights Yearbook. We wish for a drop in the trend and number of incidents of human rights violations the next year.

19 February 2010

Subodh Raj Pyakurel
Chairperson

Acknowledgement

We express our sincere thanks to Royal Norwegian Embassy, EED, ICCO and Danida HUGOU for their continued support on accomplishing this yearbook. Special thanks goes to INSEC District Representatives of all 75 districts working in the forefront including the Regional Offices. Many thanks to INSEC interns and students of Irish Institute of Human Rights Heather Nicola Winters and Seona Dillon McLoughlin for their contribution. We are also grateful for many well-wishers, friends for their feedbacks and invaluable suggestions for Human Rights Yearbook 2010. Also we would like to express our thanks to different political parties, office of the Prime Minister and Council of Ministers, Home Ministry, Ministry of Foreign Affairs, National Human Rights Commission and other agencies for their opinion on Human Rights Situation in 2009.

Acronyms and Abbreviations

AHRC	: Asian Human Rights Commission
AI	: Amnesty International
AIG	: Additional Inspector General
AMLF	: All Madhesh Liberation Front
ANFA-R	: All Nepal Farmer's Association (Revolutionary)
ANM	: Auxiliary Nurse Midwife
ANNFSU	: All Nepal National Free Students' Union
ANNFSU-United	: All Nepal National Free Students' Union (United)
ANNISU-R	: All Nepal National Independent Students' Union (Revolutionary)
ANWA-R	: All Nepal Women's Association (Revolutionary)
APF	: Armed Police Force
APO	: Area Police Office
APO	: Area police Office
ASI	: Assistant Sub-Inspector
ATMM	: Akhil Tarai Mukti Morcha
ATMM-P	: Akhil Tarai Mukti Morcha (Pratik Group)
BPKIHS	: BP Koirala Institute of Health Sciences
CA	: Constituent Assembly
CASP	: Conflict Affected Security Personnel
CAT	: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CBEP	: Chure Bhawar Ekta Party
CBES	: Chure Bhawar Ekta Samaj
CDO	: Chief District Officer
CDT	: Citizenship Distribution Team
CEDAW	: Convention on the Elimination of All Forms of Discrimination Against Women
CERD	: International Covenant on the Elimination of All Forms of Racial Discrimination
CIAA	: Commission for the Investigation of Abuse of Authority
CJ	: Chief Justice
CoAS	: Chief of Army Staffs
CPA	: Comprehensive Peace Accord
CPN-Unified	: Communist Party of Nepal (Unified)
CPN-M	: Communist Party of Nepal (Maoist)
CPN-M	: Communist Party of Nepal (Marxist-Leninist)
CPN-UML	: Communist Party of Nepal (Unified Marxist-Leninist)
CRC	: Convention on the Rights of the Child
CWIN	: Child Workers in Nepal Concern Centre
DAO	: District Administration Office
DCWC	: District Child Welfare Committee
DDC	: District Development Committee
DFO	: District Forest Office
DJP	: Dalit Janajati Party
DPO	: District Police Office
DSP	: Deputy Superintendent of Police

DTLF	: Democratic Tarai Liberation Front
DTO	: Degrading Treatment or Punishment
EC	: Election Commission
ERW	: Explosive Remnants of War
EU	: European Union
FLNF	: Federal Limbuwan National Front
FLSC	: Federal Limbuwan State Council
FLSC-Manch	: Manch affiliated Federal Limbuwan State Council
FNJ	: Federation of Nepalese Journalists
Forum-Asia	: Asian Forum for Human Rights and Development
FRNF	: Federal Republic National Front
FSU	: Free Students' Union
GoN	: Government of Nepal
Govt.	: Government
HLPC	: High Level Probe Commission
HLPM	: High Level Political Mechanism
HoR	: House of Representatives
HR	: Human Rights
HRTMCC	: Human Rights Treaty Monitoring Coordination Committee
HUSEC	: Human Rights and Social Service Centre
ICC	: International Criminal Court
ICCPR	: International Covenant on Civil and Political Rights
ICESCR	: International Covenant on Economic, Social and Cultural Rights
ICJ	: International Commission of Jurists
ICRC	: International Committee of the Red Cross
IDP	: Internally Displaced Person
IED	: Improvised Explosive Device
IGP	: Inspector General of Police
IHL	: International Humanitarian Law
IHRL	: International Human Rights Law
ILO	: International Labour Organisation
INJSC	: Indigenous Nationalities Joint Struggle Committee
INSEC	: Informal Sector Service Centre
JC	: Judicial Council
JHT	: Janbadi Hill Tigers
JMCC	: Joint Monitoring Coordination Committee
JMMT	: Janatantrik Madeshi Mukti Tigers
JMMT-T	: Janatantrik Madeshi Mukti Tigers(Tarai)
JTMM-A	: Janatantrik Tarai Mukti Morcha (Ajad)
JTMM-B	: Janatantrik Tarai Mukti Morcha (Bisfot Singh)
JTMM-J	: Janatantrik Tarai Mukti Morcha (Jwala Singh)
JTMM-Kishan	: Janatantrik Tarai Mukti Morcha (Kishan)
JTMM-Pratik	: Janatantrik Tarai Mukti Morcha (Pratik)
JTMM-Prthivi	: Janatantrik Tarai Mukti Morcha(Prthivi)
JTMM-Rajan	: Janatantrik Tarai Mukti Morcha (Rajan Mukti)
JTMM-Ranbir	: Janatantrik Tarai Mukti Morcha (Ranbir)
JTMM-S	: Janatantrik Tarai Mukti Morcha (Surya)
KDF	: Khambuwan Democratic Front
KJWP	: Kirant Janwadi Workers Party
KLAF	: Kochila Liberation Armed Force
KRM	: Khumbuwan Rastriya Morcah

KWP	: Kirant Workers' Party
LMM	: Limbhuwan Mukti Morcha
LTTE	: Liberation of Tarai Tigers Elam
MJF	: Madheshi Janadhikar Forum
MJTT	: Madhesh Janatantrik Tarai Tigers
MMKP	: Mahan Madhesh Krantikari Party
MMT	: Madhesi Mukti Tigers
MMT	: Madheshi Mukti Tigers
MoPR	: Ministry of Peace and Reconstruction
MP	: Member of Parliament
MRJ	: Madhesh Rastra Janatantrik Party
MRJP	: Madheshi Rastriya Janatantrik Party
MRJP-R	: Madhesi Rastriya Janatantrik Party (Revolutionary)
MSF	: Madeshi Liberation Front
MSK	: Madheshi Silent Killer
MSN	: Muskan Sena Nepal
MSU	: Madheshi Student Union
MT	: Madhesi Tiger
MTMM	: Madhesh Tarai Mukti Morcha
MVK	: Madheshi Virus Killers
NA	: Nepal Army
NBA	: Nepal Bar Association
NC	: Nepali Congress
NDA	: Nepal Defense Army
NDYU	: National Democratic Youth union
NEFIN	: Nepal Federation of Indigenous Nationalities
NGO	: Non-Governmental Organization
NHRC	: National Human Rights Commission
NLSD	: Nepal Lokatantrik Samajbadi Dal
NRSU	: Nepal Revolutionary Students' Union
NRTO	: Nepal Revolutionary Teachers' Organization
NRYO	: Nepal Revolutionary Youth Organization
NSP	: Nepal Sadbhawana Party
NSP-A	: Nepal Sadbhawana party (Anandi Devi)
NSU	: Nepal Students' Union
NWPP	: Nepal Workers and Peasants Party
OCHA	: Office of Coordination on Humanitarian Assistance
OHCHR- Nepal	: Office of United Nations High Commissioner for
OMCT	: World Organization against Torture Ordinance, 2004
PABSON	: Private and Boarding Schools' Organization, Nepal
PAPAD	: Professional Alliance for Peace and Democracy
PFN	: People's Front Nepal
PHSC	: Parliamentary Hearing Special Committee
PIL	: Public Interest Litigation
PLA	: People's Liberation Army
PM	: Prime Minister
PMCC	: Programme for Common Minimum Consensus
RJM	: Rastriya Jana Morcha
RJP	: Rastriya Janashakti Party
RMS	: Rastriya Mukti Sena

RNA	: Royal Nepalese Army
RPP	: Rastriya Prajatantra Party
RS	: Ranabir Sena
SAARC	: South Asian Association for Regional Cooperation
SC	: Supreme Court
SI	: Sub Inspector
SJMM	: Samyukta Janatantrik Mukti Morcha
SJTMM	: Samukta Janatantrik Tarai Mukti Morcha
SMM	: Swotandra Mukti Morcha
SP	: Superintendent of Police
SPA	: Seven-Party Alliance
SSP	: Senior Superintendent of Police
STF	: Special Task Force
STMM	: Sayukta Tarai Mukti Morcha
TA	: Tarai Army
TADA	: Terrorist and Disruptive Acts (Control and Punishment) Act, 2002
TADO	: Terrorist and Disruptive Acts (Control and Punishment)
TC	: Tarai Cobra
TDA	: Tarai Defense Army
TEP	: Tarai Ekta Parishad
TJMKP	: Tarai Jan Mukti Krantikari Party
TJR	: Tarai Janatantrik Revolutionary
TJSC	: Tharuhat Joint Struggle Committee
TKS	: Tharu Kalayankari Sabha
TLF	: Tarai Liberation Front
TMDP	: Tarai Madhesh Democratic Party
TMM	: Tarai Mukti Morcha
TMMM	: Tarai Madhesh Mukti Morcha
TMRS	: Tarai Mukti Rastriya Sena
TMSF	: Tarai Madhesh Student Front
TMT	: Tarai Mukti Tigers
TRC	: Truth and Reconciliation Commission
TRMS	: Tarai Rastriya Mukti Sena
TSRP	: Tharuhat Swayatta Rajya Parishad
TSS	: Tharuhat Struggle Committee
TUKS	: Tarai Utthan Krantrikari Samuha
UCPN-M	: Unified Communist Party of Nepal (Maoist)
UDHR	: Universal Declaration of Human Rights
ULF, Nepal	: United Left Front, Nepal
UN	: United Nations
UNHCR	: United Nations High Commissioner for Refugees
UNICEF	: United Nations Children's Fund
UNMIN	: United Nations Mission in Nepal
UTRM	: United Tharu Rastriya Morcha
VDC	: Village Development Committee
VKP	: Virus Killers Party
WGEID	: Working Group on Enforced or Involuntary Disappearance
YCL	: Young Communist League
ZPO	: Zonal Police Office

The peace process that began three years ago remained uncomplete in 2009. Human rights situation of Nepal couldn't improve as expected even in 2009 for which there was no basis to label as satisfactory. The Comprehensive Peace Agreement was signed respecting the norms and spirit of the Universal Declaration of Human Rights, 1948, however; the series of events carried out by the parties of the CPA, human rights situation in the country remained unsatisfactory during the year.

It was felt that the pledges expressed for the socio-political and economic transformation and for elimination of the class, ethnicity, language, gender and culture based discriminations so as to create new Nepal were gradually being limited to the programmatic list only.

The acts of killing, abduction, intimidation and extortion went unabated even this year. The government seemed unable in putting a stop to such violation of human rights and bringing the perpetrators to justice. The people who were seen as politically involved in carrying out criminal activities and taking the law into their hands and capitalizing the political influence got impunity. This resulted in weakened rule of law in the country.

Government decision to withdraw cases of those accused of being involved

in heinous crimes on partisan interest encouraged impunity. While taking such decisions, the government did not consult with the independent court. The unabated violent activities in Tarai-Madhesh did not only disrupt the normal life, it gave an impression that the faith of common people on the government was wavering.

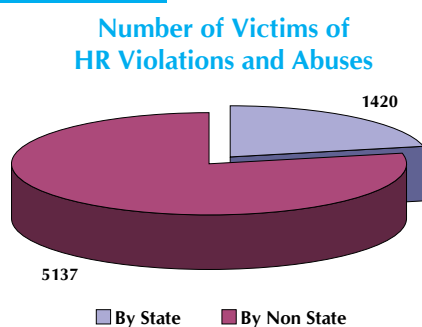
There was no initiation of the investigation into the killing carried out by the security forces in the name of peace and security. Prioritizing political compromise without acknowledging patriotism and people's aspirations, failure to speed up the peace process, limiting the regards for human rights to lip service and inability to internalize values and norms of democracy created such a situation.

1. POLITICAL INSTABILITY: HURDLES OF CONSTITUTION DRAFTING PROCESS

The political stalemate lasted throughout the year 2009 though the logical conclusion was termed as the second in the list after the Constituent Assembly elections. The political parties could not be able to meet three mandates requisite for the conclusion of the peace process which were (a) Constitution drafting (b) Reintegration and rehabilitation of the Maoist combatants and (c) Management of the transitional justice. There were ample debates regarding all three topics but no tangible step was taken.

Rule of law discourages the culture of impunity however; the rule of law was not translated into action. Governmental and political parties' disregard for human rights commitments were seen as one of the reasons for the political instability. All crucial issues of the country remained unattended when UCPN-M, the largest party in the CA, obstructed the parliamentary proceedings, which was seen as disregarding the commitments to the CPA, a foundation to wind up the armed conflict, and to take the peace process to a logical conclusion.

Figure : 1



The acts of UCPN-M including agitation in the name of civilian supremacy, obstruction of the parliament, threats and manhandling against the cadres of other political parties, extortion, capture of property and forests in the name of landless people naturally deviated the attention of the stakeholders from drafting the constitution. The environment was not conducive enough for people to participate in the national debate over the upcoming constitution. There lacked expected attention for the dialogues to converge into consensus in the serious issues like federalism.

Understanding and agreements were signed to provide the same landscape of Tarai-Madhesh to Tharuwan and Madheshis. Similarly, UCPN-M remained unyielding for the blanket integration of the Maoist combatants while the other parties refused that stand.

Later, the UCPN-M denied

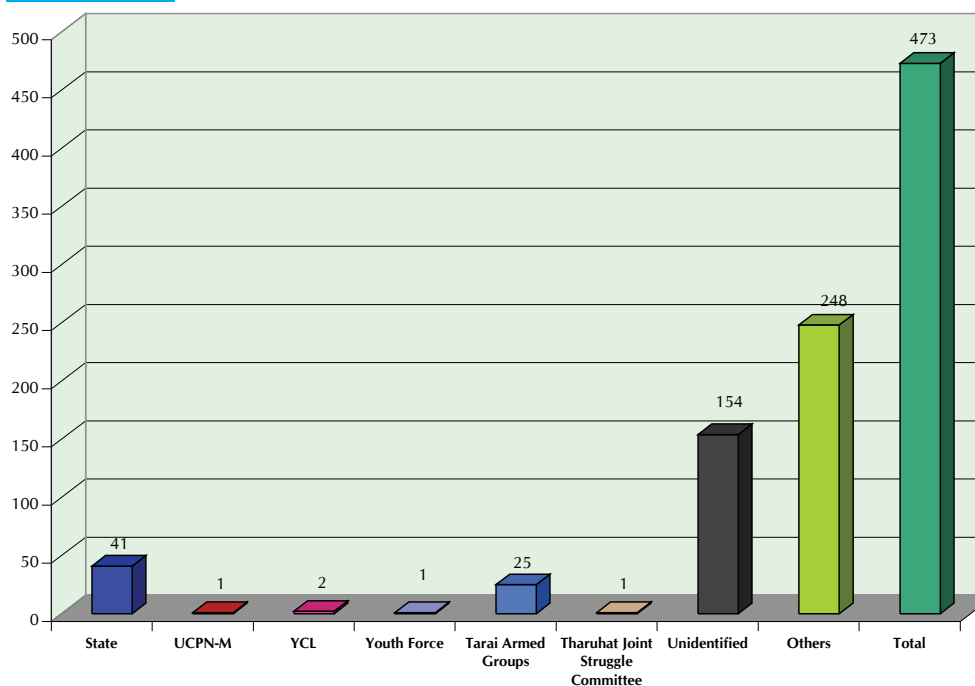
integrating the former combatants until the constitution is promulgated while other parties held the view that constitution should and could not be drafted before the combatants are integrated. Misunderstanding among the parties turned out to be a major contributor to the political instability. Consequently, not only hurdles emerged in the drafting of the constitution, even meeting the deadline for the promulgation of the constitution came under doubt.

2. CHALLENGES TO INDEPENDENCE OF JUDICIARY

There were some important decisions made by the Supreme Court that contributed to the promotion and protection of human rights. One such important decision made by the Supreme Court, related to the protection of right to life and freedom of citizens, was that the Supreme Court publicized the whereabouts

Figure : 2

Number of Persons Killed by State and Non-State Actors



of two persons one day after the filing of a Habeas Corpus writ, thus highlighting their dedication to their role as the protector of fundamental human rights.

In many instances, it seemed that the legislature and executive attempted to influence judiciary. The Supreme Court also made similar claims to this effect in its annual report. Such claims are the matter of much concern as any such situation is a great challenge to the independence of the judiciary.

Hundreds of disputes regarding the matters of public interest and human rights violation were registered in the courts across the country including the Supreme Court. The writ petition filed at the Supreme Court, regarding the recruitment of Nepal Army soldiers and Maoist Combatants, drew widespread attention. Delays by the Supreme Court in deciding on constitutional questions of cases with a serious political nature also drew the Apex Court into public criticism. Complaints of

delays in justice delivery, administrative irregularities, and the grievances of both parties to a case were not addressed. The people's expectation that such complaints would be effectively resolved was not met.

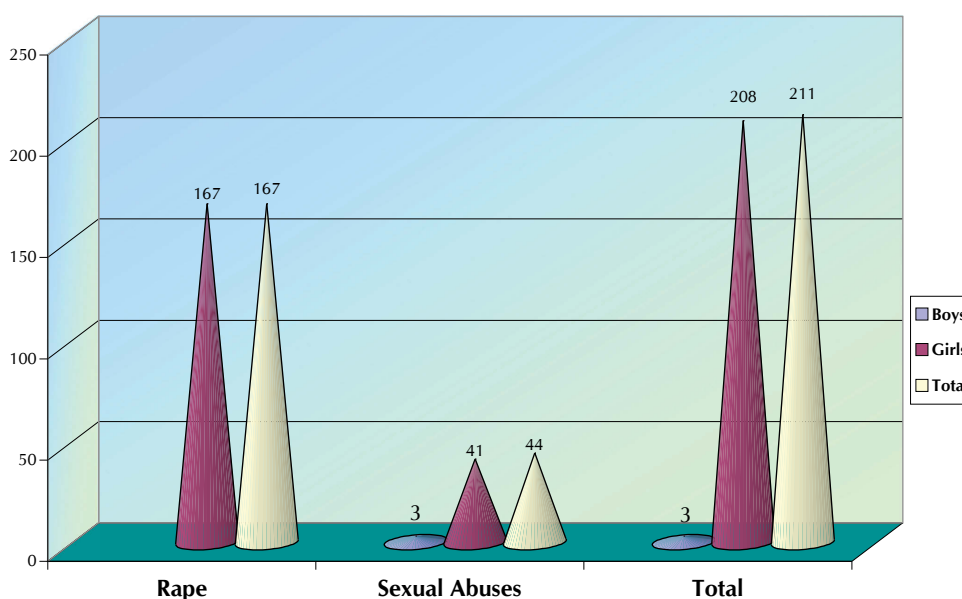
On a different principle of democratic norm of independent judiciary and separation of power, the Judicial System Committee of the CA proposed the concept of judiciary controlled by the legislature. The draft proposal with the concept of judiciary subordinated to the legislature emerged as a challenge to independent judiciary.

3. THE GOVERNMENT IN DILEMMA

The Government showed its respect towards human rights by declaring through its programs and policies that human rights would be further effectively promoted and protected and human rights education would be compulsorily integrated in the military training courses. Towards the end

Figure: 3

Number of Children Victimised from Sexual Abuses



of the year, with an aim of eliminating gender-based violence, the government declared to observe 2010 as beginning of campaign against gender-based violence.

Besides that, the government attempted to speed up the peace process to some extent by deciding to discharge the disqualified Maoist combatants from the cantonments, preparing code of conduct for Technical Committee which is under the Maoist Combatants Integration Special Committee and the combatants, and by forwarding some new policies for social security but the results showed that the efforts remained short of the target.

The Government could not succeed in eliminating the culture of impunity, providing guarantee of security and creating of an environment where the human rights can be enjoyed unhindered. Moreover, the political parties were seen directly involved in the activities like killings, beatings, and calling for bandhs and resorting to violence. UCPN-M was

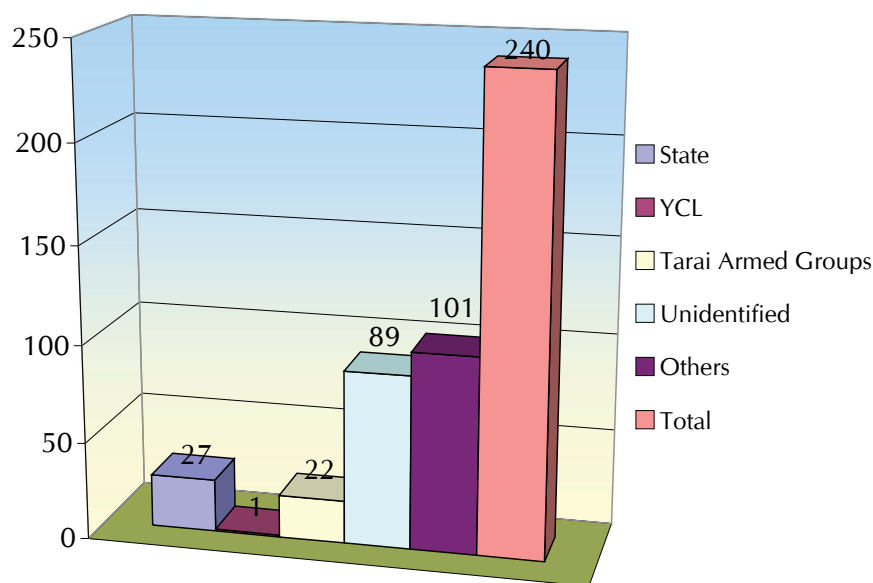
seen trying to establish the unilateral grip when leading the coalition government while the government led by UML was seen busy in facing the bandh and protests of opposition and building up consensus.

The sister organizations of UCPN-M, CPN-UML and NC were not only limited to clash against each other, but were found involved in the gross acts like killings. This year, UCPN-M and its sister organizations were involved in killings of three persons, beating of 652 and abduction of 55. Likewise, the UML's sister organizations were involved in the killing of one person and beating of 104 persons.

This year also mechanisms like Commission on Disappeared Persons and Truth and Reconciliation Commission were not established as per the spirit of the CPA and the Interim Constitution. The steps to be forwarded as a state party to carry out the responsibilities coming with signing of international treaties and other important human rights treaties could not

Figure : 4

Number of Persons Killed in 15 Districts of Tarai after Implementation of Special Security Policy



go forward. The directive issued by the parliament to the government by passing the resolution motion for the ratification of Rome Statute three years ago remained unheeded even this year.

Both governments revealed a tendency of ignoring the demands of territorial, regional and professional interest groups at first and then agreeing with the aim of pacifying them for the time being but none of the governments apparently took such agreements seriously.

4. LEGISLATURE AFFECTED BY MISINTERPRETATION

The parliament is the common platform of the representatives who are elected by the people to maintain civilian supremacy. The representatives utilize that platform to raise the problems faced by people and find ways out to resolve the problem. This year, the parliament remained obstructed for nine months, that too, ironically in the name of civilian supremacy affecting all the proceedings of the people's agenda as well as the economy of the country.

Delayed approval of the budget not only affected the government employees, but also the support provided to the Maoist combatants who were placed in cantonments. UCPN-M stubbornly kept trying to define a government which was formed with the support of 62 percent of the parliamentarians, as a government of minority. Obstruction of the parliament hampered the endorsement of several laws related to the establishment of mechanisms that deal with transitional justice.

Constitutional Committee, Determinant of the Form of the Governance of State Committee and State Re-Structuring and Distribution of State Power Committee could not table their drafts. All committees should have prepared the draft concepts by the end of the month of Jestha (June 14) as per the timetable passed last year.

Table : 1 Number of Victims of Capture of Property

Perpetrator	Male	Female	N/A	Total
State	6	1		7
UCPN-M	66	4	4	74
YCL	2			2
ANNISU-R	2		2	4
Nepali Congress	1			1
Youth Force	1			1
Federal Limbuwan State Council	1	1	1	3
CPN-M	13		5	18
Madesh Rastra Janatrantrik Party (Revolutionary)	4			4
MJF			1	1
Federal Limbuwan State Council-Manch	1	1		2
JTMM-Pratik			1	1
Tarai Madesh Democratic Party	1			1
Tharuhat Syawatta Pardesh	2			2
Tharuhat Joint Struggle Committee	3			3
Unidentified	7			7
Others	5	1	1	7
Total	115	8	15	138

The parliament remained stalled for many days during winter session when NC obstructed the parliamentary proceedings demanding return of properties captured by Maoists. UML's demand for arrest of alleged killer of Youth Force leader Prachanda Thaiba, protest by Madheshi parties that claimed state disregard for Madheshi issues and several other issues raised by other parties continued to hold the parliament. Repeated assurances by the top leaders of political parties remained limited to words.

5. ADVERSITIES TO PEACEFUL LIVING

The situation of peace and security of the country did not improve even

this year. Both governments in power this year implemented Special Security Policy. First five months of the year had a government led by UCPN-M and after that new government-led by UML was formed. During the five months of erstwhile government, 191 persons were killed while 282 persons were killed when there was UML-led government. 282 persons were abducted this year among them, in the first five months, 149 persons were abducted and 132 were abducted during remaining months. A total of 6,842 persons were victimized by human rights violation in 2009.

5.1 Violent situation in Tarai-Madhesh

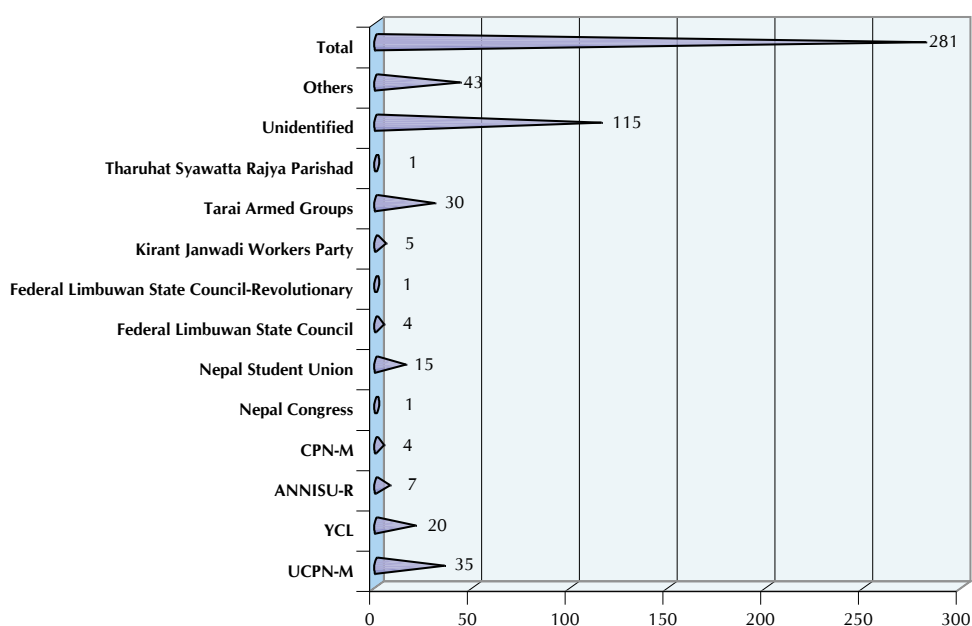
There was no improvement in Tarai owing to the activities of the armed groups. Splinter group of then CPN-M, Tarai Jantantrik Mukti Morcha formed by Jaya Krishna Goit and mushrooming of groups after it added to the violence in Tarai. This year, 15 districts of Tarai saw killing of 240 persons, among them, 27 persons

were killed by state, 22 by armed groups and 89 persons by unidentified groups and one person each killed by the YCL and others. Record showed Dhanusha as being the most affected district considering the security condition. 39 persons were killed in the district this year. Nawalparasi had least number of killing i.e. 5. The Special Security Plan implemented in 15 districts of Tarai and seven districts of hilly region was claimed to have minimized the violence but INSEC documented that some persons killed reportedly in the encounter with police in the districts of Siraha, Saptari and Dhanusha were killed after arrest.

Udgar Mandal, 26, of Dhanushadham VDC-4 and Ghuran Shah Halwai, 19, of the same place were shot dead by police on May 24. They were arrested in Mahadaiya VDC in Mahottari on charge of being involved in abduction. They were arrested by police and shot dead after being taken to Kurtha VDC-2. Police claimed that the victims were killed in retaliation, after the victim's group

Figure : 5

Number of Victims of Abduction



opened fire, targeting the police team that was tracking kidnappers of Ram Bilas Shah of Kakanipatti VDC. Family members of the victims performed final rites following postmortem of the bodies.

State Organs, UCPN-M, YCL and Youth Force were found involved in incidents of beatings this year. A total of 1,327 persons were beaten up this year. Among them, 1,112 were male and 163 were female. UCPN-M and its sister organizations were involved in most of the incidents while CPN-UML and NC and their sister organizations were not far behind. Likewise, 636 persons received threats. In most of the incidents of intimidation, state organs, political parties and their sister organizations, ethnic organizations and armed groups were involved. The accused remained out of legal prosecution because of the political protection they enjoyed.

5.2 Political protection to crime

The then PM Pushpa Kamal Dahal, who was elected expressing the commitment towards democratic transformation, addressing a public program said that they would capture power in case the government was toppled by the others political parties.

Table :2

Number of Persons Killed in 15 Tarai Districts after Implementation of Special Security Policy

District	By State	By Non-State	Total
Jhapa	1	15	16
Morang		13	13
Sunsari		12	12
Saptari	5	16	21
Siraha	2	20	22
Dhanusha	6	33	39
Mahottari		16	16
Sarlahi		15	15
Rautahat		18	18
Bara	1	15	16
Parsa	6	10	16
Nawalparasi		5	5
Rupandehi	4	5	9
Kapilbastu		7	7
Banke	2	13	15
Total	27	213	240

Such statement gave a feeling of contravening the CA, democracy and pluralism achieved by untiring efforts of the people.

Instead of being concerned over negative impact, such incidents triggered by political intolerance and pride would

Figure : 6

Number of Victims of Women's Rights Violations

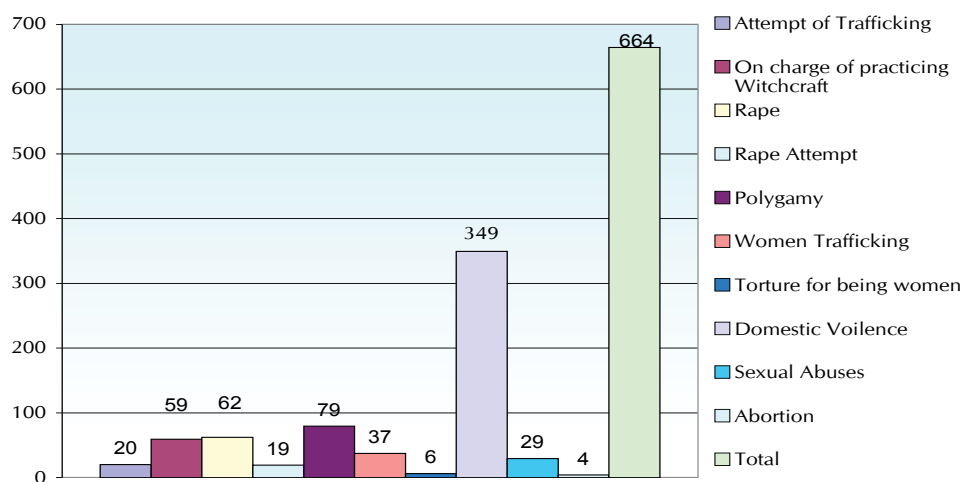


Table : 3 **Number of Victims of Beatings**

Perpetrator	Male	Female	N/A	Total
State	214	26	3	243
UCPN-M	258	29	5	292
YCL	188	10		198
ANNISFU-R	94	19	4	117
CPN-UML	24	3		27
Youth Force	61	3		64
ANNFSU	6		11	17
Nepali Congress	11			11
Nepal Student Union	11			11
Federal Limbuwan State Council	1			1
CPN-M	1			1
MJF	3			3
Federal Limbuwan State Council-Manch	1	1		2
Jansamrakshan Party	1			1
JTMM-Jwala Singh	2			2
Kirant Janwadi Worker Party	3			3
Terai Madhesh Democratic Party	1			1
Nepal Tarun Dal	7			7
Tharuhat Syawatta Pardesh	1	1		2
Tharuhat Syawatta Rajya Parishad	2			2
Tharuhat Joint Struggle Committee	7	1		8
Unidentified	40	6		46
Others	175	64	29	268
Total	1112	163	52	1327

create, leaderships of the political parties began encouraging such loud statements. No action was taken against the persons guilty of being directed by philosophy of refusing or eliminating the existence of different thoughts and political parties. All the political parties, that expressed commitment to multiparty contest, pluralism and human rights, saw partisan interest upheld when they provided protection to their cadres instead of bringing them to justice.

Govinda Basnet, Youth Force district joint-coordinator and Youth Force

member Basu Baral of Lamjung Besisahar VDC-2 were injured in an attack by YCL cadres on March 10. YCL cadres attacked them with iron rod and khukuri when the Youth Force cadres had gone to Siudibar of Bhoteodar to observe Holi. A murder case was filed against the perpetrators on March 11. No action was taken against them till the end of the year.

In the same district, Youth Force cadres assaulted All Nepal Teachers' Association district vice president Hari Danai, All Nepal Trade Union Federation district chairperson Shambhu Shrestha, trader Basu Panta and FNJ district joint secretary Nabin Raj Kuinkel and district chairperson of Revolutionary journalists' Association Basu Thapa for their alleged involvement in the beating of Youth force cadres in Bhoteodar VDC by YCL cadres on the same day. Among the injured, Danai and Shrestha were treated in Kathmandu. Although UCPN-M District Committee filed an attempt to murder case against District vice Chairperson of Youth Force, Govinda Basnet and Member Basu Baral on March 11, no action was taken against the perpetrators by the end of the year.

Accountant of District Development Committee Mahottari Laxman Ray and clerk Binod Jha were beaten up by TMDP district leaders and senior officials of District Development Committee Indra Raja Prasad Singh, district members Saroj Kumar Singh, Manoj Jha and Rakesh Sharma on July 14, on charge of delaying work. No action was taken against the perpetrators.

These are some of the representative cases of many similar incidents which occurred across the nation in 2009 and none of the perpetrators were punished.

5.3 Capture of people's properties by different groups continues

The tactic of capturing property first emerged during the armed conflict was adopted by many armed groups. A

pledge made in CPA that the captured properties would be returned within 60 days of the signing of the agreement was ignored by the Maoists while even the government did not pay any attention to it. 80 incidents of capture of properties by UCPN-M and its sister organizations were recorded this year. Besides that, the ethnic and armed groups of Tarai and eastern hill also carried out such activities. Same plot of land was captured by several groups in Dhanusha.

CPN-M organized a press conference on October 12 to inform that it had captured 1,500 bighas of land owned by several persons in Dhanusha district. Its secretary Yadav said they distributed the land among landless persons with one family getting three katthas of land. The captured land had been captured by the then Maoists and Akhil Tarai Mukti Morcha among others.

5.4 Year of non-execution of commitments

Over 100 commitments and agreements have occurred since the signing of the CPA to the end of 2009 but the results of such agreement is next to none. It seemed that various commitments including CPA were forgotten as soon as they were signed. Non-implementation of the talks and agreements related to lingual, regional, ethnic and other collective interest added to a gap in trust. There was no change to the possibility of facing bandh, protest and threat any time due to failure of the government to execute the commitments made at different times to Tharuwan, Madheshi, Backward group, Muslim Joint Front and groups of Tarai.

5.5 Society getting increasingly insensitive to violence

It was seen that Nepalis who witnessed armed conflict launched by the then CPN-M for a decade and following spate of violence in Tarai and eastern hills, are taking such violence

Table : 4 Number of Victims of Threats

Perpetrator	Male	Female	N/A	Total
State	16	2		18
UCPN-M	88	6	10	104
YCL	36	3	32	71
ANNISU-R	5		135	140
Nepali Congress	1			1
Youth Force	2			2
Rastriya Janamorcha	2			2
Federal Limbuwan State Council	2			2
Bardiya Black Cobra Sayukta Morcha	1			1
CPN-M	10		44	54
Madesh Mukti Tigers	1			1
Madheshi Tigers	1			1
Madheshi Virus Killers Party	1			1
Madheshi Student Union	1	1		2
Federal Limbuwan State Council-Manch	8	1	23	32
Janwadi Hill Tigers			24	24
JTMM-Rajan	1			1
JTMM-Jwala Singh	2			2
Akhil Tarai Mukti Morcha	4			4
Pallo Kirat Workers Party			16	16
Limbhuwan and Khumbhuwan	1			1
Kirat Janwadi Workers Party	28	1	48	77
Kochila Liberation Armed Force	1			1
Tarai Army	1			1
Tarai Mukti Morcha	1			1
Tarai Madhesh Democratic Party	3			3
Tarai Janatrantrik Revolutionary	1			1
Tarun Dal	1			1
Tharuhat Sayawatta Pradesh	2			2
Tharuhat Joint Struggle Committee	5	1		6
Unidentified	14	3		17
Others	29	17		46
Total	269	35	332	636

as normal occurrences. The way a total of 15 persons were killed in Dhanusha, Mahottari, Saptari and Sunsari showed that people were losing their sensitivity and having distraught mentality. The rumor of abduction began in Dhanusha and spread to eastern districts. In Joginiya VDC-1 of Saptari district, a teenager and an elderly



persons were beaten and set ablaze alive on charge of touching a young cowherd. Police claimed that they managed to rescue 75 persons accused of being abductors, from being lynched to death. These incidents showed development of the inclination to violent activities to find solutions of problems and also exposed the appeal made by violence to the society.

5.6 Women and children affected by violence

Several incidents of violence against women were recorded this year. Many women were subjected to violence on charge of not bringing enough dowries, leaving the first husband, polygamy, not giving birth to child or son among others. Some of them even lost their lives at the hand of the relatives for those reasons. Police were found dodging their responsibility by filing a public offence cases or mediating between the victims of sexual violence including rape and domestic violence and the perpetrators.

A 35-year-old woman of Belapur VDC-6 in Dadeldhura district filed a complaint at police office on February 4 accusing Bhagi Singh Karki of the same place of attempting to rape her. But, the police registered the case under Public Offence Act. Karki was released on the deposit of Rs 10,000 after the order by CDO Parshuram Aryal.

Bisara Sarki, 64, of Bahnu VDC-6 of Tanahu district was killed by her husband who set her on fire on March 10.

More than 300 incidents of domestic violence were recorded and 17 cases of rape attempt were also made public. A total of 349 cases of violence incurred by families became public. Domestic Violence (Offence and Punishment) Act was enacted this year. It was expected that the Act would reduce the number of incidents but it did not happen so. The condition of easy escape for the perpetrators persists as

the police are eager to settle the case out of court in such incidents. From a girl of three years of age to elderly woman of 102 years became victim of grave violation as rape. A total of 167 girls were raped this year. Moreover, INSEC documented 37 incidents of trafficking of women and girls.

6. CONCLUSION

Top priority among the programmatic actions in the country which is considered as an important part of the peace process in the new constitution is to be promulgated on May 28, 2010. Many actions and commitments that needed to be completed before finalizing the constitution, could not be done even this year. Reparation to the conflict victims on the basis of transitional justice, and the formation of Commission on Disappeared Persons and Truth and Reconciliation Commission could not be established. Drafting of the constitution seems difficult without resolving the violent strife based on ethnic and regional issue.

During the transitional period, the government should have accomplished its plan of actions with firm commitments but it could not move ahead in this direction. It seems confused over several topics including integration of the combatants and several understandings and agreements while sometimes even seemed incompetent.

Political consensus has been reckoned by 12-point Understanding, Interim Constitution and CA election. Realization of new Nepal is possible only by internalizing this fact. The dream of shaping a new Nepal, presently based on the foundation of 12-point Understanding that concluded the decade-long struggle, can be possible if all political parties work for the national interest.

Bijay Raj Gautam
Executive Director



Highlight of the Year

Chapter

Hurdles of Peace Process

2

Chronology

January 1- December 31, 2009

January 1

UCPN-M and NC sign an agreement with Maoist pledge to return the captured properties within the next three months and dissolution of para-military structure of YCL within the next three weeks.

January 7

Maoist combatants integration and rehabilitation special committee re-established, Council of Ministers decide to have eight members, two each from NC, UCPN-M, NC, MJF

January 8

UN Secretary General Ban Ki Moon reports to Security Council regarding slow process of the peace process

January 9

Investigation commission on the killing of Puskar-Nirmal formed by government begins its work

January 13

Madhav Kumar Nepal elected as chairperson of the Constitutional Committee

Government and JTMM (Rajan Mukti) signed 6-point agreement in Janakpur

January 13

Chairpersons of all the CA committees selected

January 18

Government and Kirant Janawadi Workers Party sign 5-point agreement

January 19

Government forms Commitment Implementation Committee to implement

commitment made with NC in regards to returning captured properties

January 21

Three dozens injured in clash between ANNFSU and ANNISU-R in Prithvi Narayan Campus, Pokhara

January 23

UN Security Council extends the mandate of UNMIN by six months

January 25

CA chairperson Subas Chandra Nembang states differences among parties was affecting constitution-drafting process

January 28

Nepal Police and APF set up 30 base camps from Mechi to Kapilbastu to check violence in Tarai

January 29

UN Secretary General appoints Karen Landgran as the chief of UNMIN

January 30

UCPN-M leader CP Gajurel vows in a program in Sindhuli that the captured properties will not be returned at any cost

January 31

PM Pushpa Kamal Dahal asserts that the Ordinances on Commission on Investigation of Mission Persons, Public Service Inclusion and Amendment of Voters' List would not be withdrawn at any cost

February 5

The meeting of Army integration and rehabilitation special committee decides to release combatants disqualified by UNMIN

February 6

NC President Koirala accused



the government of betraying people by enacting ordinances on Commission on Investigation of Missing Persons, Public Service Inclusion and Amendment of Voters' List after the end of the parliamentary session

February 7

UML Chairperson Jhalanath Khanal defends ordinances on Commission on Investigation of Missing Persons, Public Service Inclusion and Amendment of Voters' List were brought without holding discussion with other parties

February 10

18 parties including NC ask government to call parliament session protesting ordinances on Commission on Investigation of Missing Persons, Public Service Inclusion and Amendment of Voters' List

President Dr Ram Baran Yadav verifies Causing Disappearance of Individuals (Offence and Punishment) Ordinance

February 21

Government and armed group Liberation Tigers of Tamil Eelam sign 5-point agreement

February 27

Government decides to form a committee to recommend those killed in Maoist insurgency, Popular Uprising 2006 and Madhes Movement to be declared as Martyrs

March 5

Two persons die in police firing when they tried to open bandh imposed by Tharus

March 6

One APF personnel killed when

two protestors attack him with home-made weapon during bandh called by Tharus

March 8

Leaders of agitating Tharu community and government hold talks

March 6

Government decides to enlist all Tarai indigenous peoples

Tharus refuse to sit for talks until the Ordinance on making Public Service Inclusive is not withdrawn, bandh continues for the eighth day

March 9

Government and leaders of Tharu community signs 6-point pact

March 18

OHCHR head Navi Pillay arrives in Nepal for five-day visit

March 22

Pillay wants that the peace process might derail if the human rights violators are not punished

March 26

UCPN-M cadre shot dead Youth Force Butwal member Prachanda Thaiba

March 27

Technical committee comprising of Barshaman Pun, Dr Indrajit Rai, former Major General Balananda Sharma, Shambhuran Simkhada, former Brigadier General Gopal Singh Bohora, Dipak Prakash Bhatta, former secretary Ramananda Mishra and former SP Sadananda Kurmi formed by Maoist combatants integration and re-habilitation committee

Curfew imposed in Butwal by the administration to disperse the tension created by Youth Force

March 30

UCPN-M forms an investigation commission to find out about the killing of Prachanda Thaiba and subsequent events

April 1

Technical committee on Maoist combatants integration and rehabilitation finalizes code of conduct and work plan

April 11

Task force formed to reduce tension between UML and UCPN-M

April 12

UCPN-M and UML sign 9-point demand to diminish misunderstanding

April 13

Constitution Drafting timetable amended

April 14

Minister for Land Reform and Management Mahendra Paswan declares that the captured properties will not be returned

April 15

PM Dahal pledges for the second time to implement agreements and commitment made with the political parties

DPM Bamdev Gautam accuses UCPN-M of providing protection to Thaiba's accused murderer Sujit BK

April 16

Government forms State Restructuring Commission with Ganeshman Gurung as its head

April 19

Clarification sought from Chief of the Army Staffs Rookmangud Katawal

April 20

President Dr Ram Baran Yadav advises PM Dahal to consider provision of Interim Constitution and political consensus while deciding the fate of CoAS Katawal

Political parties express their displeasure at the government move to demand clarification from the CoAS. NC boycotts parliament to protest the move

Finance Minister and UCPN-M leader Baburam Bhattarai reveals that the clarification was demanded to dismiss CoAS

April 21

Katawal presents his clarification
UCPN-M secretariat concludes clarification of CoAS as debate, decides to take action

President Yadav suggests PM Dahal that it would be against the constitution and the laws to remove CoAS without amending Army Act

17 parties including NC protest the government move of demanding clarification from CoAS. Meet the President to stop the government decision to dismiss CoAS

UCPN-M fraternal organizations hold a rally in the capital demanding the removal of CoAS Katawal

April 22

ANNISU-R smear soot in the faces of TU vice-chancellor Madhav Prasad Sharma and rector Suryalal Amatya

PM meets President. President stresses on need to consider spirit of the constitution, law and political consensus

A meeting of 16 parties initiated by NC asks President to stop action against CoAS

Political committee of MJF concludes that political parties must have national consensus in the CoAS case

UCPN-M fraternal organizations hold rallies across the country demanding dismissal of CoAS

April 23

Girija Prasad Koirala urges government to allow CoAS Katawal to complete tenure

CPN-UML chairperson Jhulanath Khanal who shortened his visit to China goes for consensus to take action against CoAS

PM Dahal consults with envoys of eight countries and UML leader Madhav Kumar Nepal, Finance Minister Dr Baburam Bhattarai and UML leaders hold talks

Indian ambassador Rakesh Sood leave for Delhi for consultation

April 25

UML standing committee meeting advises for stopping the action against CoAS

April 26

PM Dahal meets with President Yadav. Yadav tells Dahal not to rush to take the decision

Emergency informal meeting at the residence of NC chairperson Girija Prasad Koirala concludes that the action against CoAS was pushed by motivation to capture power

CPN-UML standing committee meeting suggests against going alone in Katawal case

April 26

CA timetable amended for the fourth time

fraternal organizations of UCPN-M hold rallies across the country demanding dismissal of CoAS
Dialogue between NC and the UCPN-M on action against CoAS fails

April 27

Meeting of NC, UML and UCPN-M ends without any conclusion

April 30

UML standing committee decides to quit government if Katawal was removed from the post without political consensus

May 1

MJF decides that action against CoAS without consensus would not be acceptable to it

May 3

Council of Ministers dismisses CoAS Katawal, Kul Bahadur Khadka appointed as acting CoAS, President vetoes government decision

May 4

PM Dahal resigns

President Yadav calls on the parties to find way out of the tension generated by the action against CoAS through CA

May 5

President Yadav calls on the parties to form a government of national consensus

UCPN-M Ramechhap issues 5-day ultimatum to UML and NC cadres to leave the villages

UCPN-M chairperson Prachanda asserts that the video tape of his speech made during training at Shaktikhor camp was irrelevant

UN Security Council concludes that the peace process was at peril

May 6

NHRC asks UCPN-M and its fraternal organizations to abide by CPA

UCPN-M cadres vandalize Ramechhap UML office

UCPN-M cadres hold nation-wide

demonstration protesting the President's instruction to CoAS to continue his office

May 7

UCPN-M politburo decides to launch agitation against the Presidential move of reinstating CoAS Katawal

YCL issues threats in several districts to those supporting President's move

May 9

MJF concludes that the instruction made by the President violated the constitution

May 11

UCPN-M central committee member Top Bahadur Rayamajhi instructs his cadres in Arghakanchi district to chase away the NC and UML cadres

May 12

NHRC calls on the government to uphold human rights of the cadres of NC and UML after they were assaulted and threatened to leave the district by UCPN-M cadres

May 17

CPN-UML General Secretary Ishwor Pokharel and his team is attacked by UCPN-M cadres in Tilpung of Ramechhap

Tharuhat Joint Struggle Committee postpones its agitation sighting the political turmoil created by CoAS dismissal episode

May 25

Madhav Kumar Nepal sworn in as the Prime Minister

May 28

Government decides against extending the tenure of Colonel Bobby Khatri, involved in the killing of Maina Sunar

Speaker Subash Chandra Nembang urges PM Madhav Kumar Nepal, UCPN-M chairperson Pushpa Kamal Dahal and NC president Girija Prasad Koirala to mend the relation

May 31

YCL cadres attack Kalikot NC chairperson Mukti Prasad Neupane

UCPN-M declares launch of agitation after its resolution motion on President's move in CoAS episode was not discussed at the Parliament

June 8

UCPN-M cadres vandalize UML office in Kavre to revenge the vandalism carried out in their party office by Youth Force during a bandh called by Maoists-affiliated Tamang Liberation Front

June 9

PM Nepal and UCPN-M chairperson Dahal meet and agree to find consensus among the parties to end the stalemate

June 10

UCPN-M and CPN-UML hold talks at Godavari of Lalitpur to end obstruction in parliamentary proceedings

June 12

UCPN-M holds motorcycle rally demanding the entry of its resolution motion in parliament for discussion

June 13

US assistant foreign secretary for Mid and South Asia Robert Blake asks UCPN-M to play constructive role

June 14

YCL cadres beat up 15 UML cadres including district secretary in Kalikot



June 15

UCPN-M-affiliated Seti Mahakali Liberation Front called bandh in the districts of Dadeldhura, Bajura, Bajhang, Darchula and Achcham. UCPN-M vandalizes the UML district office in Kalikot

June 16

UCPN-M chairperson Pushpa Kamal Dahal proposes at the politburo meeting the National government led by himself

June 18

Government annuls the decision of the previous government on dismissal of the CoAS saying only the President could remove him

June 21

UCPN-M pickets Singh Durbar demanding the restoration of civilian supremacy

June 22

Meeting of PM Madhav Kumar Nepal with major three parties ends inconclusively

June 28

Army Integration Technical Team interacts with combatants at Shaktikhor camp in Chitwan

June 29

UCPN-M politburo meeting decides to form national government in its leadership

June 30

Parties hold dialogue to end obstruction of the parliament

July 1

UCPN-M demands half of the planned seats of Army Integration Technical Committee

July 2

UCPN-M demands amendment of the constitution during a meeting with NC held to end the parliamentary stalemate

July 3

Defense Minister Bidya Devi Bhandari asserts management of the Maoist combatants before promulgation of the new constitution

July 6

CoAS Rookmangud Katawal along with some high-level army personnel meet PM Madhav Kumar Nepal asking for the promotion of Major General Toran Bahadur Singh

July 7

Norwegian envoy Thor Gislesen expresses concern over the promotion of Major General Toran Bahadur Singh with Defense Minister Bidya Devi Bhandari

July 9

PM Madhav Kumar Nepal directs the subordinate offices to initiate steps for the control of diarrhea spread in Jajarkot

July 14

Most leaders pressurize UCPN-M leadership in a meeting of central committee not to agree of integration of the combatants in Nepal Army before promulgation of the constitution

July 17

Work plan for the rehabilitation of the disqualified Maoist combatants begins

July 19

CA members demand declaration of state of emergency in diarrhea-hit area

July 21

NC president Girija Prasad



Koirala states that the UCPN-M stand on combatants to be integrated after the constitution promulgation was against the agreement

Tamasaling Joint Struggle Committee vandalizes vehicle of Kantipur Publications in Dhulikhel of Kavre

July 22

High Commissioner for Human Rights Navy Pillay informs that the OHCHR mandate in Nepal will be till June 9, 2010

July 23

UN Security Council extends UNMIN mandate by six months

Speaker Nembang meets top leaders of the major three parties asking them to build political understanding as the differences were delaying constitution drafting process

July 26

Political committee of the Council of Ministers approves Special Security Policy

State management committee of the Legislature-Parliament instructs the government to execute previous agreements held with the political parties

July 28

NC president Girija Prasad Koirala holds dialogue with PM Nepal to discuss about the formation of High Level Political Mechanism

July 29

Government presents upcoming Special Security Work Plan at the parliament

July 30

Four armed groups ask government to continue peace talks

August 2

Three parties agree in principle to form common mechanism

August 3

UCPN-M central committee meeting decides to announce autonomous region

Jatiya Morcha active in eastern Nepal opposes to Special Security Policy

August 4

UCPN-M chairperson declares agitation after forming Joint National Uprising Committee in the leadership of its deputy Baburam Bhattarai

August 5

NHRC demands action against the individual or the body responsible for controlling and containing the diarrhea epidemic during the publication of its report on the epidemic prepared after fact finding mission to diarrhea-affected districts

Meeting of 21 parties held to address the demand of UCPN-M ends without conclusion

August 8

Pushpa Kamal Dahal says the constitution will not be finalized unless the Presidential move is rectified

Deputy-leader of UCPN-M parliamentary party Narayan Kaji Shrestha announces beginning of third phase of agitation for peace process and constitution drafting, boycotts parliament

August 9

PM Madhav Kumar Nepal and UCPN-M chairperson Pushpa Kamal Dahal meet to discuss President's move on CoAS. PM advises Dahal to bring the impeachment motion

August 11

Dialogue between the government and armed groups of Tarai ends without any conclusion

August 14

22 parties and coalition partners decide on not giving the post of Constitutional Committee to the UCPN-M

August 16

Three parties agree to agree on issues including selection of chairperson of Constitutional Committee in package

August 17

Government decides that Vice-President Paramananda Jha should retake oath in Nepali language as per the decision of the Supreme Court

August 19

UCPN-M forms permanent joint front with the aim of exerting pressure to form new government in its leadership

August 24

Armed Maoist combatants in combat dress arrested on the highway at Jitpur of Kapilbastu district

INSEC demands action against the distributor of substandard food in diarrhea-hit areas

August 25

UNMIN terms the outing of Maoist combatants with arms as violation of CPA

August 30

Vice-President Jha abstain from attending his swear-in function at Presidential Palace

August 31

Army Integration Special Committee meeting chaired by PM Madhav Nepal

decides to conclude inclusion and rehabilitation within six months

September 2

NC president states that the Maoist proposal of picking Chief Justice from outside and approving in the parliament will be disastrous to the country

September 3

UCPN-M submits its proposal of new structure of the country with 13 states to State Re-structuring and State Power Distribution Committee of CA

September 6

Combatants Integration Special Committee asks Technical Committee to draft the code of conduct for the combatants

September 13

In a meeting with the representative for OHCHR in Nepal Richard Bennett, PM Nepal vows to take every possible action to protect and promote human rights while ending impunity

September 16

Three parties hold meeting to address the Presidential move, discuss on resolution motion

September 17

UCPN-M Dahal says the stalemate can end if the constitution is amended

UCPN-M and CPN-UML agree in principle to end the political stalemate

US Assistant Secretary of Defense for South and Southeast Asia Robert Scher expresses that the army should be under the civilian control

September 18

Meeting of NC and CPN-UML top leaders regarding the introduction

of resolution motion in the parliament inconclusive

PM Nepal pledges government's readiness to end all problems

September 19

UCPN-M chairperson Dahal says his party will launch another agitation with the permission from UN

September 20

Government formed a 6-member committee to provide relief to the families that lost their properties due to capture and other reasons

September 22

UCPN-M decides to launch another agitation if there is no peaceful agreement

Dahal warns no-confidence motion will be brought in the parliament if there is no agreement on civilian supremacy

September 23

CPN-UML forms a talks team with Bharat Mohan Adhikari as the coordinator to hold talks with several political parties

September 30

President Dr Ram Baran Yadav and UCPN-M chairperson Pushpa Kamal Dahal meet to talk about the political impasse. After the meeting, Dahal quotes Yadav as saying he will not pose hurdle to protection of rights

5-member dialogue team set up with Baburam Bhattarai as the coordinator for ending the deadlock

CPN-UML and NC agree for proposal of common accord instead of UCPN-M proposed resolution motion

October 1

PM Nepal meets NC president Girija Prasad Koirala at Koirala's residence to discuss about ending the stalemate

Meeting of UCPN-M, NC and CPN-UML held at the UCPN-M parliamentary party office decide to table common resolution motion to end the situation

October 2

Three-party meeting ends without conclusion whether to mention the move of President in the common resolution motion

October 4

UCPN-M standing committee decides to launch agitation if the consensus could not be made with other parties to end political deadlock

October 5

PM Nepal and UCPN-M chairperson Dahal meet where PM urges Dahal to comment officially on the common resolution motion prepared by UML and NC

October 6

CPN-M disagrees with the common resolution motion presented by NC and UML, demands to term Presidential move as unconstitutional one

October 7

Defense Minister Bidya Devi Bhandari urges for review of CPA at the meeting of Legislature-Parliament State Management Committee citing that some of the CPA provisions had affected the liveliness and strengthening of Nepal Army

October 12

UCPN-M demand rectification of the Presidential Move by including their amendment proposal in the common motion prepared by NC and UML

October 13

Meeting of NC, UML and UCPN-M



held to discuss common motion end inconclusively after all three remain firm on their stand

October 15

Three-party meet forms three-member task force to find out the consensus ending the deadlock of the parliament

October 18

NC acting president Sushil Koirala clarifies that the step taken by the President to reinstate the CoAS can not be discussed no matter the type of the protest

October 19

NWPP chairperson Narayanman Bijukchhe accuses the big three political parties of holding the country in uncertainty

October 21

UCPN-M State Committee begins harvesting paddy belonging to locals and charging Rs 100 as levy from one kattha in Bardiya

October 22

Meeting of the task force formed by big three political parties to end the impasse of the parliament fails

October 23

UCPN-M standing committee meeting issues 15-day ultimatum to government to meet its demands

October 25

UCPN-M deputy chairperson Mohan Baidya demands national government in his party's leadership

October 27

UCPN-M makes public its agitation program five days before the 15-day ultimatum expires

Maoist Combatants Supervision, Integration and Management Committee holds a meeting where the PM stresses that the statement by Defense Minister that the Maoist combatants cannot be integrated in Nepal Army as not being government stand

October 28

PM Nepal and Speaker Nembang discuss about the obstruction of parliament proceedings

NC demands action against the UCPN-M cadres involved in attacking its leaders Sher Bahadur Deuba and Bal Krishna Khand among others

CA Fundamental Rights Committee submits its reports which includes provision of capital punishment

UCPN-M chairperson Dahal demands with USA to remove tag of terrors of his party

October 30

A meeting of 10 parties instructs government to prohibit the Maoists from planned agitation saying it was unconstitutional and unruly

UN Secretary General submits his report that asks for a need of national government

November 1

NC president Girija Prasad Koirala urges the Maoists to come for dialogue

November 2

UCPN-M organizes sit-ins in local bodies across the nation. Captures the Dhankuta Municipality and announces candidacy

NC president Koirala and UCPN-M chairperson Dahal hold talks at Koirala residence to find solution to Maoists' agitation

November 3

Envoys of European Union and others for Nepal call on the Maoists to review their agitation

November 4

UCPN-M cadres picket DAO in 75 districts as a part of its second phase of agitation. Clashes in Nuwakot and Sunsari

Concept paper and preliminary draft of CA's Fundamental Rights and Directive Principle Committee passed with majority

November 9

UCPN-M in Sankhuwasabha issues public notice to the farmers to pay tax and levy

November 10

State Minister for Agriculture and Cooperative Karima Begum slaps Parsa CDO Durga Prasad Adhikari

November 11

Public Offence case registered against State Minister Karima Begum at DPO, Parsa. Government employees organize pen-down across the nation to protest the incident

November 12

UCPN-M cadres surround Singh Darbar

November 14

UCPN-M chairperson Dahal and NPWW chairperson Bijukchhe hold talks to end the parliament obstruction

November 16

NC and UML hold meeting at PM residence Baluwatar to discuss various issues including Maoist agitation

NC and UML hold meeting at

Baluwatar, agree to pass the budget within November 20

TMDP chairperson Mahanta Thakur warns that the constitution will not be acceptable unless Madhes becomes an autonomous region

November 17

PM Nepal says stalled budget proposal had added to social disorder and danger of financial irregularities

NC president Koirala and UCPN-M chairperson Dahal hold meeting in Singapore, agree to form a high level political mechanism to end the political deadlock

November 18

PM Nepal inquires after the episode of slapping of Parsa CDO by State Minister for Agriculture and Cooperatives Karima Begum

UCPN-M, NC and UML form a task force to garner support to end political stalemate and approve budget

Army Integration Special Committee meets, UCPN-M proposes integration of combatants only after the agreement at high level of leadership

November 19

TMDP and UCPN-M hold talks regarding the issue of political deadlock, TMDP says the budget should be passed on consensus

November 20

Diplomats issue a statement expressing concern over the non-implementation of the CPA

Political parties maintain their stands on common resolution motion. Task Force decides to ask top leaders to finalize the motion

November 21

UCPN-M decides to operate

parliament for three days to pass the budget

November 22

Maoist standing Committee holds meeting, in-charge of state committees opine that their party should lead the national government

November 23

Meeting of 22 parties of government agree to endorse the budget

November 25

PM Nepal claims that he acts as guardian in cases of violence against women

November 26

Dr Ram Baran Yadav and UCPN-M chairperson Dahal meets to discuss the political deadlock

UCPN-M decides to declare autonomous states

UCPN-M cadres throw slipper at Deputy PM Bijay Gachhadar in Bariyarpur of Bara

November 27

NWPP claims that the ethnic states will trigger disintegration of the country

PM Nepal comment on Maoist plan to declare autonomous state as saying the declaration will invite clash

November 29

JTMM (Rajiv Jha) announces at a press conference in Rajbiraj, Saptari that the talks with the government had failed

December 1

President Dr. Ram Baran Yadav expresses his concern over the Maoist program of announcing autonomous states and asks PM to find an alternative

December 3

UCPN-M chairperson Dahal asks not to doubt the declaration of republic states

December 4

CA speaker Nembang accuses political parties of causing delay to constitution drafting

December 5

NC vice-president Ram Chandra Poudel accuses the Maoists of violating CPA time and again

UCPN-M holds torch rallies in different parts of the country accusing the police of resorting to brutality in Dudhejhari of Kailali

December 6

UCPN-M calls for bandh accusing the government being brutal in Dudhejhari, bandh causes the closure of CA meeting for the first time

PM Nepal and UCPN-M meet, agree to reduce increasing inter-party tension

December 7

Top leaders of three major parties meet to end the political impasse and to find agreement on Dudhejhari case, form a task force

December 9

PM Nepal avers that a review of 12-point Understanding to the peace process was necessary

December 10

Stating that the UCPN-M was violating the peace process, the Council of Ministers instructs the concerned ministries to log all the violation to draw the attention of international community, UCPN-M protests the government statement

December 11

UCPN-M declares Kochila and Limbuwan states

NC urges the government to be stern on the Maoist act of capture of property and declaration of autonomous republic states

December 12

UCPN-M leader CP Gajurel, speaking at a press conference in Sindhuli, says that the chances of people's revolution was increasing

Landless persons capture the Dudhejhari after padlocking Area Forest Office, Balchaur and placing the flag

December 13

PM Nepal issues direction to present one of the accused of Maina Sunar killing Major Nirajan Basnet of Nepal Army at Kavre District Court

December 14

UCPN-M declares Sherpa and Kirant states

MJF co-chairman Jaya Prasad Gupta warns to repeat the incidents like that of Gaur and Lahan if the Madhes is divided into more than one province

December 16

Nepal Government, UCPN-M and UNMIN sign the work plan of release of disqualified Maoist combatants

December 17

UCPN-M declares Tamuwan and Magarat states

December 18

UCPN-M cadres attack Energy Minister Prakash Sharan Mahat in Baglung, speaking in Pokhara, Mahat blames police weakness for the attack

UCPN-M declares Madhes state

December 20

UCPN-M holds nation-wide strike as a part of its third phase of agitation, Maoist cadres clash with police in New Baneshwar of Kathmandu, DSP Dilip Chaudhary seriously injured in the beating by Maoist cadres

December 21

UCPN-M chairperson Dahal speaking at an assembly at Baneshwar of Kathmandu says that his party will now talk directly with India to end the deadlock

December 26

UCPN-M declares the Kathmandu valley and surrounding areas as Newa autonomous region

Indefinite bandh called by the Maoists in Kailali ends after 8 days

December 29

Rastriya Jan Morcha calls for bandh in Bheri and Karnali zones protesting proposal of federalism

UCPN-M cadres attack Minister for Federal Affairs, Parliamentary System, CA and Culture Minendra Rijal during a program in Udaypur



1. BACKGROUND

The political stalemate lasted throughout the year 2009 though the logical conclusion was termed as the second in the list after the Constituent Assembly elections. The political parties could not meet three mandates requisite for the conclusion of the peace process were (a) Constitution drafting, (b) Reintegration and rehabilitation of the Maoist combatants and (c) Management of the transitional justice. There was big debate over all three topics but no tangible step was taken.

Prime job for the parties was finalizing new constitution but differences among them affected all spheres in the country. The political tension persisting till the end of the year created hurdles in taking the peace process to logical conclusion and also gave rise to fear about whether the constitution would be ready by the deadline. Same situation also shadowed the issue of justice for the victims.

Political instability, disorder, crime, political protection to the criminals, impunity, lawlessness and insecurity dominated the political development this year. The intensified misunderstanding added to political instability. It created hindrance for constitution making process and also created uncertainty about meeting the deadline for new constitution.

Agitation launched by UCPN-M, after joining peaceful politics, in the name of civilian supremacy breached many points of Comprehensive Peace Agreement. Continued obstructions of the parliamentary proceedings, physical assault and extortion, capture of individuals' property and government-owned forest in the name of landless people were termed by the government as being against the spirit of the CPA. Tussle between the UCPN-M and the government panicked the people.

President's step to reinstate the Chief of the Army Staff and the agitation

launched by the UCPN-M in the pretext of restoring civilian supremacy opposing Presidential move not only interrupted country's parliamentary exercise, it also affected drafting of the constitution. Five months of obstruction in parliamentary operation hampered the process of enactment of rules and laws. Continuous obstruction stalled the approval of the budget depriving the government staffs of timely salary. The Maoist obstruction also affected constitution drafting process which delayed passage of many laws. The Maoists allowed the parliament to run for three days only to make the approval of the budget possible.

The government formed after the People's Movement democratic government could not properly manage civilians' financial, social and cultural rights and transitional justice. The conflict victims did not get the justice they were waiting for. Political instability because of the tension among the political parties proved that they were more eager seeking power than justice. Protection provided by the political parties themselves shielded the issue of ending impunity. Flourishing impunity and untouched criminals added to the pain of the people. UCPN-M, the main opposition party since May 4 launched agitation with a focus on regaining state power thus failing to address people's issues.

Political parties came together to find headways to end the stalemate created by the UCPN-M in the name of civilian supremacy. But still the political parties did not come to consensus. The parties were seen scheming with another party to topple the government of third party.

Political stability is must for absolute guarantee of human rights and democratic system. Rule of law discourages the culture of impunity. But this year, the rule of law was not seen implemented to end the culture of impunity. Main reason for the political instability was disregard

for commitment on human rights by the government and the opposition.

2. ENVIRONMENT OF MISTRUST- MAOISTS QUIT GOVERNMENT

Like in the past, the political instability and mistrust among the political parties created volatility in the country. Though the parties had agreed to work on the basis of consensus, the voices of opposition generated political misunderstanding. UCPN-M tried really hard to convince the parties to form government after PM Pushpa Kamal Dahal resigned. Other parties also toiled to lead the new government. One of the largest parties split over the dispute of joining the government. The parties had already trodden the commitment towards politics of consensus but this year, the process accelerated.

2.1 Obstruction of Parliamentary Proceedings in the name of civilian supremacy

Government coalition partners UML and NC among others felt the Maoists claim of lack of civilian supremacy in a sovereign state was unnatural but the Maoists remained firm on their stand till the end of the year. The Maoists for whom the civilian supremacy existed only till they were running the government were termed as their yearning for power. The Maoists never gave up the stand that the Presidential move to reinstate the CoAS was wrong.

The instruction issued by the President asking the Chief of Army Staff Rookmangud Katawal to carry on his duty in a response to the then Prime Minister's move of sacking him triggered a series

of political disruption in the country. The UCPN-M led government stepped down in the pretext of breach of civilian supremacy after not being able to dismiss a soldier serving under it. The Presidential decision to stop Prime Minister's decision of sacking the then CoAS had prompted the resignation. From that time on, the Maoists began raising the issue of civilian supremacy terming the Presidential Move as the unconstitutional. The opinions were divided on whether the Move was constitutional or not. The UCPN-M led government had asked Katawal for clarification on charge of defying government order. The demand for clarification within 24 hours was related to the issues of new recruitment, reinstatement of eight retired generals and army boycott of fifth national games.¹ Refusing the government accusation that he had undermined the government, Katawal in the letter of clarification sent on the same day maintained that he was cooperating with Nepal government with positive thinking and maximum flexibility to take the peace process to logical conclusion.² Nearly two weeks of discussion and debate and despite the boycott by ministers of other parties of the coalition, the cabinet meeting of May 3 decided to fire Katawal on the ground of unsatisfactory clarification.³ The President, responding to the government information on impending dismissal of Katawal, had asked PM office to find political consensus on the issue and not implement the cabinet decision. Later that day, President wrote to Katawal, directing him to continue his office on the basis of the disagreement of other parties of the government coalition to sack the army

1. Katawal asked to clarify in 24 hrs, <http://thehimalayantimes.com/fullNews.php?headline=Katawal+asked+to+clarify+in+24+hrs&NewsID=1695>
2. Letter of clarification sent to Office of Prime Minister and Council of Ministers by Chief of Army Staff Rookmangud Katawal on April 21
3. Depleted cabinet sacks army chief, <http://thehimalayantimes.com/fullNews.php?headline=Depleted+cabinet+sacks+army+chief&NewsID=3362>

chief.⁴ The President's letter says, "In the background of the withdrawal of support by coalition partner of the government, UML opposing the dismissal of General Rookmangud Katawal as Army Chief by the Nepal government and expressed discontent of other political parties on the issue of retiring of the CoAS, considering the recognition, President as protector and patron of the Constitution and supreme commander of the Nepal Army by Interim Constitution 2007 and that the issue of retirement and appointment of the Army Chief being incomplete constitutionally and procedurally, I, as the head of the state and supreme commander of the Nepal Army, in pursuant to the intention, spirit and provision of the interim constitution, ask you to continue functioning as Army Chief for the present."⁵ Following the Presidential Move, the Maoists held peaceful and violent protest programs in several phases for more than five months.

The political parties had some political differences on different issues even in the previous years. The tendency of hampering all political activities for one partisan cause is also not a new thing in Nepali politics. Political leaders ready to handle the rein of power gaining experience from different political struggle and difficulties were apparently less concerned about people's general issues.

United Nations along with other countries had advised the Nepal government to create the environment of trust and to come to consensus regarding the action against the then CoAS Rookmangud Katawal.

Serious public issues and main concerns of the country did not even get entry to the Legislature-Parliament. Parliament, the forum to discuss the rights

of the people, did not even get a chance to mention about them. Over 400 Nepalis lost their lives due to diarrhea but it could not be raised in the parliament leading to difficulty in creating pressure on the government to take steps to tackle the problem. Parliament failed to draw the government attention towards several sensitive public issues including natural disaster.

Nearly a dozen Bills including one drafted to amend over 100 legal provisions to make them compatible to republic system in the country and Bill on seventh amendment of the constitution proposed to resolve the controversy of Vice-president's oath, Obstruction of parliament could not be tabled due to parliament obstruction.⁶ The UCPN-M began stalling the parliament from August 7 with the slogan of restoring the civilian supremacy and rectification of Presidential move. The blockade lasted till December 22. They proposed a resolution motion regarding the Presidential step but the other parties present at the parliament refused it. Three parties agreed in principle to bring common resolution as an alternative to resolution motion⁷ but the difference among the parties delayed the introduction of such motion till the end of the year. (*For detail, see Chapter on Legislature*)

3. CHALLENGES OF THE CONSTITUTION DRAFTING PROCESS

The political division ensued by political misunderstanding not only impeded the construction drafting process but also generated suspicion about the meeting the deadline for promulgation. Lack of allegiance to Interim Constitution and CPA and delay in the integration of the Maoist combatants posed serious challenge

4. Instruction sent to Rookmangud Katawal by President Ram Baran Yadav on 3 May 2009 asking him to remain on the post of CoAS

5. *ibid*

6. 'Sadan Khulyo'. *Kantipur*. December 24, 2009. P. 1-2

7. 'Sajha Sankalpako Pahal'. *Kantipur*. September 17, 2009. p. 1

to constitution writing process. Several committees of the Legislature-Parliament held heavy discussion regarding their topic and presented the conclusions to the CA. Except for Constitutional Committee, Determinant of the Form of the Governance of State Committee and State Re-Structuring and Distribution of State Power Committee, all the committees handed over their report to CA but discussion could not be held in the parliament neither among the people. The reason for the delay in presenting report by the three committees included no meeting being held for discussion, absence of the members at the meeting and lack of chairperson for some months. The Determinant of the Form of the Governance of state Committee on Governance System could not draw its reports as the major three parties disagree with each other about the structure.

3.1 Fear for Missing the Promulgation Deadline

Prime mandate of establishment of Loktantra and peace process was the promulgation and implementation of new constitution. New constitution is the outcome that will finalize the peace process. According to Interim Constitution 2007, the deadline for promulgation of new constitution is May 28, 2010.⁸ But the delay in drafting process has created suspicion among people whether the deadline would be met.⁹

The CA began working after drafting a schedule in order to meet the deadline but there were several delays. At one point, a Committee did not have the member while at other; there were political differences and distances among the political parties. Similarly, resignation of Madhav Kumar Nepal, the then

chairperson of Constitutional Committee once he assumed the post of Prime Minister and three months long vacancy of the post also added to the problem. Attempts by Coalition government and UCPN-M to find the chairperson failed and NC-nominated Nilambar Acharya was elected as the Constitutional Committee chair. So far, the schedule has been amended for eight times after delays in preparation of committee reports on time. Among the CA committees, Constitution Committee, Determinant of the Form of the Governance of State Committee, State Restructuring and Distribution of Power Committee could not finalize their reports. As per the last year's schedule, all the Committees should have prepared the preliminary reports by mid-June. As the reports could not come on time, the timetable was amended repeatedly and the time to hold discussion with the public on the preliminary reports shrunk. Unless improved as per the input of the people derived from direct discussion, the new constitution will only be a document prepared by political consensus.

There have been some progress for the drafting of the constitution. The Committees formed for the purpose have held heavy discussion on the topics and most of them have already submitted the preliminary reports. Along with that, the CA members went among people in districts and collected public opinions and suggestions. Besides that, hundreds of thousands of suggestions were received by CA on new constitution. Despite submission of the reports, CA could not hold discussion on the reports. The constitution will not be complete without enough debate and discussion. The document without any dissection will not

8. Interim Constitution of Nepal

9. Report of UN Secretary General regarding Nepal's request to the organization seeking help for peace process, S 2009/553
<http://www.unmin.org.np/downloads/keydocs/SG.Report%20OCT%2009.NEP.pdf>

represent the public sentiment neither will it be lasting. Therefore, it is mandatory to have in-depth discussion on the draft of the constitution.

The Determinant of the Form of the Governance of State Committee faced difficulty in deciding over the structure of federal states after the major three parties- UML, NC and UCPN-M came up with separate proposals. There was no agreement as none of the proposal submitted by UCPN-M, NC, UML and TMDP garnered enough votes.¹⁰

State Restructuring Committee could not submit its draft report due to the delay in preparation caused by absence of the committee members in the meetings and also because some other reports remained pending.

3.2 State Restructuring and Representation Based on Ethnic Groups

The issue of state re-structuring got the momentum after the conclusion of the armed conflict. Several armed and unarmed groups formed after the conclusion of the conflict in Tarai and Hilly areas have been demanding for autonomous states.

The demand for federal state on the basis of ethnicity is being floated citing the marginalization of the nationalities and indigenous peoples by the state partiality due to centralization. Debate on the chances of ethnic tension if the federal state was designed on the basis of ethnicity also got space. There is little opposition to federal republic Nepal. Many favor the demarcation of the states on the basis of natural resources and geography. Some others believe going federal would mean going back to the pre-unification era. One

party even launched agitation opposing the impending federal system of governance. State Restructuring Committee that was working according to the schedule could not arrive at the conclusion about the structure of the state.

The political parties have fundamental differences. They have different concept for the basis of formation of the state though they agree for federal Nepal. UCPN-M and UML among some other parties have agreed to demarcate and name the states on the basis of ethnicity, language and regional identity while NC, RPP and few others are firm against ethnicity-based states.¹¹ UML's preliminary proposal has 13 states. This has encompassed the issues of demography, mother language and status of its usage, cultural assimilation, administrative accessibility, socio-economic relation, availability of means and resources and history as the basis for the marking. If a federal unit has to be made strong and capable, it is necessary to focus on basis of capacity along with identity, the proposal says.¹² Likewise, the NC concept of federal country contains three-tier state with central, state and local government. NC has based its concept on present linguistic, cultural, religious and regional diversity taking them as national heritage. "NC wants to see Nepal as a federal democratic state as per the universal principle of multiparty parliamentary system reflecting the identity and autonomy of indigenous people, nationalities, people of Tarai and Madhesi among other several sphere."¹³ UCPN-M too has proposed 13 states¹⁴ while despite opposing the federal system Rastriya Jana Morcha has proposed seven

10. "Shasakia Swarup Anyolma". *Kantipur*. November 23, 2009. p. 3

11. Khanal, Prof. Krishna. 'Sambidhansabhako Dedh Barsha Siddhhanta Nahunda Almal'. *Himal Khabarpatrika* fortnightly. November 16-30, 2009. p. 42

12. Primary proposal on state-restructuring presented by CPN (UML)

13. Concept paper on states submitted by NC to State Restructuring and Division of State Power

14. 11 Jatiya Pradesh, 70 Jatiya Ilaka,

<http://www.nagariknews.com/news-highlights/139-highlights/4691-2009-09-04-03-21-14.html>

states and four administrative levels¹⁵. Thus, political parties submitted their concepts on state restructuring but there was no consensus.

All the agitating groups are demanding their area as separate states as much so for autonomy with themselves as the majority. Madhesi groups are demanding Tarai as single province while the Tharus across Tarai are agitating saying they were not Madhesi and demanding area in that accord. Tharu leaders claim that they are different from Madhesi group as they are indigenous groups forced to be converted as Hindus and Madhesi¹⁶. Tharu want real autonomous region in the area dominated by the group.¹⁷

Though insufficient, many made their concept on the federal state public. "Nepal is a country of minorities on the basis of nationality, language, cultural and everything else. Only 14 out of 75 districts have population with majority of some kind. In this situation, the state based on any one ethnic group is not possible. Therefore, there is no option but to go for regional and local autonomy utilizing the situation to the maximum¹⁸.

There is a belief that federal governance system is the best answer to suppression and exploitation but even this system is not without shortcomings. The opinions of national and international experts on the problems existing in federal states appeared in different media. Professor of Political Science at Princeton University Nancy Bermeo wrote in *Journal of Democracy* Volume 12 Number 2 April 2002. She says that federalism is not answer to everything and that despite high praise

of its good points by its advocates, the system is not without controversy. Basque terrorism in Spain, long and destructive war in Kashmir and sad disintegration of Yugoslavia expose that federal formula is not complete in itself and successful. She further writes that once the federal states failed, they either went through the pain of disintegration and subsequent civil war or faced dictatorship.

As Interim Constitution has already cleared way for federal system, it would be wise of the political parties to study pros and cons of the system drawing experience from other countries before arriving at the conclusion. Otherwise, the political parties will be blamed if some problems arise in the system in the future. Therefore, it is important for the parties to be serious and arrive at the consensus on the issue of federalism.

3.3 Disregard for CPA

3.3.1 Violation of CPA

Even the UN that is struggling to take Nepal's peace process to logical conclusion could not escape criticism. It was accused of interfering in internal affairs. The report presented by UN Secretary General at the Security Council was openly opposed by the government and other political parties. Nepal's permanent member at UN Madhu Raman Acharya commenting on behalf of the government said that the report was not impartial.¹⁹ Quoting the conclusion of 22-party meeting, Acharya said that the type of government and party to lead it would be decided by political parties and the parliament.²⁰ Earlier, the same meeting had concluded the UN report as

15. *Himal Khabarpatrika*. December 16-30, 2009. p. 38

16. Lekhi, Rajkumar. 'Tharulai Chahiyeko Swashasan' *Sambidhan Yatra* October-November 2009, Himal Media Pvt Ltd. p. 55

17. *ibid*, 56

18. Shrestha, Shyam. 'Bahujatiya Pradeshko Bikalpa Chhaina' *Sambidhan Yatra* October-November 2009, Himal Media Pvt Ltd. p. 64

19. 'Shanti Prakriyako Gatiprati Rastrasangh Asantushta'. *Kantipur*. November 8, 2009. p. 1

20. *ibid*

the violation of the external intervention²¹ but UCPN-M's Pushpa Kamal Dahal did not share the same conclusion. Dahal whose party was agitating demanding formation of new government in its leadership, said that the UN statement that a government of national unity and consensus for success of peace process of Nepal was not interference in the country's internal affairs. The report presented by Ban Ki Moon regarding Nepal's request for support for peace process says that Nepal was heading for crucial political and social transition and that a government of national consensus seems mandatory for timely constitution and successful integration and rehabilitation of Maoist combatants.²²

Main basis for lasting peace is the CPA but to say that CPA that came into effect ending a decade long violent conflict was incomplete is creating hurdles for logical conclusion of peace process. Political leaders are demanding improvement or amendment of CPA but there is no proper basis on which such historical document that concluded the armed insurgency can be justifiably amended.

Prime Minister Nepal said that there were some problems in operation government mechanism due to some weaknesses in 12-point understanding and the CPA²³. Defense Minister Bidhya Devi Bhandari also raised the topic in regard to issue of army integration. But amendment of such agreements will only diminish the significance of such agreements. New agreements with concerned parties would end the stalemate in the country but not abiding by existing agreement and changing it repeatedly will make find the logical conclusion of peace process

impossible.

Most of the agreements of CPA remained in words even this year. The CPA had mentioned about making the whereabouts of disappeared people public within 60 days of signing the agreement and formation of Commission for Disappeared People. But even after two years of Supreme Court order for establishment of the Commission is yet to be implemented. This has totally disregarded the victims' rights to truth, justice and reparation. Supreme Court directed government on May 22, 2007 to establish investigation commission as per international standard to ensure accountability regarding disappearance, criminalize act of disappearing, to prosecute the people responsible for disappearing victims and sufficient compensation and relief for the victims' family. As per the court order, the government tabled Disappearance (Offence and Punishment) Ordinance at Legislature-Parliament but it became void as it was not approved within six months. Earlier, the government had brought the Bill when there was no session of Legislature-Parliament. Political parties including NC and UML had vehemently criticized the Bill and civil society members. Different human rights organizations requested the government to amend the Bill as per the international law and standard²⁴. Beside that, mechanisms like Truth and Reconciliation commission, National Peace and Rehabilitation Commission mentioned in the CPA could not be established²⁵. Ministry for Peace and Reconstruction amended some provisions of the Bill after organizing discussion

21. *Himak Khabarpatrika*. December 1-15, 2009. p. 24

22. 'Ganarajya Ghoshana Arko Charanma'. *Kantipur*. November 8, 2009. p. 3

23. Report of UN Secretary General regarding Nepal's request to the organization seeking help for peace process, S 2009/553

24. 'Shanti Samjhuta Badalna Prastab'. *Nepal Samacharpatra*. December 10, 2009. p.1

25. Nepal: "Disappearances" Law Must Meet International Standards <http://www.amnestynepal.org/content/news.php?id=36>

at local and national level but the Bill was not enacted this year.²⁶ State Restructuring Commission was formed with the chairmanship of Ganeshman Gurung with the aim of preparing the frame of the federalism²⁷ but its activities were not known. The state was apparently not serious about the Commission. The government did provide compensation to the family members of the conflict victims (*For detail, see Chapter on Executive*) but they cannot leave behind the trauma at the exchange of some amount of money. They are looking for truth and justice. At the same time, access to means for their dignified living is equally important.

Article 138 of the Interim Constitution 2063 has a provision for inclusive democratic and progressive restructuring of the state shall be made to bring about an end of the discrimination based on class, caste, language, sex, culture, religion and region by eliminating the centralized and unitary form of the state²⁸ and that the final decision of restructuring of the State shall be as determined by the Constituent Assembly²⁹. However, the UCPN-M disregarding the constitution went on with declaring states on its own. By this act, the Maoists violated the spirit of constitution promulgated by itself and also the CPA. Any rule should be established or changed by forming several mechanisms and formulating laws otherwise the regime will not be sustainable and against the rule. Maoists' declaration of states also irritated some ethnic groups and also challenged the right of the CA.

The Maoists' move to declare federal states was taken as against the peace process. PM Nepal said the act had berated federalism. He clarified that the federal system was not to weaken and share the state but to fortify it³⁰. Even President Ram Baran Yadav expressed his concern over the unilateral declaration of federal states by Maoists and asked PM Nepal to find its alternative³¹. He told Nepal that it was not good for the country that a party was introducing a program that might ruffle the communal harmony while the CA had the public mandate to decide on everything including state restructuring³². Responding to the President's call, PM Nepal said he would find an alternative to the Maoist act because it was an encroachment of CA mandate, against CPA, unruly and equal to rebellious act³³. Soon after that, he held discussion with NC, UML and MJF leaders at his official residence Baluwatar. All parties concluded that the Maoists should be convinced to stop the declaration.³⁴ Maoists had announced that it would declare states from December 11 to 18. The states would include Kochila, Kirant and Newa among others prompting the government and political parties to censure the move.

While NC and UML were expressing concerns, Maoists justified the campaign as being a public awareness program for federalism and added that the party had decided to turn it into political publicity campaign rather than going for implementation³⁵.

26. Peace Committee, Peace Secretariat. Comprehensive Peace Agreement between Nepal government and the CPN (Maoist). Kathmandu. November 21, 2006

27. 'Rajya Punasamrachana Ayog Gathan'. *Nepal Samacharpatra*. April 17, 2009. p. 1

28. Interim Constitution of Nepal 2007

29. Interim Constitution of Nepal 2007

30. 'Ganarajya Ghoshanale Sanghiyatako Upahas'. *Kantipur*. November 4, 2009. p. 5

31. 'Rastapati Chintit'. *Kantipur*. November 2, 2009. p. 1

32. *ibid*

33. *ibid*

34. *ibid*

35. 'Ganarajya Ghoshana Sanketik Matrai'. *Kantipur*. November 4, 2009. p. 1

The Maoist cadres agitating with a belief that the UCPN-M should have the responsibility to run the government were found physically assaulting local level activists of other political parties and capturing land towards the end of the year. There were several clashes between YCL and Youth Force as in the past. YCL and ANNISU-R continue to misbehave with the intellectuals of education sectors. They used to beat Tribhuvan University vice-councilor while beat up Chief of Bhojpur campus which resulted in tension and administration was forced to impose curfew for some days.

UCPN-M leaders' statement on capture of power at any cost added to aggressiveness of its cadres. They were found demanding paddy in the name of seasonal donation and threatening physical action against anyone refusing³⁶. Some farmers even had to thrash their harvest under police protection because of Maoist threats³⁷. The Maoists were also accused of attacking Rukum district based journalist Tika Bishta and creating unrest by alluring people from different districts to Dudhejhari forest giving false information of land distribution. The people clashed with the police when the police used force to end the encroachment by torching and destroying their temporary huts on December 4. The clash claimed lives of three forest encroachers in police shooting and one policeman died when attacked with khukuri by encroachers³⁸.

UCPN-M cadres were also involved in attacks on leaders and cadres of other

parties. Maoist cadres rolled over boulders at vehicles including that of UML general secretary Ishwar Pokharel was in at Tiplung of Ramechhap district on May 17. Pokharel was heading for Dolakha headquarters after attending party program.³⁹ They also intensified the act of appropriation of individuals' property towards the end of the year. This violates the point 7.5.5 of the CPA which says there would not be capture of property except as per the legal provisions. Return of captured property was one of the nine points of demand forwarded by NC when Pushpa Kamal Dahal was Prime Minister. Dahal pledged that the captured property would be returned by mid-November or the government would pay compensation for any unreturned property counting the price of property since mid-June⁴⁰. However, the deed was just opposite to the word. Let alone the property being returned, the Maoists continued land and other property capture. But their activities were just the opposite. Repeating their previous pledge, the Maoists and NC inked an agreement returning captured properties within three months and disbanding para-military structure within three weeks. But, some leaders of the UCPN-M made statements at several programs declaring no return of the properties⁴¹. They captured hundreds of ropanis of land⁴².

Some human rights organizations labeled aggressive statements made by UCPN-M leaders as being opposite to CPA. Speaking at one program, its chairperson Pushpa Kamal Dahal had

36. *Nepal*. December 13, 2009. p. 14

37. *ibid*

38. Fact Finding report on the death of four persons in clash between police and the encroachers of Dudhejhari Forest at Balchaur of Baliya VDC in Kailali district. Kathmandu: Informal Sector Service Centre. December 19, 2009.

39. <http://www.cpnml.org/#251>

40. INSEC. *Nepal Human Rights Yearbook 2009*. February 18, 2009. p. 96

41. Kabja Sampati Phirta Hundaina: *Gajurel*. 066 magh 18. p. 8

42. Press Statement, INSEC. December 18, 2009 <http://www.insec.org.np/index.php?type=reports&id=3&rid=529&lang=en&tp=np>

said that they would eliminate political thugs by scarifying one million people if not 10,000⁴³. This statement showed the Maoist mentality of aggression. INSEC issued a press release saying any statement that provokes violence, creates fear in the society and threatens to take the country into war is against the spirit of peace process and human rights⁴⁴.

Questions were raised regarding Maoist commitment to peace process after a video tape of Prachanda speaking at a training of the Maoist combatants at Shaktikhor Camp in Chitwan last year was made public. The confession by him that the party had inflated the number of the combatants made quite a stir.

3.3.2 Rehabilitation of Maoist Combatants

Rehabilitation of Maoist combatants has remained a crucial point for the logical conclusion of the peace process. Management of the combatants living in the camps is main concern of the CPA. Logical conclusion of the peace process has become illusive because of the delayed management of the combatants of the camps despite the weight the issue of integration and rehabilitation of combatants is gaining.

Point 4.4 of CPA mentions that the monitoring, integration and rehabilitation of the Maoist combatants would be done by special committee formed by interim Council of Ministers⁴⁵. The then Maoists and the Nepal government agreed to set up special mechanism for integration of

the Maoist combatants, the mechanism did not get shape due to differences among the parties. UCPN-M did not do anything to form the mechanism when it was in power. Its stand was limited to integration of all Maoist combatants. Then Defense Minister Ram Bahadur Thapa and CoAS Rookmangud Katawal's relation chilled owing to this debate. Divided opinions of the political parties came in public about army integration following the formation of special committee. "The topic of integration of Maoist combatants remained a political controversy last year. Several political figures expressed that the Maoist combatants should not be integrated in national army"⁴⁶ which lingered the issue of either integration or management of the Maoist combatants. "Maoists' stand that all PLA personnel should be integrated and the stand of NC and UML that they should be kept away from national army suppressed the discussion of integration of eligible combatants and rehabilitation. All parties were seen accusing each other of unwilling to army integration".⁴⁷

UCPN-M chairperson Dahal pledge to Special Representative of the UN Secretary General for Armed Conflict and Children Radhika Kumaraswami to release 2973 children of the camps made towards the end of the last year was not met even this year⁴⁸. However, towards the end of this year, Nepal government, UN and UCPN M signed a working plan on farewell to disqualified combatants towards the end of the year⁴⁹ which gave hope that the disqualified combatants would be

43. 'Aba Dash Hajar Haina, Dashau Lakhko Balidani: Prachanda'. <http://www.onlinekhabar.com/wp/2009/12/11/33971.html>

44. Press Statement, INSEC, December 12, 2009, <http://www.insec.org.np/index.php?type=reports&id=3&lang=en>

45. Comprehensive Peace Agreement signed between Nepal Government and CPN (Maoist) November 24, 2006. p. 8

46. INSEC. Nepal Human Rights Yearbook 2009. February 18, 2009. p. 23

47. 'Maobadi Nai Chahidaina', *Himal Khabarpatrika*. October 18-November 1, 2009. p. 53

48. INSEC. Nepal Human Rights Yearbook 2009. February 18, 2009. p. 42

49. Press statement at the occasion of signing of work plan on the release of disqualified combatants http://www.unmin.org.np/downloads/pressreleases/PR_Release16.12.2009.NEP.pdf

properly managed in the very first month of next year. Proper management of Maoist combatants is one step closer to logical conclusion of peace process therefore it can be taken as on position note. We can hope that this step would be guidance for management of other combatants in the future.

Joint-secretary Sadhuran Sapkota of Peace and Reconstruction Ministry on behalf of the government, Brigadier commander Saral Sahayatri on behalf of the Maoists, Robert Piper, the residential representative of UN and Gillian Missop from UNICEF signed the work plan devised for exit of disqualified combatants. Kumaraswami, UNMIN chief Karin Lanegren, Minister for Peace Rakam Chemjong and UCPN-M chairperson Pushpa Kamal Dahal were present as witnesses.⁵⁰

The work plan targets removal of the disqualified combatants within 40 days from January 27.⁵¹ UN would facilitate the process and the released disqualified combatants will be placed at temporary camps for next six months while the rehabilitation process will last for one year. However, the disqualified combatants were not released till the end of the year.

The combatants were detached from social behavior because of their participation in PLA and residence at the camps. The period also stalled the development of their personality leading to psychological problems in some of the former combatants (For details see Chapter on Executive). Therefore, enough caution should be taken to the probable problem

if proper management of the released disqualified combatants as per their wish could not be carried out.

3.3.2.1 Combatants' activities outside camps

Though the Maoist combatants were supposed to remain inside the camp periphery, many incidents of their involvement outside the camps were reported. Point 5.1.5 of the CPA has barred member of both armies from attending any civil assembly or political assembly or public program with weapon or combat dress but the Maoist combatants were seen fledging the agreement. This raised the question over UNMIN monitoring. Some organizations stated that the Nepali people would be convinced of UNMIN expertise if such incidents were not repeated. However, the Maoist combatants were seen involved in violent activities too. Home Ministry claimed that one of the deceased in clash in Dudhejhari forest after the Maoist instigated encroachment of forest was a combatant from the camp⁵². Bhim Rawal at a press conference told that identity card recovered from one of the deceased of December 4 clash during post mortem revealed that he was Narendra BK and member of PLA⁵³. Ministry made public the identity card numbered 3682 with his photo numbered DSC 0076⁵⁴. Releasing the fact finding report on the Dudhejhari clash, INSEC, INHURED International and RRN had demanded clarification from UNMIN regarding government charge of involvement of registered PLA man⁵⁵. UNMIN pressured

50. 'Ayogya Ladaku Bahirgaman Karyayojanama Hastakhsar- Push 12 Dekhi 40 Dinko Samayasima'. *Annapurna Post*. December 17, 2009

51. *Kantipur Daily*. December 17, 2009. p. 1, 3

52. 'Dudhejhari Ghatana Suniyojit: Rawal'. *Gorkhapatra*. December 7, 2009. p. 1

53. *ibid*

54. *ibid*

55. Fact Finding report on the death of four persons in clash between police and the encroachers of Dudhejhari Forest at Balchaur of Baliya VDC in Kailali district. Kathmandu: Informal Sector Service Centre, December 19, 2009. <http://www.insec.org.np/pics/1262075723.pdf>

for released of Maoist combatants arrested with registered weapon defending the act as for self-security. Police arrested 19 Maoist combatants with weapon at Jitpur of Kapilbastu on August 23 but they were bailed out by UNMIN the same night⁵⁶. Likewise, in Banke UNMIN requested the district administration to release Maoist brigade commander Dipendra Shah aka Yuganta arrested with weapon. Banke CDO Birendra Bahadur Baniya refused UNMIN request and demanded written statement with explanation whether the weapon Shah carried was registered and whether anyone could carry a weapon outside the camp. UNMIN's Weapon Monitoring Department Chief Edward Valery wrote twice that the combatants could carry weapon for personal security. The administration ordered three months of incarceration⁵⁷. Shah said that he was arrested as he had gone to market to buy cheese balls for his daughter after she become upset at not getting anything from him during his visit in Nepalgunj⁵⁸. He was released after five days in jail.⁵⁹

Earlier too, police arrested Brigade Commander Prakash GM alias Abiral, Bir Bahadur GM alias Prakash, Devendra Pun Magar and Urgen Lama of Shaktikhor camp in Chitwan from Baudhha when they had come to the capital to attend meeting of PLA commanders.⁶⁰ INSEC issued a statement terming the act as being against CPA. The statement urged the Maoists to stick to Agreement on Management of Arms

and Armies where point 5.1 of Agreement on Management of Arms and Armies had criminalized carrying weapon.⁶¹

INSEC drew the attention of the UNMIN saying that only impartial operation by UN abiding by the agreement would meet expectation that the Nepalis have from UN⁶².

3.3.3 People Deprived of Transitional Justice

Transitional justice means a compilation of judicial and non-judicial methods adopted by the state to deal with violation of human rights and humanitarian laws of the past after the end of war or conflict.⁶³ For the management of transitional justice, the government should investigate and expose the past grave violations of human rights and initiate legal proceedings against the perpetrators. One major condition of the peace process is to bring the perpetrators behind the bar by devising required rules and regulations as per the principle of transitional justice and setting up special mechanism. The CPA mentions formation of Truth and Reconciliation Commission⁶⁴ and forwarding action against anyone involved in serious violation of human rights but nothing was done in this regard. Instead, the government provided protection to many accused of being involved in crimes during the armed conflict. Brigadier Toran Jung Bahadur Singh was promoted despite opposition from national and international

56. *Kantipur*. December 4, 2009. p. 9

57. *ibid*

58. *ibid*

59. *Kantipur*. December 6, 2009. p. 5

60. Press Statement, INSEC, March 17, 2009. Kathmandu

61. *ibid*

62. *ibid*

63. Upreti, Dr Trilochan, Keshav Prasad Banstola, Sankramankalin Nyaya Ra Manavadhikar, 2008, Kathmandu. p. 38

64. Comprehensive Peace Agreement signed between Nepal Government and CPN (Maoist) November 24, 2006, point 8.4, Peace Committee. p. 26

levels while one of the accused of Maina Sunar case Major Nirajan Basnet was not presented at civil court⁶⁵. Speaking for Major Basnet, Defense Minister Bidhya Devi Bhandari even vowed to protect him.⁶⁶

This instance proves the tendency of those in policy making level encouraging the culture of impunity and ignoring the culture of accountability. In this context, to expect guarantee of transitional justice from the government would be like waiting for Godot.

3.3.4 Rule of Law, Impunity and Accountability

Impunity and lack of accountability have remained major problems in the country. In absence of rule of law. Crime rate soared and people's human rights were ignored. Political leaders focused on attainment of power were seen involved in protecting the criminals. Parties craving for power ignoring people's issues failed the rule of law and added to instability. "The country's policy was limited to the periphery of parliament though the differences among the parties during the period between resignation of the then Prime Minister Puspa Kamal Dahal and entry of Madhav Kumar Nepal as the Prime Minister."⁶⁷

Adherence to rule of law is mandatory to maintain legal supremacy. It is necessary for every body of the state follow laws and policies. End of political interference in police cases is quite essential for establishment of rule of law. Legal action against the culprits and bolstering security mechanism are must for sound foundation of peace and security. Policemen who lost their morale during

the armed conflict need to be resurrected as sturdy security force. Heavy presence of security force and legal action can improve the security situation in the country. But, the policemen, still on low morale, are undermined by Maoist cadres. This situation does not help. To tackle this, the top leaders of the political parties should issue tough direction to their cadres and to seriously execute it.

Home Ministry devised a security plan to upgrade security situation in the country but that also gave rise to suspicion of fake encounter death being occurred. Death of the members of armed group in encounters without any scratch to the security persons bred that kind of suspicion.

Neither government nor the UCPN-M attempted to build on the culture of accountability. Perpetrators of many incidents occurred during and after the conclusion of the peace process could not be brought to justice. The government seemed helpless as it could not take any action against any criminals whose names had made public. This can be seen as government's helplessness to maintain rule of law.

The government could not take legal action against many who violated human rights after the conclusion of the conflict. No action was taken against the prime accused Kali Bahadur Kham in the last year's killing of Ramhari Shrestha. Kham is still among the party brass of leaders. Ramhari Shrestha of Koteshwar, Kathmandu was beaten to death at Third Division Camp at Jutpani in Chitwan after disagreement in financial dealing. Huge protest against the killing forced the Maoists to form an investigation committee

65. Ghale Khim and Adhikari Sarojraj, Senapati Ayepachhi Senani Basnetlai Adalatma Bujhaine. Kantipur. December 28. p. 1

66. 'Basnetlai Karbahi Huna Dinna'. Kantipur. December 22, 2009. p. 3

67. Yadav, Lalbabu. 'Samsadiya Paddhatimai Simit'. Himal Khabarpatrika. September 1-16, 2009. p. 50

led by politburo member Post Bahadur Bogati. However, the report was not made public except for the excerpt incriminating combatants Keshav Adhikari alias Raghu, Gangaram Thapa alias Atom and Govind Ram Batala alias Jivit. Third Division commander Kham alais Bibidh, said to among main accused, was promoted instead of being handed over to police. Jivit surrendered soon after the incident came into public while Raghu and Atom were suspected to be allowed to escape from the camp by Bibidh.⁶⁸ Similarly, the claim that two of the four Maoist cadres accused in killing of Birendra Sah, Lal Bahadur Chaudhary and Kundan Faujdar were promoted as Bara District Committee secretariat members and that one of them was arrested and released but this claim could not be substantiated. The government could not take legal action against them. After pressure from concerned groups, the party formed a commission. The commission recommended action against the accused but they got promotion instead.⁶⁹ UCPN-M formed a commission in the leadership of Bhojpur sub-state committee in-charge Hari Bhakta Kandel with Rautahat secretary Prabhu Sah and then law maker from Bara Shila Yadav after it became public that Bara district co-in-charge Kshetra Bahadur Shrestha alias Anil carried out murder of Birendra Sah. The Commission recommended Shrestha's suspension but he was promoted to Parsa district in-charge instead.⁷⁰

Likewise, YCL cadres shot dead Youth Force cadre Prachanda Thaiba in Butwal but no action was taken against the accused YCL Rupandehi district coordinator Sujit BK. By protecting the

accused killer, UCPN-M made mockery of law while the government by not initiating action against him added to flourishing culture of impunity.

Despite huge pressure⁷¹ from national and international human rights organization against the promotion of Toran Jung Bahadur Singh saying he was involved in human rights violation, the government went on to promote him⁷².

These organizations had demanded fair investigation of human rights situation at a time when Singh was the commander of Bhairabnath Battalion before his promotion. The Battalion is infamous for disappearance of 49 persons. The government did not launch investigation and action against the perpetrators as recommended by the OHRCR report on the disappearance of 49 persons from the Battalion. This instance also reveals the culture of no accountability of the government.

UN repatriated Major Nirajan Basnet, an accused in killing of Maina Sunar of Kharelthok, Kavre from UN Mission. Not presenting him at the civil court as per the court order. Major Basnet was taken into custody Nepal Army. Army did not hand over Major Basnet despite criticism from the human rights organizations. Shielding Major Basnet by Nepal Army drew angry reaction prompting some human rights organizations to question whether the court defying institution was under the Nepal government. INSEC issued a statement appealing to Nepal government to keep vigil over the activities of all military and civil servants associated in the case, which has breached discipline, rule of law and national dignity,

68. *Himal Khabarpatrika*. December 1-15. p. 52-53

69. *Himal Khabarpatrika*. December 1-15. p. 53

70. *ibid*

71. *The Himalayan Times*. December 2, 2009. P. 3

72. 'Aropit Sainikko Badhuwa'. *Kantipur*. December 25, 2009. p. 1

and take action against them for fulfilling its moral and legal responsibilities.⁷³ Other organizations protested Army's move of not presenting Major Basnet to the court but neither Army nor the government showed any seriousness.

Highest number of disappearance occurred in the district of Bardiya in Mid Western region. OHCHR submitted a report last year after conducting a study on the issue but the government could not further any action in this regard. Main responsibility of the government was to institutionalize peace process and to provide justice to the victims by forming different commissions as per the CPA and taking action against the perpetrators after deciphering truth. But this was not included in agenda of any government which had shown disregard for accountability.

'Impunity is the enemy of rule of law and democracy whereas abiding by the rule is pre-condition for peace, stability and development. Impunity is not acceptable in 21st century. This is for certain that impunity might provide political benefit in the short run, but in the long run, it will be a cause of long lasting problem. Therefore, immediate solution is not in forgetting the past violent conflict; impunity should be tackled through law and justice as proper resolution in the long term. For this, government, political parties, civil society, victims and human rights defenders should come together with single slogan and courage. Otherwise, there would be international shame for the nation and it might have to external interference.⁷⁴ The non-government community kept exerting pressure on government to draw

its attention towards the need to end culture of impunity but the government did not pay attention to it. Accountability Watch Committee was formed by human rights organizations to advocate for the establishment of rule of law by ending impunity but government did not show any interest towards its pressure. AWC had condemned Toran Singh's promotion. Human rights defenders affiliated to AWC issued a statement regretting the government decision to promote Toran Jung Bahadur Singh to the post of Lieutenant General, accused in the grave violation of human rights with link to disappearance of 49 persons from Bhairavnath Battalion.⁷⁵

Gang rape of policewoman Suntali Dhami by her colleagues at Achham Police Station also became a major human rights issue this year. After fact finding mission, NHRC recommended action against the accused but the government did not show any concern towards it. A team of women CA members had also concluded that Dhami was raped by her colleagues and informed Home Ministry about it. But, three out of six named in the FIR were not even taken to court. Thus, the government was indifferent towards the demand by NHRC and other human rights organizations for prosecution of the accused.

Reacting to Supreme Court order on a writ filed against Vice-President Paramananda Jha's oath in Hindi Language, Jha declared that he would not retake oath in anybody's pressure. Government also decided that Jha should take oath in Nepali as per the court order. But, he refrained. Jha who spent several years in judicial

73. Nepali Senale Kanun Manchha Ki Mandaina? Press Statement, INSEC. December 14, 2009.

74. Upreti, Dr Trilochan, Keshav Prasad Banstola, Sankramankalin Nyaya Ra Manavadhikar, 2008, Kathmandu. p. 64

75. 'Sena Badhuwako Nimaya Phirta Lina Adhikarkarmi haruko Agraha', www.inseconline.org, accessed on December 30, 2009
<http://www.inseconline.org/index.php?type=news&id=26680&lang=np>

sector, resorted to contempt of the court. Disregard for culture of accountability by such high profile national figure gave rise to suspicion whether they would serve the common people. State Minister for Agriculture and Cooperatives Karima Begum physically assaulted Parsa CDO Durga Prasad Bhandari in his office but no action was taken against Begum. She had assaulted Bhandari for sending old vehicle to receive her. When the news came in public, she defended her act. She issued an apology, weeks after the incident as furor did not die out.

4. ARMED GROUPS AND VIOLATION

Violence did recede in Tarai though the criminal acts of armed groups continued in Tarai who supposedly have demand of Tarai as single state. The number of incidents of abduction and killing of civilians decreased following the implementation of special security plan. "Tough presence of government in Tarai under Special security plan resulted not only in arrest of leaders of many groups and renunciation by many cadres; it also improved the security situation to some extent".⁷⁶ But, there was a fear that death of some such leaders and cadres could have taken place in the name of encounter. "The government has claimed reduction of violent crime after special security plan came into effect. However, the Madhesi leaders have protested saying that many arbitrary tactics are used under the plan which has not been made public".⁷⁷ The armed groups are working for adding up force following the special security plan.⁷⁸ The plan came into effect from mid July with the aim of stopping robbery, extortion and killing in Tarai in the name of political cause. Police arrested leaders and cadres of

some armed groups. Arrests of the leaders nearly stopped the activities of the groups except for few like Goit and Jwala Singh led groups in Siraha and Saptari districts.

The government defined Tharus as a Madhesi people in its Public Service Inclusion Act that came into effect through an Ordinance on February 3 though the community was maintaining for the past few years that they were not Madhesi people. Tharuhat Joint Struggle Committee (TJSC) called for three-day Tarai bandh protesting the government decision. The government failed to take heed of the Tharu demand prompting the TJSC to turn the bandh into indefinite one. The bandh disrupted the normal life not only in Tarai but also in hilly districts and the capital while there were clashes at several places with loss of human lives and physical properties. This forced the government to call the TJSC for talks. When many of rounds of talks failed, an all-party meeting tried to find a way out of the problem. A late-night 6-point agreement with TJSC in the presence of the PM concluded the Tharu agitation.

The underground groups were also seen active in eastern hilly districts. These groups with said demand for ethnic state are involved in acts of extortion, capture of property, abduction and beating causing difficulties for common people and added to environment of insecurity and fear.

4.1 Weak Implementation

Tendency of the government to pacifying the armed groups of Tarai by holding dialogues continued this year. But, it seemed little concerned that failure to execute agreements signed year after year can lead to explosive situation in future. The government should realize

76. Salbalaudai Bandukharu. *Nepal*. December 13, 2009. p. 35

77. Report of UN Secretary General regarding Nepal's request to the organization seeking help for peace process, <http://www.unmin.org.np/downloads/keydocs/SG.Report%20OCT%2009.NEP.pdf>

78. Salbalaudai Bandukharu. *Nepal*, December 13, 2009. p. 34

such problems will keep arising if the agreements are signed just to quell the dissatisfaction for the time being. This year too, the agreements were signed with different groups but the implementation was totally ignored.

Government talks team and Nepal Backward Community Federation held two rounds of talks and signed agreements both times. According to these agreements, the backward community upliftment committee would be formed⁷⁹ which never happened.

Likewise, dialogue was held between the government team and Liberation Tigers of Tarai Eelum (LTTE) in Birgunj. Government protection of the members of LTTE talks team, providing the name lists of its cadres jailed or under trial and their gradual release after investigation and holding peaceful political assembly, rally, procession, seminar and national building works in coordination with District Administration Office.⁸⁰ Agreement with JTMM (Rajan Mukti) said that the group would halt its violent and illegal activities and resort to peaceful political assembly and programs in coordination with District Administration Office while the government would provide the name lists of its cadres jailed or under trial and their gradual release after investigation among others. Likewise, a 19-point agreement was signed between the government and Tamsaling Joint Struggle Committee, Nepal after discussion over the group's 26 points of demand with support for federal democratic republic and drafting of new people-oriented constitution.⁸¹

Tharus launched agitation demanding their identity as different from Madhesi people. A 6-point agreement with TJSC in the presence of the PM held between the government and the representatives of Tharu community and Nepal Indigenous Nationalities Federation.⁸² Agreement was reached when the government professed to Article 33 (4) (d) of the Interim Constitution which says that an inclusive, democratic and progressive restructuring of the State would be carried out by eliminating its existing form of centralized and unitary structure in order to address the problems related to women, Dalits, indigenous tribes, Madhesis, oppressed and minority community and other disadvantaged groups, promising due amendment of Acts put into effect through Ordinance including Police Act, Armed Police Act, Army Act, Education Act, Development Act, Health Services Act, Nepal Special Services Act.⁸³ Absence of execution of the agreements signed with these groups show dissatisfaction of these groups giving a chance of these communities re-launching their agitation.

5. NATURAL DISASTER AND GOVERNMENT APATHY

One of the prime responsibilities of the state is to ensure people's rights to food and health services. Every state has guaranteed the rights of its citizens to security and to live freely by devising laws and rules and other mechanisms. Nepal government has also guaranteed its citizens' fundamental rights through the constitution including right to basis

79. Agreement between the government talk team and talk team of Nepal Backward Communities held on March 24 and June 21, 2009

http://www.peace.gov.np/admin/doc/obc_sahamati.pdf

http://www.peace.gov.np/admin/doc/obc_asadh_7.pdf

80. Agreement between the government talk team and talk team of Liberation Tigers of Tarai Eelum

http://www.peace.gov.np/admin/doc/litte_sahamati.pdf

81. Agreement between the government talk team and talk team of Tamsaling Joint Struggle Committee

http://www.peace.gov.np/admin/doc/tamsaling_sahamati.pdf

82. http://www.peace.gov.np/admin/doc/tharu_adiwasi.pdf

83. *ibid*

health. But, the government was found lagging in providing guarantee to people's right to health. Even when their lives were endangered, the government was not sensitive enough to take any effective step to tackle the situation. Some districts of Mid Western and Far Western region were badly hit by diarrhea epidemic this year. The government sent some teams of doctors and medicine after the situation changed for worse but the epidemic continued to raise life as the government efforts fell short of requirement.

Government apathy was visible when delayed response resulted in loss of over 400 lives in some districts of Far and Mid West owing to diarrhea epidemic. Lack of medicine, medical personnel and delayed awareness campaign turn a diarrhea outburst into an epidemic.

Some organizations claimed that lack of proper monitoring system and indifference from concerned parties had aggravated the situation. INSEC concluded after a fact finding mission that less than of required number of appointed doctors in hospitals in remote districts, lower attendance of medics than appointed, delayed reaction to outbreak, poor coordination among those involved in institutions present for relief operation and failure to take the require medicine and personnel in affected areas on time were adding to spread of the disease.⁸⁴ During its fact finding mission, NHRC collected samples of food distributed by WFP under its project 'Food for Work' which were found substandard by Food Technology and Quality Control Department.⁸⁵ The situation of the diarrhea-affected areas shows that the people in that region were denied of their rights to health,

food and water.⁸⁶ The government's disregard for people's rights to food and water is disregard for their right to life. NHRC had recommended government to draw the attention of Ministry of Health and Population for regular monitoring of hospital, sub health and health posts and their human resources and sufficient medicine in diarrhea-affected and other areas to ensure the citizens' rights to health.⁸⁷ The NHRC report also demanded to find out the reason behind such outbreak and action against anyone responsible for checking its spread but there was no information regarding government response to NHRC demand.

Likewise, flood and landslides in Far and Mid Western Region from mid-September to mid-October displaced thousands of people. A policy exists to protect the individuals displaced due to natural or man made disasters but the government failed to act follow that. The political conflict diverted focus of people in decision making level. There was no action taken for those affected by last year's rampage of Kosi River. Beside that, the government also could not give attention to the problem of landless people.

6. LEGISLATIVE INTERFERENCE IN JUDICIARY

Principle of Balance of Power expects judiciary as an independent and separate organ. But, the UCPN-M's proposal of judiciary under legislature has scorned the principle. The proposal of placing the judiciary under the control of legislature remained one of the major controversies this year. Judicial committee of CA headed by UCPN-M leader approved a provision allowing the Legislature to interpret law. The proposal was criticized

84. http://www.inseconline.org/linkedfile/PressMeet_August%2015.pdf

85. National Human Rights Commission. Monitoring and Investigation report on the death of civilians due to diarrhea and distribution food in the districts of Mid and Far Western Region including Jajarkot. October-November 2009. p. 14

86. *ibid*

87. *ibid*

by NC and UML along with people of legal field and organizations. "It would be against the principle of balance of power in a democratic system if the legislature can interfere with the work of justice".⁸⁸ Placing judiciary under legislature would be a rare example of subservient judiciary in democratic system. Interpretation of law by the law drafting body would not only be arbitrariness but also against the judicial system. (For details, See Chapter on Judiciary)

7. RECOMMENDATION AND CONCLUSION

Political parties did not seem serious enough to constitution drafting process, rehabilitation of Maoist combatants and transitional justice which were the major milestones for logical conclusion of the peace process. The inter-parties differences took the political instability to the peak. Following the President Dr Ram Baran Yadav's move to re-instate then CoAS Rookmangud Katawal dismissed by the PM created political stalemate and obstructed parliamentary exercise.

The signing of work plan regarding release of disqualified Maoist combatants by Nepal government, UCPN-M and UN can be taken as positive step. If followed, release and rehabilitation of the disqualified combatants will take place early 2010. The management of the Maoist combatants was delayed after several political parties openly expressed reservations at integration of Maoist combatants in Nepal Army. Maoists kept protesting new recruitment by the Nepal Army.

Despite having respite from daily violence, the conflict victims could not get justice even this year. Establishment of Truth and Reconciliation Commission to be formed to expose truth and to bring

those responsible for grave human rights violation to the court remained in paper. None of the other Commissions were established either.

Culture of impunity remained in the country as in the previous years. No legal action against those involved in criminal activities, political protection to criminal and withdrawal of cases by the government added to impunity.

Trend of calling for bandh to fulfill one's demand continued this year too. Bandh called by several groups fighting for their separate identities had adverse effect on public life. Government held talks and signed agreement with several groups but failed to execute them being complacent about future unrest by groups frustrated at non-execution.

Political parties ought to come to consensus by doing away the political uncertainty and instability. As main function of the state during the present transitional phase is the logical conclusion of the peace process, political consensus is necessary to realize all the pledges of the CPA.

Government and political parties should uphold guarantee of rights to the people as per the national and international commitments and to avoid politicization of cases.

Government and political parties must ensure justice to victims by making the past reports submitted by several committees and commissions they formed and initiating legal action against the perpetrators. While building consensus for management of Maoist combatants as crucial part of peace process, the government and the political parties must be conscious of the fact that timely drafting of the constitution is the main concern of the state.

88. Khanal, Prof. Krishna. Sambidhansabhako Dedh Barsha: Sidhanta Nahunda Almal. *Himal Khabarpatrika*. November 1-30, 2009. p. 42



3.1 State & Human Rights

Chapter

Judiciary & Human Rights

3

Chronology

January 1- December 31, 2009

January 1

The Supreme Court issued an order not to implement the cabinet decision of October 28, 2007 to withdraw 349 cases.

January 7

The Supreme Court annulled the appointment of new priests in the Pashupatinath Temple, made by Prime Minister Pushpa Kamal Dahal, at the capacity of the patron of the Pashupati Area Development Trust.

The Supreme Court issued a mandamus order to the government to return all those properties captured by the UCPN-M during the period of armed insurgency within three months, after forming district-level mechanism.

January 17

The Parliamentary Hearing Special Committee unanimously approved the names of two permanent and eight temporary Justices of the Supreme Court.

February 4

The Supreme Court issued a directive order to the government to complete the Chamati Land Integration Project.

February 6

Agreement signed between the Supreme Court and Nepal Telecom to make provisions for Justices to assess cases from their homes by providing them with internet facilities, and by developing networks among courts so that they could transfer documents to each other.

February 9

Supreme Court ordered the government to amend the provision of number 11 of Rape Chapter of National Code.

February 11

The Supreme Court ordered the government to promulgate a law for the protection of the rights of people infected with HIV/Aids.

February 20

The Supreme Court called on defendant to discuss a writ regarding the appointment of Officials at the Nepal Academy.

The Supreme Court issued a show cause order to the defendants in a writ registered at the Court, demanding the nullification of three Ordinances issued by the government, claiming that these Ordinances were against the spirit of the constitution.

February 22

The Supreme Court issued interim order in the name of the Ministry of Defence and Army Headquarters to stop new recruitment.

February 24

A meeting of the Judicial Council appointed 10 Chief Judges of the Appellate Court and transferred two.

March 10

The Supreme Court issued directive order to the Government to manage Child Reform Centre

March 17

Prime Minister Pushpa Kamal Dahal informed the Supreme Court that he withdrew the charges of 349 people as per a legal provision.

March 19

Judicial Employee's Organization Judicial Officer's Society asked the Chief Justice not to implement the Quota system in the appointment of Judges.

Supreme Court directs the

government to supply reasons for removing the charges levied against the accused of the murder of journalist Prakash Singh Thakuri.

March 22

The Supreme Court issued an interim order to the Constitutional Council in a writ filed at the Supreme Court claiming that, as the Legislature-Parliament has the mandate of forming Law, the Constitutional Council defied this rule by forming Regulation manipulating constitutional.

March 24

The Supreme Court issued an interim order against the implementation of the decision of the Defense Ministry not to extend the tenure of eight generals.

April 1

Judges issued a declaration concluding that they were not able to work independently and impartially, due to threats and unruly behavior directed against them.

The National Conference of the Justices, suspended the Code of Conduct 2055, and issued a new Code of Conduct.

April 2

The Supreme Court ordered to find the whereabouts of 434 persons disappeared by the state.

April 7

The Supreme Court ordered the government to implement the Land Ceiling recommended by Land Reform of 2001.

April 8

Supreme Court suspended the order not to implement the Regulation of the Constitutional Council.

April 13

The Government Attorney's Society demanded the appropriate representation of government attorneys in the appointment of Judges.

April 15

A writ petition was filed in the name of Education Ministry, Finance Ministry, Higher Secondary Education Board, PABSON, NPABSON and HISSAN for the fee hike by the Private Schools.

April 20

Ruling parties started political discussion for appointment of the new Chief Justice against the spirit of Interim Constitution.

Lawyers took part on behalf of the govt. in the pleading at the Supreme Court in a case related with expansion of tenure of eight Lieutenant Generals.

April 21

Pleading continued at the Supreme Court on the case of eight Lieutenant Generals.

April 22

The Supreme Court quashed the writ filed at the Supreme Court against the government's decision of March 15, 2001 to ban strikes for essential goods and services

April 26

The Supreme Court issued Show Cause notice to the government in a writ filed against the notice of the Kathmandu District Administration Office declaring a prohibitory order in various places, including Maitighar Mandala.

April 30

The Supreme Court ordered the government not to incorporate the provision of being unmarried as a qualification in the recruitment of Nepal

Army.

The Supreme Court issued a Directive Order to the government, for the relevant amendment of Military and Police Regulations regarding the provisions for women.

May 5

The Supreme Court issued a show cause notice to the defendant in a writ that challenged the decision of the President Dr. Ram Baran Yadav to uphold Chief of Army Staff Rookmangud Katawal, who was fired from the post by the government.

May 6

The Supreme Court demanded the seat-role from the Army Headquarters in connection with a case regarding the age of Chief of Army Staff Rookmangud Katawal.

The Supreme Court issued an order to the government to distribute all land which exceeded the ceiling. As per the Land Reform Act 2021, the ceiling of land belonging to the person or family is 25 Ropanis in the Kathmandu valley, 10 bighas in the Tarai and 70 ropanis in the hilly region except for plots to build houses.

May 8

The Supreme Court gave continuity to its previous interim order to the government, not to implement the decision of the Defense Ministry, a decision which was against extending the terms of eight generals, made in response to a writ filed by the government at the Supreme Court challenging the interim order.

May 12

The full meeting of Justices of the Supreme Court, at the chairmanship of Chief Justice Min Bahadur Rayamajhi, decided to establish a Central Verdict

Implementation Directorate at the Supreme Court.

May 13

A writ petition was filed at the Supreme Court claiming that the decision of the government to sack Chief of the Army Staff Rookmangud Katawal was unconstitutional.

A high level complaint hearing unit was established at the Supreme Court to conduct the hearing of such complaints.

May 14

Supreme Court ordered the government to submit their reasons for sacking the Chief of Nepali Army, Rookmangud Katawal.

May 18

Chief Justice Min Bahadur Rayamajhi issued a 16-point directive to the Chief Judges of the Appellate Court, to give their verdict on cases pending for more than two years old, in their court and courts under their jurisdiction.

May 19

The Supreme Court issued a Directive Order to the government, to promulgate new legislation relating to abortion.

May 21

The Supreme Court issued an interim order to Pashupati Area Development Trust not to immediately implement its Regulations.

June 25

The Supreme Court nullified the clause 8 of the Human Trafficking (Control) Act 2064 as the clause is against Article 24 (5), (9) of the Interim Constitution of Nepal and International Treaties to which Nepal is a party.

June 27

The Supreme Court made the decision that Clause 3 of the Nepal Citizenship Regulation 2066 B.S. is against the standard of Nepal Citizenship Act 2063 B.S. and international human rights instruments to which Nepal is a party.

June 28

Chief Justice Min Bahadur Rayamajhi sought a written explanation from Chief Judges of the district court, for not taking action against persons who gave inaccurate statements in the court.

July 16

The full meeting of the Justices of the Supreme Court, chaired by Chief Justice Min Bahadur Rayamajhi, resulted in the decision to implement the panel system.

August 3

The Supreme Court issued an order to the government to initiate efforts to control the diarrhea disease in the epidemic-hit districts of Mid Western Region, including Jajarkot, Surkhet, Dailekh and Rukum district, after declaring Health Emergency in these districts as per the Epidemic Control Act 2020.

August 12

The Supreme Court ordered the government to promulgate and implement new security policy for the protection of Rights of Human Rights Defenders.

August 14

A Writ was filed at the Supreme Court challenging the decision of the government to extend the tenure of the UN-OHCHR in Nepal as per the MoU that had expired, terming it as illegal.

August 17

The government made the decision

that Vice President Permananda Jha should take his oath in the Nepali language as per the order of the Supreme Court.

The Supreme Court issued a mandamus order to form laws to end domestic violence and acid attack.

The Supreme Court ordered the National Human Rights Commission to furnish the investigation report of the 49 persons allegedly disappeared from Bhairavnath Battalion during the period of armed insurgency.

August 19

The Supreme Court issued an order making it mandatory to present a detainee to the court, while presenting his/her case in Court.

August 20

The provision that allowed the issuing authority to refuse to provide an individual with his/her passport, without showing any reason relating to the Passport Act 2024, was suspended by the Supreme Court.

The Supreme Court issued a show cause notice to the defendant in relation to a writ filed by the Court demanding that the government hold the land exceeding the ceiling stated in the Land Act 2021 BS, and distribute this land to landless people.

The Supreme Court issued an order in the name of the government to form necessary policies to empower the National Women Commission, as per the Women Commission Act 2006.

August 23

The full Bench of five Justices of the Supreme Court, gave the verdict that the Vice President would be removed from his post if the Vice President did not take the Oath in the Nepali language within seven days.

September 2

The proposal of the Judicial System Committee was approved, as was the provision of appointing a Chief Justice directly

September 6

Judicial Council appointed 47 Judges at the Appellate Court and 27 Judges at the District Court.

September 17

Kavrepalanchowk District Court ordered the suspension of the then Captain of the Nepal Army, Nirajan Basnet, as per clause 66 (3) of the Military Act 2063, stating that Basnet was found guilty in the case.

October 6

Stating that the use of children in the hazardous work of circus is a violation of children's fundamental rights and the Human Trafficking Act 1976, the Supreme Court ordered the government to stop this type of criminal offence.

October 12

The Supreme Court ruled that children should not be detained at the order of the Chief District Officer.

October 14

The Supreme Court ordered the Department of Information and Complaint Committee to submit information in a case filed by journalist Ram Prasad Dahal, who was fired by Rajdhani daily without being paid any remuneration.

Stating that cases were not decided as per a strategic plan, Chief Justice Min Bahadur Rayamajhi issued a directive to monitor the absence of Judges working in the field.

October 15

The Supreme Court issued a Mandamus order to the government to ensure the rights of street children.

October 23

The Supreme Court issued a verdict that cases on corruption charges could be filed as per the provision of 2017 B.S. in acts committed before 2059 B.S. In its verdict in the case of Ishwor Pokharel, the full bench of the Supreme Court said that Clause 20 (1) of the Corruption Control Act 2059 was in continuity with Clause 17 of the Corruption Control Act 2017 B.S.

November 4

The Supreme Court issued an interim order to halt the work of the High Level Land Reform Commission, formed by the government, at the chairmanship of CPN-UML leader, Ghanendra Bahadur Basnet.

November 14

Verdict was made stating that it is a criminal offense to beat children in the name of imparting education or protection.

November 30

The Constitutional Council recommended Anup Raj Sharma for the post of Chief Justice.

December 27

A Writ was filed at the Supreme Court, demanding the revocation of the cabinet decision to promote Toran Bahadur Singh, who was allegedly, involved in human rights violations, to the post of Lieutenant General.



1. BACKGROUND

Some important decisions were made by the Supreme Court this year regarding the protection of human rights, and law and order. One such important decision made by the Supreme Court related to the protection of life and freedom of citizens. The Supreme Court publicized the whereabouts of two persons one day after the filing of a Habeas Corpus writ, thus highlighting their dedication to their role as protector of fundamental human rights.

However, there was little progress in the field of Legal Reforms due to a number of different reasons such as the non-cooperation of the government in certain cases, the Army Headquarters refusing to cooperate with Court Orders, and indeed the continuous obstruction of the parliament for long periods of time. Some cases of national importance such as the jurisdiction of the President regarding the reinstatement of the Army Chief, the Age Dispute of erstwhile Chief of Army Staff Rookmangud Katawal, along with dozens of other cases related to corruption, failed to be resolved by the judiciary this year. In some instances, it seemed that the legislature and executive attempted to influence judiciary, and the Supreme Court also made similar claims to this effect in its annual report. Such claims are a matter of much concern as any such situation greatly challenges the independence of the judiciary.

Some important cases of public importance were filed at the Supreme Court this year. These were as follows: the decision of the government to extend the tenure of the UN-OHCHR in Nepal; the government's inaction towards India's encroachment on Nepal's border; demands to annul 38 decisions made by the UCPN-Maoist led government; a case

seeking the annulment of the appointment of Madhav Kumar Nepal as Prime Minister; demands to annul the Oath of the Vice President; Recruitment by the Army; and the promotion of Army Officer Toran Bahadur Singh, who was allegedly involved in incidents of human rights abuses, to the post of Lieutenant General. These cases caused much controversy in the Supreme Court and in other courts across the country this year.

The writ petition filed at the Supreme Court, regarding the recruitment of Nepal Army soldiers and Maoist Combatants, drew widespread attention. The Supreme Court made the decision to validate the Army recruitment process and annul its interim order, saying that the recruitment process had already taken place.

The judiciary also received criticism for their inability to remain free from political interference. Three Chief Justices led the Apex Judicial body of the country this year. Following a parliamentary hearing, Min Bahadur Rayamajhi took the leadership of the Court after former Chief Justice Kedar Prasad Giri, who was appointed for the post last year, retired after reaching the age limit. Chief Justice Rayamajhi retired from the job in November after holding the post for seven months. He was succeeded by Anup Raj Sharma, who has been leading the Apex Judicial body of the country for the last three and half months after the Parliamentary Hearing Committee unanimously approved him for the top job of the judiciary.

Furthermore the appointment of judges of the Appellate and District Courts also did not remain free from controversy. The government and political parties continued to defy court orders. The draft presented by the Judicial System Committee of the Constituent Assembly attempted to allow the Legislature greater

control over the judiciary, an act which was widely criticised.

As the country has been passing through transitional period, some cases of a political nature were also filed at the Supreme Court, in the hope of finding a judicial explanation to legal and constitutional disputes. Delays by the Supreme Court in deciding on constitutional questions of cases with a serious political nature also drew the Apex Court into public criticism. In failing to address the delays in justice delivery, administrative regulation, and the grievances of both parties to a case, the judiciary failed to fulfill people's expectations of an impartial Justice Delivery mechanism.

2. INDEPENDENCE OF JUDICIARY

After ensuring the independence of the judiciary through the constitution and other laws, it is the responsibility of the state and its citizens to uphold and respect this independence. The judiciary should be free to complete its tasks without any direct or indirect influences, inappropriate influences, pressure, threats or other forms of intervention. This independence is essential to maintaining a strong judiciary.

There are specific international standards for ensuring the independence of the judiciary. Both Article 10¹ of the Universal Declaration of Human Rights,

and Article 14² of the International Covenant on Civil and Political Rights, promote the necessity of ensuring that all hearings are fair and public, and are conducted by competent, independent and impartial authorities. Similarly, the Basic Principles of Independence of the Judiciary 1985 have laid the responsibility on the government to ensure respect for judicial independence and the Rule of Law. All countries are expected to incorporate these basic principles of independence of the judiciary into state mechanisms. The judiciary should be free from any form of outside control, so that they may fully engage in the protection of people's rights from other organs of the state especially the legislature, and the executive.

The State needs an independent, impartial and competent judicial system, which will empower civic rights and democracy. The basic principles of Independence of the Judiciary are as follows: Independence of the Judiciary; the Qualification of Justice; the Selection Procedure; Terms of References; Tenure; Professional Qualification; Discipline; Suspension; and Retirement.³ If the state fails to ensure judicial independence, people will be forced to accept the unconstitutional work of the Legislature and the Executive, increasing the risk of the judiciary functioning only as a judicial department of these two institutions. If the

1. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.
2. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgment rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.
3. United Nations, "Basic Principles on the Independence of the Judiciary". Adopted by the Seventh United Nations Congress on 13 September 1985 and endorsed by General Assembly resolutions 40/146 of 13

judiciary was kept free from the intervention of the Legislature, the Executive, the Chief of the State and Political parties, only then could its independence be imagined.

The judiciary should be free from political intervention, and should be kept separate from the Legislature and the Executive in order to ensure the establishment of independence of the judiciary and the Rule of Law. The judiciary can only be considered independent if it is free to protect fundamental rights and human rights in line with the Constitution, other Laws and Acts, and established norms. Only can a fully independent judiciary be fully competent and responsible. In the same way, only a competent and responsible judiciary can enjoy such freedom. A continuous lack of competency and responsibility of the judiciary was clearly demonstrated throughout this past year.

The provisions for the appointment of justices, and the suspension and interpretation of the law by the Legislature, which was to be incorporated into the new constitution, were widely criticized this year. Chief Justice and Justices publicly opined that attempts were made against the realization of the fundamental principles of the independent judiciary. Ruling UCPN-M and its fraternal organizations organized demonstrations against the interim order of the Supreme Court opposing the implementation of their decision not to extend the tenure of eight Generals, and the decision to appoint a Priest at the Pashupati temple. Ministers expressed critical views about the Judiciary, which has endangered its independence. Debates are ongoing regarding making the law related to Contempt of Court far more strict.

The First National Conference of Judges which was centred on the theme of 'Accountable Judiciary Our Commitment'

was held on April 1. The conference issued a 16-point declaration demanding that reliable means of ensuring security for all people be arranged. It cautioned that security threats to justice and judicial employees, and other such immoral activities would affect independent and impartial justice delivery mechanisms. The conference expressed grave reservations over the demonstrations organized against the decisions of the Court.

In order to address such issues, the conference passed a special resolution which drew attention to the existing constitutional provision which stated that everyone should abide by the order and decisions made by the Court. The resolution further claimed that such immoral activities directed against the decisions of the courts violated people's rights to enjoy their fundamental freedoms, by opposing independent and impartial decisions.

The National Conference of the Justices, suspended the Code of Conduct 2055, and issued a new Code of Conduct. The implementation of this new code of conduct, along with further decisions made at the conference, will be the responsibility of the justices, and form an important step in protecting the independence and neutrality of the Judiciary. The code of conduct was prepared according to international principles, while also taking into account the experiences of the country. It prohibits any justice from being engaged in the delivery of justice, where members of his/her family have been acting as legal practitioner, run law firm at home and meet any side of the dispute. All justices must be allowed to work independently, without external interference or undue influences, and judicial decisions should not be motivated by any external pressures or threats. Furthermore they should remain aloof from criticism and anger, and any

biasness. They should also refrain from opening any organization, or taking any benefits which could affect the justice delivery process⁴. The Code of Conduct aims to keep the Judiciary free from undue contact and influence of members of the Executive and Legislature. In reference to the unruly activities of various sectors, which have been taken in opposition to judicial decisions in recent years and have greatly hindered the delivery of justice in an independent, fair and impartial manner, the resolution demands that the government create a credible environment of security. There is a need for the constitutional assurance of judicial independence in line with the principles determined by the International Documents. The conference also stated that appointments, transfers, and all disciplinary actions taken against justices, should be held in a transparent way as determined by legal standards and the constitution. The parliament was also recommended to form a separate act for determining the Terms of References of employees of the judiciary, along with their remuneration.

The Supreme Court made some decisions which served to protect its independence, such as taking action against those in Contempt of Court. The Appellate Court Nepalgunj fined seven chiefs of District Police Offices for Contempt of Court in relation to the killing Adhiraj Sharma of Dhumboji Nepalgunj during the State of Emergency. The Supreme

Court issued a fine of Rs 700, to those who did not take any action against the police personnel involved in the murder of Sharma as per the court order⁵.

The Supreme Court also issued an interim order against implementing the process of making 76⁶ employees of the National Human Rights Commission, a constitutional body, permanent staffs, before the court reached its final decision in a writ⁷ filed at the Court. The move of the apex court stopped the constitutional body from being anarchistic, and also played a role strengthening the Rule of Law.

The Supreme Court issued an interim order to the government on January 1, not to implement its decision of October 27 which sought to withdraw the criminal cases against the cadres of seven political parties. The verdict ordered against withdrawing the cases, except those already withdrawn, until final verdict was made on the writ. By preventing the Legislature from fulfilling its goals of controlling the Judiciary, the Judiciary's independence was protected. The Supreme Court repealed the decision of the Maoist-led government, to appoint members at the Nepal Academy,⁸ without holding any discussions with concerned stakeholders. The court also ordered the Office of the President to furnish a written reply within 10 days, detailing why the President ordered the then Chief of the Nepal Army, Rookmangud Katawal to

4. Nyadhish Samaj, "Bhabhi Sambidhan ma Nyayapalika". Nyaya Chautari 2065, vol 1, issue 2 p. 67-73

5. Father of Adhiraj filed a Contempt of Court Case at the Appellate Court claiming that the police did not precede the case, regarding the murder of his son Adhiraj Sharma, until six years of the filing of the case. A Complaint was filed at the District Police Office Banke stating that Police Head Constable Nim Bahadur Chaudhary and Police Constable Lokendra RC shot the victim dead in 2003 following a minor dispute.

6. The commission published vacancy for 76 posts including Director 2, Deputy Director 8, Officers 44, Accountant 5 and Assistants 5 on June 25.

7. The attempt to appoint employees on the basis of unconstitutional regulation violated Article 123 (1) of the Interim Constitution so the order to declare the Regulation invalid and void.

8. Ishwor Chandra Gyawali was appointed chancellor while Bhupal Rai and Arbinda Kumar Lal were appointed for the posts of vice-chancellors and secretary respectively.

remain in the post. It also ordered the Army Headquarters to submit a seat-role on the dispute regarding the age of the then Chief of the Nepali Army Katawal. The independence of the Judiciary was also ensured through asking for further clarification from Head of the State and chief of the government.

Following the meeting of all members of the Supreme Court, the decision was made to prepare a draft Act regarding the Terms of References, and the mobilization of employees of the judicial service, to be submitted to the concerned authority. Till now, employees of the judicial service are mobilized under the Civil Service Act and Regulation.

The government filed an application on March 31 against the decision of the Supreme Court to suspend the Regulation of the Constitutional Council. The application claimed that the Regulation was formed as per Article 149 (3) of the constitution, and the Court order was based on one-sided hearing. The regulation was issued by the council led by the then Prime Minister Pushpa Kamal Dahal. The Supreme Court made the decision on April 8 in a case filed by the government on January 17, and ordered the government not to implement the Regulation of the Constitutional Council in line with the earlier verdict issued by the Court. The Supreme Court firmly implemented the verdict issued by the court on the controversy over the oath taken by the Vice President in the Hindi language. The Supreme Court issued a verdict on August 23, to the effect that the post of Vice President Jha, who was elected for the post of by the constituent assembly, would become vacant if he failed to take the oath in the Nepali language within seven days from the day of the verdict.

The judicial system could be taken as representing the spirit of democracy.

Courts are seen as the final guardian of the people's rights. The democratic system, with constitutional supremacy and Rule of Law, warrants a fully independent judiciary. Independence of the Judiciary ensures that the Apex body of the Judiciary will have the power to interpret the constitution. According to the constitution, three organs of the state i.e. the Legislature, Judiciary and the Executive are interrelated with each other. The system of one authority controlling the actions of another comes under the principle of the balance of power. There is a triangular form of control amongst the three organs, and out of the three, the situation of the Judiciary is of a specific nature. In a democratic state, the independence of the judiciary must be seen from the angle of civic rights, human rights, and democratic norms and values, which serve to protect the people's rights. An independent judiciary can serve to control any potential autocracy on the part of the Legislature or the Executive.

2.1 Executive and Judiciary

Principally the Independence of the judiciary means that the Judiciary will not make any decisions that have been influenced by the government, political parties or external affairs, and there will not be any form of interference in the decisions, orders or verdicts of the judiciary. Developments during the year have shown that the ruling party of the government and the main opposition party wrongly interpreted the meaning of an independent judiciary. Demonstrations, chanting of slogans, along with the verbal abuse of leaders of opposition political parties, who demanded verdicts in their favor, clearly show that the political parties and the government tried to run the Judiciary according to their will.

Political intervention and numerous conspiracies surfaced in the appointment

process of the Chief Justice. Such political interference in judicial matters surfaced when the UCPN-M, who was leading the coalition government, created unnecessary obstacles during the appointment process, attempting to influence the decisions of the judiciary. The resignation of a member of the Judicial Council also further intensified the situation. Not only should the judiciary be free from interference and pressure from political parties, but it also should not fall under the influence and intervention of the government⁹. The then Prime Minister of the Maoist-led coalition government Prachanda kept himself busy with the situation which emerged after the government asked for clarification from the then Chief of the Nepal Army, sidelining the serious issue of the appointment of Justices and even postponing the meeting of the Judicial Council.

The concept of independence of the judiciary further weakened as the government continued to neglect fundamental issues, acting against the spirit of Justice. The Law, Justice and Constituent Assembly Minister of the Maoist-led coalition government Dev Gurung opined that the Maoists do not disagree on the importance of an independent judiciary, but there is a need to restructure the judiciary alongside the transformation of the country. He further maintained that the judiciary should develop alongside the political development of the country, as focusing on judicial independence alone could result in negative consequences. UCPN-M Members of the Constituent Assembly and cadres of its fraternal organizations made a mockery of judicial independence, by burning effigy of the Justice of the Supreme

Court, Kalyan Shrestha, who stayed the decision of the government not to extend the tenure of eight generals of the Nepal Army. They chanted slogans demanding the suspension of the interim order, and the implementation of the government's decision. Such actions were against the spirit of the independent delivery of justice, and defied the supremacy of the judiciary. The acts of organizing sit-ins, chanting slogans to influence the outcome of the case under trial at the judiciary clearly imply that the government is trying to exert pressure on the judiciary. The rage expressed by UCPN-M towards the judiciary is a proof that the commitments expressed by the party in its election manifesto were not genuine.

In response to a writ filed by the government on May 10, against the interim order of the Supreme Court to stay the government's decision not to extend the tenure of eight Generals, the Apex Court ordered the government to abide by its previous decision. However, the Defense Ministry informed the Court that its decision to give continuity to the interim order¹⁰ was not correct. In its written reply to the Court, the Ministry stated that the order of the Court was not correct as there is no legal provision that allows the overturning of any decision taken by the government against a concerned stakeholder. Stating that the cause and basis of the decision of the government's decision not to extend the tenure of the eight generals was not clear, the Supreme Court went ahead and issued the interim order not to implement the decision immediately. The Defense Ministry sent a reply to the Supreme Court, stating that the eight generals voluntarily retired from

9. Basnet Bal Krishna, "Nyalaya Ka Panch Agenda". *Kantipur*. May 14, 2009

10. Generals Nara Bahadur Kandel, Narendra Bahadur Rawal, Kumar Budathoki, Pawan Bahadur Pandey, Pradip Bikram Rana, Shiva Kumar Poudel, Ramesh Bista and Raju Prasad KC filed writ on March 23.

their posts when the government did not extend their tenure, it further stated that the generals were informed about their retirement, so the issue was not the subject of Judicial Review.

Nepal Army defied the Court in refusing to implement its three years old Order to make the fund of the Army Welfare Trust transparent. The Court demanded cause from the defendants, in a case filed under Contempt of Court, against six people including Prime Minister of Maoist-led government Pushpa Kamal Dahal. The case concerned the acts of UCPN-M cadres who organized a demonstration and verbally berated the decision of the Supreme Court regarding the tenure of eight generals of the Nepal Army.¹¹ The Apex Court demanded a written reply from the defendant. The case was on trial by the end of the year.

The government filed an application at the Supreme Court, through the Attorney General, demanding the suspension of the order of the Supreme Court, to stay the implementation of the Regulation of Procedures of the Constitutional Council. The application stated that, as the regulation was issued for the implementation of the Procedure of the Constitutional Council, it would not infringe on the rights of the Legislature. The application further stated that the order of the court¹² was void, as the officials made recommendations according to the regulation passed through parliamentary hearing, and so the Legislature indirectly endorsed the regulation. Issuing an interim order to the Constitution Council, the Supreme Court halted the implementation of the Regulation prepared by the Constitutional Council before the final verdict of the

court.

The Supreme Court called on the Secretary of Home Ministry, Dr. Govinda Prasad Kusum, and Inspector General of Police Ramesh Chandra Thakuri, on March 22, to provide clarification for Contempt of Court for telling a lie in the case of Nandu Giri and Dev Bikram Shah, both of whom were arrested from the Capital, and taken to Pyuthan district. In the reply, the Home Secretary claimed that he did not have any motive to tell a lie, as the police did not arrest Giri and Shah until they had submitted the written reply to the Court. Similarly the IGP replied that the weakness was due to a miscommunication, and they did not have any motive to tell a lie. In an earlier written reply to a Habeas Corpus Writ, they stated that Giri and Shah had not been arrested, and that the Writ was a fraud. They demanded the termination of the case. There is no doubt that the recurrence of non-cooperation on the part of government authorities as was the case during the Royal Regime, makes a mockery of democracy.

A writ petition was filed at the Supreme Court on May 12, demanding that the action of the government to remove then Chief of Nepal Army Rookmangud Katawal from his post, be prevented. Though the writ demanded an interim order to suspend the government's decision to make Kul Bahadur Khadka acting Chief of Army Staffs, the Supreme Court in its verdict stated that there was no need for such an order, as the President had already asked the Chief saying to remain in his post.

The controversy, which erupted over Vice President Permananda Jha taking the oath in Hindi, was taken to

11. The Supreme Court issued interim order on March 24 it is not necessary to give retirement to Generals of Nepal Army before the final verdict of the court.

12. Sambaidhanik Parishad Dwara Sarboccha Ko Adesh Badar Garna Nibedan Darta. Rajdhani, March 31, 2009.

the Supreme Court to be settled justly. The Supreme Court ordered the Vice President to re-take the oath with the President in the manner mentioned in Annex 1 (A) of the Interim Constitution, as per the provision of Article 36 (j) 2 of the Interim constitution. However the Vice President, who is also a retired Supreme Court justice, termed the decision biased, and Madheshi political parties resorted to protest against the decision of the Court. The statements issued after the verdict focused more on the language dispute, rather than Legal and Constitutional questions. The Supreme Court, which has the right of explaining the law, gives its verdicts based on constitutional law and existing trends, so any such verdict given on the basis of legal grounds should not be taken as a verdict against any language. The verdict of the court regarding Jha was therefore not directed against the Hindi language. Instead it was made as a result of the incorrect procedure adopted while the oath was being taken. A Contempt of Court writ petition was filed at the Supreme Court against the statement of the Vice President, which said that as the decision was taken by the judge due to personal biases and he would not abide by the decision.

The Supreme Court issued a Mandamus Order¹³ to the government, to provide compensation to the employees of the dissolved Transport Corporation, including both the amount decided on by the government, and interest on this amount. The Court demanded the file from the government regarding the decision made to provide compensation to the employees during the dissolution

of the corporation, after the victims filed a second writ saying that they were not provided compensation as per the mandamus order. The Supreme Court sent a letter to the Office of the Prime Minister and the Council of Ministers warning that action would be taken if the Office did not send the file. The Supreme Court corresponded with the Office for the third time after it failed to supply the file that was requested for the first time on March 15, and the second on June 28, but the government neglected the order of the Supreme Court. After a writ was filed claiming that the Prime Minister did not fulfill the proper procedures as mentioned in the Act while appointing the Priest of Pashupatinath Temple, the Supreme Court issued the interim order. Cadres of the ruling party and its fraternal organizations issued public statements demoralizing the Court.

The work of the Law Ministry and the Legal Service Commission¹⁴ was affected for a long time as Prime Minister Madhav Kumar Nepal did not appoint a Law Minister until the expansion of his cabinet for the fourth time. The Promotion of the Secretary of Legal Services and the transfer of Gazetted Officers was also affected for a long time due to the absence of the Legal Minister.

2.2 Legislature and Judiciary

The concept paper presented by the Judicial System Committee envisions a way of making the judicial system independent, competent, transparent and people-oriented. It envisions a system based on the federal structure, where all people have access to justice. The

13. Retirement was given over 100 employees before the Corporation dissolved but facilities were not given as per the agreement. The employees had filed the case in 2000.

14. There will be two senior Justices of the Supreme Court, Law Minister and three Legal Experts appointed by the Government will be members of the Judicial Council chaired by Chief Justice.

Some important provisions included in the report

- Courts and Judicial Authorities will use the rights related with Justice as per the constitution, other laws and agreed principles of Justice.
- There will be three types of Courts Federal Supreme Court, State/Federal Provincial Supreme/High Court and District/Local Court.
- Area, city or village level court/Judicial Authority or dispute settlement mechanism shall be formed at the local level as per the Law of the Province to make easy access of People in Justice.
- Some Special Court, Judicial Authority or Tribunals shall be formed as per law to examine and decide the cases of specific nature.
- One Military Special Court led by Judge of the Federal Supreme Court shall be formed to review appeal in the decisions of the Military Court. Appeal could be made at the Federal Supreme Court regarding the cases reviewed and decided by such courts.
- Federal Supreme Court shall have the right to interpret Constitution and Federal Law except the issues of Post and rights of National Importance and issues directly related with political matters and law contravened with the Constitution.
- Chief Judge and Judges of the Federal Supreme Court shall be appointed by the Head of the State as per the recommendation of the Special Judicial Committee of the Legislature after approval of majority of the members of the Legislature.
- A proposal of impeachment may be presented before the Federal Legislature-Parliament against the Chief Justice or any other Judges on the ground that they are unable to perform their duties for the reasons of incompetence, misbehaviour, failure to discharge the duties of his/her office in good faith, physical or mental condition, and if by a two-thirds majority of the total number of its members existing for the time being passes the resolution, he/she shall ipso facto be relieved from his/her office.
- Proportional and principle of inclusion shall be adopted for the appointment of Judges.

Some Provisions in which consensus was not made but decision was made through Majority

- Justices and Judges of all level shall be re-appointed within three month of the promulgation of the constitution. If a justice/judge did not get appointment within that period he/she shall be relieved from his/her office.
- A person who meets the desired qualification for the Justice of the Supreme Court shall also be appointed for the post of Chief Justice directly.
- Justices / Judge of the Supreme Court, State and Federal Courts and Local Courts shall be recommended for appointment from Judicial Committee of the respective Legislature and shall be appointed through approval of the respective Legislature and the removal shall be made through the same process.
- Legislature, which has appointed Justices/Judges, shall take complaint on charge of corruption against them and shall take action in the case.
- Federal Supreme Court shall have the right to interpret Constitution and Federal Law except the issues of Post and rights of National Importance and issues directly related with political matters and law contravened with the Constitution.

Different Opinions presented on the draft

- As re-appointment of Justices/judges is related with the officials of other constitutions bodies the issue falls at the Jurisdiction of the Constitutional council, Judicial System Committee shall not make decision in this regard.
- Appointment and removal of Justices/Judges of all court shall be made from similar mechanism.
- Justices shall be appointed as per the recommendation of the Judicial Council after officient parliamentary hearing. Removal of Justices/Judges shall be made after making effective law.
- Chief Justice of the Supreme Court shall be appointed from among the Justices of the Supreme Court.
- The Supreme Court shall be the final interpreter of Law

Federal Apex Court will reserve the right to interpret the constitution and federal laws, except in the cases regarding posts of national importance, rights and matters directly related to politics and law which contravene the Constitution. The provisions like those which allow for: the Head of the State to appoint justices and chief justice of the Federal Apex Court who are recommended by the Special Judicial Committee of the Federal Legislature, and approved by the majority of members present at the Legislature Parliament; the reappointment of justices within three months from the date of promulgation of the Constitution; and the appointment of the Chief Justice directly from outside the service,¹⁵ raised question about the separation of judicial and state power, and attempt to incorporate the principles of independent, competent and impartial Courts.

The judiciary should be taken as a patron of the Rule of Law. In a democracy, the role of the judiciary should be above daily or active politics, and should be directed towards giving continuity to the Rule of Law.

Judicial independence is the main pillar of a well governed state, and can help to unite people through its fair working procedures. Independence of the judiciary in Nepal would ensure the separation of power, and would monitor the permanent state mechanism, helping to keep it balanced. It would do this by working according to the spirit of the sovereign people, solving disputes among people, institutions and the government through peaceful and legal means. It

would also ensure that there is Rule of Law, as in any democratic system,¹⁶ and the judiciary would act as a patron of the Rule of Law.

As the judiciary is a permanent mechanism which should be run according to the principles of Justice, it should play a central role in connecting people and their society.¹⁷ It is said that the proposed points of the Judicial System Committee are against the principles of Separation of Power, and infringe upon the independence of the judiciary. They thus have the potential to create an environment in Nepal, susceptible to a rise in totalitarianism. The draft refutes the principles of independence of the judiciary, separation of power, democratic norms and values and as a result raises serious theoretical questions regarding the politicization of the judiciary. It seems that if the new Constitution was drafted, the Executive and the Judicial Committee of the Parliament Legislature, would control both judicial administration and justice delivery functions.¹⁸

The Supreme Court suggested that the Judicial System Committee of the Constituent Assembly make four categories of Courts in the new Constitution. The Supreme Court suggested that they establish a Federal High Court at the Centre, a High Court in every province, a District Court in every District, and Local Courts where needed. The Apex Court also suggested against the provision of a parliamentary hearing. It also suggested that it would be difficult to ensure the proportional representation of justices for the time being and it would be inappropriate to select a

15. Draft Report of the Judicial System Committee of the Constituent Assembly, 2066. Kathmandu: Constituent Assembly, Judicial System Committee, 2066.

16. Justice Girish Chandra, "Bhawi Sambidhan Ma Sanghiya Byabasta, Loktantra and Nyayapalika". Kanun Vol 77, November 1, 2009. p. 77

17. Ibid

18. Bhattra Tika Ram, "Swatantra Nyayapalika Ko Pakshyama" <http://kantipuronline.com/kolnepalinews.php?nid=212467>

Chief Justice from outside the judicial sector. It suggested that the District Court should be allowed to review appeals in general cases, and a separate powerful Judicial Committee should be formed for the appointment, selection and action of the justices. The recommendation also stressed the need of a Judicial Council. It stated that the Supreme Court should be the final interpretater of the Law, and that the age-limit of the Chief Justice should be set at 65 years¹⁹.

There were various suggestions made regarding the references to the judiciary in the new constitution that will be drafted through the Constituent Assembly. Most of the recommendations however were not implemented, as the final decision reflected the majority of votes of committee members. Comments were made in reference to the Nepal Bar Association, an umbrella organization of legal practitioners across the country, who it was felt failed to raise certain issues strongly enough. Such issues related to controversial provisions such as the forming of the law itself, the interpretation of the law, and the appointment and the taking of action against justices by the Legislature itself.

The report of the Judicial System Committee was discussed at the full meeting of the Constituent Assembly. CA Members of some political parties including the Nepali Congress, the CPN-UML and the RPP, criticized the draft saying that the provisions relating to the appointment process, action and re-appointment, for example, were against the spirit of Natural Law, and an attempt to impose a one party dictatorship. They also criticized the draft saying it was against the sprit of democratic norms and values, and claimed that it was not acceptable to them.

However the UCPN-M, Madheshi political parties, and lawmakers representing indigenous communities supported the draft, and added that the draft was people-oriented, would contribute to developing a people-oriented judicial system, and would increase people's access to justice.

The Supreme Court stayed most of the unconstitutional and illegal decisions regarding issues of national importance, and instructed the UCPN-M to follow the law and the Constitution. However the UCPN-M, time and time again, acted against the spirit of independence of the judiciary, and stood in favor of a controlled judiciary.²⁰ The issues which arose in the report directly attacked the spirit of independence of the judiciary, and tried to create instability in the judicial sector which should represent the foundations of democracy. The report is an attempt against the spirit of the separation of power, independence of judiciary and the Rule of Law.

Some Controversial Aspects of Draft of Judicial System Committee

Appointment, Retirement and Action against Justices

The provision regarding the recommendation of the justice by the Judicial Committee of the Legislature, and his/her appointment following approval by the Legislature, is not as per the provision of independence of the judiciary. Because the provision regarding the parliamentary hearing had already been followed, it would be appropriate to form a Judicial Commission for the recommendation of justices. Such a Commission should have representation from the Legislature and the Executive, but should be free from the influence of these organizations. Furthermore, if

19. *ibid*, Comment No. 4

20. *ibid*, Comment No. 18

the provision of a parliamentary hearing is to continue, it should be held after the appointment. If a Chief Justice is appointed from among the justices of the Supreme Court, there will be greater continuity owing to their experience, and the judiciary would be freed, from political interference. If the provision of appointing a Chief Justice from outside the judiciary was approved, the possibility of political interference would be greater, and people without experience of the judiciary could be appointed as Chief Justice.

The issues regarding the structure and the working procedures of the judicial council, and the formation of a central and provincial authority for looking after the appointment, terms and references, and the retirement of justices at the provincial level, appear controversial. Some experts have opined that if provincial representation was made at the central level judicial council, responsibility would be fulfilled through a central authority.²¹ There are thus ample opportunities for the formation and operation of an independent, active and effective judiciary. The proposal made in the Judicial Committee's draft, that the rights of appointment and retirement of justices be provided for under the Legislature, along with the division of votes in relating to issues of structure of the judiciary, has left serious questions regarding the credibility of the report.

The structure of a responsible and accountable Judicial Council, which does not compromise the independence of the judiciary, should be formed in the new constitution. It is expected that the council will work to assure people through

competent judicial administration, and the realization of an independent and competent judiciary. There is a need for a clear approach to be taken regarding the structure of the judiciary in the future Constitution. The working procedure of the Council should be determined after analyzing the probable aspects of the working procedure of the judiciary, including the appointment, transfer and discipline related actions of justices of Federal Courts. If the structure and working procedure of the judiciary were to be managed in any other way it would disturb the balance of power of the judiciary and the practical aspects of the judiciary.²² In its recommendations regarding the new Constitution, the Judges Society of Nepal proposed the formation of a National Judicial Council, to ensure the participation of the government and the people's representatives in the implementation of Economic Autonomy of the judiciary, and in the Allocation of a Budget for the Judiciary. It also proposed that such a council should address problems being faced by the judiciary, and work towards protecting the independence of the judiciary²³.

It is clearly evident that if the constitution empowers the judiciary by acting as a mechanism which balances and strictly controls the influence of the Legislature and the Executive, they will be unable to intervene in the functioning of the judiciary. The Interim Constitution adopted the provision of a Judicial Council for the appointment of judges and justices at the District, Appellate and Supreme Courts. The future constitution should

21. Naya Banne Sambidhan Ma Nyayapalika" Informal Sector Service Centre and Constitutional Lawyers' Forum, 2066

22. Kunwar Narayan Tek, "Bhawi Sambidhan Ma Naya Parishad Ko Samrachana". Kanun, Vol 77, November 1, 2009. p.

23. *ibid*, Comment No. 4 and 19

also form some independent authorities with wider representation, and should include the mandate of conducting public hearings.²⁴

The constitutional provision which allows the Legislature to remove the justices of the Supreme Court, through an impeachment motion, should be continued, but there has been widespread criticism leveled at the inefficiency of the provision of taking action against judges of other courts, such as demanding that they retire. The Judicial Council would be empowered through the removal of such weaknesses. The draft of the Judicial Committee has proposed the total control of the Judiciary by the Legislature. This is against the universal principle of independence of the judiciary, and an attempt to ensure political control of the judiciary.

The power of impeachment against justices should be given to the Legislature, and an independent judicial authority should be formed to look after corruption related cases taken against Justices. The provision that allows for a case to be filed at a Special Court formed by the Special Judicial Committee of the Federal Legislature, and which allows for such a Court to make the decision in the case, is totally against the standards of an independent judiciary²⁵.

If the provision regarding the re-appointment of justices is made in the new Constitution, the risk of politicization of the judiciary will be greater, and this will ultimately hurt the dignity of the judiciary, and will convey the message that the judiciary is not independent but

controlled. So the provision regarding the re-appointment of justices, which respects the independence of the judiciary, should be clearly stated in the new constitution.

The Interim Constitution allowed for the provision of parliamentary hearings for the appointment of justices and Chief Justice of the Supreme Court, and implemented this provision during the transitional period. In this way it risked adversely influencing the Judiciary.²⁶ The provision of parliamentary hearings is a new and controversial issue in the judicial history of Nepal. The Judicial Committee fell into controversy by recommending the appointment and suspension of justices by majority vote, at a time when the structure of the state was yet to be determined. There is a great need for one independent, effective and competent judiciary to ensure effective and stable constitutional rule.²⁷

Political parties have presented different opinions on the issues such as the provision to appoint the Chief Justice directly from outside the judiciary; the empowerment of the Judicial Council to appoint and suspend justices; and the entrusting of the right of interpretation of the constitution to the Supreme Court. Nepali Congress, CPN-UML, Socialist Democratic Party, Nepal Pariwar Dal, and RPP Nepal held different opinions on the report. They stated that providing the Legislature with the authority to interpret the law is against the spirit of the Separation of Power, and further opined that there would be no need for a separate judiciary, if the law forming authority was given the right to interpret the law.

24. Karki Bahadur Badri, "Sanghiya Ganatantra Nepalko Bhawi Nyaiik Samrachana". Kanun, Vol 77, November 1, 2009. p. 42

25. Dahal Harihar, "Bhawi Sambidhan Ko Sandharba Ma Nyayapalika Ko Swatantrata". Kanun, Vol 77, November 1, 2009. p. 59

26. *ibid*, Comment No. 23

27. *ibid*. p. 43

Other political parties also opined that the proposed provision of the draft, submitted by the committee, was against the Spirit of the Separation of Power and independence of Judiciary. However the UCPN-M stated that the Supreme Court should not be entrusted with the responsibility to interpret the law, and the judiciary should be spared from such politics. The Madhesi Janadhikar Forum differed with the Maoist's view only in the provision of forming a separate Constitutional Court for the interpretation of law. The provision for the appointment of justices from the parliament would not help to establish independence of the judiciary, and the Court would remain under the power of the legislature.

As Article 138 of the Interim constitution accepted the Federalism, there will be no dispute on the structure of the judiciary in line with the federal states. As per the unitary system, the Constitution of Nepal 1990 made the provision of three levels of courts including one Supreme Court, 16 Appellate Courts and 75 District courts. It is probable that the Court and Judicial Authorities will use the rights regarding justice under the Interim Constitution of Nepal 2006 and other laws, in a way aligned with established norms of Law and Justice. The Interim Constitution also stated that the judiciary should adopt the principles of independence of the judiciary; norms and values; it should internalize the spirit of Democracy and the People's Movement; and it should remain committed towards the Interim Constitution. As there is a trend of incorporating the provisions of tiers of court; appointment of justices; terms of reference; and conditions of retirement, the future constitution cannot, while making provisions for the independence of the judiciary and the mandate of the court, neglect such Universal Principles.

Right to interpret law

Up until now, it has been the role of the Supreme Court to examine the constitutionality of parliamentary law. Recently, however, there has been debate about the formation of a separate Constitutional Court. There is one school of thought which considers that the same objective could be achieved by improving the mandate of the Supreme Court so that it can be more effective when testing the constitutionality of the parliamentary law. The main political parties are in favor of empowering the Supreme Court. If a separate constitutional court was created, it could be politically influenced and also, the role of the Supreme Court could be diminished. Furthermore, a new institution with less experienced people could be risky. On the other hand, another school of thought is that there is a need for a constitutional court to look after disputes related to inter-state jurisdiction.

It seems that the draft report, presented by the Judicial System Committee of the Constituent Assembly, tried to establish supremacy of some political parties, in the name of civilian supremacy. So there is a need for the removal of some provisions that will deprive the Supreme Court from establishing independence from the judiciary and the Rule of Law.

Parliamentary Hearing

There is a risk that the parliamentary hearing procedure and the approval of the appointment of Justices will drag the judiciary and the Courts into political influence and controversy. The role of the Judicial Council is very limited in the context of parliamentary approval, so the supposed advantages of the parliamentary hearing do not outweigh the adverse effects it has on the judiciary. The provision of the parliamentary hearing seems relevant in the context of the Executive President,

to further control the power of the President but it seems irrelevant where the Prime Minister is accountable towards the parliament. In the Nepali context, since the structure of the state is yet to be determined, and the system is based on the parliamentary system, as per the Interim Constitution, entry into this process is fruitless²⁸. Furthermore, the process is against the principle of independence of the judiciary, which should be kept free from the influence of the Legislature and the Executive²⁹.

The Supreme Court issued a general order twice, in a writ³⁰ filed at the Court on March 5, 2008, challenging the provision of the parliamentary hearing for the appointment of Justices and issued the show cause notice only after six months. 12 Justices and three Chief Justices, including incumbent Chief Justice Anup Raj Sharma, were appointed after passing through the parliamentary hearing. However, the writ had not been decided by the end of the year. Though the writ was scheduled to proceed for hearing on July 5, the writ was not decided, saying the issue should be raised after the drafting of new constitution, as it has its own value. Rather than prolonging such dispute, it is necessary to decide the case at the earliest possible time. Had the Supreme Court made the decision on time, it would be easier to address the issue with the new constitution. The procedure of the parliamentary hearing may reduce the morale of the Justices, as the legislative intervention may hamper

the independence and impartiality of the judiciary. The provision to control the judiciary from the parliamentary hearing and impeachment motions is completely wrong.

3. SOME IMPORTANT DECISIONS MADE BY THE SUPREME COURT

Regarding Land Reform

Order to implement the Land Ceiling recommended by Land Reform of 2001

The Supreme Court issued a mandamus order on April 7 to strictly implement the land ceiling, issued after the amendment in the Fifth Amendment of the Land Reform Act 2057. The verdict ordered the government to capture the land that exceeds the ceiling and distribute it to the freed Kamaiyas, Dalits, and Janajatis as mentioned in the law, and then to submit a progress report to the Supreme Court³¹. The Court issued the order to implement the land ceiling mentioned in the law³².

Order to Land Reform Commission to halt work

The Supreme Court on November 4 issued an interim order to halt the work of the High Level Land Reform Commission, formed by the government, at the chairmanship of CPN-UML leader, Ghanendra Bahadur Basnet. The order called for the reinstatement of the previous commission, led by Haribol Prasad Gajurel, until November 11. The tenure of the former commission, led by UCPN-M leader, Haribol Prasad Gajurel, ended

28. Ibid Comment No 25, 28, 29. p. 46

29. Ibid. p. 42

30. Advocate Subodh Man Napit filed a writ on 5 March 2008 challenging the provision of parliamentary hearing for the appointment of the Justices of the Supreme Court through second amendment of the Interim Constitution 2006.

31. Clause 7 and 8 of Land Reform Act

32. The Fifth Amendment of Land Act 2021, 2058 made the provision that a person or his family could only possess 10 *bighas* of land in the country.

As per the amendment a person or his family could only possess only 10 *bighas* land in Tarai, 25 *Ropanis* land in Kathmandu valley and upto 70 *Ropanis* land in hilly areas

on September 29 and the commission urged the government to extend the commission's tenure for another six months. Gajurel and other members of the erstwhile commission filed a case at the Court, alleging that the government formed the commission led by Basnet on October 7, neglecting the former commission's request for extending the tenure by six months. Acting upon another writ filed by Basnet to quash the previous interim order of the Supreme Court, the interim order was quashed.

Regarding Women's Rights

Order to form law regarding Abortion

The Supreme Court issued an order in the name of the government on May 21, to form a separate law relating to abortion, which was accepted as the people's right to health. The verdict also urged the government to respect the right to privacy, of those who seek an abortion and legal service, expand and decentralize the service to make the service easily accessible and organize awareness-raising programs to remove people's mis-conceptions about abortion. Stating that the charge for providing an abortion service is too high, the order also urged the government to fix the abortion service charge. Forum for Women, Law and Development filed a writ at the Supreme Court three years ago demanding an order, in the name of the government, to make a law to protect the citizen's right to safe and accessible abortion rights.

Order to criminalize case to curb violence against women

The Supreme Court issued a mandamus order to the government on August 18 to form a law to end violence against women through the use of acid. As such cases were being tried under beatings of the civil code, the verdict also

urged the government to prosecute it as criminal offense.

Order to Amend Regulation of Nepal Police to recruit married women

The Supreme Court issued an order on April 30 to amend Numbers 3 and 4 of the Police Regulation 2058 BS, as these provisions are against Article 13, 12 (F), 20 (1) and 21 of the Interim Constitution and also against the International Treaties to which Nepal is a party. The writ was filed at the Supreme Court demanding an amendment to the provision.

The writ stated that the provision of the regulation, depriving entry of married women into the Army / Police and which also prevents them from marrying during the period of basic training, is against the spirit of the Interim Constitution. The order also urged discussion with the applicant while drafting the amendments of the Regulation. Furthermore, the Court ordered that the provisions of the Army and Police regulation 2058 BS were not to be repeated, while drafting the regulation under Military Act 2062.

Order to amend Rape chapter of civil code

The Supreme Court submitted an order in the name of the government on February 9 to immediately amend No 11 of the Rape Chapter of the Civil Code, to extend the 35-day long deadline for filing a complaint against rape, as the government had not amended the provision, despite the court order to do so in 2005.

Regarding Citizenship

The Supreme Court gave the verdict on June 26 that citizenship could be provided from either the father's or the mother's identity. As clause 2 of the Citizenship Act 2066 states, a person can get a citizenship certificate from the name

of either the father or the mother. The court clarified that the practice of providing citizenship based only on the address of the father is against the provision of the Act and against international human rights treaties, to which Nepal is a party.

Order to empower the National Women Commission

The Supreme Court issued an order on August 20 in the name of the government to form necessary policies to empower the National Women Commission, as per the Women Commission Act 2006. The Court also issued an order to the National Planning Commission and Ministry of Finance to form necessary policies and programmes and to allocate sufficient budget to the Commission.

Regarding Property

To claim public property by the government

The Supreme Court made the decision on February 5 that the government does not need to return land, once it had provided compensation to the land owners. A writ petition was filed demanding the return of land already procured by the government as the land was not used for the purpose, which was stated during the period of procurement.

Order not to displace people while implementing a project

The Supreme Court issued a Directive order in the name of the government on February 4 to implement the Chamati land integrated project. The order also requested the government not to displace people having less land and to provide 75 percent benefit of the project to local people. It also ordered the government to immediately implement the project without having any adverse impact on the environment.

Order to Return captured properties

The Supreme Court issued an order on January 8 to return all the properties captured by UCPN-M during the period of armed insurgency within three months. The court issued the order to form mechanisms at the district level, assess the actual captured property and systematically return the properties to the rightful claimants.

44 people of Dang, Bardiya, Kailali and Salyan filed a writ on April 1, 2008 stating that over 240 bighas land belonging to them was still in the control of UCPN-M. The Court ordered the government to return the land after identifying the rightful claimants and also to provide compensation, if the victim's property was destroyed.

Regarding Disappearance

List of persons missing from Bhairavnath Battalion demanded

The Supreme Court ordered the NHRC on August 16 to furnish the investigation report of the 49 persons allegedly disappeared from Bhairavnath Battalion during the period of armed insurgency. The Court ordered the Commission to send details of whether the persons who were reportedly taken out from the Battalion were investigated or not, in a writ filed by Padam Narayan Nakarmi of Bhaktapur, who was allegedly disappeared with 49 other persons of the Battalion.

Order to publicize the whereabouts of persons disappeared during the period of armed conflict

The Supreme Court issued an order to the government on April 2 to investigate and publicize the whereabouts of people disappeared during the decade-long armed insurgency. The order stated that, as it is the legal responsibility of the state to publicize the whereabouts of the

person disappeared by the state or any others, they must immediately start the work of finding the whereabouts of the missing persons.

Regarding Human Rights Defenders
Show cause notice on withdrawing cases against the perpetrators of the murder of journalist Prakash Singh Thakuri

The Supreme Court issued an order to the government on March 19 to submit a reason as to why the government withdrew the cases against the perpetrators involved in the murder of journalist Prakash Singh Thakuri. The cabinet withdrew this case on October 27, while withdrawing other cases of a political nature. A case was filed against the decision of the cabinet to withdraw the criminal cases, which are not related to politics³³.

Order to publish information

The Supreme Court issued a mandamus order to the Department of Information to provide reasoning for the decision of the department, regarding the failure of Rajdhani Daily to pay the remuneration of Ram Prasad Dahal. Dahal filed a complaint to the Department of Information, requesting it to initiate an effort to obtain his salary from the Daily, as it had fired him illegitimately, without paying his salary on March 3, 2005. The victim filed a writ at the Court, claiming that the Department deprived him of information saying the decision could not be given without consent from the Ministry.

Regarding Child Rights
Use of children in circus is human trafficking

The Supreme Court on October 6

stated that the use of children in circuses is human trafficking. Stating that the use of children in the risky work of circus is a violation of children's fundamental rights and the Human Trafficking Act 1976, the Supreme Court ruled that this type of activity must be stopped immediately. The Court also ruled that the parents do not have the right to engage children in such risky activities. The order also stated that there is a need for conducting awareness raising programs in schools regarding trafficking and in addition, ordered the government to prepare and implement a manual related with children's rights during case trials.

Order to manage Child Reform Centre

Stating that it is illegal to send children to police custody, citing a lack of space at reform centres, the Supreme Court issued a directive to the government on March 9 to manage child reform centres more efficiently. The Court issued the order in a writ filed after police sent 11 children, arrested on different charges in the capital, into detention, despite the order of different judicial authorities to send them to reform centres.

Children will not be detained on the order of the Chief District Officer

The Supreme Court gave a verdict on October 13 stating that children shall not be detained at the order of the Chief District Officer. As per the order, the Juvenile Bench will look after the cases related with children, in the districts where the Bench was established³⁴, so CDOs do not have such rights. The Court also ordered the Home Ministry to ensure CDOs do not look after the cases of children under the

33. Writ petition mentions that journalist Thakuri was disappeared after abduction by UCPN-M cadres and YCL-affiliated persons on July 5, 2007

34. Juvenile Bench was established in 32 districts of the country so far. The Child Act 2048 has empowered Juvenile Bench of the District Court to look after cases related with children.

age of 18. The Court issued the verdict in response to the writ petition filed by Saroj Rai, 14, of Ramechap District, who was detained as per the order of the CDO. The Court also ordered the case of Rai to be examined through the Juvenile Bench of Kathmandu District Court.

Regarding Corporal Punishment

The Supreme Court issued a verdict on November 4 stating that it is a criminal offence to beat children in the name of protection and education, as such an act is against the present constitutional provision, the Child Rights Convention and the International Covenant on Civil and Political Rights, to which Nepal is a party.

Human Trafficking

Order to suspend the provision of Human Trafficking

Stating that Clause 8 of the Human Trafficking (Control) Act 2064 is against Article 24 (5), (9) of the Interim Constitution of Nepal and International Treaties to which Nepal is a party, the Supreme Court nullified Clause 8 of the Act from the same date.

Order to recognize evidence from Nepali and Indian Courts in Human Trafficking case

The Supreme Court ordered the government on September 5 to recognize evidences received in Nepali or Indian Courts during the investigation of Trafficking cases. The order also urged the government to effectively implement the Human Trafficking (Control) Act.

Regarding People of Indigenous Communities and Oppressed Classes

Participation of Indigenous Nationalities in constitution drafting process

Acting upon a writ petition filed at the Supreme Court demanding amendment

of the Constituent Assembly Act and Regulation for Participation of Indigenous Nationalities in the constitution drafting process, the Supreme Court issued a show cause order to the government on February 22.

Show Cause order on not incorporating Nai in the lost of oppressed people

The Supreme Court issued a show cause notice to the government on September 8 for not incorporating people of the Nai community in the list of oppressed class. The order was issued in response to the writ petition filed at the Apex Court, demanding the enactment of a law for the advancement of the people of the Nai community, who were involved in the profession of cutting hair, beards and nails, along with providing free education and protecting their rights.

Show Cause order on fee hike

Acting upon a writ filed against the rise in fees of private schools, the Supreme Court on April 17 asked the private schools to show cause on the increase of fees.

Show Cause order on prohibition of Demonstration at Maitighar area

Acting upon a writ filed against the notice of the Kathmandu District Administration Office, to declare a prohibitory order in various places, including Maitighar Mandala, the Supreme Court on April 26 ordered the government to show cause on such a ban. The notice of the DAO issued on November 3, 2008 also banned peaceful demonstrations in the area.

Consumers' Rights

Regarding optimum interest and discount of Consumers

The Supreme Court gave a verdict directing the Nepal Telecom Company Limited to direct its services for optimum

benefit of the consumers, as the large number of consumers in the company are the general public and they have an important role to play in the development of the company. The Court added that, as the Nepal government is the major shareholder of the company, the company must function as a government company prioritizing consumers' benefit.

Protection of Consumers Rights

The Supreme Court on October 22 sought the cause for the government's failure to formulate the Regulation as per the Promotion of Competition and Market Protection Act 2063. Forum for the Protection of Consumers' Rights filed a writ petition at the Court demanding its intervention in the issue, as failure of government to implement the regulation as per the Act, violated Consumers' Rights³⁵.

Order to promulgate the law for protection of the rights of HIV infected persons

The Supreme Court issued an order to the government to promulgate a law immediately, for the protection of the rights of HIV infected persons, and present it at the Legislature Parliament. The Court also ordered the government to ensure that there was no discrimination among infected persons when seeking treatment, and that they can enjoy the same rights as all other persons. The court also asked the government to get suggestions and recommendations from experts when formulating such laws.

Order to control cholera/diarrhea disease

The Supreme Court issued an order to the government on August 3 to initiate efforts to control the disease in

the epidemic-hit districts and to protect the lives of people living in these areas. The Court was acting upon a writ petition demanding the declaration of a cholera/diarrhea epidemic in the districts of Mid Western Region, including Jajarkot, Surkhet, Dailekh and Rukum district, as per the Epidemic Control Act 2020, and to initiate efforts to control the epidemic. Stating that the government neglected the Epidemic Control Act 2020 and did not attempt to control the epidemic, the court issued the verdict. The court also ordered the government to protect the lives of people by making appropriate medicine, doctors and other necessary services available, in the epidemic-hit districts.

Order to suspend alleged perpetrator of murder of Maina

Kavrepalanchok District Court ordered the suspension of the then Captain of the Nepal Army Nirajan Basnet, as per clause 66 (3) of the Military Act 2063 on September 17, stating that Basnet was found guilty in the case³⁶.

4. APPOINTMENTS OF JUDGES AND CONTROVERSY

There was a delay in the appointment of both permanent and additional judges of the Appellate Court, after the Judicial Officers' Society expressed reservations over the decision regarding the appointment process. The society criticized the provision allowing legal practitioners' access to 50 percent of positions available for the appointment of judges, claiming it had decreased the morale of employees of the judicial sector, since the provision is against the spirit of judicial independence, and because there

35. There is a need of Regulation for the implementation of the Act, which was issued for the management of open market and promotion of Consumers' Rights.

36. Maina Sunuwar was arrested by Nepal Army and killed while being tortured at Army Barrack seven years ago.

should not be any reservation of positions in the appointment of judges. Following the dispute, four legal practitioners were appointed among 37 permanent judges of the Appellate Court, while 10 legal practitioners were appointed in the additional judges of the Appellate Court on August/September. All 27 judges of the District Court were appointed from officers of the judicial sector. Thus, many disputes were raised in the judicial sector regarding the appointment of judges. Judges of the court, legal practitioners and employees of the court criticized the appointment, saying that appointments were made on the basis of political give and take, nepotism and favoritism, while neglecting the qualification and seniority of the person. Similarly, people of the judiciary claimed that the appointment of judges, neglecting the qualification and seniority, violates the commitment of the Judicial Sector Reform made by Chief Justice and Chairperson of the Judicial Council, Min Bahadur Rayamajhi, made after assuming the portfolio.

At a time when the country is moving towards new political transformation, the appointment of judges has become dependent on political identity, nepotism and favoritism, rather than merit, and this will not uphold the much needed respect for the judiciary. The question was also raised about whether the large number of justices is necessary or not, since the structure of the judiciary is under review, through the process of state restructuring. Legal practitioners also filed a writ at the Supreme Court demanding the annulment of the appointment process, alleging that judges were being appointed on the basis of unclear standards and that the seniority and qualifications of the persons were being neglected.

Legal practitioners close to the Nepali Congress, CPN-UML, UCPN-M and Rastriya Prajatantra Party got the opportunity to be appointed as a judge, based on the political division of power. In addition, there was political intervention in the appointment of judges at the Appellate Court, and a similar intervention from the members of the Judicial Council for the appointment of judges at the District Court³⁷. Officials at the Judicial Authority complained that the legal practitioners should have been appointed for the post based on professional skill, qualification and contribution to the delivery of justice. The dignity of the court certainly cannot be saved when less qualified persons are being appointed for many posts.

The Judicial Officers' Society requested the Chief Justice not to appoint 50 percent of the judges from the legal practitioners, as demanded by the Nepal Bar Association. The Society stated that, as officials of the judicial sector are more competent, loyal and appropriate than officials from outside the sector, priority should be given to the people from within the judicial sector³⁸. In response to this demand, Nepal Bar Association threatened to call back all the judges, who were appointed for the post, while being a member of the Nepal Bar Association. This dispute between the Judicial Officer's Society and the Nepal Bar Association raised suspicions, of whether or not either of these groups are suitable service providers.

The Constitutional Council appointed senior-most Justice of the Supreme Court Min Bahadur Rayamajhi for the post of Chief Justice, after Chief Justice Kedar Prasad Giri retired from the post on May 4. Rayamajhi put forward the following issues as part of his agenda

37. "Daliya Bhagbanda". *Nepal*. Vol. 8 Year 10, September 20, 2009. p. 34

38. "Nyadhish Nyeukti Ma Kota Hatau". *Kantipur*. March 19, 2009

during his tenure; rapidly implementing the five-year-long strategic plan for the reform of the judiciary, reducing the delays in Court and the introduction of a Panel System for deciding old cases.

Justice of the Supreme Court, Anup Raj Sharma, received the responsibility of the top post of the Apex Court, following the retirement of Min Bahadur Rayamajhi. Sharma was appointed following a parliamentary hearing.

5. POLICY RELATED REFORMS

A full meeting of the Supreme Court adopted the second five-year-long strategic plan of the Supreme Court on July 15 to be effective from July 16. The plan has some remarkable provisions such as setting work performance standards for the judges; developing a panel system for the judiciary; deciding the cases related to the implementation of the verdict within six months and not to prolong the decision for more than a year; reduce 75 percent of the pending cases; introduce a special campaign in the courts which are overloaded with cases; human resource development; develop an electronic database; and a strict enforcement of the code of conduct. The plan also includes the provision of giving a final verdict on writ petitions within a year; determine indicators for all cases to be decided within a legal deadline; reduce the penalty amount by 50 percent; restructuring of the state; promote legal assistance and reconciliation methods among others. Additionally, the plan made the provision that the case which was accorded top priority and issued an interim order will not be postponed, and neither side may defer the case more than twice. The Supreme Court stated that this new provision was introduced as the right to accord top

priority was misused by the court itself and certain legal practitioners. The Supreme Court amended its regulation to decide cases more effectively and promptly, and introduced the provision of a panel system of justices at the Supreme Court. It is expected that it will cost 19 billion 118 million 831 thousand rupees for the implementation of the project.

The Supreme Court ended the trend of people visiting the courts to receive the latest update of cases and to find out dates of trials. The Apex Court signed an agreement with Nepal Telecom to develop a system so that the parties of the case can receive information about their cases from home, by providing internet facilities to the judges and exchanging documents among courts through networking. Exchanging information through networking will save time and also reduce procedural hassles and expenses. Officials of the court are optimistic that the use of information technology will reduce the pressure of cases and will address the grievances of the public about delays in the delivery of justice³⁹.

A Central Verdict Implementation Directorate was formed at the Supreme Court to effectively implement the verdicts made by different courts across the country. People have been complaining that they were not guaranteed access to justice, due to the delay in the implementation of verdicts and in addition, fines worth over 40 million rupees are yet to be collected from perpetrators. Similarly, 5929 verdicts are pending. Of these verdicts 3813 are related with financial transactions, 850 related with transfer of ownership, 1081 related with distribution of property, 78 related with abolishing buildings constructed illegally and 33 related with

39. Gautam Bimal, "Gharmai Basera Thaha Paunuho Muddako Awastha". *Kantipur*. February 5, 2009

compensation⁴⁰. Similarly, some persons who were given a jail term by the court are still at large. The Directorate will monitor the implementation status of the verdict, expedite the implementation process after easing the complexities, which emerged while implementing the case, receive grievances and solve the problems of coordination with the authorities concerned.

The Verdict Implementation Directorate, established under the Supreme Court, sought the status of the implementation of verdicts throughout all 75 District Courts. Stating that the District Court is the authority for implementing verdicts, the Directorate demanded the description of pending cases, a detailed description of the penalty, including the fine and jail term. The Supreme Court issued an 11-point directive to 16 Appellate and 75 district courts across the country to provide justice promptly and check for irregularities.

Some positive improvements came into fruition, at the short tenure of erstwhile Chief Justice Min Bahadur Rayamajhi. The Supreme Court introduced a Panel System to solve cases that were more than five years in duration and also orders were issued to other courts to prioritize older cases.

After assuming the position as Chief Justice, Anup Raj Sharma expressed a commitment to forming an effective mechanism for ending corruption and promised to reach the implementation level with that mechanism. However, some Justices of the Supreme Court criticized such a mechanism, saying that it would not have a legal or constitutional base⁴¹. They opined that there is a Judicial

Council to look after the Appeal of the Justices of the Supreme Court and conduct hearings of judges of the Appellate and District Courts and so there is no need to form another mechanism.

Despite criticism from some judges, Chief Justice Anup Raj Sharma formed a task force, headed by senior Justice of the Apex Court, Ram Prasad Shrestha, to look after irregularities of the judiciary. Other members of the committee are Khil Raj Regmi, Girish Chandra Lal and Prakash Osti. The taskforce was mandated to submit the report within two months after researching the level of irregularities in the judiciary, with suggestions and a mechanism to control it. Some justices were opposed to the decision of the Chief Justice to form this task force, and questioned the legal and constitutional basis of the decision.

The Chief Justice also formed a committee, headed by Justice Bala Ram KC of the Supreme Court, to study whether the formation of a separate Constitutional Bench is appropriate or not. Other members of the committee are Justice Tap Bahadur Magar and Registrar Dr. Ram Krishna Timilsena. Similarly, another committee, headed by Justice Khil Raj Regmi was also formed to investigate whether or not it is acceptable to continue hearing a case in the absence of the person related with the case/one of the parties to the case.

One directive was issued to stop unwarranted absence in the workplace, when it had been revealed that the target for Strategic Planning for deciding pending cases had not been met. As per the second Strategic Plan, which was aimed at running the judiciary in a planned way and

40. "Sc studies execution of verdicts". *The Himalayan Times*. July 13, 2009

41. Bhattarai Bikash, "Adalat Bhastacharma: Pradhan Nyadhish Biruddha Nyadhish". *Nepal Samacharpatra*. December 23, 2009.

making the judicial sector more effective, Chief Justice issued a directive to the Chief Judges of the 16 Appellate Courts, to monitor the activities of judges of the Appellate and District Courts. The directive ordered the Chief Judges of the Appellate Court to send names of the judges, who failed to complete their assignments as determined by the strategic plan, calling them to action at the Supreme Court and the Judicial Council, to complete the work on time at their duty station and to submit quarterly reports on the work progress of the District Court and to update the status of the implementation of their work. The program would only be successful if the judges actively engaged themselves in the task of the delivery of justice.

The Supreme Court ordered the government to create a verdict implementation desk at the Ministry on December 7. The Court also ordered a report to be submitted detailing the implementation of verdicts at the Court and that an application should be filed, through the office of the attorney general, to extend the tenure if they could not implement the verdict, within the deadline. Although the Supreme Court issued the verdict in nearly 400 cases, only one third of such verdicts were being implemented.

Though the Code of Conduct for judges was issued, it was not implemented and even though there is a provision that the Chief Judge of the Appellate Court will monitor the implementation of the Code of Conduct and submit quarterly reports to the Chief Justice and the Judicial Council, most of the judges did not send such reports.

The five-year-long strategic plan of the Supreme Court set a target of limiting the time to decide a case to two years, but the Supreme Court failed to meet this target. The CCTV and electronic network installed for the judiciary to help the

process of bringing change to the judiciary remained under-utilized.

The Telephone Hotline Service was started with the objective of reducing irregularities and corruption at the Court during the tenure of Chief Justice Min Bahadur Rayamjhi. The mechanism became inactive as complaints were not filed through the hotline service as expected. Most of the complaints were related with delays in the delivery of justice. Thus, the Supreme Court should adopt an effective strategy for making the mechanism for delivering justice more effective and efficient.

6. PEOPLE'S RESPECT AND COMPLAINT TO THE JUDICIARY

Nandu Giri and Tek Bikram Sah of Khungri VDC-2 of Rolpa district were captured by the security force in Kathmandu and taken to Pyuthan. They were released in the initiation of the Supreme Court on March 15. The incident has increased people's confidence towards the judiciary. The incident triggered criticism of the government by the public as it provided incorrect information to the Court.

Acting upon a habeas corpus writ petition filed at the Supreme Court and information received by the court, a joint bench of Justices Min Bahadur Rayamajhi and Bharat Raj Upreti faxed an order of the bench to Pyuthan District Court to carry out a search at the DPO. Pyuthan District Court formed a team and carried out the search at the DPO and forwarded the details to the Supreme Court. All these activities were carried out within an hour and half.

The Sunsari District Court made a controversial decision of releasing a perpetrator involved in an abduction on general date, saying there was insufficient evidence to hold him accountable. The perpetrators involved in the abduction of

an employee of Nepal Telecom Biratnagar, Sekhar Pokharel, who was abducted on July 17, with the cooperation of his colleague and released on August 13, were released on general date following the Court's order. The incident shook people's trust in the judiciary. The decision of the court, played to the advantage of the criminals, and resulted in criticism of the security personnel, deployed for controlling crime. The decision of the court to release a person, who was arrested with evidence, rather than detaining him until the final verdict of the case hinted that the court might have been influenced in some ways while giving the verdict.

There has also been a situation where the District Court blocked the implementation of the Supreme Court verdict. For example, the Supreme Court concluded a case 55 years after the legal battle began. The decision on the land dispute of Pokhara Sub-metropolis was finalised on 2065 BS 55 years after the case began, but the district court blocked the decision, saying that the opposition side filed a case against the decision. The petitioner died during the trial. Such an act of stopping the implementation of the verdict raised the mistrust felt towards the Court.

Morang District Court is yet to give a verdict in a five-year-old case, related to petrol, which directly concerns the consumers. Stakeholders of the company involved in the case, complained that the delay in the court resulted in an environment that was not conducive to work in. Similarly, the petition filed by labor unions against demonstrations, picketing in hotels and the tourism sector, protection of the right of peaceful demonstration at the work place as per Trade Union Act 1992 and Resolution 29 and 192 of the ILO and also a writ

challenging the government's decision to ban strikes for essential goods and services, filed some nine years ago were decided this year, which is another example of the serious delays in Court. Furthermore, the Kathmandu District Court filed for the examination of evidence 12 days after it released the prime suspect of a murder case in the Kathmandu valley, Raju Gorkhali, on general date. It is regrettable that the Court violated the trend of examining evidence, while the suspect is in detention, in such a grave case.

The Supreme Court failed to immediately implement its order to allow a former priest to continue to offer prayer at the temple, while the case was being decided, after the Supreme Court Administration did not deliver the Interim Order on time. Acting upon a writ petition filed against the appointment of Bishnu Prasad Dahal as the priest of Pashupati Nath Temple and Shalikram Dhakal as the priest of Bashukinath Temple by the Pashupati Area Development Trust, the court issued an interim order not to allow them to offer prayer, before the final decision of the Court.

Regardless of the provision in the code of conduct formed by judges, not to attend any reception organized by a party to a case, judges attended such receptions and the impact was apparent at a judicial level. Chief Justice and other judges attended the felicitation program organized by DAV Sushil Kedia Bishow Bharati Higher Secondary School, even though two cases related the school to were under trial at the Apex Court and one case was under trial at the Appellate Court. The Code of Conduct prepared by judges of the Appellate Court and Justices of the Supreme Court stated that they should not attend any reception connected with any party to a case⁴². Apart from this, judges

42. *ibid* comment No. 4, 19 and 23

should also avoid being involved in any bargaining, that could arise as a result of personal relations or through contact with legal practitioners, involved in the pleading of the case. Judges themselves made a mockery of the Code of Conduct, which they themselves formed, while some judges opined that the implementation of the code of conduct is difficult in practical terms⁴³.

The post of a judge at the Appellate Court Okhaldhunga has remained vacant for the last 17 years. People were deprived from appealing cases, since the post of three other judges also remained vacant in the Court. Likewise, people were not able to get access to justice as their right of appeal was violated, after the Supreme Court did not send judges to the vacant posts. As people have to move to a separate Appellate Court, if they want to appeal the decision of the Court, many people would not appeal their cases, even if they were not satisfied with the verdict. Thus, due to an expensive judicial system, many people have decided to stick with the original court's verdict, even if they did not get the justice which they felt they deserved⁴⁴. Similarly, the judicial service was affected when the posts of three judges of the Appellate Court, including a Chief Judge and one judge of the Jumla District Court were not filled on time. 46 cases from the Appellate Court and 113 cases from the District Court are still pending due to the absence of judges, which resulted in some people being denied access to justice.

The judicial system in Nepal is inefficient, expensive and at times ineffective. People have not been guaranteed the delivery of justice, as corruption is rampant in the courts and also because people do not have appropriate access to the courts. Thus, the public are

not supportive of the existing judicial system. There is a need for a people-oriented reform to the current system. This reform would have to ensure that the judge's power is not absolute, even in the search for judicial independence. Likewise, the Courts and the institutions which ensure the delivery of justice should be accessible to all people. Judicial independence, competency, transparency and impartiality are some fundamental aspects for an effective judicial system.

7. Conclusion

An independent and competent judiciary is not possible solely through the interpretation of the constitution and the law. The independence of the judiciary can only be verified through the quality of the service received by the people. In addition, appointment of capable judges is more important than the structure of the judiciary. The manner in which judges themselves interpret the principles and rule of law is equally important. If judges maintain an honest image, then any unwarranted intervention or attack against the judiciary from the government or any organized group, will not affect judicial independence. Respect for the judiciary and effective implementation of verdicts will enhance the prominence of the rule of law, thus, it is vital that the political parties should act accordingly.

The draft presented by the Judicial System Committee at the Constituent Assembly is against the spirit of judicial independence. It is clear that the provisions presented in the draft will put the judiciary under the control of the Legislature, which will result in a situation where the judiciary will not be able to adequately protect the fundamental rights of the people. The Chief Justice and other judges now need to work

43. Basnet Balkrishna, "Nyadhish Ra Jhagadiya Sangsangai". *Kantipur*. February 27, 2009. p 1

44. "Satra Barsha Dekhi Nyayadhis Bihin Aadalat". *Gorkhapatra*. October 22, 2009

towards creating a fair environment for the delivery of justice.

The judiciary should be restructured in the new constitution, on the basis of universal principles and the concept of a clear separation of power, based on constitutionalism, rule of law, and independent, competent and fair courts. It will be challenging to create a federal judicial structure, based on consensus as there is dilemma as to whether the constitution will determine the structure of the state or whether the structure of the state will determine the character and structure of the constitution.

The judiciary plays an important role in the restoration of democracy and in providing justice for the economic, social and political rights of the people. However, people's aspiration for justice will not be addressed if the management of the court is not carried out in an integrated manner. Thus, there is a need for the harmonised management of all the court's institutions including, its mandate, human resources and technology, all of which are essential for an effective judicial function.

Judges themselves have raised the issue of accountability of the judiciary, so it is up to them to clarify who should be held accountable for their actions. It seems that the judiciary has forgotten the fact that the justice system is not only complicated and time-consuming but also they do not realize that unreasonable delay in the court's system is an injustice to the people. Many people have negative conceptions of receiving justice through the courts.

The new constitution should guarantee an independent, competent and accountable judicial system. Only an autonomous and efficient judiciary can uphold the fundamental rights of the people. Corruption, delays and a lack of transparency are all prevalent in the present judicial system. These deficiencies have received much criticism from the people. Therefore, it is imperative that the judiciary be reformed to ensure it can adequately provide its essential services to the people and that it can play a crucial role in transformation of the country.





Photo : Department of Information

3.2 State & Human Rights

Executive & Human Rights

Chapter

3

Chronology

January 1–December 31, 2009

January 7

Government forms commission to resolve the Freed Kamaiya's Rehabilitation problem. Pashupati Chaudhary of Kailali district and Rambachan Chaudhary of Dang appointed as members of the Commission

January 22

Extension of the tenure of the commission formed to probe the Kailali-based journalist Jagat Prasad Joshi's killing

January 28

Nirmala Basnet, among other 18 conflict victims, to be given compensation.

February 5

The government decides to recommend Ordinance on Disappearance to the president as per the Sub-Article 1 of the Article 88 of the Interim Constitution of Nepal.

February 11

The Government Appoints Narsingh Chaudhary of Saptari as the Chair of National Inclusion Commission.

Sitaram Mandal of Saptari appointed as the member of the commission on resolving the squatters' problem

February 27

Decision made to exempt remaining jail term of 190 convicts.

Nomination of General Secretary of Nepal Bar Association Raman Kumar Shrestha and Padma Ratna Tuladhar as the members of the Recommendation Committee under Disappearances of Persons (Offence and Punishment)

Ordinance.

Persons killed in course of the agitation of Samyukta Tharuhat Sangharsha Samiti, Samyukta Loktantrik Tharu Sangharsha Samiti, Tharu Rastriya Mukti Morcha, Tharu Kalyankari Parishad, Nepal Loktantrik Tharu Sangh declared as martyr and their families to be provided with appropriate financial assistance as per the government decision

March 18

Ratifies the 6-point agreement reached earlier between government talk team and the team of Indigenous Tharu Community and the National Federation of Indigenous Nationalities.

March 25

Agreement reached earlier between governmental talk team and Muslim National Struggle Committee ratified.

April 16

Agreement between governmental talk team and Nepal Federation of Backward Classes ratified.

Instruction issued to arrest Sujit BK, involved in murder of Prachanda Thaiba of Deepnagar in Butwal Municipality, and to forward legal procedure against him.

April 19

Decision to seek clarification from Chief of Army Staffs, as per clause 11 (3) of the Military Act 2006, for his action against clause 10 (1) and clause 9 (1) of the same act.

April 22

The government decides to provide compensation to the families of the conflict victims as per the recommendation of the National Human Rights Commission.

Kisori Shah of Janakpur appointed as the member of National Inclusion Commission.

May 3

Decision to relieve the Chief of Army Staffs from his post as per the clause 11 (3) of the Military Act 2006 and Lieutenant General Kul Bahadur Khadka appointed as Officiating Chief of Army Staff.

The Hague Adoption Convention signed.

May 4

Prime Minister Pushpa Kamal Dahal resigns from his post.

Cabinet declares President's instruction to the Chief of Army Staffs Rookmangud Katawal on May 3 as inconsistent with the Interim Constitution of Nepal 2007 and Military Act 2006.

Decision to turn the advance amount being given to the Maoist combatants under Ration title into grant.

Decision to withdraw the charges of Lalu Khan and Satrudhan Mandal of Liberation Tiger of Tarai Eelam (LTTE), Arjun Hajara Yadav and Shyam Narayan Yadav of Madhesi Virus Killers, Rampukar Shah and Devendra Khadka of Tarai Samyukta Janakranti Party Nepal, Imtiyaj Hasan and Suryanarayan Yadav of Janatantrik Tarai Mukti Morcha (Rajan Mukti), Mohar Kumar Chaudhary and Bimal Tiwari of Sayumkta Janatantrik Tarai Mukti Morcha.

May 23

Madhav Kumar Nepal elected as the Prime Minister backed by 22 parties out of the 25 parties in the Constituent Assembly.

May 27

Tenure of the OHCHR Nepal extended by 3 months.

June 22

Agreement reached between governmental dialogue team and Nepal Federation of Backward Classes ratified.

July 8

Programs and policies of the government for the Fiscal Year 2009/10 passed.

Tenure of the Criminal law Reform and Amendment team extended by 6 months. Team members reshuffled.

July 13

Decision to release the disqualified Maoist combatants from the cantonments promptly and to begin their rehabilitation with the help of the stakeholders and national and international bodies.

July 23

Decision made that the District Courts of the corresponding districts would look into the cases under Domestic violence (Offence and Punishment) Act 2008.

July 29

Decision to send the combined Fourth and Fifth Report on Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), 1979 to the committee.

August 9

Decision to form a committee for the purpose of preparing Third Periodic Report on ICESCR and Universal Periodic Report on Human Rights.

August 12

Decision to provide relief packages to the diarrhea victims in Jajarkot and Rukum districts following the planning of

detailed programs in coordination with the Finance Ministry.

August 26

Decision to form a committee to collect data on conflict-affected persons, families and physical structures.

September 11

Decision to form an inter-ministerial committee for the purpose of observing the year 2010 as campaign against violence against women and to end violence against women.

September 20

Decision to withdraw the charge against the President of Reporters' Club Rishi Dhamala, among others.

October 7

Former parliamentarian late Hem Narayan Yadav to be declared a martyr and financial assistance to be provided to his family.

Decision to form a coordination Committee on release and rehabilitation of the disqualified Maoist combatants.

October 23

Decision to provide compensation to the persons injured in the movements and agitations.

December 1

Decision to compensate the victims as per the recommendation from National Human Rights Commission.

December 9

Decision to pay the Chief Commissioner and Commissioners of the NHRC same as the pays and perks being given to the justices of the Supreme Court.

December 14

A probe committee led by Joint Attorney Badri Prasad Gautam formed to probe rape case of Suntali Dhimi.

Decision to request the UN to extend the tenure of UNMIN for up to 15 May 2010.



BACKGROUND

The governments formed after the CA election had the prime responsibilities of taking the on-going peace process to the logical conclusion and providing reparatory incentives to the victims of the conflicts. Similarly, to provide them justice as per the transitional justice and to smooth the progress of the constitution writing process were also the responsibilities of equal measure. However, the efforts of both the post-CA election governments were not sufficient and competent to meet those responsibilities. With regard to the deep-rooted culture of impunity, guarantee of peace and security and also for uninterrupted exercise of human rights, didn't improve as expected. More or less both the governments and their activities continued to promote impunity.

The first four months of 2009 were ruled by UCPN-M led government. The government couldn't produce any national policy and governmental stance to address the violent activities accelerated in Tarai by mushrooming violent groups following the formation of Janatantrik Tarai Mukti Morcha, splinter group of then CPN-M. Violent activities in Tarai and intensified ethnic intolerance in the Eastern hills and the resultant problems engulfed the country. There were no result oriented attempts to bring the sister organizations of the major political parties within legal frame whereas those organizations were doing their utmost, taking the law into their hands, to dominate other organizations. The government opted for the old ways of ruling, so political decisions and consensus had primacy over the rule of law.

Both the governments ruled the country with the tendency to brush off the genuine demands of different political, regional and professional interest groups initially and when the activities of the

groups disrupted peace and order in the country, they would strike deals. Such deals, signed for the sake of signing, couldn't solve the problems delving into the causes of the grievance and agitation more than sweeping the problems aside momentarily. This presented superficial commitment of the governments regarding the existing problems in the country. The governments didn't have any serious steps ahead to abide by the agreements signed earlier. Simply entrusting duty to the Ministry for Peace for the dialogues with such groups continued to be the norm. However, the CPN-UML led government formed a committee headed by the Minister for Peace to follow up the implementation status but the committee could bring forth no particular and remarkable results by the end of the year.

Some aspects of the government were praiseworthy as well. Government showed its respect towards human rights by declaring through its programs and policies that human rights would be further effectively promoted and protected and human rights education would be compulsorily integrated in the military training courses. To address the gender based violence, government also declared to observe 2010 campaign against the violence against women and government prepared such plans following ample discussions with women, human rights defenders, representatives of the governments, a range of political parties and the representatives of the civil society and NGOs, among others.

The first four months of the year were ruled by the UCPN-M led government with the parties-CPN-UML, Madhesi Janadhikar Forum, CPN-ML and CPN-United, among other parties, as the coalition partners. Though the second largest party, Nepali Congress was in opposition, it had full support to

the government. However, when the then Prime Minister Pushpa Kamal Dahal resigned, senior leader of CPN-UML Madhav Kumar Nepal was elected as the second PM of republic Nepal unopposed on May 23 backed by 355 Constituent Assembly members from 22 political parties. This government, however, took complete shape only after 7th expansion.

In this backdrop, this chapter has tried to view the efforts of the governments towards the protection, promotion and implementation of human rights.

1. PEACE PROCESS AND THE GOVERNMENT

1.1 Integration of Maoist Combatants

Point 4.4 of the Comprehensive Peace Agreement signed between Nepal government and the Maoist party expected integration of Maoist combatants by forming a special committee that would carry out supervision, integration and rehabilitation of the Maoist combatants. The parties kept on dawdling as it was difficult for them to find any point of convergence to form such committee. Even after the formation of the committee, the parties couldn't decide model of integration in unison. Such committee formed based on CPA for the supervision, integration and rehabilitation of the Maoist combatant is coordinated by the PM himself. The then PM Dahal who was also the coordinator of the committee at that time had stated that "the special committee is preparing for the mass integration of the People's Liberation Army"¹ However, other parties opposed the idea of blanket integration. The then PM Dahal's plan that he would integrate

the Maoist combatants within 6 months couldn't be materialized even during his tenure of nine months.

While under PM Madhav Kumar Nepal's coordination, the special committee was set in motion beginning in September, but, only five meetings were held since. The Technical Committee formed with the aim to provide technical support in the integration, completed inspection and appraisal visits to the cantonments this year.

To gain idea on the best practices adopted there, the committee also decided to visit the countries that have gone through post-conflict phase and also decided to organize seminars. UCPN-M didn't participate in most of the meetings of the committee. Discounting the significance of the special committee, later, the party started to put forth the idea that integration and monitoring related issue of the Maoist combatants needed to be decided through high level political discussions. Though the special committee was formed by Maoist led government, nothing notable developed vis-à-vis the integration of the combatants during the tenure of Maoist led government. On the whole, the committee accomplished very few of its objectives. The technical committee formed under the special committee prepared a draft of Code of Conduct and Supervision on September 17, brought to discussion then, however, the code of conduct couldn't be passed. UCPN-M put forth the idea prior to the finalization² of the model of integration of combatants, constitution couldn't be written.

1. "Janasenako Samuhagat Samayojan Pakka:Prachanda". *Kantipur*. March 16, 2009

2. Pun, Barsaman 'Ananta'. 'Samayama Sambidhan Nirman:Pura garnuparne Chha Sharta'. *Himal Sambidhan Yatra, Part 2*. p. 188-189

1.2 Management of Disqualified Maoist Combatants

In the last month of the year Action Plan for the discharge of the disqualified combatants was signed. In the presence of Minister for Peace and Reconstruction Rakam Chemjong, UCPN-M Chairman Puspa Kamal Dahal, the Special Representative of the UN Secretary General for Armed Conflict and Children Radhika Kumaraswami and UNMIN head, the representatives of the Ministry for Peace, UCPN-M and UNICEF signed the Action Plan.

The action plan included pre-discharge examination of the 2973 verified Maoist combatants who were children before November 2006, signing of the CPA. Discharge of the combatants and follow-up by the UN team regarding conformation of the Maoists to the provisions they were to abide by was another aspect of the plan. The discharged combatants would have access to a range of rehabilitation options. The action plan also decided to discharge 4008 disqualified combatants beginning from January 2010. Of the disqualified combatants, 2973 participated in decade long Maoist insurgency as child soldiers.

Prior to the discharge of the disqualified combatants, the stakeholders were not found paying proper attention towards the mental health and mindset of the combatants recruited and conscripted in their childhood and the possible adverse consequences they would induce in the society. A study has revealed that former child soldiers in Nepal suffer from severe mental disorder. The study conducted by Brandon A. Kohrt of Emory University, Atlanta had shown that 53.2 percent of former child soldiers suffer from depression, 46.1 have anxiety and 55.3 percentages of

them suffer from post-traumatic disorder (PTSD). Similarly, 39 percentages of them suffer general psychological difficulties and 88 percentages of them have function impairment³. Before discharging the combatants, this issue should have been taken into consideration basically to ward off the possible adverse consequences in the society induced by their mindset. It would also ease the future of the combatants adopt civilian life.

The role played by UNMIN in the peace process and periodic reports presented by it also made controversy. Especially UNMIN was brought into flak regarding the management of Maoist combatants. Ministry of Home Affairs claimed that one UNMIN verified combatant of the cantonment was killed at Dudgehari forest, Kailail while UCPN-M affiliated landless squatters clashed with police while police trying to vacate the illegal occupants from the area. Minister for home affairs Bhim Rawal had informed that in course of postmortem an UNMIN verified identity card with photo of people's liberation Army person Narendra BK was obtained from the deceased body (See highlight of the year). However, UNMIN didn't make its official view public by the end of the year.

It was also reported that Maoist combatants roaming unrestrained out of the cantonment with UNMIN verified weapons were arrested by police. However, they were released after the UNMIN opined that for the personal safety the combatants could possess weapons when they were outside cantonments. (See *highlight of the year: Hurdles of Peace Process*)

Except holding of the CA election, peace process hasn't been able to achieve result as per the expectation of the people. Confining the Maoist combatants in the

3. Former Child Soldiers of Nepal at Increased Risk for Range of Mental Health Problems ...<http://www.Sciencedaily.com/releases/2008/08/080812160611.htm>

cantonments was a step forward but peace process couldn't move ahead as expected. "Maoist combatants amble with weapons unrestrained. The criminals are harbored in the cantonments. Cantonments have been the places for the breach of Peace Accords but UNMIN remained tight-lipped regarding this"⁴

1.3 Explosive Remnants of War Management

Supporting the Nepal government's commitment to remove the rest of the landmines and to assist for the purpose, the United Nations Mine Action Team (UNMAT) declared that it would complete its last phase of program by 2011. By December 8 UNMAT disposed 40,000 domestic explosives from the Maoist cantonments. Similarly, of the total 53 minefields created by Nepal Army, it cleared 15 places and of the total 275 places with domestic explosives planted by Nepal Army, 105 such areas were cleared this year.⁵

According to the Department of Education, the Mine Risk Education conducted by it with the help of UNICEF, 1,000 teachers of the most affected districts were trained on the subject. The explosives abandoned during the years of conflicts and due to misuse of explosives in more recent years, this year too there was loss of lives and properties. (See *ERW: Threats and Challenges*)

1.4 Transitional Justice

1.4.1 Positive Steps towards Justice

Government had some positive steps towards the establishment of institutions for transitional justice this year. As mentioned in the Comprehensive Peace Accord and Interim Constitution,

Nepal government tabled a Bill "Truth and Reconciliation Commission Act, 2009" for the deliberation with slight amendments on the Truth and Reconciliation Bill drafted in 2007. The amendment has defined "gross violation of human rights" and has encompassed killing, abduction, disappearance, mutilation, physical and psychological tortures, rape, appropriation and seizure and vandalism of personal and public properties, arson, expulsion from homes, any other type of displacement and any other inhuman activities carried out against international human rights and humanitarian law under Gross Violation of Human Rights.

Similarly, the Bill broadly defined the term 'victim' and stated somewhat regarding the reparation of the victim as well. Though some amendments were there, such amendments couldn't sincerely and broadly amend the issues like modus operandi of the commission, guarantee of its independence, witness protection, and implementation of the recommendation of commission and existing amnesty.

Draft Bills of Disappearances of Persons (Offence and Punishment) and Establishment of the Structure of Disappearance Probe Commission were passed by the cabinet and those were tabled in the Legislature-Parliament. Reminding that those Bills were not as per the international standards, INSEC, among other human rights organizations demanded reforms and amendments. However, both bills couldn't be passed by parliament by the end of the year. Similarly Ministry for Peace and Reconstruction held public hearing programs on the draft bill for the structure of the truth and reconciliation commission. However, human rights bodies concluded that this

4. Acharya, Nilambar 'Mahango Santi Lagani Ru. 57 Arba'. <http://himalkhabar.com/hkp.php?id=2679>

5. <http://unmin.org.np/downloads/pressreleases/press.release.final%20of%20explosives%20at%20mcs.24.12.09.nep.pdf;fjt>

draft didn't comply with the international human rights standards and norms either. (See *highlight of the year: Hurdles of Peace Process*)

1.4.2 Impunity Due to Political Protection

There was not any noteworthy achievement to address impunity and to guarantee the accountability in the incidents of human rights violations committed during and after the conflicts. On the one hand government was seen disinterested in making the security forces accountable and, on the other hand; UCPN-M didn't show any willingness to have the incidents of violations probed.

The Supreme Court had ordered the government on April 2 to follow a line of investigation and to make the status of the disappeared public. UCPN-M was in the government and had been frequently raising the issue of the whereabouts of its cadres and supporters disappeared during conflicts. But, the party didn't give attention to the order of the Supreme Court. The Supreme Court ordered the National Human Rights Commission to provide details of the Investigation Report on the 49 persons disappeared from the Bhairavnath battalion during the period of armed conflict. Following the hearing on Padam Narayan Nakarmi of Bhaktapur district, one of the 49 disappeared persons, the Supreme Court had ordered National Human Rights Commission to provide the investigative detail of the Bhairavnath Battalion.

Government had brought ordinance for the disappearance commission in February. In a verdict given on the writ filed in the Supreme Court the Court issued show cause notice

to the government on February 21 stating that the ordinance was inconsistent with constitution. The writ that was filed in the Supreme Court on February 11 challenged the constitutionality that as per the article 88 of the constitution, ordinance had to be brought as recommended by the Council of Ministers. However, the writ stated, one of the coalition partners of the government, CPN-UML had critical stance regarding the Ordinance.

Later, the ordinance got defunct due to time limit before the Supreme Court gave final decision regarding the case. National Human Rights Commission disapproved the ordinance referring to the constitutional provision that government needed to have consent compulsorily from the National Human Rights Commission before having policy-wise decision on the human rights related issues but the government had flouted the provision.⁶

Pointing to some provisions in the Disappearances of Persons (Offence and Punishment) Bill prepared by the government that were not in compliance with the provisions of the international law, human rights bodies submitted memorandum to the Minister for Peace and Reconstruction, Rakam Chemjong on August 30.⁷

It was agreed in the Comprehensive Peace Agreement that the whereabouts of the disappeared would be made public within 60 days and Commission on the Disappeared Persons would be formed. However, even after the elapse of two years of Supreme Court's order to form the commission, it was not implemented.

Promotion of the then Commander of Bhairavnath Battalion Major General Toran Bahadur Singh by Madhav Kumar Nepal led government was taken as the

6. Adhyadesprati Aayogko Asantusti". *Kantipur*. February 10, 2009

7. Manabdhikarkarmidwara Sarkarlai Gyapanpatra'. *Gorkhapatra*. August 31, 2009

best example of impunity in the country. Earlier, even OHCHR-Nepal had issued press statement that without carrying out an independent probe on the Bhairavhath battalion disappearance incident, Toran Bahadur Singh couldn't be promoted. INSEC, among other human rights organizations affiliated to Accountability Watch Committee, condemned the governmental decision through a press statement on December 25. Toran Bahadur Singh, who was criticized by the rights groups from the national and international levels for his alleged involvement in the disappearance of 49 persons from the Bhairavnath Battalion, where he was in-charge of, was promoted to the post of Lieutenant General.

Similarly, Nepal Army sent Niranjana Basnet, to the UN mission to Chad, who was charged for his involvement in the torture and subsequent killing of 15-year-old, Maina Sunar of Kharelthok in Kavre district during the conflict. Oblivious of the fact that Kavre District Court had issued arrest warrant against him in January 2008, he was sent to the mission on September 7. The court also had issued his suspension order. INSEC, among other human rights organizations, demanded that Basnet who was called back to Nepal on December 12 be presented before the civilian court. Till the end of the year, Basnet was detained by army. Nepal government approved the military steps silently even when it didn't act upon the order from the court. Similarly, UCPN-M, which has already assumed premiership, promoted the party positions of its cadres involved in the killing of Ram Hari Shrestha, journalist Birendra Sah and the killing in Madi incident in Chitwan in 2005 rather than cooperating in bringing the accused to justice. (See *highlights of the year: Hurdles of Peace Process*) Such instances helped derive the conclusion that government and the political parties

were not determined to bring impunity to an end.

State Minister for Agriculture and Cooperatives Karima Begam slapped Chief District Officer in Parsa Durga Prasad Bhandari on charge of sending an old car to pick her up during an official visit to the district and the government couldn't take any action against her. Lalitpur District Police issued arrest warrant against her but it couldn't be implemented.

Government withdrew criminal charges continuing with the trend in the last year, government withdrew criminal charges. Criminal charges of the 13 persons involved in different incidents in Kapilbastu, Butwal in Rupandehi, and Dang district were withdrawn. Those exempted were stated to have been the cadres of Tarai Madhesh Democratic Party but ironically the party wasn't in existence when these incidents occurred.

Similarly, Madhav Kumar Nepal led government as well followed the steps of the previous government pertaining to the withdrawal of the cases. About 27 cases of political nature were withdrawn by the government. The case of Dharmadev Yadav in Saptari, among the cases of other six persons, and the case of Dambar Bahadur Limbu, among the cases of other 19 persons were withdrawn this year. The criminal charge related to killing in Surkhet on the eve of Constituent Assembly election was also repealed and the Minister for the Home Affairs, Bhim Rawal, was the coordinator of the committee formed to revoke the charges. The government didn't realize the fact that revoking the cases with political predisposition would promote impunity after all.

In the same way, nothing optimistic could be seen on the part of UCPN-M to end the state of impunity. The committee formed to look into the Ram Hari killing incident and coordinated by Post

Bahadur Bogati couldn't float anything new regarding the alleged architect of the killing, Kali Bahadur Kham. The governmental committee headed by advocate Umesh Gautam and Maoist Party's internal committee led by Devendra Paudel had to submit investigation report within 15 days regarding the killing incident of the journalist J P Joshi but the committees uncovered nothing by the end of the year. Parties in the government and in opposition kept on bypassing the rule of law. "The politicians, police, prosecutors, and army are letting the people of Nepal down once again. The government has had plenty of time to set the wheels in motion to prosecute the perpetrators, but all it has done is made empty promises."⁸

The incident in Saptari this year showed how political parties exempt the culprits and the alleged ones from being punished. The demonstrators in Rajbiraj in the district, demanding the release of the student leader in custody after he beat the principal of Mahendra Bindeshwori Multiple Campus, Devi Dutta Sah, tried to padlock the District Administration Office and clashed with police where 12 persons including a police inspector was injured whilst hearing on the case was going on in the district court. To release the student leader a multilateral and multiparty group having the involvement of 10 parties was formed. However, CPN-UML and NC informed that they were not involved in the group. Government didn't seem chary that such politically guided activities in due course would uphold impunity. Not to have an independent probe and not to punish the accused has increased criminal mind-set among the people in the society and impunity has further

been consolidated. "The government is reluctant to bring the perpetrators of the former Maoist rebel party and any other parties to justice to provide justice to the victims."⁹

1.4.3 Reparatory Incentives to the Victims in Conflict

The government began to provide monetary support to the families of 11,039 deceased persons with Rs 100,000. Such monetary compensation seemed to be an instant support but it couldn't make the victims realize that they are justly dealt. On the one hand Government demonstrated its perception that victim reparation is tantamount to monetary support and on the other hand some proofs were also availed on how parties' consensus-based politics misused state coffer. "District vice president of NC Party in Humla Takka Bahadur Shahi and Humla District Committee Member of UCPN-M Surbir Aaidi, who were included in the list of 164 deceased, endorsed and sent by Ministry for Peace and Reconstruction to the District Administration Office in Humla, are active in politics in the district. Their names are in the list without address and it has been mentioned that they were killed in Dailekh some 11 years ago."¹⁰ Ministry for Peace stated that monetary support to 11,039 families of the deceased persons was sent to the corresponding districts in the year.¹¹

2. IMPLEMENTATION OF SPECIAL SECURITY PLAN

Political committee of the Council of Ministers passed a new Special Security Plan on July 26 to curb the violent activities

8. Human Rights Watch, *Nepal: Years of Terror, Then Broken Promises*, October 16, 2009, available at: <http://www.unhcr.org/refworld/docid/4add69032.html> [accessed February 7, 2010]
9. Gahamagar, Santa. [http:// himalkhabar.com/news.php? = 2840](http://himalkhabar.com/news.php? = 2840)
10. 'Jiunda Manis Mritakka Suchima'. <http://www.himalkhabar.com/hkp/news.hp?id = 2417>
11. <http://www.epsp.gov.np/eng/index.php>,

in the country. The plan was implemented in 15 districts of Tarai, eight districts of eastern hill and three districts in the valley. Government had allocated Rs. 4 billion for the purpose. Armed Police Force created 11,000 posts for the new recruits to materialize the plan. Proposal for the 5,000 recruits was passed and 10,000 other posts are under consideration in the Ministry for Finance.

Earlier, the then Minister for Peace Janardan Sharma had initiated dialogues with 11 armed groups in Tarai on April 27 on behalf of Pushpa Kamal Dahal led government. The dialogue couldn't yield meaningful outcome. Even after formal declaration of Dahal's resignation, the cabinet under his premiership withdrew the charges of 10 persons affiliated to different groups and active in Tarai on May 4.

The government decided to withdraw the charges of two members each of Liberation Tiger of Tarai Eelam, Madhesi Virus Killers Party, Tarai Samyukta Janakranti Party Nepal, Janatantrik Mukti Morcha (Rajan Mukti Group), Samyukta Janatantrik Mukti Morcha.

The Madhav Kumar Nepal led government and its Minister for Peace Rakam Chemjong also initiated dialogue with the groups in Tarai. By the end of the year, Kirant Janabadi Workers' Party, Tarai Cobra, Tarai Janatantrik Mukti Morcha (Ranabir), LTTE, Tarai Janatantrik Mukti Morcha (Prithvi), Madhesi Virus Killers, Akhil Tarai Mukti Morcha, Samyukta Tarai Jana Kranti Party, Madhesi Rastriya Janatantrik Party (Revolutionary), Tarai Samyukta Janatantrik Mukti Morcha Party (Pawan Singh), Madhesi Mukti Tiger and Tarai Sayumkta Janatantrik Party (Tarjan) were called on for the dialogue. Some of

the representatives of the parties involved in the dialogue later stated that dialogues could not be possible due to governmental apathy towards the demands of their parties.

As per the report prepared by the Ministry for Home Affairs, among the 109 armed groups across the country, 80 percent of the armed groups have used Indian land for shelter, trainings and to buy weapons. Of them more than 20 groups to make Tarai Madhesh as another country after separating it from Nepal¹² and 60 groups demand self-determination and self-rule. The report stated 95 percentages of the groups were of criminal nature.

Though violent activities come down to some extent following the implementation of the Special Security Plan, it couldn't bring about substantial improvement in the security situation in the country. The reports of extortion, abduction, beating, capture of land didn't abate. People could not heave a sigh of relief on hopes of easy days ahead. In Panchthar, among other eastern hilly districts, threats and extortion spree continued. INSEC recorded the incidents that some groups and persons accrued money in the name of taxation. Sumhatlung Regional Committee on behalf of FLSC-Manch demanded Rs 10,000 to 100,000 from many schools, governmental offices, organizations and business persons sending their demands on their letter pad.¹³

It was also reported that police involved in extra-judicial killing in the pretext of crossfire and retaliatory fire. (See *district human rights violation facts Saptari, Siraha, Dhanusha*). However the government didn't make any effort to probe such incidents.

12. Ek Saya Nou Samuhako Chirfar'. *Kantipur*. July 1, 2008

13. "Limbuwanko Chunauti". <http://himalkhabar.com/news.php?id=2716>

3. INTERNATIONAL OBLIGATIONS

In terms of signing UN instruments, treaties and covenants, Nepal is one of the leading countries. It has signed many such instruments and some are still to be signed. Of them, Rome Statute of International Criminal Court is one. Upendra Yadav, the then Minister for Foreign Affairs under the premiership of Pushpa Kamal Dahal had stated while addressing the UN general assembly that Nepal was prepared to accede to Rome Statute of ICC. His proposal on March 12 before the Council of Ministers to accede to the Rome Statute was a sign that Nepal government was positive towards the statute; however, the cabinet meeting on the day deferred the issue saying that it would be decided later. Claiming the irrelevance of the directive of the interim parliament in the changed background and newer environment Minister for Law and Justice Dev Gurung of the same government opined that accession to the Rome statute had to be decided by the Constituent Assembly rather than by the cabinet meeting.¹⁴

Nepal government belatedly submitted the initial report on the Optional Protocol of CRC on the Sale of Children, Child Prostitution and Child Pornography. Similarly, Nepal also submitted the initial report on The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) to the UN Committee, it was too a belated submission.

Regarding the discharge of disqualified Maoist combatants and their rehabilitation in the society, Nepal government and UCPN-M agreed and signed the action plan on February 16 as prepared by the Secretary-General's

Special Representative for Children on Armed Conflict. The agreement stated February as the month of discharge with the intention that the report of the Secretary General of the UN being submitted to the Security Council wouldn't represent UCPN-M in the list of the non-state institutions recruiting child soldiers and misusing them otherwise.¹⁵

As the preparation for the Report to be presented in Universal Periodic Review being held by the UN Human Rights Council in 2011, Nepal government formed a committee to be coordinated by the Office of the Prime Minister. The committee will submit report on Nepal's implementation of the obligations under different treaties, implementation to the recommendation given by UN Special Rapporteur and overall human rights situation in Nepal.

Nepal government extended the tenure of the OHCHR, Nepal by one year as per the agreement signed between Nepal and the UN High Commissioner on Human Rights on April 10, 2005. CPN-UML led government expressed its dissatisfaction against the UN mission in Nepal. Stating that the reports prepared and reported was unilateral and not based on ground reality, almost all the coalition partners in the government expressed their dissatisfaction over the report presented by the UN Secretary General before the Security Council. Earlier, a meeting of 22-parties in the government including the PM had concluded that interference of the UN in the internal matter of Nepal was an external interference.¹⁶

The High Commissioner of the UN Human Rights had demanded extension of the tenure of the OHCHR, Nepal by

14. <http://www.iccmow.org/?mod=newsdetail&news=3252>

15. <http://www.Kulgautam.org/website/index.php/kuls-speech-nepal-mainmenu-68/239-2009-04-03-20-39-44>

16. [http://www.nhrcnepal.org/hrletter/doc/nhrc-newsletter-special%20issue-2066\(baishakh&jestha\).pdf](http://www.nhrcnepal.org/hrletter/doc/nhrc-newsletter-special%20issue-2066(baishakh&jestha).pdf)

three years but PM Madhav Kumar Nepal was not interested to extend the tenure. In a program organized on the occasion of the ninth Anniversary of the National Human Rights Commission, PM Nepal said, "National Human Rights Commission itself should be empowered to improve the human rights situation in the country."¹⁷

Point 4 of the memorandum submitted to the PM by National Human Rights Commission on June 26 drew the attention of the PM regarding the area of its work. Reminding the then King Gyanendra's step on February 1, 2005, the conflict in the country and the changes undergone since, NHRC stated that it was to carry out the functions being looked into by the OHCHR Nepal.¹⁸ Proposed draft Bill of the NHRC was not implemented even after its formation. The fact that only 38 percent of the NHRC recommendations were implemented showed the governmental disregard towards the national rights body.

Of the total 8757 complaints filed in NHRC since its establishment, decisions have been taken on 1103 complaints and it had made 147 recommendations. 38 percent of implementation doesn't indicate a satisfactory situation. Chief Commissioner of NHRC rued that the state didn't have an effective role in bringing the violators of human rights to justice.

4. SOCIAL SECURITY

The budget of the year focused specially on social security. Some popular programs targeting the women, children, marginalized community and the elderly persons were floated through the budget. The allowances were continued to be given with additional amounts. For the marriage of single women and marriage between

dalit and non-dalit persons government declared to grant Rs 50,000 and 100,000 respectively but later single women and human rights organizations filed writ against such provision in the budget. The budget also gave continuity to allowances for widows and elderly persons. For the social security, government allocated 7 billion 780 million rupees.

The budget scaled up the allowance of Rs. 500 being given to Raute ethnic groups to Rs. 1000 and declared to settle them permanently in appropriate places if they wished. The budget also allocated amounts on health shelter for conflict-affected elderly citizens in each of the five development regions with the objective to provide appropriate care, medical treatments and attention. For the programs that directly benefit the women, government allocated 49 billion 470 million which is 17.30 percent of the total budget. Earlier year, the amount was 19 billion 9 million only.

The budget also allocated 30 million for the women from Badi community for the construction of home and social empowerment. Shelters were to be made in 15 different places for the women victimized by domestic violence and sexual harassment and 20 million rupees was allocated for the purpose. Up to two children below five years in age of the each Dalit and economically deprived family and the family in Karnali were given Rs 200 under Child Protection Grant. Such facility also applied to the orphans. This program was to benefit about 400,000 children across the country.

The girls of Dalit and economically deprived family in Parsa, Bara, Rautahat, Sarlahi, Mahottari, Dhanusha, Siraha and Saptari would be provided with scholarship

17. "OHCHR Hataune Pakshyama Pradhanmantri". *Samacharpatra*. April 27, 2009. p. 1

18. <http://www.indiannews.com/Nepal/20091105/230145.htm>

for ANM or equivalent technical education if the girls in such family passed 8th grade. Literacy program was started targeting to eradicate illiteracy within two years. Budget also had the program for up to grade 10 for free education gradually. To minimize drop-out rate from school, nutritious day-meal program would be expanded from 21 districts to 35 districts. As per the budget extra 400 schools would be handed over to the community in 2010. Various scholarships targeting the students ranging from primary level to higher level were continued. The budget also declared to run technical annex education programs in 30 schools.

Government declared to provide free of cost cancer treatment from Bharatpur Cancer Hospital for the endangered ethnicities, senior citizens above 75 and the children below 15. The free of cost cardiac surgery and treatment for those people were also given continuity. It also declared free treatment of *open heart valve* to the 500 poor persons from Sahid Gangalal National Heart Center. Budget also declared free of cost cataract surgery of the 4,000 people in nine districts in the far western development region and in all districts in Karnali region. The budget had the provision to expand poverty alleviation programs in all districts. For the Rs 2 billion 720 million. Finance Minister declared to provide “State Privilege Identity Card” to those below the poverty line. Such card holders would get privileged access in health, education and public supply and in the goods sold by the government obtaining under grant and contribution.

However, the budget remained silent on the follow-up mechanism after implementing aforementioned social security related programs. It couldn't anticipate that implementation of such programs are not undemanding. For

instance, government should have learnt how rehabilitation program for the freed bonded labor had turned problematic in the past. Government stated that of the total amount, 69 million was allocated for the entrepreneurship rehabilitation and to formulate Haliya law.

With the help of ILO and Economic and Social Reform Program 11,882 persons were given professional and skill-generating training in the year and by mid 2010, other 1,238 persons are supposed to be trained. However the government didn't have any proper plan how that trained force would be absorbed. Trust Fund and Land Bank programs couldn't be implemented this year too. As the 70 million rupees of the land bank was not spent, the amount was transferred to employment and mobile programs.

As per the freed bonded labors' committee among the 27,570 families in Dang, Banke, Bardia Kailali and Kanchanpur, 5,931 families have not been rehabilitated yet.

5. RIGHT TO HEALTH

Owing to perpetual price rise and global recession, numbers of people affected from food insecurity have been increasing in Nepal for three years. As per the UN, 3.7 million people suffered from food problems in the year. Like in the past, owing to the failure of Nepal Food Corporation's ability to supply food on time, the northern VDCs in Gorkha district Chhekampar, Lho, Prok, Bihi, Chumchet, Sirdibas and Samagaun faced food shortage. 2,260 quintals of rice allocated for Sirdibas depot couldn't be supplied there before Dahsain. On the eve of Dahsain festival, the people got rice at a price of Rs. 200 a kg after the corporation supplied rice with the help of helicopter. Similar plights were faced by people in Jajarkot, Kalikot, Humla and Dolpa, among others.

(See district wise economic, social, and cultural rights situation)

The Ministry for Agriculture and Cooperatives states that people of 40 districts have to rely on food supplied by different agencies as the food produced by them is not sufficient for them throughout the year. In the absence of long-term vision on the side of the government, people suffered from food crisis. In the 1990s, 20 percentage of budget was allocated to the agricultural sector but this year it is only 2.65. Such comparative fact primarily indicates that government in Nepal is not serious in this sector.

Diarrhea outbreak in the Mid-Western and Far-Western region claimed 464 persons this year. Following the outbreak in the regions, Nepal government decided to provide Rs 15,000 and Rs 10,000 from Central Disaster Relief Fund in case of death of the head in the family and other family members respectively.

Earlier, World Food Program had distributed rice in the diarrhea affected regions and sample of the rice was collected by INSEC. Department of Food Technology and Quality Control examined the sample through Consumers' Rights Protection Forum. The report of the department stated that the food distributed were inedible.¹⁹

Article 11 of the International Covenant on Economic, Social and Cultural Rights 1966 to which Nepal is a state party, Article 25 of the Universal Declaration of Human Rights, 1948 and Article 16 of the Interim Constitution of Nepal have guaranteed right to health as a basic right. However, Nepal government seemed irresponsible towards the right to health issue. Government took initiative for only providing Rs 10-15,000 to victims,

which was insufficient measure to prove its responsibility towards the problem.²⁰

It was a gross negligence of the government that health workers in the affected area were not sufficient when diarrhea broke out. According to INSEC district representatives, doctors and health workers were not serving in most of the District Hospitals and health posts as per the quota. For example, Nawalparasi, one of the easily approachable districts in Nepal having the quota for 11 doctors, had only four reporting for duty. Of the staff nurses' quota for 10, only five nurses were there. Likewise District Hospital in Lamjung didn't see any doctor although it had quota for three. Many INSEC district representatives reported similar situations in the corresponding districts. Ministry of Health data shows that there is one medical doctor for every 18,439 persons in the country at present.

CONCLUSION/RECOMMENDATIONS

Nepal is undergoing in a transitional phase and It's not unusual that problems are complex, but, inability to find the better way out might lead the country towards a difficult dismal future. So as not to steer the country deep into the abyss of problems and to avoid such possible situations, prioritizing justice, political stability and ending impunity are imperative. Only the guarantee of such requisites can establish rule of law and Loktantra. To punish the perpetrators involved in grave human rights violation and provide reparatory incentives to the victims are major steps for conflict resolution.

Both the governments that ruled in the year 2009 most often got involved beyond their mandate. Strengthening the government was the priority of the

19. http://inseconline.org/linkedfile/diarrhea_report_Nep.pdf

20. <http://un.org.np/diarrhea-outbreak>

UCPN-M led government whereas CPN-UML led government spent time attempting to forge consensus. Both governments couldn't prove themselves capable for successful peace process, providing reparation and justice to the victims and maintaining peace and security for the rule of law. Rather, the governments provided bases for promotion and consolidation of long existing and deep-rooted culture of impunity in the country. Integration and rehabilitation of the Maoist combatants in cantonments is of prime importance for the ongoing peace process. However, no particular decision was taken in the year in this regard. Even UNMIN, having the subsidiary role on integration and rehabilitation of the combatants couldn't work as expected and its activities regarding overall peace process couldn't remain out of controversy either. So government has to take the following issues seriously.

1. Follow the spirit of Interim Constitution and the Comprehensive Peace Agreement thoroughly.
2. Probe the extra-judicial killings carried out under the pretext of security.

3. Respect the international obligations under different treaties.
4. Ensure the administrative mechanisms under the government follow the orders from the Supreme Court.
5. Implement the recommendations from the National Human Rights Commission
6. Constitute and implement the Probe Commission on Disappeared Persons, Truth and Reconciliation Commission as per the Interim Constitution and corresponding to the international standards.
7. Integrate the Maoist combatants as agreed and signed in the CPA.
8. Form a follow-up mechanism for the disqualified and discharged former Maoist combatants.
9. Bring the perpetrators involved in the human rights violations to justice, notwithstanding whatever position they hold in the party.
10. Solve the problems of the agitating political groups through dialogues.
11. Formulate far-reaching strategies and policies for food security.





3.3 State & Human Rights

Legislature &
Human Rights

Chapter

3

Chronology

January 1- December 31, 2009

January 7

Minister for Women, Children and Social Welfare tables Domestic Violence (Offence and Punishment) Bill, 2008 for section-wise discussion

January 10

Minister for Law, Justice and Constituent Assembly Affairs presents Security of Health Workers and Health Institutions Bills on behalf of Minister of Health and Population

January 13

CA members of Tarai Madhes Democratic Party boycott parliament, protesting against the killing of journalist Uma Singh

Deputy PM and Home Ministry Bamdev Gautam, reports that Uma Singh was killed by armed men on January 11, and that police were searching for the suspects. He made assurances that stern action would be taken against the guilty, and that preparations were underway to provide financial compensation to the deceased

January 18

Resolution Motion proposed by CA member Ramesh Lekhak, asking the government 'to guarantee free and fair journalism by protecting the media sector from killings, violence and terror, and to establish proper parliamentary monitoring'. Motion was unanimously passed.

April 7, 8

CPN-UML CA members boycott the parliament as a result of government failure to find and punish the killers of Prachanda Thapa, and NC CA members boycott the parliament protesting against the non-implementation of the PM's commitments

April 14

Minister for Peace and Reconstruction tables "Causing Disappearance of Individuals (Offence and Punishment) Bill, 2009

April 19, 20, 22, 25, 26, 28

NC CA members boycott the

parliament, charging the government with threatening the peace process, violation politics of consensus, undermining the Nepal Army, bureaucracy and Judiciary and non-implementation of PM's promises

May 4, 5, 9, 11, 14, 17, 18

UCPN-M obstruct parliamentary procedures citing weakening process of consensus and co-operation, concern for possibility of logical conclusion of peace process, rising tension among revolutionaries, progressivists and status quoists, unconstitutional move by the President to veto the PM's move of dismissing Chief of the Army Staff Rookmangud Katawal who was working against the civilian supremacy

May 21

PM Pushpa Kamal Dahal alias Prachanda addresses the parliament claiming his resignation was to avoid army coup and adds that the decision to demand clarification from CoAS had support from coalition partners. He further states that the move taken by the President to reinstate the CoAS was unconstitutional, and denies the report of entry of weapons into cantonments. He dismisses the talks of Maoist strategy of power capture as rumors, and pledges his parties commitment towards the process of constitution making

Speaker informs the parliament that he has scheduled May 22 Saturday 3.00 pm as the date for PM election as per Article 38 (2) of Interim Constitution and Rule 7 (2) of Constituent Assembly (Procedures of Legislature-Parliament) Regulation, 2008

May 22

Speaker informs that there was only one proposal for the position of Prime Minister, that is Madhav Nepal as per Article 38 (2) of Interim Constitution and Rule 7 (3) of Constituent Assembly (Procedures of Legislature-Parliament) Regulation, 2008, and that the proposal was made by NC's Girija Prasad Koirala. Speaker announces Nepal as the PM as there was no other contestant. The Maoists walked out of the parliament boycotting the meeting and the election process

May 30

UCPN-M CA members boycott



the parliament after one of the members, Posta Bahadur Bogati makes a statement claiming the Presidential move was against loktantra, people are being misled by directed democracy, attempts are being made to diminish sovereign legislature, and that the boycott would continue till the said conditions were not reversed.

June 1, 3, 10

Maoists boycott the parliament demanding civilian supremacy and discussion of resolution motion over the Presidential move

June 11

Proposal for Condolence for the death of a senior NC leader, former HoR member, fighter for democracy and former deputy-PM Shailaja Acharya. Maoists boycott the parliament

June 13, 16, 18, 25, 28, July 1

Maoists boycott the parliament demanding civilian supremacy and discussion of resolution motion over the Presidential move

July 6

PM Madhav Kumar Nepal pledges his dedication to the implementation of the agreements reached between several agitating groups and former governments, the management of former Maoist combatants and their rehabilitation and integration, the implementation of a 12-point Understanding and rehabilitation of combatants on a consensus basis

Speaker informs parliament about formation of Council of Ministers which took place on May 24

July 8

Sixth session of Legislature-Parliament summoned

July 9

President Dr Ram Baran Yadav presents Nepal Government's annual policy and programme for fiscal year 2009/10

July 12

Maoists boycott the parliament. Nepal government's annual policy and programme passed by majority

July 13

Finance Minister presents budget for fiscal year 2009/10

July 14

Finance Minister proposes general discussion over the budget

July 15

Finance Minister Surendra Pandey presents "Finance Bills, 2009" and "Advance Bill, 2009"

July 19

Finance Minister's proposal of discussion over Finance Bill, 2009 unanimously passed

July 24

Home Minister Bhim Bahadur Rawal informs the parliament about the death of Saptari's Akhilendra Yadav, shot by the police. Padam Lal Bishwakarma, the chairperson of the International Relation and Human Rights Committee presents the report of the "Fact Finding Mission Regarding Border of Dang District".

July 26

Maoist CA member Narayankaji Shrestha declares boycott of parliament stating that the UCPN-M have a responsibility to resist the contrivance and disruption of the peace process, citing a delay in drafting the constitution, and failure of government to accelerate the peace process and constitution drafting process

July 28

PM Madhav Kumar Nepal addresses the parliament informing them about the death of 188 persons due to diarrhea in different districts, and the government steps taken to curb the epidemic

July 29

Home Minister Bhim Bahadur Rawal informs the parliament about the decisions taken by the Council of Ministers to maintain peace and security in the country

July 30

Speaker delays the meeting of Legislature-Parliament for 10 minutes, agreeing with the NC CA member Purna

Bahadur Khadka's point that ministers should be present at the meeting.

July 31

Maintaining that RPP (Nepal) had always advocated for a referendum on federalism, Hindu nation and on a Monarchy, Chandra Bahadur Gurung (Syanja) expresses regret at the disruption of programmes in the districts of Gulmi and Syanja where RPP (Nepal) was holding a mock referendum on those topics

August 7

Questioning the government's intention to call an all-party meet to discuss the issues raised by Maoists regarding the closure of deadline of a month, Maoist CA member Narayankaji Shrestha announced their intention to obstruct the parliamentary procedures until the drafting process of the constitution was completed, the peace process reached its logical conclusion, and the Presidential move was rectified. That prompted the Maoist CA members to engage in sloganeering, after which the Speaker adjourned the meeting

August 10, 11, 12, 16, 17, 18, 19, 25, 26, 27, 28, 30, 31, September 1, 2, 6, 8, 9, 10, 13, 14, 15, 18, October 7, 9, 11, 13, 15, 26, 27, 28, 29, November 4, 5, 7, 9, 10

Maoist CA members began sloganeering forcing the Speaker to adjourn the meeting

November 14

Proposal of condolence passed on the death of Kailali district's representative Tek Bahadur Chokhal

November 16, 17, 18, 19, 20

Maoist CA members began sloganeering forcing the Speaker to adjourn the meeting

November 23

Seeking permission from the Speaker, Maoist CA member Narayankaji Shrestha said his party was ready to allow the parliament to hold a discussion on the budget from this date, as the party's boycott of parliament was related to restoration of civilian supremacy

November 24

CA members draw attention to the government's slow move to prosecute the perpetrators in the rape case of the Achham policewoman, Suntali Dhami

November 25

Meeting of Legislature-Parliament unanimously passes the Finance Minister Surendra Pandey's proposal for approval of the budget

November 27, 29, December 1, 4, 7, 10, 13, 15, 17

Maoist CA members began sloganeering forcing the Speaker to adjourn the meeting

December 23

Proposal of condolence over the death of former HoR member, Durga Dutt Joshi

December 24

CA members express delight at resumption of long-obstructed parliament proceedings. CA member Gayatri Sah walks out announcing boycott till the Presidential move is rectified

December 27

Proposal by Minister for Women, Children and Social Welfare, Sarbadev Prasad Ojha, asking for the endorsement of the Convention on the Rights of Persons with Disabilities and its Optional Protocol CRPD -2006 unanimously approved

December 28

Unanimous approval of proposal on discussion of "Bill on Function, Duty, Rights and Working Procedures of Constitutional Council, 2009"

December 29

"Seventh Amendment of Interim Constitution Bill, 2009" presented

December 30

"Seventh Amendment of Interim Constitution Bill, 2009" approved



BACKGROUND

The Year 2009 can be called a year of uncertainty and complexity because of the continued obstruction of Legislature/Parliament proceedings in the name of civilian supremacy. Nine Maoist leaders including Krishna Bahadur Mahara, entered into parliament in 1991, as part of the then Samyukta Jana Morcha, with the declared intention of exposing the parliamentary system. At that time their motive was the tactical use of the parliament to launch an armed struggle. The Maoists, who began their armed struggle three years after joining parliamentary system, took another 10 years to return to parliament. During this 10 year period, they boycotted two general elections, and later signed a 12-point Understanding with Seven other Political Parties on November 22, 2005. Seventy-three Maoists took their seats in the parliament with the help of laws that the Legislature-Parliament (renamed from restored House of Representative) had passed, following the People's Uprising of 2006. The restoration of the dissolved House of Representative generated a big stir in Nepali politics. The restored legislature made many radical decisions one after another. The Legislature-Parliament, that was capable of landing the armed rebels in the Interim Parliament, of doing away with the Monarchy, and ensuring the exit of King Gyanendra from the Palace, was obstructed for nearly six months, when the largest party left the government.

Several ordinances were shelved due to the obstruction of parliamentary proceedings. Diarrhoea claimed the lives of people in the Far and Mid Western Region when it reached epidemic proportions, but there was no discussion on this issue at the Legislature-Parliament. Many Nepalis lost their lives due to land slides and floods, while others were rendered homeless in different parts of the

country during September and October, however, such issues were not addressed in Parliament. There was no substantive discussion on women rights issues. The issue of the rape of a policewoman, Suntali Dhami, by her colleagues, and the report of the study conducted by female CA members was not tabled. The budget was not passed on time, due to Maoist obstructions at the Legislature-Parliament, and the CA members were permitted only three days after consideration by Maoists, to hold discussions on the Finance Bill Ordinance. The delay in the approval of the budget almost brought the financial activities of the country to a halt. The CA is also responsible for functioning as a Legislature-Parliament. Therefore, the continuous obstruction of the parliament by opposition parties prevented discussions of the people's issues. The bitter relations amongst the political parties did not only affect parliament activities, but also affected CA work.

The parliament was stalled for many days during the winter session when the NC obstructed the proceedings demanding the return of properties captured by Maoists. The UML's demand for the arrest of an alleged killer of Youth Force leader Prachanda Thapa, the protest by Madhesi parties that claimed state disregard for Madhesi issues, and several other issues raised by other parties continued to obstruct the parliament. As evident from the numerous calls for bandh, the closure of the Legislature-Parliament required no special issue.

The Maoists continuously obstructed the Legislature-Parliament demanding discussions on the resolution motion against the President, following Prime Minister Pushpa Kamal Dahal's resignation, claiming that the Presidential instruction to the then Chief of Army Chief Rookmangud Katawal, to continue his office, vetoing the government decision

to fire CoAS, as unconstitutional. The repeated pledges of top political leaders to resolve the differences remained meaningless.

This chapter deals with those six dark months, and some of the crucial achievements gained by the Legislature-Parliament this year.

1. DISDAIN OF PARLIAMENTARY SUPREMACY IN THE NAME OF CIVILIAN SUPREMACY

The Maoists-led government decided to fire the CoAS, who was due to retire three months later. Stating that this decision was not in line with the legal provisions, President Dr. Ram Baran Yadav instructed CoAS to continue carrying out his duties, leading to resignation of PM Dahal. Maoists obstructed the parliament citing lack of civilian supremacy in the country.

Maoists claimed that the situation arose, due to the denial of their demands to be allowed register a resolution motion against the Presidential Move, which, according to them, would have established civilian supremacy. In any parliamentary system, the majority forms the government while the minority remains in opposition. However, the current government with 62 percent support in parliament appeared helpless. Even Speaker Subas Chandra Nembang was criticised for failing to end the deadlock. Maoists frequently referred to the new government, formed by the political parties including UML and NC with the required majority number of seats, as a puppet government. The NC wanted the majority government to approve the budget and bypass the Maoists, but the Speaker kept trying to build consensus among parties on these issues. Though the Maoists held the parliament to ransom

for civilian supremacy, the Speaker's attempts to find "consensus of the parties for parliamentary supremacy"¹ drew much praise.

Maoists could not agree with the opinion held by other parties, that the step taken by the constitutional President in relation to the CoAS issue was indeed constitutional. The parties were ready to discuss the impeachment of the President, but not the resolution motion. The reason for this was the anticipated result of any such discussion, and its effect. Political parties were concerned that the Maoists might wrongly interpret the resolution motion. They stated that by raising the issue of civilian supremacy, the Maoists were trying to resurrect Lenin².

The Comprehensive Peace Agreement (CPA) is the foundation for ending the armed conflict, and taking the peace process to its logical conclusion. The largest party of the CA Maoists, took advantage of the CPA in order to hold the parliament to ransom. This can only be referred to as partisan interest. The Interim Constitution and Legislature-Parliament are the basis for loktantra, and good governance. However, to cross the sphere of the Legislature-Parliament on the issue of governance and loktantra, is to get entangled in partisan politics. It does not mean refusing the concepts of political improvement through civilian supremacy, or the need for state restructuring. The peace process and the constitution making process exist to serve these agendas³. It would be wrong to take a single party as the representative of the country, and if such a move was made, the Nepali people would be quite wronged.

The Maoists made a mockery of parliamentary supremacy in the name of civilian supremacy, by disregarding

1. <http://dainik.com/newsdetail/10917.html>

2. *ibid*

3. Khanal, Ajaya Bhadra. "Maobadi, Chhimeki Ra Bikas". *Nagarik*. December 31, 2009

the representation of 70 percent of the population, in their rant for civil supremacy, and in their attempts to act both as a party in government and one in opposition. These days could be considered dark days in Nepal's parliamentary history.

2. ELECTION OF THE PRIME MINISTER

Senior UML leader, Madhav Kumar Nepal, was elected as Prime Minister after Pushpa Kamal Dahal stepped down following the Controversy over CoAS. No one contested the succession of Nepal, who had garnered the support of 22 political parties of the CA. Maoists boycotted the parliament during all the electoral procedures. NC president Girija Prasad Koirala proposed of Nepal the PM and there was no opposition to this proposal. In his first speech as the PM, Nepal pledged his commitment to moving forward by building an all-party consensus in order to take the peace process to its logical conclusion.

3. PARLIAMENTARY COMMITTEES

There are several committees which were formed in order to ensure the effective functioning of the Legislature-Parliament. This year, the committees remained almost non-functional. On a number of occasions the committee meetings did not have quorum, while at other times, the members would leave while the meetings were in progress.

The sub-committee of the Women, Children and Social Welfare committee conducted a fact finding mission to Achham to Investigate the rape of policewoman Sunatali Dhami, by her colleagues at the District Police Office. The committee recommended that action be taken against the perpetrating policemen. Home Minister Bhim Rawal and Minister for Law Prem Bahadur Singh

were invited by the committee to discuss the case. The day before the ministers were called, the committee had also met with the victim Sunatali Dhami, and DIG for the Far Western Region, Parbati Thapa. The committee demanded the resignation of Rawal and IGP Ramesh Chandra Thakuri⁴ due to what they said was Rawal's failure to take action. Minister Rawal maintained that his Ministry was conducting a fair and unbiased investigation, and made assurances that action would be taken against the guilty. In a similar manner, Minister Singh had pledged that any court staff implicated for violating the law would be taken care of under the Government Employees Act. Despite such activeness on the part of the parliamentary committee, there was no known action taken against the perpetrators. Three of the accused policemen have already resumed their duties.

The Border Monitoring Committee also remained in discussion this year. The committee visited Koilabas area of Dang district and Susta area of Bara, and Nawalparasi among others. Following the field visits, the committee concluded that India had encroached on the Nepali side of the border.

4. PARLIAMENT-LEGISLATURE AFFECTED BY LOW ATTENDANCE

Low attendance of the CA members affected the effective functioning of the Legislature-Parliament. Only about half of the 601 members attended the meeting (the majority of meetings). The members, who are endowed with the responsibility of drafting the new constitution, along with other crucial laws, must go to the CA building to sign the attendance register. "About half of the members of the CA go there only whenever they wish to"⁵. The

4. <http://reptrersnepal.com/newsbase/nid/21429>

5. "Sabhasad Hajir Gardai Tap Tokdai". *Nagarik*. December 31, 2009

State coffer loses Rs 37m every month through their salaries and other amenities. This means that the state spends Rs 2,000 per day per CA member, while they have continuously failed to realise and address their responsibilities. Furthermore they did not attend other CA meetings to address the issues of public importance, taking the obstruction of the parliament proceedings seriously.

Moreover, nearly Rs 24,000 is spent every month on each of the 24 parliament and CA committee chairpersons. Besides their salary of Rs 26,120, CA members gets Rs 14,550 for his Personal Assistant, Rs 1,248 for utilities, Rs 1,300 for stationery, Rs 2,000 for telephone, Rs 6,500 for house rent, Rs 1,200 as an allowance, and Rs 200 for each day that he/she attends a CA meeting. They also get Rs 150 for their taxi fare on the days that they attend the committee meetings.

It is only natural for people to have high expectations of CA members given their huge expenses, but most of them seem unaware of their responsibility, and even those who are aware, fail to take them seriously.

4.1 Ineffective Zero Hour

Zero Hour has great significance in parliamentary procedure all over the world. It gives the people's representatives an opportunity to raise matters of concern of their constituencies in parliament. They are allowed to bring up problems their constituents are facing including corruption, irregularities, red tape and can also criticise governmental decisions and activities.

In the past, this opportunity of speaking for one minute was well utilized by the parliamentarians, as a way to guide the political parties in the right direction. However, it is a matter of concern that the number of speakers using zero hour is declining at a time when the CA members

should be mastering the system. Many bills are passed on voice voting and only a couple of members comment on the bills tabled by the government.

In any parliamentary system, there is one side in power and another in opposition. Usually, the members of the parties who are in government have the support for the government activities, which means they generally do not disturb the parliamentary functions. But, Nepali practice is unique in this regard. For instance, when Youth Force district chairperson, Prachanda Thaiba, was shot dead in Butwal, UML's CA members obstructed parliamentary proceedings to protest against the killing, even though, UML's party leader, Bamdev Gautam, was deputy PM and Home Minister at the time. Furthermore, Gautam's address at CA, assuring that action would be taken against Thaiba's killers, was not sufficient enough to unblock the proceedings. Only the address by PM Pushpa Kamal Dahal about Thaiba's killers and other issues resolved the stalemate. Such tendencies have diminished the importance of zero hour in the Legislature-Parliament.

4.2 Disregard for Public Opinion

Formation of the Interim Parliament and Interim Legislature was possible due to the declarations made by the House of Representative, which was restored following the successful Popular Uprising in 2006. CA elections, held as provisioned by the Interim Constitution, generated high hopes of peace and prosperity among the Nepali people. Nepalis hoped that CA members would soon be busy drafting the new constitution, so that the peace process could be brought to a logical conclusion. But, the irresponsibility of the political parties raised question on the significance of CA time and again. The practice of remaining silent, even when senior party leaders were present, became the norm.

The obstruction of the Legislature-Parliament also blunted the effectiveness and accountability of parliamentary committees. No matter of public

Salary and Amenities for CA Members

CA member	26,120
Personal Assistant	14,550
Utilities	1,248
Stationery	1,300
Telephone	2,000
House Rent	6,500
Daily Allowance (200*30)	6,000
Allowance	1,200
Total	60,568

Source: Nagarik Daily, December 31, 2009

importance was tabled even when the districts of the Mid Western region, including Jajarkot, were reeling under the diarrhea epidemic. Though it is said that the parliamentary committee had conducted a field mission to the affected area, the report could not be discussed in Legislature-Parliament. The issue also did not raise the concern of the peoples representatives', untill the official decision of the government was made public.

From Mid August to Mid October, many Nepalis lost their lives due to landslides and floods. Thousands became homeless, however this was absent from the CA members' list for discussion.

The lack of discussion surrounding the issues of impunity and human rights violations, which remain a serious problem within the country, remained a cause for much concern. The direction issued by the restored parliament, to accede to the Rome Statute was not followed by the government. Furthermore, the government did not seem to accept any responsibility for the problems faced in parliament and neither did the opposition. It can be said that the ruling and opposition parties did not adequately represent the people

throughout the year. The main opposition party, UCPN-Maoists obstructed the parliament for months, but were still willing to accept their salaries for the time wasted.

Whether we speak of the CA, the Legislature or the Parliament, it is the place where the people's representatives come together to address the people's problems. The CA is also responsible for functioning as a regular legislative body. Although serious meetings have been held separately to carry out the major mandate of constitution drafting, the CA members must not use this as an excuse to escape their duties.

The instances of calling CA meetings, citing constitution drafting as their goal, and in doing so, obstructing Legislature-Parliament, should not have occurred. Despite the lack of discussion on any of the people's issues, the CA members continued to enjoy allowances and other facilities provided during the sessions. The involvement of the people's representatives in anti-public activities and their acceptance of salaries and allowances, to the extent of being charged with robbing the state coffer, can be taken as the collective ineligibility of the Parliament.

The majority of the members of Legislature-Parliament wanted to carry on the sessions, which one party continued to boycott. There was a feeling of need to devise some concrete steps to reestablish the prestige of the parliament and parliamentarians. As the government employees and non-government sectors are not by rule paid, the demand might to be raised to implement the same rule to parliamentarians without exception, if they stage a strike for too long. If the members of the body that formulate rule remain above the rule of law, the country will be bound for chaos and non-governance. Such activities by the CA members are

generating people's negative feelings towards Legislature-Parliament.

The tradition of parliamentary boycotting is not new in Nepal. In 1999, the UML representatives stalled parliamentary proceedings for nearly two months, demanding the resignation of the then PM, Girija Prasad Koirala. Even then, they did not give up their salaries and allowances for the time wasted. Likewise, in 2009, NC representatives repeatedly blocked parliamentary proceedings, citing non-fulfilment of their demands. Madhesi parties stalled proceedings for nearly a month, stating that the government was not taking their demands seriously. These incidents could be considered by future generations, as periods of idleness by the people's representatives.

4.3 Contempt of Rule by CA members

Some of the CA members are yet to submit the details of their properties, though they have been nearly two years in the parliament. The reluctance of the CA members, who have pledged service to the public, to make public the details of their property, has raised suspicion about their intentions.

Seventy out of 601 CA members have not submitted their property details, including 24 CA members from UCPN-Maoists, 12 from MJF, nine from UML, eight from NC, four from Sadvawana Party, including its chairperson Rajendra Mahato.⁶ The Legislature-Parliament Regulation demands such property details within six months of being elected, but Parliament Secretariat was forced to repeatedly ask for the details after they were not submitted even after 18 months.

5. SOME IMPORTANT BILLS

Though several bills were tabled in Legislature-Parliament, many could not

be discussed, debated or passed. One crucial bill to be passed by the Legislature-Parliament was the Domestic Violence (Offence and Punishment) Act that was tabled last year. Nepali women have faced problems of physical, psychological, financial, social, political and sexual mistreatment for centuries. Women's rights activists believe that, despite over one third of the Parliamentarians being women, the absence of women at decision making level has not helped resolve these issues. A study conducted by INSEC in 2008 found that most of the perpetrators involved in violence against women had not been brought to justice.

The Domestic Violence Act, though passed after much delay, has criminalized domestic violence, now what is needed is the full implementation of the Act. The whereabouts of many people disappeared during the conflict are still unknown. National and international human rights organizations working in Nepal have been demanding the criminalization of such acts/enforced disappearances. Minister for Peace and Reconciliation, Janardan Sharma, did present 'Causing Disappearance of Individuals (Offence and Punishment) Ordinance, 2009, but had been no discussion of the Ordinance by the end of the year.

A Bill on the Security of Health Workers and Health Institutions, Constitutional Council (Function, Duty and Rights), Commercial Transaction of Reality, Kathmandu Valley Urban Development and Special Economic Zone Bills were tabled. Likewise, the Interim Constitution (Seventh Amendment) was registered in the Parliament. The government brought in the Seventh Amendment to resolve the controversy over the Vice President's choice of Hindi as the language to take the oath of office. The new bill allows a

6. "Sabhasad Nai Bhujhaudainan Sampatti Bibaran". *Nepal Samacharpartra*. July 24, 2009

CA member to take the oath in his mother tongue. CA member, Sarita Giri, filed the constitutional amendment motion, citing the crisis that might arise if the new constitution was not promulgated on the scheduled day. The CA members are discussing the possibility of extending the tenure by six months, but the Constitutional provision states that the CA tenure can only be extended, if it can not function due to the imposition of a state of emergency. In the motion proposed by Giri, the life of the CA can be extended by six months, if the constitution cannot be promulgated, due to a lack of consensus among the political parties.

Janata Dal Chairman, Hari Charan Sah, assaulted Constituent Assembly member, Bishwanath Prasad Agrawal, (April 21, 2009) Tuesday, saying that Agrawal continued to attend the Constituent Assembly meetings even though he was dismissed from the party.

Sah attacked Agrawal, as soon as the latter reached the party's parliamentary party office at Singha Durbar. Agrawal was injured during the incident. The police subsequently held Sah in custody.

The party recently removed Agrawal from the party, accusing him of working them. The party has already written to the Constituent Assembly Secretariat asking for the removal of Sah from the CA.

Source Kantipur, April 22, 2009

6. PARLIAMENTARY HEARING MERELY A FORMALITY

The parliamentary hearing that has been in process since 2006, for the appointment of personnel of constitutional bodies, members and ambassadors, has turned out to be just a formality. The

parliamentary hearing, a system meant to appoint the personnel of constitutional bodies, provisioned by the constitution and approved by the restored parliament, was considered quite an effective system. The parliamentary hearing committee had nominated the ambassadors and the Chief Justice, Anup Raj Sharma. The committee is supposed to issue a public notice, asking if there are any reservations against the nominations for the Constitutional Council and to hold a discussion relating to these reservations. But, so far the names have been approved, even if only a single parliamentarian supports the government's decision. There were a few instances of disapproval of some of the proposed names, by a two third majority, following severe criticism but the appointment of the Chief Justice, the chief of constitutional bodies and government-chosen ambassadors has not been rejected so far. However, the system has come under scrutiny after the persons, rejected by the parliamentary hearing committee, went on to be appointed. Following the criticism that the hearing appears to be merely a formality, a new system has been established to automatically nullify the proposal made by government or constitutional council, if the person cannot get a majority vote in the parliament⁷.

The parliamentary hearing committee had rejected CJ nominee, Kedar Prasad Giri, on the basis of certain unsavoury evidence, but he went on to be appointed, as he was chosen by the constitutional council. Likewise, nearly half of the ambassadors and the constitutional body personnel had failed to get 50 percent support in the hearing, but were still were appointed⁸.

7. "Samsadiya Sunuwaima Naya Byabasta, Bahumat Nabhaye Prastab Kharej". *Nepal Samacharpatra*. September 22, 2009:

8. *ibid*

7. BUDGET ANALYSIS

The government introduced the budget 2009/2010 in parliament, after the Maoists ceased their obstructions for three days for the purpose of passing the budget. The budget was supposed to focus on helping poor and economically backward people and areas and was to ensure the establishment of peace. It contained programmes such as the construction of free houses for the poor, an increase in budget for development committees and provided an amount of social security allowance for marrying dalits and also provided an allowance of Rs 100,000 for widow marriages, among others. Women's rights activists were very critical of the concept of an allowance for widow marriages. A writ was also filed in the Supreme Court protesting against the issue. The coalition partners of the government criticized the budget as being over ambitious, difficult to execute, while the UCPN-M criticized the budget as being regressive, prioritizing capitalist thought and discontinuing the positive programmes of the previous government.

The budget was not passed on time, due to the house obstruction by the Maoists from mid-July to November 24. Delay in the budget approval not only affected development work, but not even the government employees and CA members got their salaries. Many jails borrowed money to buy food rations for the inmates.

Finance Minister Surendra Pandey issued Rs 10 million for the Special Development Programmes at the CA members' constituencies, to get parliamentary approval for the budget. The members of the government coalition party, Tarai Madhes Democratic Party, had demanded the money as a condition of endorsing the budget. The allocated money will go to the DDC, through the Ministry of Local Development, and

CA Turned Away Empty-Handed

The CA members made a request to the CA secretariat asking for an advance in salary and fuel, but they were turned away empty-handed. As per the Bill on Advances, only one third of the budget can be spent in advance, therefore the CA members are not likely to get the salary for the month of Kartik (October-November) as the money has already been spent. Secretariat under-secretary, Keshab Babu Aryal, had stated that they had enough in the budget, to pay for the salaries of secretariat staff for Kartik. A secretariat member of staff revealed that the CA members approached the secretariat, complaining about the shortage of money to pay rent or to pay for daily expenses. The annual budget for salaries and fuel expenses of CA members is nearly Rs 590m, while only one third can be spent in advance. One third of the annual budget for CA members' salary, allowances and fuel has already been spent by Asoj (September-October), chief accountant of secretariat, Shiv Prasad Adhikari, said.

Source: *Annapurna Post*, October 23, 2009

from there the budget will be spent on the development project selected by CA members. The project is selected by forming a users' group, after the party leader talks with the Finance Ministry. It is likely that the expenses will not be transparent, as the members of the users' groups are likely to be the cronies of the leaders.

Last year in June, Finance Minister, Dr Baburam Bhattarai, had sanctioned lump sum on the recommendation of UML and NC CA members. Nearly Rs 5 billion was spent in this manner. He even had a programme entitled; 'Local Development through People's Labor', and had a budget of Rs 1b 750m for it.



He sanctioned Rs 1 billion 105.6 million under this title and Rs 1 billion 6 million under the title 'Miscellaneous'⁹.

The tactic of pleasing the CA members to get approval for the budget resulted in heavy criticism. However, it is certain that this kind of irregularity will become common if the CA members kept yearning for power.

8. CONCLUSION

The Legislature-Parliament did not execute their intended agenda, due to the obstruction by the main opposition party, NC and the then coalition partners, CPN UML, MJF and other Madhesi parties. The issue of civilian supremacy that was raised by the Maoists, following the resignation of PM Pushpa Kamal Dahal 'Prachanda' in May, also allowed the Maoists to hold the Legislature-Parliament to ransom.

The Maoist demands to bring the issue of civilian supremacy into parliament also remained a constant fear. The government coalition partners-22 parties were ready to hold a debate on the impeachment of the President, but not on the resolution motion discussing the President's move, as demanded by the Maoists. There has not even been any discussion or debate on the legitimacy of registering the resolution motion or the effect it might have.

The parliamentary obstruction that ensued after the resignation of PM Dahal, continued until December 24. During this period, the proceedings of the Legislature-Parliament remained stalled

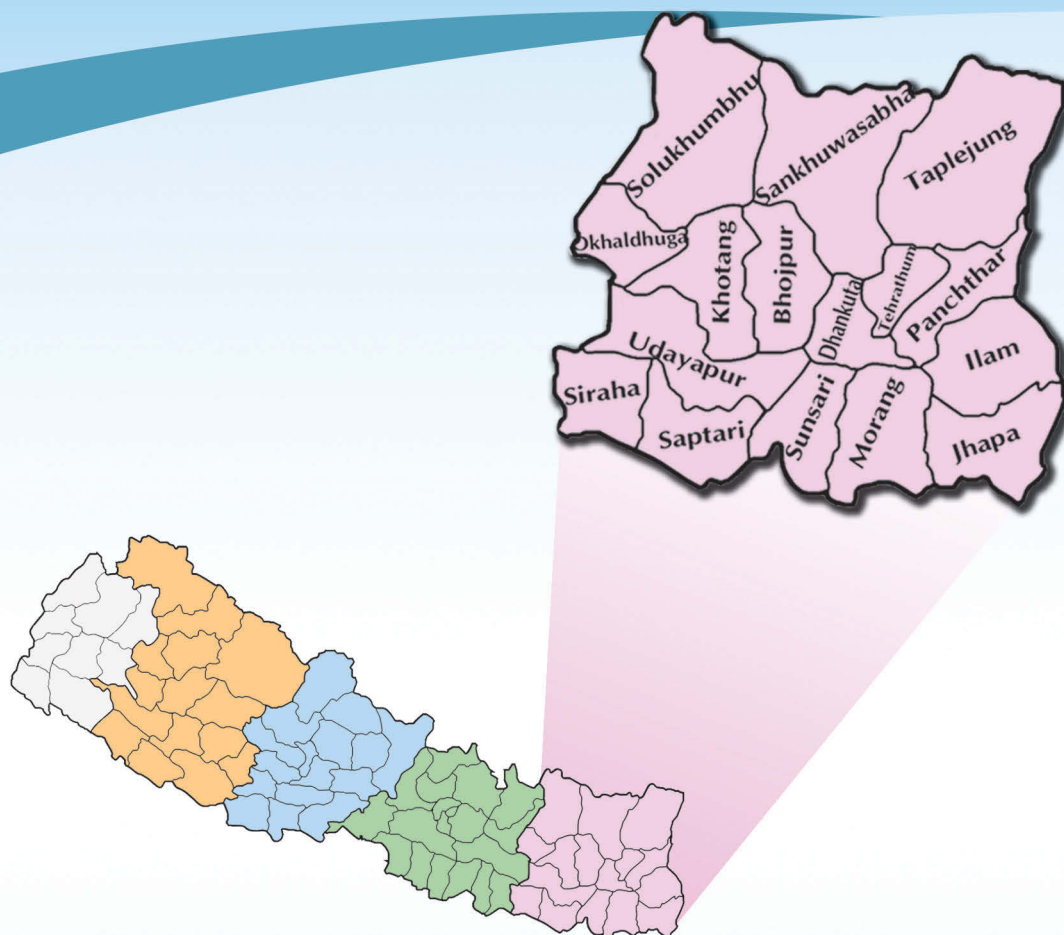
for 91 days out of the 106 days called for session. This means, the Legislature-Parliament conducted sessions for only 15 days. The people had high aspirations for the Legislature-Parliament under the CA, which was established after such a huge struggle by the public. Despite knowing that the Legislature-Parliament was the best forum to resolve the issues, the political parties continued to weaken its role.

The parliament, which had been so influential in bringing the Maoists into parliamentary mainstream and in uprooting the monarchy, had to bow down in front of a single party. Despite the availability of a suitable forum to resolve the problem, the party leaders were busy holding meetings at individuals' homes. Furthermore, senior leaders of major parties were always absent. Important national issues did not get the attention they deserved. Bills on Disappearance, Establishment of Truth and Reconciliation Commission, which would have played an important role in leading the peace process to a logical conclusion, were not approved.

Consensus and cooperation amongst political parties is severely lacking. Such consensus and cooperation would help to conclude the peace process, and the Legislature-Parliament is the best place to work on that. Meaningful discussion in parliament will not only increase mutual understanding among the political parties, but it will also help to tackle the many problems. The only need is that of commitment and implementation.



9. <http://www.ekantipur.com/kantipur/news/news/newsdetail.php?newsbid=5245>



1. EASTERN REGION

- | | | | |
|-----|-----------|------|---------------|
| 1.1 | Jhapa | 1.9 | Bhojpur |
| 1.2 | Ilam | 1.10 | Sankhuwasabha |
| 1.3 | Panchthar | 1.11 | Saptari |
| 1.4 | Taplejung | 1.12 | Siraha |
| 1.5 | Morang | 1.13 | Udaypur |
| 1.6 | Sunsari | 1.14 | Khotang |
| 1.7 | Dhankuta | 1.15 | Okhaldhunga |
| 1.8 | Tehrathum | 1.16 | Solukhumbu |

1.1 Jhapa



Population : 773,929

Literacy(%) : 76

Women Literacy(%) : 65

Area(Sq. Km.) : 1,606

Number of VDC(s)/Municipality(ies) : 47/3

Number of School(s) : 576/175

Campus(es)/Higher Secondary School(s) : 14/53

Hospital(s)/Health Post(s) : 7/56

Human Development Index : 0.494

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING/FIRING

By State

Manil Tamang, 22, of Prithivinagar VDC-4, was shot dead by APF personnel on March 20, at Mechinagar Municipality-1. The victim was shot during an agitation between police, including the APF, and Federal Limbuwan Student Council, in front of Dhulabari Campus, calling for proportional representation in the student union elections. Rajendra Sherpa of Lingtep VDC-1, of Taplejung was also injured when a bullet hit him on his left leg. Man Bahadur Nembang of Mechinagar Municipality-6, was also injured in this incident. The injured were treated at Mechi Zonal Hospital, while

a postmortem was carried out of the deceased before he was handed over to his family on March 21. The government decided to provide Rupees 500,000 in compensation. However, the victim's family refused the offer of compensation and instead have asked that the victim be declared a martyr.

By Unidentified Group

Dilliram Younghang, 40, of Ivang VDC-2, Ilam District, was found dead at Ratuwa Stream of Damak Municipality-1 on July 4. The victim had been abducted by an unknown group on January 28 from Damak Bazar. The dead body was found blind folded, and was deteriorating. Inspector Nabin Karki stated that the investigation is on-going but at the end of the year no progress had been made in finding the perpetrator.

INJURED IN SHOOTING/EXPLOSION

By Unidentified Group

Surendra Rajbanshi, 43, of Anarmani, VDC-3, was shot and injured by a group of 3 unidentified individuals on December 15 near the victim's home. Rajbanshi was treated at Siliguri, in India. None of the perpetrators have been identified so far.

JAIL AND DETAINEES

The "C" grade district jail has the capacity for 200 hundred inmates, however at the end of the year there are 404 detainees and convicts in total, including males and females. There are 170 male and 9 female convicts, and 210 male, 13 female detainees and 2 dependant. Due to overcrowding, the quality of life inside the jail is miserable. There are 83 foreign inmates also staying in the jail. 70 of these are Bhutnese refugees. The inmates are provided with newspapers, and visiting is also permitted.



Type of Events	By Non-State							By State			
	By Others				By UCPN-M						
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Female	Total
Killing	15	13	2	15				1	1		1
Injured	2	2		2				1	2		2
Arrest & Torture								2	3		3
Beatings	3	2	1	3	1	5	5	1	1		1
Threats	3	4		4							
Right to Assembly								1	5	1	6
Women Rights	3		9	9							
Child Rights	9	2	8	10							
Economic, Social and Cultural Rights								1		1	1
Abduction	3	3		3							
Total	38	26	20	46	1	5	5	7	12	2	14

DISAPPEARANCE/ABDUCTION

By KJWP

Surendra Raj Banshi, 43, of Anarmani VDC 3, Biratmod, was abducted by cadres of the KJWP on January 20 from his home, in order to resolve some dispute with Bir Bahadur Chaudhary over land. The victim was freed the next day by KJWP cadres, who brought him back to his own home.

THREATS/BEATINGS

By UCPN-M

Kasir Miya, Kisor Miya, Tukik Miya, Tarzan Miya and Kailash Miya, all of whom are residents of Bhadrapur Municipality-14, were beaten up by UCPN-M cadres, for disobeying orders to shut down all premises on June 6. The victims were treated at Mechi Zonal Hospital. The victims did not lodge any complaint.

By FLSC-Manch

Khinmaya Dahal, 40, of Anarmani VDC-3, was beaten up by FLSC-Manch cadres, due to a dispute with Ranjit Raut over land on August 10. The victim was

brought by the perpetrators to an office at Charpane VDC-1, and was beaten. He was injured. The victim filed a complaint against Raut at the APO, Birtamod, on August 11. No action has been taken so far.

CLASH

Hari Dahal, Kama Kadaria, Shree Prasad Chaudhary, Dipesh Bhattari, and Chandra Kumari Basnet, along with four other cadres of the UCPN-M, were injured in a clash with NP and APF on August 7. The fighting took place as UCPN-M were excluded from a program surrounding the inauguration of a Monument by NC and UML. Similarly APF inspector Dinesh Acharya and constable Nanda Tamang were also injured by stones which were thrown.

ARBITRARY ARREST

Govinda Karki, 34, of Bhadrapur, Municipality-3, was arrested on the evening of September 14, and kept in arbitrary detention until September 15 on accusations of having inflicted injuries

on his nephew by stabbing him. Karki felt severely ill, and died on his way to the hospital at Dharan. It is known that victim was severely tortured while in custody. The last rituals of the dead body were performed by the victim's side when local administration agreed to provide compensation, and take action against the perpetrator on June 15. The victim's family had not received any compensation by the close of 2009.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION (Including Political Freedom and Free and Impartial Election)

Ek Raj Giri, of Charpane VDC-1, an executive editor of Purwanchal National Daily, received life threats over the phone from Cadres of Kochial Liberation Armed Forces on August 8, for not publishing a press release. In response to the threat, the FNJ issued a press release demanding more security for journalists.

Santosh Acharya and Gyanendra Niraula of Kakadvitta, stringers for Purwanchal Daily, were threatened by local businessmen over the phone on September 7, for publishing news of smugglings. After the incident a local journalist asked the businessmen not to repeat this kind of incident, and no threat were received after that.

RIGHT TO FAIR AND PROMPT TRIAL

208 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. 93 of these cases were decided this year, and 115 cases remained undecided. Similarly, 407 criminal cases, where the individual is plaintiff, were filed this year. 140 of these cases were decided on this year.

229 criminal cases were filed this year, out of which 31 were decided upon.

428 civil cases were brought

forward from last year in the District Court. 106 of these cases were decided this year, while 322 remained undecided. Similarly, 255 civil cases were filed this year. Out of these, 58 cases were decided and 197 cases remained undecided. Among the total 653 civil cases and 519 cases remained undecided by the end of this year.

Altogether, 1099 cases remained undecided by the end of the year.

TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

Manjit Rajbanshi, of Damak Municipality-4, and Laxman Timsina, of the same Municipality-2, were tortured while in police custody, after being arrested from Amada Hospital on April 5. The victims were arrested by policemen Dilli Katuwal and Khem Karki of the APO. The APO accused the duo of having stole a mobile phone set. Both were beaten up and injured. After receiving wide spread criticism, Inspector Kamal Thapa vowed to punish the culprits and provide treatment expenses to the victims. No action had been taken against the perpetrators by the end of the year.

Medini Regmi, 40, of Anarmani, VDC-4, was arrested from his home and then beaten up while in the custody of the APO Birtamod, on accusations of abducting Sabitri Budhathoki of Anarmani 2 on December 16. He was injured during the beating. The next day he was released by police saying he was innocent. His injuries were treated at the local health centre.

CHILD RIGHTS

One 7-year-old girl of Jyamirghadi, VDC-8, was raped by Krishna Adhikari, 45, at her home on January 4, when he lured her with money. On the same day of the incident, the perpetrator was arrested

by police, and legal action was taken. The perpetrator was taken into captivity as per the order of the District Court on January 30. The victim was treated at Dhulabari hospital.

A 4-year-old boy of Chakchaki VDC-9, was sexually abused by Imtihaz Alam of the same place in his own home on February 11. The boy was badly injured during anal sex. The victim's family filed a complaint on February 12. Police arrested the perpetrator on February 13. The Perpetrator has been detained as per the district court order since March 8.

An 11-year-old girl of Khudunabari VDC-8, was raped by Kajiman Tamang, 38, on July 2 and 3. The perpetrator attempted to rape the girl once again on July 4, but this attempt was foiled when the girl screamed. The victim's family filed a complaint with police on July 5. The Perpetrator was still at large, and no action had been taken at the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Sita Rai, 28, of Damak Municipality-10, was beaten to death by Khadga Bahadur Rai, on September 12. Police arrested the perpetrator on the same day, and proceeded with legal action. He is detained at Jhapa jail as per the order of the District Court.

Inhuman Behaviour

Anjira Devi Mahato, 50, of Gauriganj VDC-5, was inhumanely treated and was fed faecal matter, by Ram Bahadur Giri, Thiri Lal Rajbanshi, Ram Ashis Sarma, Puspa Sharma, and Parvati Sharma on June 14. They also beat her up. The victim's family filed a complaint with police on June 15. The District Court ordered that Giri, Rajbanshi and Ramashih pay Rs 20 thousand each, Pushpa Sharama

pay Rs 15 thousand, and Parvati Sharma pay Rs 10 thousand, on July 1. Each of the perpetrators paid the amount ordered, and were released on July 3.



1.2 Ilam



Population : 333,960

Literacy(%) : 67

Women Literacy(%) : 40

Area(Sq. Km.) : 1,703

Number of VDC(s)/Municipality(ies) : 48/1

Number of School(s) : 472/38

Campus(es)/Higher Secondary School(s) : 2/21

Hospital(s)/Health Post(s) : 1/48

Human Development Index : 0.521

Average Household Size : 5

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By Unidentified Group

Motilal Gurung, 83, of Mabu VDC-7, Purna Kumari Gurung, 53, and Gunjman Gurung, 75, of Mabu VDC-6 were killed by unidentified armed group in Dhuwakhola of Mabu VDC-7 on April 15. Three were found dead by locals on April 16 and locals informed police about the incident. All of them were stabbed

Type of Events	By Non-State							By State		
	By Others				By UCPN-M					
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Total
Killing	10	7	5	12						
Injured	2	3		3						
Beatings	9	13	2	15	2	4	4	3	9	9
Threats	7	5	2	7	1	1	1			
Right to Assembly								1	1	1
Women Rights	4		4	4						
Child Rights	4		4	4						
Abduction	1	1		1						
Total	37	29	17	46	3	5	5	4	10	10

with sharp weapons and received several injuries. Dead bodies were cremated following post mortem. The cause and perpetrator of the incident were unknown by the end of the year. However, police informed that investigation was on.

NC cadre Chandra Prakash (Rama) Hanggam of Lignep VDC-6, Taplejung was killed by unidentified group in Godak VDC on October 25. A group of seven armed persons arriving in motorbikes wielding khukuris and pistol attacked Rama and Moti Palgunga, 35, of Taplejung. Moti managed to escape the attack while Rama was dead on the spot. The victim's body was handed over to family on October 26 after post-mortem.

DISAPPEARANCE/ABDUCTION

By FLSC

Ram Chandra Rai, 44, of Ilam Municipality-2, who was working at Eastern Division Road Office as driver, was abducted by cadres of FLSC on March 20 from Ranke Bajar of Mechi Highway. The victim was abducted along with his office vehicle for defying the bandh called by FLSC. He was freed with vehicle number Ba.1.Jha 64 same evening in the initiation of the police.

THREATS/BEATINGS

By State

Journalist Ganesh Ghimire, 22, of Namag VDC-4, was beaten up by police on March 19. APF personnel deployed for security of FSU election beat up Ghimire at Nabin Chok of Ilam Municipality-2. He received injuries in his right leg. Nepal Press Union condemned the incident by issuing a press statement on same day. The victim was treated at District Hospital and returned home on the same day.

By UCPN-M

Lok Bahadur Pakuwal, 61, of Irautar VDC-7 was threatened to be abducted by UCPN-M cadres on January 31. The victim was threatened to transfer legal ownership of land captured by UCPN-M during the period of armed conflict. The land was earlier captured in 2004 by UCPN-M. Village in-charge of UCPN-M Man Bahadur and cadre Himal threatened the victim. After the threat, Pakuwal was displaced from home. He was rehabilitated at the facilitation of local administration and human rights activists.

By YCL

Indra Khatri, 23, and Sabin Khatri, 18, of Sangrumba VDC-6 were thrashed

by YCL cadres Manhuman Younghang, 35, Netra Younghang, 40, Rajendra Subba, 19, and Bhim Nembang, 25, on February 27. They were beaten up in a wedding party. The perpetrators were armed with khukuri. Indra received severe injury in his hand. The victims received life threat from the perpetrator following the incident. The victims filed application for protection of life in Human rights Forum office based in Ilam Municipality.

By ANNISU-R

Assistant chief of Mahendra Ratna Multiple Campus of Ilam Municipality-2 Gangaram Poudel of Ektappa VDC-4, was mistreated and forcefully locked inside his own office by cadres of ANNISU-R on July 15. Chairperson of ANNISU-R Campus unit Gangu Pradhan said that action was taken against him for foiling student's agitation and safeguarding campus chief Jas Bahadur Lungeli. The victim was released after 7 pm in the presence of INSEC district representative and the FNJ Ilam President Satendra Jabegu.

By FLSC

Kokila Dhakal, 25, of Panchakanya VDC-7 was threatened to be abducted by FLSC cadres on January 18 for writing news. She received threats for broadcasting news of tax collection at Ranke. According to victim she received such threats from Volunteer's deputy commander Madan via telephone. FNJ Ilam chapter condemned the incident issuing a press release on the same day. The victim filed an application demanding safety of her life at CDO office on January 19. District secretary of the group Dambar Lorinden admitted the mistake committed by cadres. An agreement was reached not to repeat such acts in the future.

By Unidentified Group

Narendra Rai, 35, of Jirmale VDC-9 was beaten up and injured by a group of unidentified people on July 11. The men ran away immediately after the incident. The victim was treated at local health post. The reason for the attack was unknown. However, police informed that the investigation about the incident was on.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION (Including Political Freedom and Free and Impartial Election)

Ilam District Committee Member of FLSC Minshu Chabegu, 28, of Ivang VDC-2 was beaten up by police during torch rally organized by the party opposing NSU election on March 18. The victim was again beaten up by police in hospital premises while he was receiving treatment at District Hospital. District secretary of FLSC Dambar Lorinden issued a press release on March 19 condemning the act. Injured Chabegu returned home on March 19 after treatment.

By UCPN-M

UCPN-M cadres pelted stones at peaceful procession organized by NC, UML, CPN-U and CPN-U Marxist on June 23. The rally was organized to oppose act of demolishing nine government offices on June 21 by UCPN-M cadres demanding to withdraw the President's action of reinstating the then Army Chief suspended by UCPN-M led government. The incident caused havoc among the participants of procession. Ilam market became tensed following the incident. Procession went up to CDO office demanding legal action against perpetrators.

RIGHT TO FAIR AND PROMPT TRIAL

Appellate court

33 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. Of which, 19 cases were decided this year and 14 cases remained undecided. Similarly, 34 criminal cases, where the individual is plaintiff, were filed this year. Of which, 12 cases were decided this year and 22 cases remained undecided. Among the total 67 criminal cases, where the individual is plaintiff, 31 cases were decided this year and 36 cases remained undecided.

137 criminal cases were brought forward from last year in the District Court. Of which, 112 cases were decided this year and 25 cases remained undecided. Similarly, 142 criminal cases were filed this year. Of which, 56 cases were decided and 86 cases remained undecided. Among the total 279 criminal cases, 168 cases were decided this year and 111 cases remained undecided.

140 civil cases were brought forward from last year in the District Court. Of which, 118 cases were decided this year and 22 cases remained undecided. Similarly, 127 civil cases were filed this year. Of which, 31 cases were decided and 96 cases remained undecided. Among the total 267 civil cases, 149 cases were decided and 118 cases remained undecided by the end of this year.

Among the total 613 cases including criminal cases, where the individual is plaintiff, criminal cases and civil cases 348 cases were decided and 265 cases remained undecided by the end of this year at the District Court.

There are five cases pending for more than 2 years.

District Court

37 criminal cases, where the

individual is plaintiff, were brought forward from last year in the District Court. Of which, 32 cases were decided this year and five cases remain undecided. Similarly, 62 criminal cases, where the individual is plaintiff, were filed this year. Of which, 28 cases were decided this year and 34 cases remained undecided. Among the total 99 criminal cases, where the individual is plaintiff, 60 cases were decided this year and 39 cases remained undecided.

35 criminal cases were brought forward from last year in the District Court. Of which, 29 cases were decided this year and six cases remained undecided. Similarly, 55 criminal cases were filed this year. Of which, 26 cases were decided and 29 cases remained undecided. Among the total 90 criminal cases, 55 cases were decided this year and 35 cases remained undecided.

82 civil cases were brought forward from last year in the District Court. Of which, 63 cases were decided this year and 19 cases remained undecided. Similarly, 86 civil cases were filed this year. Of which, 25 cases were decided and 61 cases remained undecided. Among the total 168 civil cases, 88 cases were decided and 80 cases remained undecided by the end of this year.

Among the total 357 cases including criminal cases, where the individual is plaintiff, criminal cases and civil cases, 203 cases were decided and 154 cases remained undecided by the end of this year in the District Court.

CHILD RIGHTS

A 12-year-old girl of Ektappa VDC-9 was raped by Mahendra Budhathoki, 18 on November 1. The mentally retarded girl was raped when she was alone at her home. Police issued arrest warrant against the perpetrator on December 9. According



to police investigation and search was on until the end of the year.

A 3-year-old girl of Panchakanya VDC-7 was raped by Dhanabhadur Tamang, 45, of Fikkal VDC-6 on November 9. She was raped at her home. APO Pashupatinagar arrested the perpetrator with the help of locals. The perpetrator remanded to custody as per the order of the District Court on November 30.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Hotelier Pushpa Tamang, 37, of Ilam Municipality-6 was beaten to death by her husband Kamal Tamang, 36, on January 28. Her body was marked with several injuries. Eyewitness claimed that she died due to excessive beating. The perpetrator was arrested by police on January 29 and was sent to jail. Issuing a press statement on the next day over a dozen and half organizations demanded fair investigation of the incident.

ALL KINDS OF RACIAL DISCRIMINATION

Sharan Gajmer of Jirmale VDC-2 was inhumanely treated by locals Radha Krishna Adhikari and Dharani Adhikari on August 14 for entering into their house. The victim was barred from entering the dinning space. The victim filed a complaint at Police post Jirmale on August 15. An agreement was reached between both the sides not to repeat the act on August 16 after the perpetrator apologized.



1.3 Panchthar



Population : 226,362

Literacy(%) : 56

Women Literacy(%) : 44.5

Area(Sq. Km.) : 1,241

Number of VDC(s)/Municipality(ies) : 41/0

Number of School(s) : 390/13

Campus(es)/Higher Secondary School(s) : 1/16

Hospital(s)/Health Post(s) : 1/41

Human Development Index : 0.484

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The "D" grade District Jail has 50 male and three female convicts and 12 male and five female detainees at the end of the year. There are a total of 70 convicted and detained inmates in the Panchthar Jail. Two dependent children are also staying in the jail. The inmates find it difficult to live in the jail as it only has the capacity for 25 inmates. Furthermore, the jail is in a dilapidated condition.

The female inmates have demanded a separate building for female inmates only. The inmates demanded more availability of newspapers, increase in funds for health treatment, facilities to use telephone service, and opportunities to practise income generating skills. Chief

Type of Events	By Non-State									By State		
	By Others					By UCPN-M						
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	2	2			2							
Injured	1	1			1							
Beatings	4	8			8	1		1	1	3	5	5
Threats	12	14		24	38	1	2		2	1	1	1
Right to Assembly										1	2	2
Racial Discrimination	1	1			1							
Women Rights	3		3		3							
Economic, Social and Cultural Rights	2	1		1	2							
Abduction	4	6	1		7							
Total	29	33	4	25	62	2	2	1	3	5	8	8

of the Jail, Renu Prasad Ojha, said that problems accumulated, due to the lack of funds, despite repeated requests to the Jail Management Department for funds for renovation.

DISAPPEARANCE/ABDUCTION

By FLSC-Manch

UCPN-Maoist cadre, Hari Narayan Ghimire, 50, of Bharapa VDC-3 was abducted by four FLSC-Manch cadres from home on June 23. Police arrested Aman Dhimal, 20, Tarabir Limbu, 18, Bikas Gautam, 17, and Raj Kumar Tamang, 18, from Phidim-based Nuwafu hotel in connection with the abduction. FLSC-Manch cadres said that they abducted Ghimire after Rukmini Subedi of Jhaymigadhi VDC-7, Jhapa appealed to them to retrieve 100,000 rupees from him, which she lent him six years ago. Police released Ghimire in the presence of Human Rights Defender, Prem Ojha, on condition that the amount would be returned to Rukmini. The abductors were released on June 24, after Ghimire returned the money to Rukmini.

THREATS/BEATINGS

By State

FLSC-Manch cadres, Sameer Chemjong, 19, Saalang Nembang, Dhruba Limbu, 19, were beaten by APF at Phidim VDC-1 on May 23 on charge of pelting stones.

By UCPN-M

Tulasa Loba, 33, of Bharapa VDC-2 was beaten by Peking Lawati, Maya Labati and Sita Sherpa in the direction of UCPN-M cadres on November 19, while she was discussing UCPN-M activities with local women. A medical examination of the victim was carried out on November 13. She filed a case at the District Court on December 16. She stated in her complaint that the UCPN-M cadres also vandalised and looted property worth 358,275 rupees.

By YCL

Journalists Labadev Dhungana, 31, of Phidim VDC-7 and Kumar Ojha, 31, of ward no. 1 received life threats from YCL District President Bal Krishna Kafle on June 27, over news that was

published. The journalists said that YCL cadres took them to Maoist Party Office and beat them with a chair and kicked as a result of the news, about Maoists taking 200,000 from a project, which was published in the Kantipur Daily of June 27. Kafle said that the news was false. A meeting held between Human Rights Defenders, journalists and UCPN-M on July 3 concluded without any agreement. The two journalists left the district for security reasons, saying that they were threatened again on July 4. An agreement was reached between the stakeholders on July 8 in a meeting called by FNJ. YCL issued a press statement on July 5, saying that they had not displaced the journalists. YCL also demanded a correction of the news that was published.

By FLSC-Manch

Journalist, Bhim Tumbapo of Chokmagu, VDC-6 was threatened by FLSC-Manch cadre, Deu Kumar Kerung, 27, of Sidin VDC-7 on January 19 on charge of not reporting news of Limbuwan. Central Chairman of FLSC-Manch, Kumar Lingden, apologised to Tumbapo on January 21 at the initiation of Chairman of NEFIN.

By Unidentified Group

Bhim Bahadur Yongya, 81, of Bharapa VDC-7 was attacked with a Khukuri by an unidentified group of four persons on April 10, while he was returning home. Yongya was carrying 87 thousand rupees, which he got as compensation for the death of his son, who was killed by security persons on March 25, 2005. The group also stole the money from him. According to him, UCPN-M cadre, Lakh Bahadur, was among the four persons. He said that he sustained injuries to the hands and feet while trying to save himself. He filed a complaint at the Jorpokhari Police Post on April 11. Area no. 5 in-charge of UCPN-M, Laxmi Neupane, denied any

involvement of his cadres and said action would be taken against the culprit after investigation.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom and Free and Impartial Election)

YCL cadre, Tibendra Neupane, 35, of Naagin VDC-3 and Khadga Sambahamfe, 27, of Aangna VDC-7 were injured after police baton-charged them on April 24 for trying to disrupt the NC rally at Phidim bazaar. UCPN-M cadres had tried to intervene after NC cadres vandalized the hoarding board of the National Employee's Association Office.

RIGHT TO PROMPT AND FAIR TRIAL

60 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. Out of these, 32 were decided this year and 28 cases remained undecided. In addition, 20 new criminal cases, where the individual is plaintiff, were filed this year. Two of these were decided this year, while 18 cases remained undecided. Among the total 80 criminal cases, where the individual is plaintiff, 34 were decided this year and 46 remained undecided by the end of the year.

31 criminal cases were brought forward from last year in the District Court. Additionally, 13 criminal cases were filed this year. Among the total 44 criminal cases, 25 were decided this year and 19 remained undecided by the end of this year.

67 civil cases were brought forward from last year in the District Court. 35 of these were decided this year and 32 remained undecided. Furthermore, 32 new civil cases were filed this year. Out of these, three were decided this year and 29 cases remained undecided. Among the total 99 civil cases, 38 were decided and

61 remained undecided by the end of this year.

Among the total 223 cases, criminal and civil, where the individual is plaintiff, 97 were decided and 126 remained undecided by the end of this year at the District Court.

The District Court decided a case filed against children this year by forming a Juvenile Court.

TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

Prabin Labati, 22, of Lumfabung VDC-2 was tortured by police on the night of March 20 on charge of demonstrating a weapon, while imposing the Phidim bazaar bandh against the killing of FLSC student Manilang Tamang. Police took him out of custody and beat him with boots and lathi on the back. He was released on March 21, in the presence of FLSC District President, Surendra Jabegu.

CHILD RIGHTS

17,205 students of the district were affected after FLSC-Manch cadres shut all educational institutions on September 3.

ALL KINDS OF RACIAL DISCRIMINATION

Tek Bahadur Shiva, 30, of Aansirang VDC-3 was beaten by a group of 20 persons including Indra Bahadur Rai, 37, and Prem Bahadur Rai, 35, of Lumfabung VDC-3 on February 1 for marrying an so-called upper-caste woman. The injured underwent treatment at Ilam Simfiring Private Hospital. The victim filed a case under the public offence act on February 4. Tek Bahadur had married Premkala Rai, 22, of Lumbafung VDC-7 on January 29.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

FLSC-Manch cadres threatened contractors who had gone to register tender forms at the District Irrigation Division

Office, Panchthar on January 10. The office had called for tenders for the construction of a dam at Panchthar and Taplejung a month ago. Two dozen contractors who had gone to submit tender forms were obstructed by FLSC volunteers armed with lathi, khukuri, bamboo stick, stones. The FLSC-Manch cadres threatened to cut the contractors to pieces if they filled out the tender forms. The contractors registered 14 forms after police chased the FLSC-Manch cadres away.

Capture and Destruction of Property By FLSC

1 ropani and 12 anna of land at Phidim VDC-1 registered in the name of BP Academy was captured by FLSC cadres on January 1. The land, which was adjoined to the DDC and the DPO was reregistered in the name of BP Academy in 1990. Joint-secretary of FLSC, Kamal Raj Nembang, said that the land was registered in the name of Historian Iman Singh Chemjong. President of the Academy, Shyam Bikram Parajuli, said that a complaint was filed at the concerned body since the land was captured illegally. FLSC placed a sign of Iman Singh Chemjong Park organizing a program on the land.

By YCL

House of District Chairman of Teachers Union, Rup Narayan Jagebu, at Yangnam VDC-2 was vandalised by YCL cadres on May 8. An unidentified group had attempted to murder Jagebu on the night of May 6. Around 35 NC supporters beat and compelled UCPN-M supporter Surya Jabegu to give a statement in connection with the incident. According to his statement, Rup Narayan's family gheraod the house of UCPN-M cadre, Gokul Rijal, Devi Prasad Thamsuhang, Nir Prasad Acharya on May 7 and threatened to vandalize their houses. YCL cadres had vandalized Rup Narayan's house following

that incident. Rup Narayan said that the solar panels and the roof of his house was damaged and the YCL cadres made away with 50 thousand rupees.

By Youth Force

House of District Member of UCPN-M, Madan Gautam, 31, of Panchami VDC-1 was vandalised by Youth Force cadres on the evening of May 10. The roof of his house was damaged in the incident. Gautam said that the Youth Force cadres also threatened to kill him. He alleged that the attack was led by Youth Force District Member, Mani Lingden.



1.4 Taplejung



Population : 147,601

Literacy(%) : 53

Women Literacy(%) : 42

Area(Sq. Km.) : 3,646

Number of VDC(s)/Municipality(ies) : 50/0

Number of School(s) : 304/5

Campus(es)/Higher Secondary School(s) : 1/8

Hospital(s)/Health Post(s) : 1/51

Human Development Index : 0.467

Average Household Size : 5

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By Youth Force

YCL cadre Rajendra Banem, 19, of Dhungesanghu VDC-6, was killed by Youth Force cadres at the house of Shri Prasad Tamang after abduction on December 17. According to UCPN-M District In-charge Suman, Youth Force cadres hacked him to death. The victim's family filed a case against Youth Force cadres Lal Bahadur Tamang, Biju Tamang, Lakh Bahadur Tamang, Prakash Tamang, Girhang Tamang and Yam Bahadur Tamang at DPO on December 20. Police arrested Yam Bahadur and Girhang among the accused for investigation.

By Unidentified Group

YCL Libang VDC in-charge Lagam Limbu, 27, of Libang VDC-8 was shot dead by unidentified group at Kopche bazaar in Phungling VDC-4 on August 25. The group of eight persons obstructed his way and shot at him. Severely injured after being shot, Lagam was again attacked with sharp weapon. He died on the spot. YCL cadre Lokesh Limbu of same VDC was severely injured in the attack. Lokesh was taken to Ghogha Camp, Dharan for treatment after his treatment was not possible at the local hospital. The culprits were yet to be ascertained till the end of the year.

INJURED IN SHOOTING/EXPLOSION

By Youth Force

UCPN-M cadre Laxmi Aangchangbo, 42, of Khejenim VDC-6 was injured after a group of 25 Youth Force cadres, including Rupesh Limbu of Khamlung VDC-7 shot him at Tokmedanda, Dokhu VDC-9 on November 22. Police arrested Rupesh the same day and sent him to jail on charge of attempt to murder on December 17. Rupesh admitted of

Type of Events	By Non-State								
	By Others					By UCPN-M			
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Female	Total
Killing	8	7	1		8				
Injured	2	3			3				
Beatings	1	1			1				
Threats	6	4	1	47	52	2	2	1	3
Women Rights	2		2		2				
Child Rights	4	1	2	99	102				
Economic, Social Rights and Cultural Rights	1	1			1	1	1		1
Abduction	2	4			4				
Total	26	21	6	146	173	3	3	1	4

shooting after meeting him on the way while he was on the route to meet one Gyanu.

JAIL AND DETAINEES

The “C” grade District Jail has the capacity to detain only 25 inmates. There are 22 convicts and 22 detainees at the end of the year. The inmates are provided only carom-board as sports material. The jail is in a dilapidated condition. The inmates complain of lack of newspapers. The inmates are provided with the health facilities as rendered in the District Hospital. Since there are no separate rooms for the women inmates, they are sent to Panchthar or Biratnagar. Employee of the jail Ramesh Sigdel said that the inmates were provided facility of telephone as per their need. The inmates are allowed to meet with their relatives twice a week.

DISAPPEARANCE/ABDUCTION

By UCPN-M

Teacher of Tembe proposed Secondary School Ganga Ram Khadka, 46, of Faawakhola VDC-6 was attacked with sharp weapons by cadres of UCPN-M while trying to solve a local dispute on

September 3. Ganga said that UCPN-M cadre forcefully made him sign a paper stating that he had to pay 100,000 rupees. UCPN-M cadres threatened him and his brother Khagendra Kumar Khadka of death after the incident. The Khadka brothers were displaced to the district headquarters on October 8. Ganga filed an appeal at the local administration, Teacher Union, Teacher Association, District Education Office on October 9 demanding transfer to a safer place. He was working at the Bhanu Higher Secondary School on deputation till the end of the year. UCPN-M cadre Yogesh Bhattarai said that minor dispute had taken place after the Khadka brothers denied to pay compensation for vandalizing the house of Ammar Chimariya on October 4. Bhattarai added that he had not threatened the Khadka brothers.

By YCL

Youth Force cadres Padam Tamang, 22, Giren Magar and Durga Yongan of Dhungesanghu VDC-6 were abducted by YCL cadres on November 12 while he was attending a post-death ritual of a neighbour. YCL cadres released them on November 14 after a meeting held between leaders of UCPN-M and UML solved the dispute.

By Others

Former UCPN-M cadre Jeet Bahadur Budathoki, 33, of Sonam VDC-4 was abducted and beaten by around 25 locals including Kumar Ibaram, Purna KC of ward no. 7 on April 31 on charge of inflicting sorrow on the villagers during the armed conflict. The locals abducted him from home at midnight and beat him after taking him to Panchami bazaar. Local police had rescued him later. Budathoki, who had returned home after seven years from Sikkim, India, went back to Sikkim after the incident. Police arrested Kumar and Purna. They were released after they agreed to provide 30 thousand rupees to Budathoki for treatment on April 3.

THREATS/BEATINGS

BY UCPN-M

Principal of Bhanu Higher Secondary School Bimala Subba of Phungling VDC-4 was threatened for removal from the post by School Management Committee on September 5. The committee said that they had to choose for her alternative since her qualifications were not up to par as fixed by it. Bimala, who had been running the school for seven years, accused that the pro-UCPN-M Committee was conspiring to remove her from the post for ideological differences.

By FLSC-Manch

District In-charge of FLSC-Manch Hom Tumbahamfe sent a letter to the District Education Office at Phungling VDC-7 on September 19 threatening all teachers to provide two-days salary. Limbuwan cadre Muksang said that the party had asked for voluntary donation.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION (Including Political Freedom and Free and Impartial Election)

A team of CA members, including

Padam Bishwakarma, who had come to the district for opinion collection regarding constitution drafting, were threatened by KNF leader Prithvi Narayan Bokhin at Puhungling bazaar of Phungling VDC-3 on March 3. He threatened the 'CA members of neighbouring country' to face the consequences if they did not halt their work of 'interfering in the constitution drafting of Limbawan state'. The CA members collection opinions with support from security personnel.

RIGHT TO PROMPT AND FAIR TRIAL

35 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. Similarly, 51 criminal cases, where the individual is plaintiff, were filed this year. Among the total 86 criminal cases, where the individual is plaintiff, 59 cases were decided this year and 27 cases remained undecided.

37 criminal cases were brought forward from the last year in the District Court. Similarly, 26 criminal cases were filed this year. Among the total 63 criminal cases, 48 cases were decided this year and 15 cases remained undecided.

42 civil cases were brought forward from the last year in the District Court. Similarly, 81 civil cases were filed this year. Among the total 123 civil cases, 86 cases were decided and 37 cases remained undecided by the end of this year.

Among the total 272 cases, including criminal cases, where the individual is plaintiff, criminal cases and civil cases, 79 cases remained undecided by the end of this year at the District Court.

CHILD RIGHTS

Students of Bhanu Higher Secondary School were affected after the school shut down for four days from February 13 following threat of attack to all teachers and Principal Bimala Subba

by YCL cadres. The teachers informed that YCL cadres, including Ashok Thebe threatened them inside the school premises. They demanded security to the School Management Committee and District Education Office on February 18. The school reopened after YCL cadres offered apology the same day to the teachers, Management Committee and the DEO.

A 17-year-old girl of Thinglabu VDC-2 was killed after rape by Pasang Sherpa, 20, of same place on August 28. The girl was raped while she was returning home after cutting grass from a nearby jungle. Police arrested Sherpa with the local's support the same day. The District Court remanded him to jail on October 1 with murder charge.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

A 22-year-old woman of Phungling VDC-7 was rape attempted to rape by Buddharaj Mabohang, Surendra Labuna and Sabin Mabohang of same place on July 3. Among the accused, Sabin was arrested and tried with rape charge. He was bailed on July 9. The other two accused were absconding till the end of the year.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Property

By UCPN-M

DEO, DPO, DTO and DLO were vandalised by UCPN-M cadres on June 20 on charge of defying bandh called by them. Employees of DEO said that property worth 270,000 rupees were damaged in the incident.

By Unidentified Group

Building of Prithvi Secondary School Khamlung at Khamlung VDC-4 was completely damaged after an unidentified

group torched the building on April 25. 415 students of the school were affected after study at the school halted for a month. Study continued after the locals constructed a makeshift hut for the school on April 28.



1.5 Morang



Population : 1,005,930

Literacy(%) : 57

Women Literacy(%) : 47

Area(Sq. Km.) : 1,855

Number of VDC(s)/Municipality(ies) : 65/1

Number of School(s) : 723/93

Campus(es)/Higher Secondary School(s) : 15/55

Hospital(s)/Health Post(s) : 3/73

Human Development Index : 0.531

Average Household Size : 5.48

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By Unidentified Group

Ramesh Gupta, 50, of Biratnagar Sub-metropolitan city was killed by an unidentified group at road section from Kanepokhari to Letang on March 13. Sharp weapon was used to attack Gupta, a businessman by profession on the border of Letang and Bayerban VDC. Post-mortem



Type of Events	By Non-State									By State			
	By Others					By UCPN-M							
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	N/A	Total	No. of Events	Male	Female	Total
Killing	13	9	4		13								
Injured	8	13	1		14					3	6	1	7
Arrest & Torture										4	5		5
Beatings	18	12	7		19	1	1		1	4	5		5
Threats	9	11	2		13	2	4		4	1	1		1
Racial Discrimination	2	2	3		5								
Women Rights	14		15		15								
Child Rights	17	1	17		18								
Economic, Social and Cultural Rights	9	5	1	3	9	5	4	2	6				
Inhuman Behaviour	2	3			3								
Abduction	4	6			6								
Death in Jail										1	1		1
Total	96	62	50	3	115	8	9	2	11	13	18	1	19

of the dead body was held at Kosi Zonal Hospital. A red bike without number plate and a shirt soaked in blood were discovered by police team of Letang Police Post on the site of incident. Victim was on the way to Letang market.

INJURED IN SHOOTING/EXPLOSION

By Unidentified Group

Ramesh Gurung, 25, of Danghihat VDC-5 was injured by bullet from unidentified group at Dangihat VDC-4 on December 1. The victim was participating in wedding ceremony at Bimal Yakha's home when he was shot. The victim received bullet injuries in his back and was treated in BPKIHS Dharan. Some unidentified persons who came in two motorcycles shot him and ran towards south direction.

By MMT

Kiran Shrestha, 45, of Urlabari VDC-4 and Krishna Nagarkoti, 30, both working as security guards in Raghupati Jute Mill in Biratnagar Sub-metropolitan

city-22 were injured in bomb explosion that was carried out by MMT on May 21. Sutali bomb was detonated in the front of the main gate of the mill. Among the injured, Kiran was treated at Kosi Zonal Hospital while Shrestha was taken to BPKIHS Dharan for treatment. Politburo member of MMT claimed the responsibility of the explosion via phone with local media personnel. Binaya Mandal, 20, of Biratnagar Sub-metropolis was arrested on June 3 and was sent to Morang Jail on June 15 for further investigation in connection with the case.

By JTMM-J

One sutali bomb was detonated at the residence of Tanka Bahadur Bista of Amardhaha VDC-1 by JTMM-J cadres Nandalal Gangai, 24, and Prem Rajbanshi, 26, on November 16 on charge of not giving donation as demanded by the group. The explosion did not cause any physical and human damage. Police from APO arrested Nanda and Pramesh on December 17 for their alleged involvement in the incident.

The duo was remanded to custody for the trial of the case.

By Unidentified Group

An unidentified group detonated a subliminal bomb in front of UN-OHCHR regional office in Biratnagar Sub-metropolitan City-13 on December 18. Explosion did not cause any physical and human loss.

CLASH

Some YCL cadres and police personnel were injured in clash at Sahid Stadium of Biratnagar on September 14. YCL cadres were injured in baton charge and tear gas while the police personnel were injured by stone thrown by YCL cadres who were on the way to exhibit black flag to Prime Minister Madhav Kumar Nepal. YCL cadres Jitendra Mahara, 37, Alihan Ansari, Rajendra Gautam of Sanischare VDC, Madan Mudiya and Tilak Chaudhary were injured in the clash. Similarly, ASI Krishna Shrestha and police constables Khem Prasain, Gopal Niurula, Susma Singh and Tanka Niruala were injured in the incident. All of them were treated in Kosi Zonal Hospital and were discharged on the same day. Prime Minister was attending convocation program of Purwanchal University.

JAIL AND DETAINEES

The "C" grade Morang District Jail has the capacity to detain 250 inmates. There is separate cell for male and female inmates. There are 475 inmates in the jail till the end of the year. Among them 38 are female convicts. There are 228 convicts and 247 detainees in the jail by the end of the year. Three girls and two boys were staying as dependents with their mothers at the women cell.

Convict Abhisek Giri, 32, of Biratnagar Sub-Metropolitan City-15 was severely beaten by a team led by jail captain Madhusudhan Manan Dhar

on September 18. Giri was beaten up for violating discipline. Left hand of Giri was broken due to the beating. The victim was treated in BPKIHS Dharan. The victim was transferred to Kathmandu Jail while perpetrator was transferred to Saptari Jail on November 27 following the incident.

DISAPPEARANCE/ABDUCTION

By CPN-M

UCPN-M cadres Jivan Khadka, 18, of Bahuni VDC and Prem Khan, 19, of Biratnagar Sub-Metropolis-9 were abducted by CPN-M cadres on April 8 from Keshaliya Road of Biratnagar Sub-metropolis-7. Both of them were abducted while campaigning for by-election of the Constituent Assembly. The victims were freed from CPN-M party office of Biratnagar Sub-Metropolis-15 after a press meet by CPN-M on April 9.

By FLSC

Rameshwor Danuwar, 53, of Madhumalla VDC-8 was abducted by FLSC cadres Harka Rai, 34, of same VDC and Indra Bahadur Rai of Tandi VDC-7 on June 3 alleging him of troubling villagers by practising magic. The victim was abducted from his own home. He was freed the next day from jungle of Kalijhoda of Madhumalla VDC. He was handed over to his wife. The victim did not lodge any complaint for seeing threat.

THREATS/BEATINGS

By State

Chuman Basnet, a photo journalist of Biratnagar Sub-Metropolitan City-1 was verbally abused and his camera was snatched by APF inspector Yuva Narayan Baidya and police inspector Manoj Raut for taking photo of clash between security personnel and demonstrators in Biratnagar Sub-Metropolitan City-3 on July 17. The victim filed a complaint with the help of FNJ Morang demanding back his camera, action



against perpetrators and compensation. Camera was given back but no action was taken against the perpetrator until the end of year.

By UCPN-M

Hasan Ansari, 45, of Biratnagar Sub-Metropolis-22, proprietor of Asian Leather Industry Dhuhabi, and Upendra Khatiwada, 38, of Biratnagar Sub-Metropolis-6 was threatened of physical action by UCPN-M cadres Ilias Miya, 38 and Hakim Miya, 50 on February 15 demanding to provide donation as demanded by them. The victims organized a press meet on February 14 and informed that they received threat of shooting and bomb explosion at the industry.

By CPN-M

Police inspector of Rangeli APO, Rajesh Thapa, Rajkumar Yadav of Amardaha VDC-7, NC cadre Shaym Shivakoti, 50, and Bishnu Dulal, 39, were threatened of physical action by CPN-M district in-charge Bijyam Kamat on June 16. All of them were threatened at a press meet organized in Biratnagar Sub-Metropolis on June 16. All the victims were accused of demolishing settlement in trust-owned land. The land was still in control of the state at the end of year.

By Youth Force

Binayak Panta, 35, of Biratnagar Sub-Metropolis-15 was given life threat by Youth Force cadres Mukesh Budhathoki, 35, and Hari Kumar Basnet, 32, and their cadres by cordoning his home and carrying gun on May 4. The victim filed a complaint in DAO demanding security and also demanding action against perpetrators. DAO did not take any action against perpetrators.

By MJF

Reporter of Gorkhapatra Daily,

Gokul Parajuli, 28, of Biratnagar Sub-Metropolis-5, who is also the treasurer of FNJ Morang, was beaten at ballot counting station in Adarsha Higher Secondary School on April 11 by MJF cadres. Journalist Parajuli was beaten on charge of writing wrong news on Constituent Assembly election. The victim was treated in Kosi Zonal Hospital. He filed complaint via FNJ at CDO office demanding action against perpetrator on April 11. No action was taken against perpetrators.

By JTMM-J

Badri Pokharel, 45, of Biratnagar Sub-Metropolis-6 was threatened of physical action by JTMM-J cadres on July 14 demanding 500,000 rupees. The victim received threat through letters and phone calls. The victim filed application in CDO office demanding security of life and property on July 15. He was displaced to Kathmandu on July 16 due to the threat. Other family members were still at home.

By MVK

Kamlesh Karna, 35, of Biratnagar Sub-Metropolis-16, who was working as technician in Golcha Eye hospital, was threatened via phone of being killed by the cadres of MVK on August 25. The victim filed complaint at ward police station on the same day. The perpetrator was at large by the end of the year.

By TJR

Chief of World Vision Morang-Susari office, Prayas Jung Pun, was threatened by TJR cadres demanding 400,000 rupees on December 26. The perpetrator sent a letter to the victim and warned of physical action if he failed to pay the amount. Following the incident, Pun was displaced to Kathmandu and the Organization halted all the programs run in these districts.

**RIGHT TO ASSEMBLY, EXPRESSION
AND ASSOCIATION
(Including Political Freedom and Free and
Impartial Election)**

Employee of Surya Nepal Pvt LTD, Kul Bahadur Meyanbo, 39, of Tankisinuwari VDC-4 was fired from his post by Manager Abadesh Kumar Jha on May 24 for joining trade union and demanding permanent position for workers. Trade union criticized the move. However, the victim was not reinstated in the position. The victim was given salary of additional three months while being fired from the job.

**RIGHT TO FAIR AND PROMPT TRIAL
Appellate court**

85 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. Of which, 49 cases were decided this year and 36 cases remained undecided. Similarly, 42 criminal cases, where the individual is plaintiff, were filed this year. Of which, none of the cases were decided. Among the total 127 criminal cases, where the individual is plaintiff, 49 cases were decided this year and 78 cases remained undecided.

153 criminal cases were brought forward from last year in the District Court. Of which, 60 cases were decided this year and 93 cases remained undecided. Similarly, 122 criminal cases were filed this year. Of which, 48 cases were decided and 74 cases remained undecided. Among the total 275 criminal cases, 108 cases were decided this year and 167 cases remained undecided.

456 civil cases were brought forward from last year in the District Court. Of which, 200 cases were decided this year and 256 cases remained undecided. Similarly, 184 civil cases were filed this year. Of which, 25 cases were decided and 159 cases remained undecided.

Among the total 643 civil cases, 226 cases were decided and 417 cases remained undecided by the end of this year.

There are still 743 cases all together in the court.

District Court

342 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. Of which, 112 cases were decided this year and 230 cases remained undecided. Similarly, 214 criminal cases, where the individual is plaintiff, were filed this year. Of which, 81 cases were decided this year and 133 cases remained undecided. Among the total 556 criminal cases, where the individual is plaintiff, 193 cases were decided this year and 363 cases remained undecided.

288 criminal cases were brought forward from last year in the District Court. Of which, 100 cases were decided this year and 188 cases remained undecided. Similarly, 89 criminal cases were filed this year. Of which, seven cases were decided and 82 cases remained undecided. Among the total 377 criminal cases, 107 cases were decided this year and 270 cases remained undecided.

651 civil cases were brought forward from last year in the District Court. Of which, 181 cases were decided this year and 470 cases remained undecided. Similarly, 258 civil cases were filed this year. Of which, 27 cases were decided and 231 cases remained undecided. Among the total 909 civil cases, 198 cases were decided and 711 cases remained undecided by the end of this year.

Till the end of the year 1334 cases remained undecided.

**TORTURE AND OTHER CRUEL, INHUMAN
AND DEGRADING BEHAVIOUR OR
PUNISHMENT**

Convict of Morang Jail Tulasī

Mahato, 32, of Biratnagar Sub-Metropolis-18 was beaten with gun by police and injured while he was on the way to clarify the charges on May 20. Jail administration treated him at Kosi Zonal Hospital after pressure from other inmates. Jailer Khagendra Giri informed that police took the action to warn the convict. DSP Bidyanandan Majhi informed that action would be taken against the perpetrator. It is unknown that whether action has been taken or not.

CHILD RIGHTS

A 14-year-old girl of Motipur VDC-3 was gang-raped by Ramesh Majhi, 30, of the same VDC-9, Sujit Sardar, 19, of same VDC-1, Arun Majhi alias Sabarulal, 20, of Ward Number-1 and Chauhar Lal Majhi, 22, on November 7 at Londra Stream dam. She was carried from her home and then gang raped. Among the perpetrators Ramesh, Sujit, and Chauhurlaal are on captivity at Morang Jail from December 1, while Arun was at large by the end of the year.

A 10-year-old girl of Kerabari VDC-3 was attempted to be raped by Bhim Bahadur Shrestha of same place in a bamboo bush of the same place on November 26. The victim's medical check up was conducted in Kosi Zonal Hospital. The perpetrator was remanded to custody as per the order of the District Court.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

Maya Pariyar, 60, of Jhorahat VDC-7 was raped by Sanjaya Majhi, 23, of the same place at her home on September 18. After rape victim was hit with sharp weapon and severely injured. She died on the same day while undergoing treatment at Kosi Zonal Hospital. The perpetrator was also beaten to death by locals on same day while he was hiding inside his house.

No complaint was filed at police station.

One 18-year-old lady of Hasandaha VDC-4 was raped by Bishnu Mandal, 22, of same VDC on October 4 at nearby farmland. Victim's health was checked in Kosi Zonal Hospital on October 5. Perpetrator was arrested by police on October 8. He was sent to Morang jail on remand as per the District Court order of November 4.

Domestic Violence

Pinki Sah, 24, of Biratnagar Sub-Metropolis-16 was beaten up with plastic pipe by her husband Ram Narayan Sah, 32, at their home for giving birth to girl on May 19. The victim orally complained about the incident to Bakhari Police Post on the same day. Police settled the case by calling both sides on May 21 and making them sign a document with a pledge of not to repeat such incident.

Polygamy

Lalita Katuwal, 27, of Govindapur VDC-4 was victimized by her husband Devendra Basnet on March 5 when he married for the second time on March 5. The victim filed a complaint at the DPO on November 5. Police arrested Devendra on November 6. He was released after depositing a bail worth Rs 15,000 on November 30 as per the order of the district court. Devendra's second wife Muna Bhattarai of Dhankuta district ran away after the incident.

Accusation of Being Witch

Sewakumari Bhattarai, 44, of Biratnagar Sub-Metropolis-16 was threatened by police constable Mahendra Bahadur Katwal, 37, and Subitra Shrestha, 27, of same place on December 25 accusing her of being a witch. She was threatened to leave the village and warned of torching her house if she did not leave the home. The victim filed a complaint

at Bakhari police post on the same day. Police informed that investigation was on by the end of the year.

ALL KINDS OF RACIAL DISCRIMINATION

Subash BK, 22, and Ganga Tamang, 18, of Yangshila VDC-8 were expelled from village for choosing intercaste marriage by Gautam Tamang, 32, and Netra Limbu, 28, on february 10. The victims filed a compalint at the APO Kerabari on Feburary 11. Gautam and Netra were arrested by police on Feburary 13. The victims were rehabilitated in the village on Feburary 14. Netra and Gautam signed a document and were released same day commtting not to repeat the act.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Seizure of Property

By UCPN-M

UCPN-M cadres led by Area Number 6 in-charge Badri Paswan captured one bigha land of Nari Bikash Sangha and three bighas land of Jana Priya Secondary School located at Katahari VDC on November 16 by putting party flag in the land. Paswan informed that the land will be disributed among the landless people. DPO removed the flag on December 15.

By CPN-M

One bigha of state owned land at Katahari VDC-3 was captured in the leadership of CPN-M area number 6 in-charge Santosh Gachaadar on August 16. Local administration did not take any action against the perpetrators.

By FLSC-Manch

10 sacks of fertilizer owned by Arun Saha, 46, of Sijuwa VDC-9 were captured by LV volunteers of FLSC-Manch on July

15 from Pathari VDC-1. The fertilizer was distributed among the locals. That fertilizer was claimed to have been smuggled from India. Victim informed police about the incident but no action was taken against perpetrator by the end of the year.

By MJF

One kattha land owned by DAV Boarding School was captured by MJF cadres in the leadership of MJF district chairman Umesh Yadav on December 19 by placing a flag. Yadav informed that the land was without owner for last 25 years. He informed that MJF office would be built up on that land. Police informed that no complaint was filed about the incident

By KARP

Four Bighas of land in Biratnagar Sub-Metropolis-10 was captured in the leadership of Lekhraj Khabas district chariman of KARP on Dec 15. Chairman Khabas informed about the capture of land by organizing a press conference at captured land and informed that the land was captured to prevent further misuse.

Destruction of Infrastructure, Property

By MMT

A socket bomb was detonated at hostel run by teacher Chinta Mani Shrestha of Biratnagar Sub-Metropolis-13 by MMT cadres on March 23. Explosion caused damage to the window and the doors of the hostel. MMT in-charge claimed the responsibility of the incident.

By NDA

A sutali bomb was detonated at the Internal Revenue Office of Biratnagar Sub-Metropolis-14 by NDA cadres on December 15. All the glasses of windows were shattered due to the explosion. No human causuality was reported.



1.6 Sunsari



Population : 1,068,166

Literacy(%) : 75

Women Literacy(%) : 35

Area(Sq. Km.) : 1,257

Number of VDC(s)/Municipality(ies) : 49/3

Number of School(s) : 459/53

Campus(es)/Higher Secondary School(s) : 11/32

Hospital(s)/Health Post(s) : 3/57

Human Development Index : 0.5

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By Unidentified Group

Nagen Chaudhary, 50, of Baklauri VDC-3 was killed with a khukuri by an unidentified group on May 21. A post-mortem was carried out at the district hospital and the body was then handed over to the family on May 22.

Jatru Chaudhary, 55, of Chandbela VDC-5 was beheaded by an unidentified group in a paddy field on November 20. A postmortem was carried out at the district hospital and handed over to the family. Suspects Devraj Chaudhary, Dhurtu Chaudhary and Suren Chaudhry who were investigated in connection with the incident, were released on date

on the order of Sunsari District Court on December 22.

INJURED IN SHOOTING/EXPLOSION

By State

Bhikhan Mandal, 45, of Tanmuna VDC-5 was injured from a bullet fired by APF on April 18 at Siruwa Mela of Chitaha VDC-5 on March 18. Similarly during the same dispute Anoj Shaha, 25, and Sambhu Saha, 24, of the same place and Rajendra Saha, 30, were injured during a baton charge. Bhikhan was treated at BPKIHS, whereas the others were treated at the district hospital in Inaruwa .

JAIL AND DETAINEES

The regional jail at Bhadagu Sinuwari-5 has the capacity for 600 inmates. However there are only 272 inmates in the jail, at the end of the year. There are 106 male convicts and 150 male detainees in the regional jail. There were also 9 foreigner convicts and 7 foreigner detainees. Due to the lack of infrastructure there is no provision for female inmates. Furthermore, there is a scarcity of water inside the jail. This year one convict was killed inside the jail.

Arjun Tamang, 24, of Tandi VDC-8 Morang, a convict at the regional jail in Jhumka was beaten and tortured to death by Sarke Tamang, 36, Sabir Miya, 38, Devkumar Mehata , 35 and Tirtha Maharjan, 32 on September 14 . All the perpetrators were convicts of the jail. A postmortem of the victim' was carried out at BPIKHS Dharan. An investigation committee was formed under the leadership of INSEC. The committee publicized its report on September 24.

DISAPPEARANCE/ABDUCTION

By JTMM-R

Shekhar Pokharel, 40, of Biratnagar sub metropolis-5, supervisor at NTC

Type of Events	By Non-State									By State				
	By Others					By UCPN-M								
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	N/A	Total	No. of Events	Male	Female	N/A	Total
Killing	11	9	3		12									
Injured										1	1			1
Arrest & Torture										1	1	1		2
Beatings	3	5	2	9	16					2	6			6
Threats	2	3			3									
Right to Assembly										7	46	23	18	87
Racial Discrimination	1		1		1									
Women Rights	11		11		11									
Child Rights	9	5	8	1	14									
Economic, Social and Cultural Rights	2		1	1	2	2	1	1	2					
Abduction	8	8			8									
Total	47	30	26	11	67	2	1	1	2	11	54	24	18	96

Biratnagar was abducted by JTMM-R cadres on July 17 from Amahibela VDC. He was abducted while on duty at Devanganja tower. The victim's family paid Rs 1.3 million as a ransom on August 6. The victim was freed at the initiation of the Nepali and Indian police on August 14 from Madheshpura, India.

Khilananda Dhakal, 65, of Inaruwa Municipality-3 was abducted by an unidentified group from Satterjhora VDC-6 on April 2. He was freed from an unknown location on April 19 after paying a ransom. The victim's family did not disclose the amount paid.

THREATS/BEATINGS

By State

Damordar Guragain, 24, of Bayarban VDC-8, Morang district, manager at Aujar Daily, was beaten up and mistreated by police constable, Narayan Koirala, and the team from the APP Itahari on May 20 at Itahari bus stand. On the basis of a complaint filed by victim on June 11, departmental action was taken against the perpetrators.

By ANNISU-R

Lekhnath Bhattarai, 39, of Dharan Municipality-16, a lecturer at Public Higher secondary, was beaten up and injured by ANNISU-R cadres on June 16. He was treated at BPKIHS. A committee under the leadership of Dhurga Khatiwada was set up for an independent investigation of the incident.

By Limbuwan

Rohit Rai, 26, of Dharan Municipality-8 received life threats from Limbuwan cadres on June 21 for writing news they did not approve of. The victim informed police about the threat. He did not receive any further threats after the complaint to the police.

ARBITRARY ARREST

Saligram Pandey, 49, of Itahari Municipality-8, editor of Shree Janamat Weekly, was arrested while he was reporting on November 7, on the order from police inspector Surendra Sitaula. The victim was released after 2 hours due to pressure from FNJ sunsari and the press union. The editor was reporting about



land encroachment by the police. Police informed that he was held for solely for enquiries.

By TSC

Yadav Nepal, 28, of Itahari Municipality-2, the station manager of Namaste FM and Durga Parajule, 25, of Morang were ill-treated by TSC cadres at Hasposha VDC-2, Tarahar on April 9. The victims were physically assaulted for driving during the shut down called by TSS.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom and Free and Impartial Election)

Mamata Chaudhary, 21, Kalpana Chaudhary, 16, Radhika Chaudhary, 17, Gomati Chaudhary, 25, Panwati Chaudhary, 45, Gyanu Chaudhary, 16, Ujuri Chaudhary, 25, Mina Chaudhary, 12, and Ashish Chaudhary, 17, were arrested by police from Pakali on March 19 for demonstrating in a restricted zone. All those arrested were cadres of Tharuhat. All of them were released on March 15 in the presence of journalists and human rights activists.

RIGHT TO FAIR AND PROMPT TRIAL

325 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. Out of these, 168 were decided this year and 157 remained undecided. In addition, 235 new criminal cases, where the individual is plaintiff, were filed this year. 229 of these were decided this year and 6 remained undecided. Among the total 560 criminal cases, where the individual is plaintiff, 397 were decided this year and 163 remained undecided by the end of the year.

194 criminal cases were brought forward from last year in the District Court.

Out of these, 63 were decided this year and 131 remained undecided. Additionally, 86 new criminal cases were filed this year. Of these new cases, 28 were decided and 58 remained undecided. Among the total 2280 criminal cases, 91 were decided this year and 2189 remained undecided by the end of the year.

832 civil cases were brought forward from last year in the District Court. Out of these, 299 were decided this year and 533 remained undecided. Furthermore, 401 new civil cases were filed this year. 89 of these were decided and 312 remained undecided by the end of the year.

Altogether, 5073 cases were registered this year. Out of these, 876 were decided and 3197 remained undecided by the end of the year.

CHILD RIGHTS

Ajay Rishidev, 12, of Bayerban VDC- 6 Morang, Chandan Rishidev, 14, of Katahari VDC-5, Dinesh Rishidev, 13, of the same place, Suraj Rishidev, 14, and Mahesh Rishidev, 13, were rescued by locals of Inaruwa Municipality-1 on March 21, when the children were being trafficked by Raghunandan Rishidev, 35, and Badri Narayan Kamat, 30. As no written complaint was registered, both the perpetrators were released on March 26.

A 9-year-old girl of Inaruwa Municipality-2 was raped by Gore Shrestha, 35, of Inaruwa Municipality-1 on April 22 at a bamboo bush near her home. The victim's health was checked that day in the district hospital. The victim's family filed a written complaint at the DPO against the perpetrator on May 17. According to Inspector Devi Prasad Bara a search for the perpetrator is being carried out.

Susila Khatwe, 4, of Bhokraha VDC-6 was strangled to death by her mother Fulodevi Khatwe, 25, and her grandfather, Basant Khatwe, 40, at a neighbour's, home

on April 29. A postmortem was carried out at the district hospital and then the dead body was handed over to the family. The accused, Fulodevi and Sahadev, were arrested the day of the incident by police and were sent to Biratnagar jail for further investigation, as per the district court order on May 24. The perpetrator, Basant, was still at large at the end of the year.

Sachin Poudel, a 15-month-old baby, of Bhokraha VDC-3 was strangled to death by his mother, Sita Poudel, 25, at Santiwan of Dumraha VDC-3 on May 29. She killed him because she was unable to afford the baby's treatment. A postmortem was carried out in the district hospital and then the dead body was handed over to the family. The perpetrator was arrested and sent to Biratnagar jail on May 27, as per the district court order.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

An 18-year-old woman, of Itahari Municipality-1 was raped by Karan Basnet, 29, of same place on March 15. The perpetrator was sent to Morang jail at Biratnagar on April 13, as per the district court order.

Domestic Violence

Reshma Thapa, 26, of Panchkanya VDC-2 was beaten up and then expelled from her home by husband, Nabin Thapa, father-in-law, Bhupal Man Thapa, 55, and mother-in-law, Ambika Thapa, 55, on February 14, for bringing too little of a dowry. The victim registered a domestic violence case at the district court on November 23. The case was still pending at the end of the year.

Accusation of Being Witch

Jawarun Khatun, 30, of Babiya VDC-5 was fed faeces and severely beaten

up by Kalim Miya, 35, Sahida Khatun, 25, and Ruweda Khatun, 27, and Niyamuddin Miya, 26, of the same place due to accusations that she practices witchcraft. The victim filed a complaint at the DPO on June 9. She was treated at the district hospital. Police stated that the perpetrators were still at large at the end of the year.

ALL KINDS OF RACIAL DISCRIMINATION

Nirmala BK, 20, of Barahachhetra VDC-5, Markhola Jhartole was ill treated, by Bharati Shrestha, 30, because she was considered 'untouchable', when she reached for water at a public tap on April 17. The perpetrator apologized for the incident on April 19.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Property, Land Capture By UCPN-M

147 bighas land of Surendra Agrahari at Chitaha VDC-3, 4 and 5 was flagged and announced captured by UCPN-M cadres on June 21. Kochila Rajya Samiti member revealed that the land will be distributed among the landless.

By CPN-M

17 bighas land of Ramjanaki Temple located at Pakali VDC-1 was flagged and captured by CPN-M cadres, under the leadership of CPN-M district member Rajkumar Gurung, on December 30. According to him, the land was captured to save it from land Mafias.

By Limbuwan

Aujar Daily, published from Dharan, was set on fire by Kumar Lingden group LRP cadres on February 13 at Dharan Municipality-8. FNJ Sunsari branch condemned the attack that day and warned that there would be agitations organised if the attack on the media persists.



1.7 Dhankuta



Population : 184,456

Literacy(%) : 64

Women Literacy(%) : 45

Area(Sq. Km.) : 891

Number of VDC(s)/Municipality(ies) : 35/1

Number of School(s) : 319/12

Campus(es)/Higher Secondary School(s) : 1/48

Hospital(s)/Health Post(s) : 1/37

Human Development Index : 0.507

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The "D" grade Dhankuta jail has 21 male and two female convicts and 11 male and two female detainees at the end of the year. 37 inmates, including a child, are kept at the jail which has a capacity to accommodate 25 inmates. The rooms of the jail are narrow and cold. As there was no separate room for women, the female inmates were kept in a room located upstairs of the building. The jail administration has provided the facilities for the inmates to read and to sit for exams.

Kshitiz Thebe, of Dharan Municipality-16, Sunsari was attacked by another inmate Bhupal Limbu with a knife on December 10. Bhupal attacked

Kshitiz, who was serving his term under public offence, with a knife used in the jail kitchen. He succumbed to injuries on December 24 while undergoing treatment at BPKIHS, Dharan. Bhupal, who was serving his term for murder since February 2008, was held in the custody of DPO from December 10.

THREATS/BEATINGS

By State

Dhankuta correspondent of Kantipur FM Ramesh Chandra Adhikari, 36, of Dhankuta Municipality-4 was threatened by CDO Ramu Prasad Upadhyaya, 53, on June 22 on charge of broadcasting news of government office closure called by UCPN-M. He warned Ramesh not to broadcast news on him without his permission. Various human rights organizations and media condemned the incident issuing separate press releases on June 23.

By UCPN-M

Chakra Bahadur Raymajhi, 30, of Teliya VDC-5 was beaten by UCPN-M Ward Committee Member Rewat Pokhrel, 54, Krishna Pokhrel, 30, Shankar Pokhrel, 28, of same VDC on January 31. Injured Raymajhi was treated at District Hospital the next day. He sustained severe injuries in eye, chest and back. Raymajhi said that they beat him on the way while he was returning home. Rewat admitted beating Raymajhi. He was treated after Rewat and others agreed to provide him the treatment cost.

By Youth Force

Ram Bahadur Bhujel, 57, of Dhankuta VDC-7, was beaten and injured by Youth Force cadres on November 4 on charge of being a UCPN-M supporter. The Youth Force cadres beat Bhujel, an employee of Agriculture Goods Company

Type of Events	By Non-State										By State		
	By Others					By UCPN-M							
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Total
Killing	4	4			4								
Injured	1	1			1								
Arrest & Torture											1	3	3
Beatings	9	12	3		15	4	6			6	2	3	3
Threats	2	1	1		2	1	1			1	2	7	7
Right to Assembly						1	1			1			
Racial Discrimination	2	2	2		4								
Women Rights	8		8		8	1		1		1			
Child Rights	5		5	25	30	1			340	340			
Abduction	1	7			7								
Total	32	27	19	25	71	8	8	1	340	349	5	13	13

Limited, accusing UCPN-M cadres of torching their vehicle. Bhujel sustained severe injuries in head. He was treated at District Hospital, Dhankuta. He said that the Youth Force cadres punched him in face at the office premises. UCPN-M took out a rally protesting against the incident on November 6.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION (Including Political Freedom and Free and Impartial Election)

FLSF led by Mani Kumar Limbu, 32, of Dandabazaar VDC-4 threatened students who had appeared to cast votes at the Dhankuta Multiple Campus during the FSU elections on March 19. The Limbuwan students armed with Khukuri warned of action if the students cast their votes. The Student bodies tried to cancel the election saying that students who had come to cast their votes had returned after Limbuwan's threat. The students were threatened that their casting votes would be taken as protest against Limbuwan and that they would not be spared for casting votes. A team of APF dispersed them later.

RIGHT TO PROMPT AND FAIR TRIAL Appellate Court

22 criminal cases, where the individual is plaintiff, were brought forward from the last year at the Appellate Court. Of which, seven cases were decided this year and 15 cases remained undecided. Similarly, five criminal cases, where the individual is plaintiff, were filed this year. Of which, one case was decided this year and four cases remained undecided. Among the total 27 criminal cases, where the individual is plaintiff, eight cases were decided this year and 19 cases remained undecided.

43 criminal cases were brought forward from the last year in the Appellate Court. Of which, 21 cases were decided this year and 22 cases remained undecided. Similarly, 39 criminal cases were filed this year. Of which, 11 cases were decided this year and 28 cases remained undecided. Among the total 82 criminal cases, 32 cases were decided this year and 50 cases remained undecided by the end of this year.

33 civil cases were brought forward from the last year in the Appellate Court. Of which, 11 cases were decided this



year and 22 cases remained undecided. Similarly, 27 civil cases were filed this year. Of which, one case was decided this year and 26 cases remained undecided. Among the total 60 civil cases, 12 cases were decided and 48 cases remained undecided by the end of this year.

Among the total 169 cases including criminal cases, where the individual is plaintiff, criminal cases and civil cases, 117 cases remained undecided by the end of this year at the Appellate court.

District Court

34 criminal cases, where the individual is plaintiff, were brought forward from the last year in the District Court. Of which, seven cases were decided this year and 27 cases remained undecided. Similarly, 18 criminal cases, where the individual is plaintiff, were filed this year. Of which, two cases were decided this year and 16 cases remained undecided. Among the total 52 criminal cases, where the individual is plaintiff, nine cases were decided this year and 43 cases remained undecided.

19 criminal cases were brought forward from the last year in the District Court. Of which, two cases were decided this year and 17 cases remained undecided. Similarly, 18 criminal cases were filed this year. Of which, 8 cases were decided and 10 cases remained undecided. Among the total 37 criminal cases, 10 cases were decided this year and 27 cases remained undecided by the end of this year.

57 civil cases were brought forward from the last year in the District Court. Of which, 14 cases were decided this year and 43 cases remained undecided. Similarly, 20 civil cases were filed this year. Of which, one case was decided and 19 cases remained undecided. Among the total 77 civil cases, 15 cases were decided and 62 cases remained undecided by the

end of this year.

Among the total 166 cases including criminal cases, where the individual is plaintiff, criminal cases and civil cases, 34 cases were decided and 132 cases remained undecided by the end of this year at the District Court.

CHILD RIGHTS

UCPN-M affiliated Limbuwan State Committee conducted a three-day meeting at Bal Sansar Higher Secondary School at Dhankuta Municipality-6 from January 5. Students staying at the school hostel and teachers were affected due to the program. 43 CA members from Dhankuta, Tehrathum, Panchthar, Ilam, and Taplejung were present in the program.

Two 15-year-old and 13-year-old girls of Chintang VDC-4 were allegedly raped by AHW of Sambugaun Health Post Mohammad Naseer Hussain on February 12. The locals handed over Hussain, a resident of Saptari district to police accusing him of raping the girls in the guestroom while they had come for a medical check-up. Medical test of the girls was conducted at BPKIHS, Dharan. Hussain was arrested on March 11 after family of the girls filed complaint against him on February 16. He was released on March 25 on date.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Saraswati Bhandari, 69, of Ghorlikharka VDC-2 was beaten by her brother-in-law Lok Bahadur Bhandari, 56, at a nearby jungle on May 16 over a land dispute. Saraswati was knocked unconscious after Lok Bahadur attacked her with a split log. Local shepherds took her home after finding her unconscious. She underwent treatment at District Hospital Dhankuta for head injuries. Her

relatives filed a complaint against Lok at the Pakhribas Police Post on May 17.

ALL KINDS OF RACIAL DISCRIMINATION

Parbati Bhujel, 36, of Parewadin VDC-3 was beaten and injured by her brothers-in-law Bam Bahadur Limbu, 43, and Dik Bahadur Limbu, 37, on January 19 on charge of touching food at neighbor's marriage reception. Parbati, who had married to a Limbu man, said that she had been ill-treated for past 12 years after she got married. She filed a case at the Sindhuwa Police Post on January 25. The two sides reached a compromise after her brothers-in-law promised not to repeat such behaviour and bear her treatment cost.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction Property

By UCPN-M

UCPN-M cadres vandalised offices of Eastern Regional Health Directorate, Department of Soil and Water Resources Conservation, Agricultural Development Bank, Nepal Telecom on June 21 on charge of defying the government offices bandh called by them. The UCPN-M cadres vandalised computers, table, chairs, sofa, telephone sets and window panes entering the offices during the office-hour. The bandh organizers had entered into the offices by breaking the windows.

Seven motorbikes of Youth Force cadres, one motorbike and a van belonging to a civilian was torched by UCPN-M cadres led by Gyanendra Karki at Sindhuwa Bazaar of Parewadin VDC-5 on November 2. Youth Force cadres held demonstrations in the district from November 3 demanding compensation. An all-party meeting held on November 5 decided that compensation would be provided for the arson, and such incident

would not be repeated. The meeting also agreed that concerned party would have to bear the loss if such incidents recurred.

By Youth Force

Youth Force cadres vandalised and torched goods and signboards in all contact offices of UCPN-M on November 3. Youth Force, which had called Dhankuta bandh protesting the arson of vehicles owned by its cadres, had resorted to vandalism at all offices inside the Dhankuta Municipality.



1.8 Tehrathum



Population : 121,999

Literacy(%) : 60

Women Literacy(%) : 40

Area(Sq. Km.) : 679

Number of VDC(s)/Municipality(ies) : 32/0

Number of School(s) : 376/8

Campus(es)/Higher Secondary School(s) : 2/22

Hospital(s)/Health Post(s) : 1/31

Human Development Index : 0.523

Average Household Size : 6



Type of Events	By Non-State							By State			
	By Others				By UCPN-M						
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Female	Total
Killing	4	2	2	4							
Arrest & Torture								1	4		4
Beatings	10	11		11				3	3		3
Threats	1	2	2	4	1	3	3				
Right to Assembly								3	4	5	9
Racial Discrimination	1		1	1							
Women Rights	4		6	6							
Child Rights	2		2	2							
Total	22	15	13	28	1	3	3	7	11	5	16

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By State

Til Bahadur Gurung, 49, a resident of Basantpur VDC-4, was injured when he was beaten up by police personnel of APP Basantpur, on the night of October 18, for hiding the YCL cadres charged of stabbing Sub Inspector Gyanendra Bahadur Karki. The victim denied any connection with the YCL cadres responsible for stabbing the policeman. The victim was treated at Basantpur Health Post until October 21. He did not lodge any complaint.

Man Bahadur Purkuti, 48, of Samdu VDC-4, was locked inside a police post by Police constable Mohan Karki on November 5 for quarreling over a transaction and promoting violence. The victim was tortured, and beaten up with a baton and a boot. He sustained severe injuries to his body. The victim was treated at Therhathum District Hospital.

JAIL AND DETAINEES

The "C" grade District Jail has the capacity to hold 25 inmates. However 33 male and 7 female convicts, including one child, a total of 41 persons, are detained in the jail at the close of 2009. One infant

is kept with the female inmates. The jail has inadequate water facilities, and the conditions of the toilets are deteriorating. There is no bathroom. Inmates weave Dhaka clothes to earn money. Male inmates only are provided with a TV set.

THREATS/BEATINGS

By YCL

Dhanapati Prasai, 40, of Chuhan Dada VDC-4, a hotel enterprenur at Maynglung VDC-1, was beaten up by YCL cadres Tirtha Bahadur Rasaili, 24, of Myanglung VDC-6, Anmol Khapung, 17, of Myanglung-1, and Bhumiraj Limbu, 27, of Tamfula VDC-7, on March 12. The victim was beaten for having a discussion with the YCL cadres. The injured Prasai was taken to Therhathum District Hospital for treatment. After his treatment, the victim lodged a complaint at the DPO Therhathum, so that proper action would be taken against the perpetrators. The perpetrators Tirtha and Bhumiraj, were sent to jail on March 18. Anmol was released on March 15.

Sub Inspector Gyanendra Bahadur Karki, of Fakchamara VDC-9, on duty at APP Basantapur VDC-4, was stabbed by a group of YCL cadres at near by bus park on

October 18. He was stabbed for banning gambling during Tihar celebrations. The beating resulted in an intestinal lesion, and the victim was treated at BPKIHS. Police arrested 7 YCL cadres. Out of these 7, 3 were released after 3 days. The other 4 were sent to jail on November 12 for further investigation.

By Youth Force

Police constable Purushottam Chapagai, 30, of Jirikhimti VDC-9, serving at Jirikhimti Police Post, was beaten up by Youth force cadres Desh Kumar Limbu, 20, Tanka Limbu, 19, Hukum Singh Limbu, 17, Madan Limbu 22, and Doleswor Limbu, 24, on April 14. Police arrested 3 of the fugitive perpetrators on April 15 from Jirikhimti market, and they were then taken into police custody. The injured policeman was treated at Therhathum district hospital. The perpetrators were released on April 16.

By Limbuwan

Ram Prakash Yadav, a resident of Saptari district, working at the Sub health post at Oushi Bajar, Simle VDC-5, was beaten up by Limbuwan cadres at the Sub health post, for charging excessive fees for the delivery of health services, on February 24. The victim filed a complaint against the perpetrators on February 25. On February 26 an agreement was reached between both sides not to misbehave in the future. This agreement was reached in the presence of police.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION (Including Political Freedom and Free and Impartial Election)

UCPN-M cadres Sujan Sharma, 31, Tek Bahadur KC, 40, and Dilip Limbu, 35, were injured by police in a baton charge, during a program organized to cordon the

CDO office on June 8. Police used force to bar demonstrators from entering into restricted areas.

Dilu Subba, 21, Kamala Limbu, 24, Chuna Khanal, 25, Bimala Dhakal, 26, and Jayanti Budhathoki, all Maoist affiliated woman activists, were injured by police, in a baton charge on June 10 while cordoning the CDO office. All the injured parties were participating in a demonstration program organized by ANWAR district committee.

RIGHT TO FAIR AND PROMPT TRIAL

35 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. Similarly 63 such cases were registered this year. Of the total 98 criminal cases 35 criminal cases were decided this year and 63 cases remained undecided.

Similarly 69 civil cases where brought forward from that of last year and 69 such cases were filed this year. Among the total 138 civil cases, 69 cases were decided this year and equal number of cases remained undecided.

Among the total 236 cases, including criminal cases and civil cases, 132 cases remained undecided by the end of the year at the District Court.

CHILD RIGHTS

Santosh Limbu, 25, alias 'Maila Saun', attempted to rape a 12-year-old girl of Oyakjung VDC-5, at a near by wood of Sabal VDC-8. The victim was on her way to the district headquarter from her home. Local people heard the girl screaming. They captured the perpetrator and handed him over to police. Due to threats from the perpetrator's side, the victim's side did not file any complaint. The perpetrator was released from custody on July 22.

Tek Bahadur Yonjan of Iwa VDC-5, attempted to rape a 17-year-old girl of

Iwa VDC-2, in a near by wood on the morning of April 30. The girl escaped the rape, by hitting the perpetrator with a sickle. A complaint was lodged against the perpetrator at the APO on May 2. Police arrested the Perpetrator on May 3. He was asked to apologize to the girl and was fined one thousand rupees.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

Shiva Prasad Adhikari, of Tamfula VDC-6, attempted to rape a 27-year-old woman of the same place on September 3 while she was alone in her home. The victim's side lodged a complaint at the CDO office on September 4. The perpetrator was at large until the end of the year.

Domestic Violence

Chandra Kala Bhandari, 25, of Hwaku VDC-5, was beaten to death by Chudamani Adhikari Khatri, 66, and seven other members of his family on June 4. Chandramaya Adhikari, 51, Padam Adhikari, 25, Nara Bahadur Adhikari, 19, Ambika Adhikari, 13, Rita Adhikari (Luitel), 24, and Kalpana Adhikari, 23, were also involved in the killing. The victim's husband was abroad when the murder took place. The victim's body was buried under mud near her home. As per the complaint filed by the victim's side, all the perpetrators were arrested on June 17. Among those arrested, Chandramaaya, Nara Bahadur and Ambika were sent to jail on June 11. The others were released from jail.

Tekmaya Khapung, 49, of Mahorahang VDC-1, was shot dead at her home by her own nephew, Madan Limbu, 18, on December 26. The victim was shot dead at 4 pm with a hand made gun. After murdering his aunt, Limbu fled the scene, and was at large. However the perpetrator was later arrested on December 29 near Khorung stream. The perpetrator was in police custody at the end of the year. Post mortem of the victim's corpse was carried out at Therhathum District Hospital.

Women Trafficking

Goma Panchkoti, 40, of Jaljale VDC-1, residing at Gachiya of Morang district, was taken into control by relatives and then handed over to Therhathum police on the charge of trafficking Nita Shiba Damai of Samdu VDC-5, and Gita Devi Gajarat, 26, of Myaglung VDC-7, on May 2. The perpetrator was taken into control from Therhathum buspark. The trafficker was sentenced to a term in jail.

ALL KINDS OF RACIAL DISCRIMINATION

Tek Bahadur Limbu, 45, of Jaljale VDC-7, his wife Maya Limbu, 43, and Kumari Tumbahamfe, 40, of Jaljale VDC-6, were all expelled from the VDC by Ex-VDC Chief of ward number 7, and 23 others on November 30 for entering into an intercaste marriage. One of the victims, Tek Bahadur Limbu, was given a letter indicating his expulsion from the VDC. On receipt of the letter, he lodged a complaint at the CDO office on December 2. The perpetrators were called to the CDO office on Monday 18 and were forced to apologize for their discriminatory behaviour.



1.9 Bhojpur



Population : 206,456

Literacy(%) : 55

Women Literacy(%) : 44

Area(Sq. Km.) : 1,507

Number of VDC(s)/Municipality(ies) : 63/0

Number of School(s) : 371/6

Campus(es)/Higher Secondary School(s) : 1/17

Hospital(s)/Health Post(s) : 1/63

Human Development Index : 0.472

Average Household Size : 5

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The "B" grade District Jail has 34 male and 4 female convicts, and 11 male detainees by the end of this year. In total there are 50 inmates, including one dependant infant living in the jail, although it has the capacity to hold only 25. Toilet facilities are inadequate, and due to the severe lack of space, male inmates are sometimes compelled to sleep in tents. However, in spite of these current difficulties, the district jail claims that new buildings are under construction.

INJURED IN SHOOTING/EXPLOSION

By Others

Ramesh Tamang, 16, of Khairang VDC-1, was seriously injured in an

explosion, which occurred while he was playing with a socket bomb in a nearby wood, on March 3. The site of incident was used as a shelter during the cross fire between then CPN-M and the RNA on Jan 27 2006. The boy sustained injuries to his left palm and fingers. Initially the victim was treated locally at the Primary health centre. He was then taken to BPKIHS in Dharan, for further treatment.

THREATS/BEATINGS

By UCPN-M

Shiva Shankar Ghale, 35, of Kulung VDC, was stabbed by UCPN-M cadres on February 9 at Gothe Bajar of Chowkidada VDC. The victim was accused of shifting local weekly market to another location. Ghale was attacked by Pusapa Chaulagai, Area No. 1 Secretary of UCPN-M, and YCL cadre Dhama Rai along with four other UCPN-M. Ghale himself is also a UCPN-M cadre. He was stabbed in the thigh, and also received injuries to his head. Ghale was treated at BPKIHS. The victim filed a written complaint at Kulung Police post on February 11. Untill the end of the year, no action had been taken against the perpetrators.

BY KJWP

Jagannath Dahal, a UCPN-M cadre of Bhule VDC-8, received life threats from KJWP Cadres on January 18. The KJWP cadres demanded that Dahal provide them with a sum of money. KJWP cadres Mani Kumar Rai and Prem Kumar Rai forcefully seized the money, and on January 28, they once again threatened the victim with death. Due to these repeated threats, the victim was displaced to Khorsane, Morang, while his family remains in Bhulke. The victim did not file any complaint.

By ANNFSU

Gopal Timisina (Shisir), 26, district secretary of YCL of Bhulke VDC-8, was



Type of Events	By Non-State								By State		
	By Others					By UCPN-M					
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Total	No. of Events	Male	Total
Killing	2		2		2						
Injured	1	1			1						
Arrest & Torture									1	1	1
Beatings	4	5			5	2	2	2			
Threats	6	6		24	30						
Racial Discrimination	1	1	1		2						
Women Rights	7		7		7						
Child Rights	3		3		3						
Economic, Social and Cultural Rights	1	1			1						
Abduction						1	1	1			
Total	25	14	13	24	51	3	3	3	1	1	1

severely beaten by Youth Force and ANNFSU cadres on October 28 at Bhopur VDC-3. The victim was taken into their control, and then beaten up. The victim sustained injuries to his head and other parts of his body. He was treated locally, and then at Bir Hospital, Kathmandu. An indefinite curfew order was issued on Oct 28, due to the tense situation following the incident. Police arrested Youth Force District President Rajan Rai, and ANNFSU Central Member Dhurba Raj Rai on Oct 29 from the district headquarter of Bhojpur. They also arrested two others in connection with the incident. Police filed a case for attempted murder, at the district court, Bhojpur, on Oct 30.

By JHT

JHT cadres issued death threats to residents and civil servants of Bhojpur VDC, for engaging in anti social activities such as pasting a warning notice in a public place, on April 22. President of the JHT issued a warning that they would carry out the physical eradication of those who took the law into their own hands. This warning caused terror amongst the locals.

RIGHT TO FAIR AND PROMPT TRIAL

15 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. Out of these, 9 cases were decided this year, and 6 cases remained undecided. This year 8 criminal cases, where the individual is plaintiff were registered. A verdict was not reached in any of these cases.

6 criminal cases were brought forward from last year in the District Court, out of which 4 cases were decided upon this year, while 2 cases remained undecided. Similarly, 14 criminal cases were filed this year, out of which 2 cases were decided, and 12 remained undecided. At the end of the year there were 14 undecided criminal cases.

30 civil cases were brought forward from last year in the District Court. Among these cases, 21 were decided this year, while 9 remained undecided. Similarly, 20 civil cases were filed this year, out of which, 2 cases were decided and 18 remained undecided.

A total of 55 cases remained undecided at the district court by the end of the year.

TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

Ram Kumar Tamang of Taksaar VDC-1 was physically tortured by policemen, while in DPO custody on December 5. He was beaten up more than 50 times with a plastic pipe by policemen accusing him of being rowdy. The victim's hands were severely swollen after the torture. Tamang was taken into custody on charge of beating up Shankar Karki of the same VDC. No action had been taken against the perpetrators at the close of 2009.

CHILD RIGHTS

A 15-year-old girl of Kimalung VDC-4, was raped by Kumar Khatri, 38, of Dovane VDC-4 on July 3 at her own home. She was taken into his control, and then raped when no one was at home. The victim was treated at the local health centre of Dingla. The perpetrator was arrested by police on July 5. A written FIR was filed at the DPO Bhojpur on July 5. The perpetrator has been sent to jail.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

A 19-year-old woman of Keurepani VDC-6, was raped and then killed by her neighbor Arjun Rai in a near by wood, on February 18. The victim went missing at 7 pm on the evening of the 18, on her way to fetch water. The dead body was found 150 meters away in the woods on February 19. The body had been decapitated. After the postmortem, police confirmed that victim had been raped and then killed. Police arrested the perpetrator Arjun on charge of rape and murder on March 2. Arjun is at Bhojpur Jail for further investigation.

Domestic Violence

Tulasi Sarki of Nepaledanda

VDC-9, was axed to death by her husband, Rajendra Sarki, on September 7, for having a conversation with her neighbor. The husband killed his wife after she opposed his demand that she refrain from talking with her neighbor in the future. The victim was hit five times on her head and neck, and was killed on the spot. A post mortem was carried out on the victim's corpse, at the District hospital in Khandbari, Sankhuwasava on September 8. The perpetrator was arrested by Dingla Police team, from Boya VDC, on September 9. Police filed a case of murder at the District court on September 13. The perpetrator is at Bhojpur jail for further investigation.

Accusation of Being Witch

Dhanmaya Darji, 63, of Chowkidanda VDC-3, filed an FIR at the DPO against locals of the same place who expelled her out of her VDC on June 23, after accusing her of practicing witchcraft. The victim was repeatedly inhumanly treated by Keshar Bhahadur Adhikari, Kamala Pariyar, Muna Pariyar, Kalpana Suji, Milan Suji, Himla Suji and Jit Bahadur Suji, after the victim had talked about her ownership of the land she had been using. Police however, have not yet registered an FIR. The DPO stated that an agreement was reached between both the victim and the perpetrators on June 19, so the FIR was not registered. However, Dhanmaya claimed that she was forced by police to sign the agreement.

ALL KINDS OF RACIAL DISCRIMINATION

Binod Gajmer, 22, of Gogane VDC and Rachana Giri, 21, of Ramkot VDC-8, Kathmandu, were arrested without an arrest warrant from Bhojpur district headquarters on March 30, on accusations of having an intercaste marriage. As a result of the order from the DSP Janak Khatri, along with pressure from District Attorney Tekendra Subedi, the duo were held in

custody for 2 days. The couple were on their way to legitimize their marriage at the CDO office, when they were arrested from Bhojpur VDC-5. The couple were forcefully separated. After their separation, Rachana was sent to her in-laws home in Kathmandu, under the protection of police on April 2.



1.10 Sankhuwasabha



Population : 174,453

Literacy(%) : 62

Women Literacy(%) : 35

Area(Sq. Km.) : 3,480

Number of VDC(s)/Municipality(ies) : 33/1

Number of School(s) : 360/10

Campus(es)/Higher Secondary School(s) : 3/2

Hospital(s)/Health Post(s) : 2/25

Human Development Index : 0.481

Average Household Size : 5

CIVIL AND POLITICAL RIGHTS JAIL AND DETAINEES

The "C" grade District Jail has a total of 46 inmates, including 40 males and 6 females. However the jail has the capacity to hold only 25 inmates. Among the inmates, 25 are detainees, and 21 are convicts. The inmates are provided

with the opportunity to weave hats, bags and fishing nets inside the jail. There is a scarcity of drinking water, and from time to time, the inadequate water supply causes tussles amongst the inmates. Over crowdedness has also caused sleeping and cooking problems within the jail.

DISAPPEARANCE/ABDUCTION

By UCPN-M

Laxmi Subba, 27, of Wana VDC-2 and Prem Tamang of Wana-7, were abducted by UCPN-M cadres on March 18. Both victims were abducted from Khandbari Municipality-11, and warned not to cast their votes in the FSU election at Barun Multiple Campus. The victims were taken to Wana VDC and then freed the following day.

Taranath Pokharel, 23, was abducted by ANNISU-R cadres on March 19 on accusations of working as Chairman of a committee affiliated with the UML, at Barun Multiple Campus. The victim was taken to a Maoist office, and forced to release a press statement highlighting his resignation from the committee. He was freed on the same day after his resignation.

By FLSC

Pawan Bajgai, of Khandbari Municipality-11 and Anis Bista, of Khandbari Municipality-1, both of them students at Barun Multiple Campus, were abducted by FLSC Cadres from Kharang VDC on September 1. The victim Anis, escaped from captivity at Kharang VDC on September 2 and informed the police about the incident. The abductors were at large after abandoning their abductees while the police attempted to locate them.

THREATS/BEATINGS

By State

Indra Bahadur Baral, 21, of Madi

Type of Events	By Non-State								By State			
	By Others				By UCPN-M							
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total
Killing	1		1	1					2	6	1	7
Injured	2	4		4					1	1		1
Beatings	4	2	2	4	6	9		9				
Racial Discrimination	3	3	1	4								
Women Rights	8		10	10								
Child Rights	2		2	2								
Economic, Social and Cultural Rights	1	1		1								
Abduction	1	2		2	5	9	1	10				
Total	22	12	16	28	11	18	1	19	3	7	1	8

VDC-2, Usha Luitel of Barhabise-3, Saroj Magar of Dhupu VDC-1, Kaman Singh Tamang of Num VDC-4, Surendra Tamang of Wana VDC-6, Baburam Biswakarma of Dhupu VDC- 4 and Prem Rai, of Khotang, all of whom were ANNFSU Cadres studying at Barun Multiple Campus, received bullet injuries from police, on March 19 at Khandbari Municipality-1. All of the injured person were fired at while they were beating up UML leaders Khadga Rai and Jit Bahadur Ghimire at the same place. All the injured were taken by chopper, to Bir Hospital for treatment. Following the incident ANNISU-R called for the district to be shut down for two days.

Rewat Giri, a police constable working at Tumlingtar Airport, in Khandbari Municipality-12, was beaten up by Sub inspector Amir Yadav, who accused the former of disobeying him. The victim claimed that he had been hand cuffed, and then beaten. He received severe head injuries during the beating. The victim was taken to ZPO at Dharan. SP Posharaj Pokharel claimed however, that both Giri and Yadav were drunk and got into a fight with each other. The injured man, Giri did not lodge any complaints.

By UCPN-M

Bharat Rai, 17, of Khandbari

Municipality-11, was beaten up at his home by nearly a dozen UCPN-M cadres, on March 21, on accusations of working for the NSU. The UCPN-M cadres also warned him not to work for the NSU in the future. The victim did not lodge a complaint. In spite of the threat, he has continued working with the NSU.

By Unidentified Group

Gopilal Gurung, resident of Khandbari Municipality-5, and driver of the local ambulance, was badly injured when he was beaten up by an unidentified group on March 5 at Manebhanjyan. The victim was on his way to collect the sick when the incident happened. Locals took Gurung to the District hospital for treatment. Police stated that a search was on for the perpetrators at the end of the year.

RIGHT TO PROMPT AND FAIR TRIAL

District Court

11 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. Out of these, none were decided upon this year. Similarly, 1 criminal case, where the individual is plaintiff, was filed this year, but was not decided upon at the end of the year. Among the total 12 criminal cases,



where the individual is plaintiff, none were decided upon.

25 criminal cases were brought forward from last year in the District Court. Out of these, 3 cases were decided this year, while 22 remained undecided. Similarly, 24 criminal cases were filed this year, out of which 2 cases were decided and 22 cases remained undecided. Among the total 49 criminal cases, 5 were decided this year, while 44 remained undecided by the end of the year.

69 civil cases were brought forward from last year in the District Court. Out of these, 12 cases were decided this year and 57 cases remained undecided. Similarly, 27 civil cases were filed this year, none of which were decided upon at the close of the year.

Among the total 147 cases, 130 remained undecided at the district court.

CHILD RIGHTS

A 8-year-old girl of Dhupu VDC-4, was raped by Sal Bahadur Biswokarma, 40, of the same VDC on April 17. The girl was raped when she was in woods collecting grass. The victim's family lodged the complaint at Barhabise Police Station on April 18. The perpetrator was arrested on April 19. The case remained undecided at the District court at the close of 2009.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Bhagawati Rokka, a post partum woman, was beaten by Tara Bahadur Budhathoki, on June 5 for quarreling with his wife Sarda. The victim lodged a complaint at the DPO on June 6. The case was reconciled at the DPO on June 7, and the perpetrator was forced to cover the cost of the victim's treatment.

Rape, Attempt to Rape, Inhuman Behaviour

Rachana Tamang, 16, of Jaljala VDC-1, was raped by Suman Sherpa, of Madirambeni-4, while the victim was on her way back to her home on March 7. The victim lodged a complaint at the APS Chainapur, on March 10. Police arrested the perpetrator on March 11 and filed a case. At the end of the year, a decision was still pending on the case.

Domestic Violence

Kabita Baniya, 31, of Khandbari Municipality-11, was killed by her husband Govinda Baniya, with a sharp weapon, on February 8. The victim was decapitated. After killing his wife, the perpetrator committed suicide.

ALL KINDS OF RACIAL DISCRIMINATION

Yuvaraj Shrestha, 21, of Tamafoke VDC-5, was beaten up and expelled from his own home by his father, for marrying a dalit girl on February 5. The victim married a local dalit girl named Indira Biswokarma on February 2. The victim lodged a complaint against his father at Tamafoke Police Post on February 6. Police arrested the perpetrator Indra Bahadur and an agreement was reached between father and son, to provide the son with inherited property.

Lok Bahadur Biswakarma, of Syabun VDC-9, was beaten up by Tank Bahadur Shrestha, for entering into a house of so called higher caste person, on October 31. The victim entered the home as he could not find any one in the shop located in the same building as the home. Biswakarma was beaten with wood. The victim lodged a complaint at the DPO on November 1. The perpetrator provided Rs 50,000 as compensation to the victim, and an agreement was reached on November 3 in the presence of police.

1.11 Saptari



Population : 684,061

Literacy(%) : 50

Women Literacy(%) : 22

Area(Sq. Km.) : 1,363

Number of VDC(s)/Municipality(ies) : 114/1

Number of School(s) : 346/10

Campus(es)/Higher Secondary School(s) : 2/16

Hospital(s)/Health Post(s) : 1/121

Human Development Index : 0.453

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By State

Regional in-charge on ATMM-G Lalan Prasad Yadav alias Vikrant of Bakduwa VDC-4 was shot dead by APF on February 9 at Kamal VDC-4. The victim was shot dead by a patrolling APF team. The victim was hit two bullets in his back. Post-mortem of the dead body was held at Sagarmatha Zonal Hospital and handed over to family members. Police also arrested Raj Kumar Yadav of Kamalpur VDC-4, Bikash Biswokarma of Kamalpur VDC-5 and Mukunda Sawrnakar of Kanchanpur VDC- 6 in the same incident. Police cordoned them at Khusilal Yadav's home and then fired at them. Ajit Singh,

Eastern Military commander of the ATMM-G claimed that Yadav was killed in police captivity.

Akhilendra Yadav, 32, of Itahari Bishnupur VDC-4 was shot dead by APF personnel on July 17 at Itahari Bishnupur Chok following a dispute over chemical fertilizer. The Police opened fire when the victim was arguing after the police tried to seize his chemical fertilizer brought from India. Kritananda Sah of same VDC 4, Purnananda Yadav and Narendra Yadav of Boriya VDC-8 were also injured by bullets. Injured Narendra was treated at Sagarmatha Zonal Hospital in Rajbiraj. The district headquarters Rajbiraj remained tense after the incident. Local administration was forced to impose indefinite curfew order following the incident. The Government provided Rs 1 million as compensation to the victim's family.

By MRJP-R

Siraha District in-charge of MRJP-R Manoj Yadav, alias 'Mahan Singh' of Dharampur VDC-1 was killed by cadres of the same group on March 8 at Rampura Malhanity VDC-3. Central member of party Chandra Shekhar Yadav informed that he was killed for his act against the party guidelines. His dead body was discovered in abandoned condition. The victim was beaten up and then shot dead. Post-mortem of the body was held at Sagarmatha Zonal hospital and then was handed over to family members.

CLASH

Dinesh Kumar Yadav of Lalapatti VDC-2 was injured in baton chare by police on March 19 following a dispute. Injured victims were treated at Sagarmatha Zonal Hospital. Dispute erupted between police and students after police misbehaved with NSU Presidential candidate Akhilesh Kumar Jha and the erstwhile NSU president Kedar Prasad Yadav.



Type of Events	By Non-State								By State			
	By Others					By UCPN-M						
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Total	No. of Events	Male	N/A	Total
Killing	13	7	9		16				3	5		5
Injured	8	9	2		11				4	19		19
Arrest & Torture									4	9	7	16
Beatings	11	12	1		13	2	2	2	4	10		10
Threats	6	6			6				1	1		1
Racial Discrimination	6	6		39	45							
Women Rights	10		11		11							
Child Rights	3		3		3							
Economic, Social and Cultural Rights									1	1		1
Inhuman Behaviour	1	1			1							
Abduction	35	36	1		37							
Total	93	77	27	39	143	2	2	2	17	45	7	52

INJURED IN SHOOTING/EXPLOSION

By MMKP

Puja Kumari Das, 13, of Rajbiraj Municipality-1 was injured in an explosion carried out by cadres of MMKP on January 26 at Ansari Mini Market of Rajbiraj Municipality-3. She was treated at Sagarmatha Zonal Hospital. The same group also detonated bomb at weekly market at Rajbiraj Municipality-1. District Secretary of the party Parwana claimed the responsibility of the incident by calling journalists.

By MMT

Roshan Das, 15, of Rajbiraj Municipality was injured in a bomb explosion carried out by MMT cadres on April 25. MMT cadres detonated a bomb targeting the Office of National Trading Limited. The victim, who was staying at his shop, was injured in the explosion. He was hit in his head by the shrapnel. He was treated at Sagarmatha Hospital. District Secretary of MMT claimed the responsibility for explosion by calling media personnel.

By Unidentified Group

Anandi Chuahary of Tilathi VDC-6 was shot injured by an unidentified armed person on August 7 in Birpur VDC. The victim was shot when he tried to escape the abduction. The perpetrator also looted his Rs 10,000. The victim was treated at Sagarmatha Zonal Hospital. Police could not identify the group by the end of the year.

JAIL AND DETAINEES

The "C" Grade Jail of Rajbiraj has the capacity for 125 inmates. However, there are 122 male and two female detainees and 170 male convicts and three female convicts by the end of the year. The inmates are demanding for informal education, library, newspaper and skill development training. Assistant accountant of the jail Prakash Basnet informed that the infrastructure of the jail is to be renovated.

DISAPPEARANCE/ABDUCTION

By ATMM

Bhupendra Yadav, 42, of Dighwa

VDC-9, who was also the secretary of same VDC, was abducted by ATMM cadres on February 20 from Hanumannagar. Cadres of ATMM abducted him on charge of spying. The victim was freed from bordering Indian market on March 2.

By Unidentified Group

Mohammad Najisul, 25, of Pato VDC-1 was abducted by a group of unidentified armed persons on January 5 from the same area. Nearly seven persons abducted the victim from his home while he was sleeping. The cause of the abduction was not known by the end of the year. The victim informed that he was freed from bordering Indian village.

THREATS/BEATINGS

By State

Correspondent of Nepal 1 TV and News Today Daily Jitendra Jha of Rajbiraj Municipality-8 was beaten up and assaulted by police for capturing snap of the baton charge in the premises of Mahendra Bindeswori Multiple Campus on March 13. Jouno was taking photographs of destruction after dispute of the legitimacy of NSU. Jha's camera was snatched by the police. FNJ team met with police chief in connection with the incident. Police officer Bhupal Kumar Bhandari vowed for not repeating the deed.

By ATMM

Nabin Narsingh Nepali, publisher and executive editor of Saptari Post, was threatened of physical action by ATMM cadre Bishwojit Singh on April 6. The victim informed that he was threatened for publishing news of ATMM activities.

BY JTMM-Rajan

Jitendra Khadga, a reporter for Kantipur Daily was threatened to death by JTMM-Rajan cadres on January 26

for writing news. Manoj Mukti of JTMM-Rajan issued life threat to the victim via telephone for writing a news item.

By TSC

CA member Sadrul Haque of Saptari Area number 5 along with a team of CA members were threatened and misbehaved by cadres of TSC on March 8. The CA members were misbehaved when the lawmakers were collecting opinion for constitution. Lawmakers were forced to change the program venue for collecting public opinion.

By TMSF

District Education Officer Kedar Tiwari, of Saptari district was beaten and black painted by cadres of TMSF on May 6. A group of 20-25 cadres black painted the DEO's face. District chief of the front Ramudgar Yadav was arrested and a case was filed against him. However, he was released on bail.

Chief at Mahendra Bindeswori Campus, Devidatta Saha, was beaten up and forced to resign from the post in gun point by a team lead by NSU member Santosh Yadav on June 8. The victim was treated at Sagarmatha Zonal Hospital. Police arrested Ram Chandra Yadav, Jaya Prakash Yadav and Santosh Yadav for their involvement in the incident. All the perpetrators were released on general date.

ARBITRARY ARREST

Bhupal Biswokarma, 23, of Kamalpur VDC-5 and Krishna Kumar Biswokarma of the same place were arrested by police from Kamalpur on February 10 without arrest warrant. The victim was arrested on charge of making weapon. Policemen from APF Fatepur and Area police Kanchanpur arrested the victims. The victim claimed that they did

not prepare weapon and were into making some domestic goods.

**RIGHT TO ASSEMBLY, EXPRESSION
AND ASSOCIATION**
**(Including Political Freedom and Free
and Impartial Election)**

UCPN-M cadre Chitnarayan Yadav, President of NSU Ram Chandra Yadav, Dinesh Yadav of Sadbhawana Party, Gajendra Yadav and Devnarayan Yadav were arrested by police for demonstrating and blocking the road on July 21. All of them were released from custody on July 24.

RIGHT TO PROMPT AND FAIR TRIAL
Appellate Court

85 criminal cases, where the individual is plaintiff, were brought forward from last year in the appellate Court. Of which, 49 cases were decided this year and 36 cases remain undecided. Similarly, 42 criminal cases, where the individual is plaintiff, were filed this year. Of which, none of the cases were decided. Among the total 127 criminal cases, where the individual is plaintiff, 49 cases were decided this year and 78 cases remained undecided.

153 criminal cases were brought forward from last year in the appellate Court. Of which, 60 cases were decided this year and 93 cases remained undecided. Similarly, 122 criminal cases were filed this year. Of which, 48 cases were decided and 74 cases remained undecided. Among the total 275 criminal cases, 108 cases were decided this year and 167 cases remained undecided.

456 civil cases were brought forward from last year in the appellate Court. Of which, 200 cases were decided this year and 256 cases remained undecided. Similarly, 184 civil cases were filed this year. Of which, 25 cases were decided and 159 cases remained

undecided. Among the total 643 civil cases, 226 cases were decided and 417 cases remained undecided by the end of this year.

There are still 740 cases all together in the court.

District Court

342 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. Of which, 112 cases were decided this year and 230 cases remain undecided. Similarly, 214 criminal cases, where the individual is plaintiff, were filed this year. Of which, 81 cases were decided this year and 133 cases remained undecided. Among the total 556 criminal cases, where the individual is plaintiff, 193 cases were decided this year and 363 cases remained undecided.

288 criminal cases were brought forward from last year in the District Court. Of which, 100 cases were decided this year and 188 cases remained undecided. Similarly, 89 criminal cases were filed this year. Of which, 7 cases were decided and 82 cases remained undecided. Among the total 377 criminal cases, 107 cases were decided this year and 270 cases remained undecided.

651 civil cases were brought forward from last year in the District Court. Of which, 181 cases were decided this year and 470 cases remained undecided. Similarly, 258 civil cases were filed this year. Of which, 27 cases were decided and 231 cases remained undecided. Among the total 909 civil cases, 198 cases were decided and 711 cases remained undecided by the end of this year.

Till the end of the year 1334 cases remained undecided .

CHILD RIGHTS

Gita Kumari Yadav, 13, of Simrhashiyon VDC-5 was abducted by

unknown group on June 19 from Rajbiraj. The victim was abducted from Rajbiraj Municipality-1 after luring her with Tiffin. The victim was rescued from Hanumanagar with the help of police on June 22. The cause of the abduction was unknown by the end of the year.

An 8-year-old girl of Fattepur VDC-3 was raped by Prem Rai, 17, of the same place on March 12. Fattepur Police arrested the perpetrator and remanded him to custody.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

Two ladies of Saswar VDC-7 were abducted and gangraped by an unidentified group on January 12. The victims were abducted from Kalyanpur VDC-6 and were raped in nearby farm land. Police found the injured victims on the site. Police arrested Tej Narayan Chaudhary in connection with the incident.

Domestic Violence

Suku Kumari Mahato, 35, of Basbitti VDC-6 was beaten up by her stepson Hare Ram on January 30 for being characterless. The injured victim was treated at Sagarmatha zonal hospital. The search for the perpetrator is on by the end of the year.

Accusation of Being Witch

Swasti Devi Khanga, 45, of Beniya VDC-9 was beaten up and treated inhumanly by Ramphal Khanga and Binod Yadav on May 11 on charge of practicing witchcraft. The victim filed complaint at CDO office. Ramphal was arrested as per the complaint filed by the victim and was released on bail later.

ALL KINDS OF RACIAL DISCRIMINATION

Gugali Marik, of Portaha VDC-8, and Lochan Marik and Dashrath Marik of same place were barred from taking tea at local tea shop in Bharadaha VDC-2 by shop proprietor on March 8 for being so called Dalit people. The victim informed that they were beaten up for buying tea at the shop.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Property

By CPN-M

Milan Dairy Industry of Rajbiraj Municipality-7, was vandalized by CPN-M cadres on November 16 on charge of defying the bandh called by the party. The perpetrators also manhandled proprietor of the dairy, Ragho Prasad Singh. The victim informed that property worth 100 thousand rupees was destroyed in the incident.

By ATMM

Cadres of ATMM detonated a bomb at Sub health Post of Chinnamasta VDC on March 4. There was minor damage in the building. Military commander of ATMM informed that they carried out explosion as employees of the office were spying against them.

By TSC

Public buses numbered Na 3 Kha 5449 and Na 3 Kha 5560 were set on fire by cadres of TSC on February 8 at Madhupatti VDC-8 of east west highway on charge of disobeying two days bandh called by Tharu Kalyankari Sabha.



1.12 Siraha



Population : 679,651

Literacy(%) : 45

Women Literacy(%) : 27

Area(Sq. Km.) : 1,188

Number of VDC(s)/Municipality(ies) : 106/2

Number of School(s) : 408/31

Campus(es)/Higher Secondary School(s) : 3/15

Hospital(s)/Health Post(s) : 2/112

Human Development Index : 0.427

Average Household Size : 6.25

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING/FIRING

By State

Ram Narayan Mahto, of Ayodhanagar VDC-1 also a central coordinator of MRJP-R was shot dead by police on July 19 at Hakpada VDC. SP Ramesh Kharel of DPO informed that victim was shot dead during cross fire with police on patrol. Post-mortem of the dead body was held on July 19 at district hospital and then handed over to family. However Party central member claimed that victim was killed in captivity on July 18 by police.

Parshuram Yadav, a resident of Lalpur VDC-6, was shot dead by police on July 20 alleging the victim to be Siraha

District in chagre of MMT. Victim was on the way from Kathmandu to Siraha under police captivity. DPO informed that victim was shot for escapeing.

By ATMM-P

Rajkumar Kamti, 45, of Shilowarpachawari VDC-4 was shot dead by ATMM-P cadres on January 12 at Laxmipur VDC for spying against the group. Vcitim was shot when he was on the way back to home in Motor bike numbered Ba 21 Pa. Post-mortem of the dead body and last rituals were performed on January 13. Secretary Bikash claimed the responsibility for attack. Ramnarayan Yadav, who was traveling along with him in motorbike, was also abducted by the group. Yadav was freed on January 13 from unknown location.

By MRJP-R

Ramudgaar Mochi alias Bikash, of Fulkahakatti VDC-5 and Ramesh was shot dead by MRJP-R cadres on January 14 at Sukhipur VDC-5. Both of them were killed for abduction and killing in the name of MRJP-R. Post-mortem of both the dead bodies were held on January 15 and was handed over to family. Bishal of MRJP-R took the responsibility of killing.

By MSK

Gaya Prasad Yadav, 45, of Sothiyain VDC-8 was taken in control and shot dead by MSK cadres on April 8 at Bishnupur (Pra.Ma) VDC. The victim was supervisor at District deaf association Siraha. DPO informed that he was killed with sharp weapons. Victims body was handed over to family members on April 9. Locals of Sothiyain VDC demanded action on perpetrator and declaration martyrdom and compensation. Employee of Siraha halted the official work at all the offices of Siraha demanding peace and security from April 6 to May 2. Till the end of

Type of Events	By Non-State					By State				
	By Others									
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Female	N/A	Total
Killing	18	17	3		20	2	2			2
Injured	6	9			9	1	3			3
Arrest & Torture						2	2			2
Beatings	7	5	5		10	5	5			5
Threats	4	3	1		4					
Right to Assembly	1	3	2		5	1		1	24	25
Women Rights	11		12		12					
Child Rights						1			205	205
Economic, Social and Cultural Rights	4	5		1	6					
Inhuman Behaviour	1	1			1					
Abduction	13	13			13					
Total	65	56	23	1	80	12	12	1	229	242

the year victims side did not receive any compensation.

By Unidentified Group

Ajaya Kumar Mahato, 21, of Sukhipur VDC-7 was hanged to death from a tree after abduction on February 1 by unidentified group. His dead hanging body was found by locals on February 2. Abductors in group of 8-10 individuals also injured Dinesh Mahato with sharp weapon during abduction. Post-mortem of the dead body was held at district hospital and then handed over to family on February 2.

INJURED IN SHOOTING/EXPLOSION

By State

Ramkumar Yadav, of Laxminiya VDC-9, Satrugan Yadav and Jitan Yadav were injured in firing by police on April 21 at Narha VDC-7. Police fired up to control a clash with locals. Victims were treated at district hospital and sent to home. The clash between police and locals took place during an attempt to setting fire to accused child abductor.

By Unidentified Group

Ramchandra Yadav, Ram Bhagat Yadav and Govinda Mahara of Asanpur VDC-1 was injured with sharp weapon by unidentified group on September 24. Victims were treated at BPKIHS Dharan. Police arrested Shankar Lama of Bardibas VDC-7 and Nabin Rai of Asanpur VDC-7 in connection with the attack.

By Bomb Explosion

A bomb was exploded at VDC office of Janakinagar VDC on January 12 by a group of unidentified individuals. Explosion caused damage to VDC office and documents. No one claimed the responsibility for the explosion.

A bomb was exploded at Shivaji Kamati home at Hanumangar VDC-3 on April 18 by unknown group. Physical damage to the home was caused by the explosion.

JAIL AND DETAINEES

The "D" grade district jail of Siraha has the capacity for 150 inmates. All together there are 109 inmates including



106 male and 3 female inmates. Among which there are 32 male convicts and 1 female convict. There are 76 detainees of which 74 are males and 2 are females detainees. Three inmates inside the jail is kept on house arrest from December 9. The infrastructure of the jail is deteriorating.

DISAPPEARANCE/ABDUCTION

By TJMM-R

Bhogendra Yadav, 40, of Namrajpur VDC-2 was abducted from his home by group of people calling themselves TJMM-R cadres from victim's home on August 25 for spying. TJMM-R district coordinator Rahul claimed the responsibility of abduction over phone to human rights activist and media personnel of September 15. DSP of DPO informed about ongoing search for the victim.

Ajay Roy, 4, of Bariyar Patti VDC-4 was abducted from his own home by TJMM-R cadres on August 25. Victim was released on September 4 from bordering area.

By Unidentified Group

Jiwacha Kumar Yadav, 9, of Kachanari VDC-2 was abducted by unidentified group on February 18. Masked men at least 10 in numbers abducted boy from his home. Victim was released on February 22 in responsibility of relatives. Cause and perpetrator of abduction is could not be unraveled.

THREATS/BEATINGS

By State

Kusheswor Das, 40, of Itaharwa VDC-2 also an active cadre of NPWP was beaten up by police on January 12 at Lahan Municipality-1. Victim informed that he was beaten for walking at the night time. Bijaya Mahato, district chief of NWPP filed compliant at DPO on January 13.

By TSS

Goma Basnet, 45, a hotel enterpreneur at Lahan Municipality-1 was beaten up by TSS cadres on March 4 for disobeying band by keeping hotel open. She received injuries at her left knee. According to victim the hotel was closed. Locals retaliated with the agitators after the incident.

By MJF

Bijay Chaudhary of Lahan Municipality-10 was beaten up by MJF cadres for opposing their party supreme Upendra Yadav on July 30 in the program organized at Lahan Municipality-7. Victim was beaten during a press conference. Victim was treated at Lahan Hospital and returned back to home.

ARBITRARY ARREST

Rohit Pasman, 26, alias Darshan of Sirlorwapachari VDC-9 also district member of MRJP-R was arrested by police on August 29 from Bhawanipur (Pra Dha) VDC. No information was given about victim till September 4. Victim is held at jail since September for further investigation.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom and Free and Impartial Election)

Ram Chandra Yadav, Fakira Sada, Ghuran Ram, Sangita Sada, Bhkhani Sada along with other 20 landless were injured in baton charge by police on February 22 during seat in program called by landless to condemn the demolition of slums by forest guards and police. All the injured were treated at Lahan hospital. The victims were opposing demolition of their slum at Govindapur VDC-5.

RIGHT TO FAIR AND PROMPT TRIAL

203 criminal cases, where the individual is plaintiff, were brought

forward from last year in the District Court. Of which, 39 cases were decided this year and 164 cases remain undecided. Similarly, 86 criminal cases, where the individual is plaintiff, were filed this year. Of which, 8 cases were decided this year and 78 cases remained undecided. Among the total 289 criminal cases, where the individual is plaintiff, 47 cases were decided this year and 242 cases remained undecided.

74 criminal cases were brought forward from last year in the District Court. Of which, 25 cases were decided this year and 49 cases remained undecided. Similarly, 45 criminal cases were filed this year. Of which, 7 cases were decided and 38 cases remained undecided. Among the total 119 criminal cases, 32 cases were decided this year and 87 cases remained undecided.

1187 civil cases were brought forward from last year in the District Court. Of which, 348 cases were decided this year and 839 cases remained undecided. Similarly, 519 civil cases were filed this year. Of which, 53 cases were decided and 466 cases remained undecided. Among the total 1706 civil cases, 401 cases were decided and 1305 cases remained undecided by the end of this year.

All together among 2114 cases 480 cases were decided and 1634 remained undecided. There are 184 cases pending for more than two years.

CHILD RIGHTS

Children studying at Shree Janata Primary school at Govindapur VDC-5 were barred from attending class due padlocking by local on June 21. The class resumed on June 29 after a management committee for the school was formed.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

A 30-year-woman of Siraha Municipality-1 was attempted to rape by

APF policemen Krishna Raut and Nepal police constable Navaraj Giri on June 29. She was taken to isolated place and was injured during retaliation. SP Dil Bahadur Thapa informed that both the perpetrators were taken necessary action. Her health was checked at Lahan hospital.

Sanjila devi Yadav, 23, of Gadha VDC-8 was beaten by Ram Krishan Yadav her father-in-law for her character on April 18. Prgenant victim fainted by beating and was treated lahan hospital same day. Victim filed compliant to ward police. The incident was settled with agreement.

Polygamy

Ramdulari Thakur of Bastipur VDC-2 filed a complaint against her husband Satrugan Thakur, 32 , for polygamy marriage on July 9. Satrgun married Lalita Thakur of Mohankamalpur VDC-4. Police inspector Shyam Shubba informed that on the basis of complaint, husband and second wife were detained and legal process is on.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

By ATMM-P

Five bighas of land owned by Tobacco Development Company at Ramnagar Mirchiaya VDC-7 was flagged and captured by cadres of ATMM-P on April 20. The party' central member also informed over phone of physical action against any transaction with so land with out their permission.

By MRJP-R

Ten bighas of land owned by Madhu Upadahya, Chedu Upadahya and Upe Upadahya of Hanumannagar VDC was flagged and captured by cadres of MRJP-R cadres on January 25. Ardash of that group threatened of physical action over phone for any transaction with land.



1.13 Udaypur



Population : 354,093

Literacy(%) : 55

Women Literacy(%) : 40

Area(Sq. Km.) : 2,063

Number of VDC(s)/Municipality(ies) : 44/1

Number of School(s) : 384/34

Campus(es)/Higher Secondary School(s) : 3/24

Hospital(s)/Health Post(s) : 1/45

Human Development Index : 0.488

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By Unidentified Group

Jivan Khadka, 22, of Chappan, Triyugga Municipality-2 was beaten and killed by an unidentified group at Sangam tol on the night of December 23. Family of Khadka got his post-mortem conducted at District Hospital, Gaighat on December 25. Demanding the arrest of the killers, Khadka's family did not receive and cremate his body on December 28. Police said that search for the culprits was underway at the end of the year.

JAIL AND DETAINEES

The "D" grade District Jail has 36 male and one female convict and 26 male

and three female detainees at the end of the year. There are a total of 66 convicted and detained inmates at the District Jail. However, the jail has the capacity to detain only 50 inmates. The jail is constructed three decades ago and is in a dilapidated condition. Water trickles from the ceiling during monsoon season. There is a lack of space for the inmates to sleep, since the number of inmates kept in the jail is more than its capacity. The inmates are involved in income generating activities like making caps and bags. Newspapers, a TV set, sports equipment are all provided with help from the DDC, the municipality and other organisations.

DISAPPEARANCE/ABDUCTION

By KJWP

Hemraj Regmi, 37, of Rampur VDC-9, was abducted by six persons, led by member of KJWP, Kedar Raika Magar, of Kataharbot, Chaudandi VDC-4 from Kaalikhola on June 1. He was abducted on charge of irregularities in the Consumer's Committee. He was released four hours later. Locals captured him and handed him over Kedar to APO Beltar on October 4. The APO Rampur released him on October 8 on date.

THREATS/BEATINGS

By TJSC

Police constable Bhupendra Raut, 25, of DPO, Udaypur was injured after cadres of TJSC, who were protesting against 'One Madhes, One Province', pelted stones at the police on February 8. TJSC cadres also beat and injured Pradip Sah, 22, Karna Tamang, 40, and Ramesh Shrestha, 22, of Triyuga Municipality-2 for defying their bandh. The injured were treated at District Hospital, Udaypur.

Inspector Tirtha Gautam, 45, of APF Base Camp Beltar, and Police Constable Upendra Yadav of DPO Saptari,

Type of Events	By Non-State								By State			
	By Others					By UCPN-M						
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Total	No. of Events	Male	Female	Total
Killing	4	2	2		4							
Injured	2	13	1		14				3	9	2	11
Arrest & Torture									6	11		11
Beatings	2	9			9	3	3	3	2	3		3
Threats	5	10	1	92	103				1	2		2
Women Rights	12		15		15							
Child Rights	14		13	1	14							
Economic, Social and Cultural Rights	3	1		2	3	1	1	1				
Abduction	1	1			1							
Total	43	36	32	95	163	4	4	4	12	25	2	27

were injured on May 27, after a clash ensued between the police and cadres of TJSC cadres, who were protesting against the 'One Madhes, One Province'. Hari Narayan Chaudhary, 56, of Tapeswwari VDC-2, Hari Narayan Panjiyar, 44, of Hadiya VDC-4, Naresh Chaudhary, Jiwan Chaudhary, 24, Nirjana Chaudhary, 25, Rajendra Prasad Chaudhary, Chedilala Chaudhary, 43, Balram Chaudhary, Hareram Chaudhary, Manju Chaudhary, Jaageshwar Chaudhary and Rita Chaudhary, 27, were injured in a police baton-charge. Police constable Yadav was attacked by the protestors, with a sharp weapon. Yadav and Hari Narayan Chaudhary were treated at BPKIHS, Dharan and other injured persons were treated at the District Hospital. The DAO imposed an indefinite curfew in ward no. 1,2,3,7,8,10,11 from 8 pm. The curfew was lifted 26 hours later following an all-party meeting.

By UCPN-M

Minister for Federal Affairs, Parliamentary Affairs, Constituent Assembly and Culture, Dr Minendra Rijal, was beaten by UCPN-M cadres on December 29 while coming out of

the NC party office at Giaghat, Triyuga Municipality-2. UCPN-M cadres mistreated him and greeted him with black flags. NC condemned the incident in a press statement issued that day.

By YCL

NC cadre Dhanik Lal Bhagat, 50, Hari Chaudhary, businessmen Ram Chandra Sah, Birendra Bhagat of Jaljale, Triyuga Municipality-11 were beaten by YCL cadres on December 20 on charge of defying the bandh called by them. Ganesh Limbu was also injured while imposing the bandh after being hit by a stone thrown by those opposing bandh. All the injured were treated at local clinics.

By KJWP

Secretaries of 44 VDCs of the district were threatened by Udaypur in-charge of KJWP, Jwala Kiranti, on June 25. KJWP threatened to kill them over the phone, if they did not provide KJWP money in the name of a donation. Local Development Officer, Arjun Kumar Thapa, appealed to political parties and human rights defenders to create a favourable environment for the VDC Secretaries to visit villages. Stating that they could not

work at villages as a result of these threats, VDC Secretaries, on July 4, urged the CDO to protect their security and professional rights. The Local Peace Committee called on the KJWP to ensure the right to life of the VDC Secretaries issuing a press statement on July 5. Kiranti had issued similar threats to VDC Secretaries on May 31 for not providing donations. He had warned them of severe consequences if VDC Secretaries did not return to villages within 10 days.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION
(Including Political Freedom and Free and Impartial Election)

A team of CA members, led by Mrigendra Singh Yadav, who had arrived at Udaypur to collect opinions for the drafting of the new constitution, were threatened and ordered to halt their work by Co-ordinator of KJWP Khambuwan Division Mangal Limbu on March 11. Issuing a press statement, Limbu accused the CA members of drafting a constitution which suppresses the rights of indigenous nationalities, dalit, madhesis and neglecting KJWP. The CA members collected opinions with security personnel, after the threats.

RIGHT TO PROMPT AND FAIR TRIAL

226 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. Out of these, 202 were decided this year and 24 remained undecided. In addition, 174 new criminal cases, where the individual is plaintiff, were filed this year. 43 of these were decided this year and 131 remained undecided. Among the total 400 criminal cases, where the individual is plaintiff, 155 cases remained undecided by the end of the year.

297 civil cases were brought forward from last year in the District Court. Out of

these 248 were decided this year and 49 remained undecided. Additionally, 229 civil cases were filed this year. Of these new cases, 46 were decided this year and 183 remain undecided. Among the total 526 civil cases, 232 remained undecided by the end of this year.

Among the total 929 cases 387 cases remained undecided at the District Court by the end of the year.

Among seven cases, brought forward from last year and filed this year in the DAO, under the arms and ammunition act, two were decided, while five remained undecided by the end of the year. There was a total of 27 cases registered under public offences, and only four of these were decided this year.

TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

Kumar Giri, 32, of Triyuga Municipality-32 was tortured in custody of the DPO Udaypur on July 18. Giri claimed that the police beat him with lathi on his feet. The police refuted the claims. Police had arrested Giri on July 17 after they found bottles of prohibited drugs in his possession, as he was heading towards Gaighat on a motorbike.

CHILD RIGHTS

A 14-year-old girl of Beltar VDC-6 was gang-raped by Keshav Khatri, 21, Bikram Magar, 18, and Jiwan Magar, 13, of the same place on November 29, near her home. The girl's mother filed a complaint at the DPO on December 1. Police said that Bikram and Keshav were arrested on December 24 while the search for Jiwan was underway. The medical examination of the girl was conducted on the day of the incident and she was then handed over to her family. An investigation into the incident was on-going at the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

A 40-year-old woman of Beltar VDC-1 was raped by Milan Rai, 26, and Dilli Rai, 26, of the same place on January 11 near Dubar River. The woman filed a case against the perpetrators at the DPO Udaypur on January 14. A medical examination of the woman was performed at the District Hospital Udaypur, on the day of the incident. Both the accused were arrested by the police on January 14. They were released on January 23 on bail of 55 thousand rupees, following the District Court's order.

Domestic Violence

Bhawana Basnet, 29, Tej Maya Tamang, 21, Ramila Magar, 27, Sarita Rai, 19, of Triyuga Municipality-12 were rescued by police from Jaljale, Triyuga Municipality-10 on February 12, while being taken to India by Laxmi Kaat, 36, of the same place. Police arrested Laxmi that day, with information that Laxmi was taking them to India after luring them with promises of foreign employment. She was released three days later, after an agreement was reached between those rescued and her.

Sita BK, 26, of Haatkholi, Jogidaha VDC-6 was severely injured after her husband Raj Kumar BK, 30, poured acid on her on April 2. She sustained serious burn injuries on most parts of her ear, neck and hands. The victim said the beatings from her husband led to bleeding from her genitalia. She was treated with support from neighbours for five days at the District Hospital Udaypur. She had taken refuge at the safe home of WOREC previously, after her husband repeatedly tried to burn her alive. Police had yet to arrest her husband by the end of the year.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

By KDF

Central Committee of the KDF issued a press statement on April 9, threatening not to export the natural resources of the proposed Khambuwan Region. KDF said it barred the export of the natural resources, to protect the rights of the indigenous peoples to natural resources, according to ILO 169. Despite the KDF's threat, the natural resources of the district were exported at the end of the year.

Capture of Property

By UCPN-M

30 bighas of land at Jogidaha VDC-6 and Sundarpur registered in the name of Gahatraj Tated, 60, of Rajbiraj Municipality-1, Saptari was captured by UCPN-M on June 17. Issuing a press statement, the UCPN-M announced the capture. UCPN-M had been taking harvest from the land since 2003. Udaypur Area no. 3 Secretary of UCPN-M said that the land was distributed to landless squatters since 2003 after the capture.

By CPN-M

Cadres of CPN-M captured 14 bigha 16 kathha and 16 dhur land at Triyuga Municipality-2 registered in the name of the Civil Aviation Authority on November 4, by planting party flags on the land. In a press statement, Udaypur in-charge of the group, Akhanda Bidrohi, alleged that the land was sold by land mafias and smugglers. Similarly, CPN-M cadres claimed the capture of 7 bigha of land separated for a Bus park construction at Triyuga Municipality-2 on November 13. The group issued a press statement, stating that the local administration remained mute spectator, despite complaints filed to stop the buying and selling of the land.



1.14 Khotang



Population : 244,470

Literacy(%) : 50

Women Literacy(%) : 39

Area(Sq. Km.) : 1,591

Number of VDC(s)/Municipality(ies) : 76/0

Number of School(s) : 571/7

Campus(es)/Higher Secondary School(s) : 1/15

Hospital(s)/Health Post(s) : 1/71

Human Development Index : 0.442

Average Household Size : 5.55

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By Others

Kabiraj Rai, 12, of Bajhechyandanda VDC-1 was found dead at a nearby wood on September 4. The victim had been missing since September 2, when he disappeared on his way home from school. His head and extremities were amputated. The victim's father, Baburam Rai, filed a written complaint at the DPO on September 6. The cause and perpetrator of the incident was unknown at the end of the year.

JAIL AND DETAINEES

"D" grade district jail has the capacity for 30 inmates. However there

are no inmates in the jail at the end of the year. The jail was destroyed by a Maoist attack on June 19, 2005. Thus, inmates are sent to Morang jail at Biratnagar jail. Inmates from the district are demanding for a jail in their home district for convenient legal counselling and to meet with family.

DISAPPEARANCE/ABDUCTION

BY KJWP

Dajang Sherpa, 60, of Diktal VDC-9 was abducted by KJWP cadres on July 25 from Talkhara at 4 pm for providing low wages to labourers. The victim was abducted for irregularities in the Diktal to Pathe road construction site. With pressure from human rights activists, the victim was released on July 26 from Talkharka.

THREATS/BEATINGS

By UCPN-M

Dankumar Rai, 47, of Chyasmitar VDC-5, acting chief of Chaysmitar Secondary School received threats on February 23 by UCPN-M cadres Jivan Rai, Laxman Rai and Indrabahadur Rai for irregularities during the teacher recruiting process. The victim urged for protection of his life, through a press release to INSEC, NHRC, DPO, CDO on February 24. He returned back to school on March 3 after the UCPN-M district incharge vowed to take action.

By KJWP

Balkrishna Raut, 35, a resident of Powasera VDC-5 and district member of Nepal Tarun Dal was threatened with physical abuse on August 29, by KJWP cadres, demanding Rs 100 thousands within one week. NC Khotang issued a press release condemning the incident on August 29. After the incident was published in www.inseconline.org the victim said that the KJWP cadres did not come for the donation.

Type of Events	By Non-State							
	By Others					By UCPN-M		
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Total
Killing	3	1	2		3			
Beatings	4	10			10			
Threats	16	16			16	2	3	3
Women Rights	2		2		2			
Child Rights	6		6		6			
Economic, Social and Cultural Rights	3	3		1	4			
Abduction	3	3			3			
Total	37	33	10	1	44	2	3	3

By ANNISU-R

Dipak Thatal of Kubhibde VDC-1, Sambhu Ghimire, 20, of Lafyang VDC, and Pradip Shrestha, 22, of Arkhoule VDC -5 were beaten up by ANNISU-R cadres on February 9 for the theft of a book. Dipak Thatal of ANNFSU was injured as a result of the beating. He was treated at Khotang district hospital on February 11.

By CPN-M

Ram Prasad Pokharel, 48, of Kharpa VDC-7, the Headteacher of Kharpa Lower secondary school was threatened by CPN-M on June 19. District coordinator of CPN-M Jhokhim demanded Rs 80000 from the victim. The victim filed a complaint with NHRC, INSEC, LPC, DPO and CDO office on June 28. The CDO office called an all party meeting on June 15 and mobilized security personnel for the security of the victim.

RIGHT TO FAIR AND PROMPT TRIAL

25 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. All of these were decided this year. In addition, 44 new criminal cases, where the individual is plaintiff, were filed this

year. Out of these 19 were decided this year and 25 remained undecided.

17 criminal cases were brought forward from last year in the District Court. 16 of these were decided this year and one case remained undecided. Additionally, 10 new criminal cases were filed this year. Of these new cases, 2 were decided this year and 8 remained undecided by the end of the year.

34 civil cases were brought forward from last year in the District Court. 34 of these were decided this year. Furthermore, 30 civil cases were filed this year. Out of these, 10 were decided this year and 20 cases remained undecided by the end of the year. At the end of the year there were 54 cases left undecided.

CHILD RIGHTS

A 15-year-old girl of Dipsung VDC-9 was gang raped by Arjun Rai, 20, of same VDC-8 and Manoj Rai, alias, Dinesh, 19, on June 27. She was raped in a corn field when she was alone. The victim filed a complaint at the DPO Khotang. The perpetrators were arrested on July 6 by police and the case was registered at Khotang District court.

A 16-year-old girl of Chiuridada

was raped by Karna Lal Rai, 20, and Gajendra Rai, of the same place on May 9, when the victim was pasturing the cattle. Demanding action, the victim filed a complaint at the DPO Khotang on May 16. The perpetrators were still at large at the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

Junesh, 22, of same VDC-9 attempted to rape a 17-year-old girl of Lichki Ramche VDC-4 on March 17. The incident occurred at a nearby wood, when she was on the way back home from a VDC meeting. However she escaped the rape as a neighbour arrived at the scene. The victim filed a complaint at Simpani Police Post on March 18, demanding action be taken against the perpetrator. The perpetrator still was not arrested by police at the end of the year.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Property, Capture of Land By KJWP

Indreni Pokhari VDC office was set on fire by KJWP cadres on July 20. The fire destroyed the windows, doors, furnitures and documents. The central member of KJWP Bijuli revealed, through a press release, that the action was taken, in order to end the regime of the Bahun

By CPN-M

7 ropanis of land at Rakha Khola owned by Pahalman Magar, 50, residing in Kharpa VDC-2 was captured by CPN-M on December 21. The party's central member, Ratna Rai, informed that the land was captured, as it was public land. He claimed that the land was captured to be distributed among the landless. At the

end of the year the land was still under CPN-M control.

Displaced

Man Bahadur Khatri, 29, of Jaleshwori VDC-3 was displaced after KJWP cadres threatened him with physical abuse on September 13. On August 29, the victim was asked to give Rs 100 thousand as a donation by KJWP cadres. With initiation from INSEC district representative and local administration he was resettled on October 28.



1.15 Okhaldhunga



Population : 171,984

Literacy(%) : 50

Women Literacy(%) : 23

Area(Sq. Km.) : 1,074

Number of VDC(s)/Municipality(ies) : 56/0

Number of School(s) : 348/5

Campus(es)/Higher Secondary School(s) : 2/13

Hospital(s)/Health Post(s) : 2/55

Human Development Index : 0.481

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING/FIRING

By Others

Agam Singh Rai, 50, of Ubu VDC-4 was killed by Ras Bahadur Rai, 27, of same the place on March 12 at Simkaku height. The incident occurred when the victim was on his way back home. A complaint was filed charging Ras with murder. As per the district court order of March 30 the perpetrator was released on date.

JAIL AND DETAINEES

The D grade district jail has the capacity for 25 inmates. However, by the end of the year there are 39 inmates in total in the jail. There are 21 male convicts and 3 female convicts, along with 14 male detainees and 1 female detainee. The overcrowding of the the jail is causing problems for the 35 male inmates. There is a facility for visitors and newspapers are also provided to inmates. In both the male and female cells there is a problem with water facilities.

THREATS/BEATINGS

By UCPN-M

Roshan Rai, 22, of Bigutar VDC-9, Santosh Rai, 25, of the same place, Man Kumar Rai, 19, were beaten up by UCPN-M district members, Balbahadur Katuwal and Yadunath Dahal, 21, on November 4, for being Youth Force cadres. The victims did not file any complaint, so no action has been taken. The injured were treated at the Mission Hospital.

By Youth Force

UCPN-M cadres Samjhana Nepal, Hari Karki, Rudra Phuyal and Ramesh Shrestha residing at YCL office at Okahldhunga were beaten up by Youth Force cadres Ram Bahadur Karki, Dik Bahadur Sunwar, Top Bahadur Sunuwar

and Chabilal Sharki on January 15 at the victim's home. The case was taken against the perpetrator on January 15. However, no action has been taken so far. The perpetrators were still at large at the end of the year.

RIGHT TO FAIR AND PROMPT TRIAL

79 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. 38 of these were decided this year, while 41 remain undecided. In addition, 60 new criminal cases, where the individual is plaintiff, were filed this year. Of these new cases, 6 were decided this year and 54 remained undecided. Among the total 139 criminal cases, where the individual is plaintiff, 44 were decided this year and 85 remained undecided.

97 criminal cases were brought forward from last year in the District Court. 25 of these were decided this year, while 72 remained undecided. Additionally, 28 new criminal cases were filed this year. Of these 28 cases, 3 were decided and 25 remained undecided. Among the total 125 criminal cases, 28 were decided this year and 97 remained undecided.

17 civil cases were brought forward from last year in the District Court, however none of these were decided this year. Furthermore, 3 new civil cases were filed this year and similarly none of which were decided this year. At the end of the year there were 192 cases remained undecided.

CHILD RIGHTS

Chandika Khatri, 17, of Mulkharka VDC-1 was abducted by Tika Ram Bhujel, 18, and Ramji Katuwal, of Katunje VDC-7 from Mulkharka road on March 17. The perpetrators blind folded the victim and abducted her to forcefully marry with one of the perpetrators. She was freed at

Type of Events	By Non-State						
	By Others				By UCPN-M		
	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	3	2	1	3			
Beatings	3	5	1	6	3	8	8
Women Rights	10		10	10			
Child Rights	1		1	1			
Economic, Social and Cultural Rights	1	1		1			
Abduction	1		1	1			
Total	19	8	14	22	3	8	8

midnight, after she refused to get married. The victim filed a complaint at the DPO on March 19. The case was settled after an agreement was reached to provide Rs 30,000 compensation to the victim.

A 12-year-old girl of Jyamire VDC-2 was raped by Dipak Raj Bhandari, 43, of Okhaldhunga VDC-6 at her home on January 13. The perpetrator was arrested by police on January 16. He was released on date as per the District Court order on February 7. The perpetrator was given clearance by the district court on July 8.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

Amrita Rai, 26, of Madhavpur VDC-2 was abandoned by Shyam Kumar Rai, 26, of the same place after she became pregnant on January 23. The case to establish the full details of the case was taking place in the District Court. However,

by the end of the year, no verdict had been delivered.

Domestic Violence

Kumari Rai, 54, of Okhaldhunga VDC-7 was beaten up, starved and expelled from her home by her husband, Krishna Bahadur Biswokarma on March 3. The victim filed for s divorce at the District Court. The case was in process at the end of the year.

Social Boycott

Subash Chandra Khadka k, 39, of Jyamire VDC-4 was socially boycotted for incestuous sex on November 5 by local Khadka community. He was warned not to participate in any religious or social activities by the local Khadka community. The victim did not file any complaint and has relocated to Okhaldhunga due to the social boycott.



1.16 Solukhumbu



Population : 116,793

Literacy(%) : 46

Women Literacy(%) : 36

Area(Sq. Km.) : 3,311

Number of VDC(s)/Municipality(ies) : 34/0

Number of School(s) : 252/1

Campus(es)/Higher Secondary School(s) : 2/9

Hospital(s)/Health Post(s) : 3/34

Human Development Index : 0.479

Average Household Size : 5

CIVIL AND POLITICAL RIGHTS JAIL AND DETAINEES

The "E" grade district jail of Solukhumbu at Salleri has the capacity for 25 male and 10 female inmates. However, there are 50 inmates in total in the jail, at the end of the year. There are 2 male convicts and 4 female convicts and along with them, there are 42 male detainees and 2 female detainees. Some male inmates were forced to sleep in the kitchen, due to overcrowding.

Furthermore, the inmates had no access to newspapers. Inmates were tortured by police for trying to vandalise the jail on April 16. Inmates, Pase Rai, Ramesh Karki and Dipendra Nachiring were injured as a result of the torture and were treated at district hospital Faplu.

THREATS/BEATINGS

By KJWP

Punya Prasad Koirala, a VDC secretary, received a life threat by KJWP Sanyukta Jatimukti Nepal cadres, Rinji Sherpa, of Okhaldhunga district Raganiya VDC-8, Phurba Rinji Sherpa, of Falate VDC-5, Pasang Sherpa Bharun Kumar Rai, of Khotang district Jaleswari VDC-8 and Arun Gurung, of Morang Madhumalla VDC- 5 on September 16 . The cadres threatened him with a weapon and asked him for Rs 42 thousands, in front of other people. Police from Salleri arrested Phurba, Pasang, Bharun and Arun in connection with the incident on September 16. When they were arrested they were in possession of one Italian pistol, 10 sutali bombs and bullets. As per the district court order, the victims were sent to the district jail for further investigation on October 11. The rest of the accused were still at large at the end of the year.

By YCL

Fula Sherpa, of Taping VDC-1, a journalist of Community FM Solukhumbu was threatened by YCL area in charge, Tek Bahadur Tamang and assistant in charge, Atal on January 30. The victim was displaced on February 3, as a result of physical threats. The victim returned back to his village on February 6, after a meeting with YCL, civil society and the victim was held on February 6 to discuss his safe to return. The journalist was threatened, after barring locals from approaching YCL, when seeking justice.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom and Free and Impartial Election)

Police constable, Niramala Karki, YCL cadre, Ramesh Rai and Pemba Sherpa received minor injuries during a clash between police and UCPN-M cadres, during a demonstration on October 12



Type of Events	By Non-State							By State		
	By Others				By UCPN-M					
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Total
Killing	4	2	2	4						
Injured								1	3	3
Arrest & Torture								1	1	1
Beatings	1	1		1						
Threats	3	4		4	1	2	2			
Women Rights	5		5	5						
Child Rights	4	1	3	4						
Total	17	8	10	18	1	2	2	2	4	4

at Lukla Airport. Police arrested Dipak Shrestha Rakki, Namgyaljen Sherpa, Sharmila Rai, Pemba Sherpa and DB Tamang and subsequently released them that evening at 5 PM. The clash took place when a Maoist affiliated trade union was demonstrating for the improvement of the airport. The injured were treated at a local health post that day.

RIGHT TO FAIR AND PROMPT TRIAL

26 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. 14 of these were decided this year, while 12 remain undecided. In addition, 23 new criminal cases, where the individual is plaintiff, were filed this year, none of which were decided this year. Among the total 49 criminal cases, where the individual is plaintiff, 14 were decided this year and 35 remained undecided.

59 criminal cases were brought forward from last year in the District Court. Of these 59 cases, 26 were decided this year, while 33 remained undecided. Additionally, 18 new criminal cases were filed this year, none of which were decided by the end of the year. Among the total 67 criminal cases, 26 were decided this year and 41 remained undecided.

30 civil cases were brought forward

from last year in the District Court. Of these cases, 8 were decided this year, while 22 remained undecided. Furthermore, 19 new civil cases were filed this year, none of which were decided, by the end of the year. Among the total 49 civil cases, 8 were decided, while 41 remained undecided by the end of this year.

Among the total 165 cases, 117 cases remained undecided by the end of the year.

TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

Bishnu Rai, 20, of Salleri VDC-5 was arrested without warrant and mentally tortured by policeman, Raju Baniya on March 10. He was in the perpetrator's custody for 3 days. The intoxicated policeman barred him from appearing in examination. According to victim, his application against the perpetrator, was rejected by the police on March 10. Instead the victim was handcuffed and brought to DPO Solukhumbu and released on March 13 after paying Rs 1500 as penalty.

CHILD RIGHTS

Lakpa Lama, 14, Salleri VDC-was killed by Sonam Sherpa, 16, Chewang Sherpa, 12, on August 19. Her school

mates beat her with firewood, while the victim was sleeping. Police found the dead body at near by stiff. Both the perpetrators were arrested by police on August 20. A murder case was filed on August 24 against perpetrators. The perpetrators were released on September 15.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

A 32-year-old dumb woman of Deusa VDC-3 was raped by Bhalakaji Shrestha, 42, of the same VDC on March 13, while the victim was alone in the room. On the basis of a complaint filed by the victim's parent, Subuman Rai, police from Nele Police post arrested the perpetrator on March 16. At the end of year the perpetrator was in the district jail for further investigation from April 15.

Prem Bahadur Bhujel, 24, of Tingala VDC-7, currently residing in Salleri Faplu VDC-2, killed his wife, Dil Kumari Bhujel, 26, on September 17. The victim was beaten with wood used to lock the door. The dead body was buried 50 meters away. Police arrested the perpetrator on charge of murder on September 2. The perpetrator has been kept at the district jail, as per the district court order, since September 23 for further investigation.

Gyanu BK, alias Kalpana Sapkota, 19, of Jhuving VDC-5 was raped and killed by trekkers Suresh Baraile, 21, and Gopal BK, 23, on November 19 at Chaurikharka VDC-5. She was raped and then killed by strangulation when the perpetrators put a handkerchief inside her mouth. The victim's

naked body was found on Dec 7. The perpetrators were arrested on June 1. As per the district court order, the perpetrators have been kept in the district jail since June 11, for further investigation.

Domestic Violence

Shova Basnet, 24, of Sotang VDC -4 was beaten up, starved and expelled from home by her husband, Raju Basnet, 22, and mother-in-law, Narimaya Basnet, on November 17. The victim filed a complaint at the local police post on November 29. An agreement was reached between both sides that the victim would return home.

Polygamy

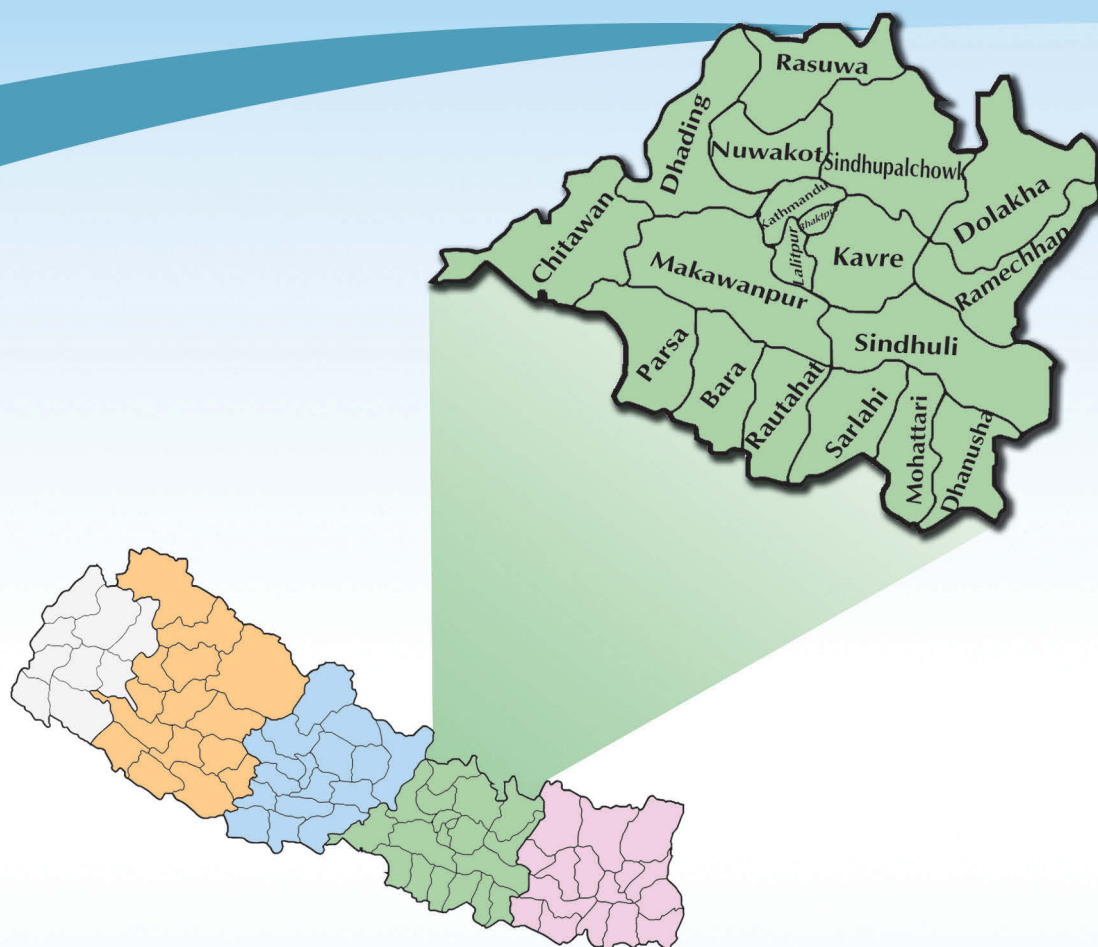
Nabanita Karki, of Nele VDC-8 was victimized by polygamy practiced by her husband, Angel Karki, when he married Japanese citizen, Ko Jyujō. She filed a complaint on July 6 via the Kathmandu District Court. Her husband informed her of his second marriage on March 20 through email. The case is ongoing against Angel at the district court of Solukhumbu

ECONOMIC, SOCIAL AND CULTURAL ORIGINS

Extortion

Ram Kumar Sherstha, a vehicle owner, Raju Tamang and Ram Lal Shrestha were extorted Rs 3000 each by Maoist cadres, Kaji Sherpa on November 23. The perpetrator asked for the donation from every vehicle in the area. The victim received written threats from Maoist cadres.





2. MID REGION

- | | |
|---------------|---------------------|
| 2.1 Dhanusha | 2.11 Makawanpur |
| 2.2 Mahottari | 2.12 Lalitpur |
| 2.3 Sarlahi | 2.13 Kavre |
| 2.4 Sindhuli | 2.14 Bhaktapur |
| 2.5 Ramechhap | 2.15 Kathmandu |
| 2.6 Dolakha | 2.16 Dhading |
| 2.7 Rautahat | 2.17 Sindhupalchowk |
| 2.8 Bara | 2.18 Nuwakot |
| 2.9 Parsa | 2.19 Rasuwa |
| 2.10 Chitwan | |

2.1 Dhanusha



Population : 793,422

Literacy(%) : 50

Women Literacy(%) : 30

Area(Sq. Km.) : 1,180

Number of VDC(s)/Municipality(ies) : 101/1

Number of School(s) : 422/9

Campus(es)/Higher Secondary School(s) : 7/29

Hospital(s)/Health Post(s) : 3/102

Human Development Index : 0.449

Average Household Size : 7

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING/FIRING

By State

Udgar Mandal, 26, of Dhanushadham VDC-4 and Ghuran Shah Halwai, 19, of the same place were shot dead by police on May 24 from Mahadaiya VDC in Mahottari on charge of their involvement in abduction. The victims were arrested by police and subsequently shot dead, after taking them to Kurtha VDC-2. Police claimed that the victims were killed in retaliation, after the victim's group opened fire, targeting the police team, which were tracking the kidnappers of Ram Bilas Shah of Kakanipatti VDC. Family members of the victims performed final rites following postmortem of the bodies.

UCPN-M cadre, Surendra Mahato, 30, of Bharatpur VDC-9 in Mahottari district was shot dead by police, on June 7 at Hariharpur VDC-9, for not stopping his motorbike at a police check point. The victim, who was at his in-law's area to attend a marriage ceremony of his brother-in-law, had a minor dispute with the police at the check-point. The victim was on way to Birendra bazaar on his motorbike with his friend. Police Constable Ram Singh Bhat shot him dead on the spot.

A Three Member Special investigation team, headed by Government Attorney with the officers of DAO and DPO as other members, was formed to investigate the incident. The investigative panel, on October 12, slapped a fine of Rs 80,280 to Bhat and lifted his suspension order from the date it began.

By JTMM-J

An employee at Janakpur Cigarette Factory, Narendra Khati, 48, of Janakpur Municipality-2 was shot dead by the cadres of JTMM-J on January 18 on charge of spying against the party. The police arrested Rakesh Kumar Pandey, 28, of Janakpur Municipality-7 for his alleged involvement in the case. The perpetrator was remanded into custody as per the order of District Court on March 17.

By MSK

The headmaster of Lower Secondary School, Megha Bahadur Bomjon, 43, of Hariharpur VDC -7, Sukan Mahato, 25, of ward no 8 of the same VDC and San Bihari Mahato, of the same place were killed by the cadres of MSK on April 3, at Puspapur. The perpetrators killed the victims by slitting their throats, while they went to Aurahi Stream to fetch sand in a tractor. The victim's family lodged a complaint at the DPO on April 6, but no action had been taken against the perpetrators by the end of the year.



Type of Events	By Non-State				By State			
	By Others				No. of Events	Male	N/A	Total
	No. of Events	Male	Female	Total				
Killing	29	24	9	33	5	6		6
Injured	10	29	20	49	1	1		1
Arrest & Torture					2	2		2
Beatings	1	1		1	1	1		1
Right to Assembly					2	5	7	12
Women Rights	58		58	58				
Child Rights	4		4	4				
Economic, Social and Cultural Rights	1	7		7				
Abduction	18	17	1	18				
Total	121	78	92	170	11	15	7	22

By Unidentified Group

Nabin Raya, 18, of Janakpur Municipality-6 was shot dead by an unidentified armed group on October 1 at Janakpur Municipality-9. The victim's dead body was found in a pond in Janakpur Municipality-9. The dead body was handed over to the family the day after the postmortem at Janakpur Zonal Hospital. Although the victim's side filed a complaint at DPO on August 11, the group involved in the incident had not been identified by the end of the year.

Mojim Mansur, 26, of Chakkar VDC-4 was shot dead by an unidentified group on October 4 at Therakachuri VDC-3. The dead body of the victim, who was shot three times in head and temple, was found in a paddy field. The dead body was handed over to the relatives following the postmortem at Janakpur zonal hospital on October 7. Although the victim's side filed a complaint at the District Police on October 9, the perpetrators had not been arrested by the end of the year.

By Others

Journalist of Radio Today, Janakpur

Uma Singh, 25, of Maheshpur-4 in Siraha district was killed by the cadres of UCPN-M and Tarai Ekata Parishad. She was killed with sharp objects on January 11 at Janakpur Municipality-9. The victim, who sustained serious injuries, died while being taken to Kathmandu for treatment. Acting upon a complaint filed by the victim's family at the DPO, police arrested UCPN-M cadre, Shravan Kumar Yadav, 26, of Rampurbirta VDC-2 of Siraha district, Uma's sister-in-law, Lalita Devi Singh, 35, of Maheshpur VDC-4 of the same district and cadre of TEP Nemlal Paswan, 42, of Lakkad VDC-7 for their involvement in the case. The perpetrators have been remanded to jail on February 17 for investigation of the case.

District Committee Member of UCPN-M, Birendra Kumar Raya, 31, of Sattokhar VDC was killed by a group of 10- 15 persons on August 24 at ward no 4 of the same VDC. The victim was killed after being attacked with a Khukuri around the limbs, back and the head. The group chased the victim from Bhattihan bazaar and then killed him. Although the victim's side filed a complaint at the DPO, the

perpetrators had not been arrested by the end of the year.

CLASH

Eastern command in-charge of TRMS, Ram Kumar Yadav alias Akash Tyagi, of Laxmipur Bagewa VDC-3 was killed in a police operation on July 22 at Janakpur Municipality-7. DPO stated that the victim died during retaliation by the police, after an armed group of 3-4 persons attacked patrolling police team at the area. Police also revealed that a shot gun, bullets, documents, socket bomb and sutali bombs were recovered from the victim's dead body. The deceased had been shot in the chest, hand and arm, among other parts of the body. Following the postmortem at Janakpur Zonal Hospital, the dead body was handed over to the relatives.

INJURED IN SHOOTING/EXPLOSION

By State

District Commander of TEP Nem Lal Pasman, 42, of Lakkad VDC was injured by police fire on January 17 near Kamala Stream in the VDC. DPO said that Pasman was shot in a retaliatory fire opened by police when the victim's group, three in number, opened fire targeting the patrolling police. Pasman who sustained injury to the knee was treated in Kathmandu.

By TRMS

30 persons were wounded when a cylinder bomb, placed by the cadres of TMS, in the train going to Janakpur from Jayanagar, India, went off near the railway station in Parawaha, on May 17. The bomb exploded in the first class area shortly after the train left the railway station. Renu Kumari Yadav, of Tara Patti Sirsiya VDC, Sanjib Kumar Mandal of Itharwa VDC-6, Sikali Devi Mandal, Kusum Devi Thakur,

Kameshwar Mandal, Anita Devi, Bechu Sada, Jitendra Sahani, Binita Devi Pasman, Lalan Pandit, Lal Babu Raya, Manuwati Giri of Baghchauda VDC, Lalita Devi Thakur of Prakomhuwa VDC, her son Nitish Kumar Thakur, 2, Sitesh Thakur, Jibachhi Devi, Bimala Devi, Nilam Devi Mukhiya of Devapura Rupaitha, Asha Devi Mandal of Dhanangi VDC, Samudri Devi of Khajuri VDC, Raya Devi of Janakpur Municipality-16 Mo. Amulya of Majhijhitkaiya VDC, Chunni Devi Sahani of Lagma VDC, Sabitri Devi Chaudhari of Chitwan district, among others were injured in the incident. Most of the injuries sustained were burnt limbs. The injured were treated at Janakpur Zonal Hospital and at Care Nursing Home. Samudri Devi of Khajuri VDC, who was seriously injured, underwent further treatment in BPKIHS in Dharan. Commander of TRMS-Prithvi claimed responsibility for the incident.

By Unidentified Group

Assistant accountant of DDC and Chairperson of Ramananda Youth Club, Jivanath Chaudhary, 39, of Janakpur Municipality-8, Ajit Tiwari, 28, of Manara VDC of Mahottari district and employee of NEA Jankalpur, Bimala Sharma, 45, of Janakpur Municipality-7 were injured after being shot by an armed group on May 12. The victims were shot by a group of unidentified people who had followed them on motorbikes. Chaudhary and Tiwari were shot while they were on the way to home from the office by motorbike and Sharma was shot by the same group, while going to his office by rickshaw, along the same route. Chaudhary and Tiwari were shot in the chest and Sharma was shot in the shoulder. All the victims were treated at TU Teaching Hospital, Majarajgunj in Kathmandu, though Chaudhary had to be taken to Delhi for further treatment. Two armed groups of TRMS-Prithvi and MSK

claimed responsibility for the incident. Although the victims filed a complaint at DPO, no action had been taken against the perpetrators by the end of the year.

DISAPPEARANCE/ABDUCTION

By LTTE

Gold trader Raj Kumar Shah, 33 of Janakpur Municipality-10 was abducted by cadres of LTTE on 8 January from Bengashivapur VDC, on charge of not giving donations. Shah was released on January 11, in the presence of his relatives from Janakpur Municipality.

By TRMS

Santosh Shah, 35 of Binhi VDC-4 and CPN-ML Candidate for the by-election of Constituent Assembly in Constituency-5 was abducted by cadres of TRMS on April 11 from the VDC, on charge of carrying out activities against Madhesh and Madhesi. Shah was freed later on that day from Pipara in Mahottari district.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom and Free and Impartial Election)

UCPN-M cadres Shyam Yadav of Balabakhar VDC-1 and Devsagar Das of Bateshwor VDC were injured when the APF resorted to baton charge on September 15, on charge of greeting Minister for Labor and Transport Management Aftab Alam with a black flag in front of the DAO. The victim complained that they were cordoned off by the police and thrashed while returning after displaying the black flag to the Minister. Both the victims received treatment at Janakpur Zonal Hospital.

RIGHT TO PROMPT AND FAIR TRIAL

240 criminal cases, where the individual is plaintiff, were brought

forward from last year in the District Court. In addition, 231 new criminal cases, where the individual is plaintiff, were filed this year. Among the total 471 criminal cases, where the individual is plaintiff, 93 were decided, while 378 remained undecided by the end of this year.

140 criminal cases were brought forward from last year. Additionally, 130 new criminal cases were filed this year. Among the total 270 criminal cases, 39 were decided and 231 remained undecided by the end of this year.

1019 civil cases were brought forward from last year. Furthermore, 1587 new civil cases were filed this year. Among the total 2606 civil cases, 472 were decided, while 2134 remained undecided by the end of this year.

Among the total 3347 cases including criminal cases, where the individual is plaintiff criminal cases and civil cases 604 were decided and 2743 cases remained undecided by the end of the year in the District Court.

CHILD RIGHTS

Ravi Kumar Chaudhary, 16, of Janakpur Municipality-2 was abducted by an unidentified armed group on February 23 from Janakpur-1. The victim was freed from India on February 25 at the initiative of police and his relatives. Police arrested Rabindra Kumar Sharma, 19, of Kankpatti VDC-1 and Lalit Kumar Thakur, 22, of Madhubani, India, and Raman Jha, 24, of the same place on February 25 for their alleged involvement in the case. Of the arrested, Sharma was released after paying bail of Rs.10,000 and the other two were remanded to jail.

A 16-year-old girl of Janakpur Municipality-8 was trafficked by Bijaya Shah, 25, of Mithileshwor Mauwahi VDC-8 and his wife Mamata Shah on August 8 and taken to India. Police arrested the traffickers on December 9, when the

victim filed a complaint at the DPO after returning back to Nepal.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

A 23-year-old woman of Dhalkebar-3 was raped by Rakesh Das Kathouliya, 20, of ward no 5 of the same VDC on 6 April at ward no. 6 of the same VDC, while the woman was attending *Chaite Dashain Carnival*. Police arrested Das on April 9, when the victim's side filed a complaint at DPO, demanding action to be taken against the perpetrator. Das was remanded into custody on May 4, following the order from court.

Polygamy

Dip Kumar Shah, 25, the husband of Minni Devi Shah, 24, of Janakpur Municipality-5, married Radha Devi Shah, 18, of Janakpur Municipality-5, as his second wife, on May 3 in Janaki temple. Although the victim filed a case against the perpetrators on 4 June, they had not been arrested by the end of the year.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Capture of Property

By CPN-M

CPN-M cadres captured about 1500 *Bigha* land from different persons on October 12. Organizing a press conference on the day, CPN-M cadres announced the capture. Stating that the landlords accumulated their lands, registering the jungle in Madhesh and public cultivable barren land in their names, Dhanusha Secretary of CPN-M party Dinesh Yadav declared the capture of the land and stated that the 3 *kattha* of land will be distributed to the each of the landless squatters.

The perpetrators captured 250 *bighas* land belonging to Dev Pant and his

family of Nausaya Tole of Umaprempur VDC, 60 *bighas* land belonging to former Minister Hem Bahadur Malla and his family, 40 *bighas* land of Sundar Nath Bhattarai, 70 *bighas* land belonging to Pitanath Pokhrel, 60 *bighas* land belonging to Arjun Bahadur Singh, 60 *bighas* land belonging to Rudra Bahadr Shrestha

Earlier, these lands were captured by the UCPN-M during the period of armed insurgency and by the ATMM. All the captured lands are untilled.



2.2 Mahottari



Population : 663,389

Literacy(%) : 35

Women Literacy(%) : 25

Area(Sq. Km.) : 1,002

Number of VDC(s)/Municipality(ies) : 76/1

Number of School(s) : 272/24

Campus(es)/Higher Secondary School(s) : 2/22

Hospital(s)/Health Post(s) : 1/81

Human Development Index : 0.407

Average Household Size : 7



**CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
KILLING/FIRING**

By Unidentified Group

Jaya Narayan Yadav, 42, of Khutta Piparathi VDC-2 was shot dead by an unidentified group on January 30 at his house. The post-mortem of the dead body was held at Jaleshwar Hospital the next day and the dead body was then handed over to the family.

Saraswati Kapar, 20, of Pipara VDC-5 was killed by an unidentified group on December 22. The victim's right breast, hand and right side of the abdomen were chopped and abandoned in the pond in Mahottari VDC-8. The victim had been missing since December 9.

INJURED IN SHOOTING/EXPLOSION

By Own Bomb

Combatant of TRMS, Makeshwar Sah, 26, of Umaprempur VDC-8 in Dhanusha district and another member of the same group, Mithun Paswan, 27, of Tarapatti VDC-8 of the same district were killed in a cylinder bomb explosion on March 7 in Damhimadai VDC-8 at Jaleshwar-Madai road. The incident occurred when the cylinder bomb, which they were carrying on a motorbike, went off. The post-mortem was held the day of the incident and then the bodies were handed over to the victims' families.

By STMM

Yogendra Mandal, 35, of Singyai VDC- 8 was injured, after being shot by cadres of STMM on August 3 at his home. The victim was treated at Janakpur Zonal Hospital.

By JMMT-T

Mukim Ansari, 41, of Phulhatta Parikauli VDC-8 was injured, after being shot by cadres of JMMT-Tarai, who were

led by Jwala Singh on November 19. The victim, who was in a critical condition, was treated at Silgudi Hospital, India.

By Unidentified Group

Birendra Singh, 40, of Bisharpur area of Bharatpur VDC-2 was injured, after being shot by an unidentified group on October 1 at Madahakhola area. The victim underwent treatment at BPKIHS Academy for Health Sciences in Dharan.

JAIL AND DETAINEES

The "B" grade District Jail of Jaleshwar has 83 male and 6 female convicts and 197 male and 11 female detainees at the end of this year. Five dependent children are also in the jail with their parents. Therefore, more than 302 inmates are detained in the district jail, which has the capacity to accommodate only 135 inmates. As the jail was built during the Rana period, it has leaks in the roof. Although the jail has a large tract of land, jail administration has not used the land to its full capacity. Consequently, the inmates were not provided facilities like sports equipment or given the opportunity to work to develop their skills.

Inmate, Bhakta Bahadur Karki, attempted suicide in the jail and another inmate, Kuldeep Pasman, died in the jail as he did not receive medical treatment on time.

DISAPPEARANCE/ABDUCTION

By JTMM-R

Teacher, Lal Babu Jha, 38, of Kattikataia VDC-1 was abducted by cadres of JTMM-R, Arun Mahato, 18, of Ramnagar VDC-7, Madhav Sharma, 18, of ward no. 8 of the same VDC, Ramchandra Mahato, 21, of Gaushala VDC-4, and Jitendra Sah of Bateshwar VDC-8 on February 11. The victim was rescued by APF from Hathilet VDC-4.

Type of Events	By Non-State								By State		
	By Others					By UCPN-M					
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Total	No. of Events	Male	Total
Killing	15	12	4		16						
Injured	4	3	1		4				1	7	7
Arrest & Torture									2	3	3
Beatings	2	2			2						
Right to Assembly									3	9	9
Women Rights	10		10		10						
Child Rights	2	2	1	22	25						
Economic, Social and Cultural Rights	4	5			5	1	3	3			
Inhuman Behaviour	1	1			1	1	1	1			
Abduction	12	12	1		13						
Death in Jail									1	1	1
Total	50	37	17	22	76	2	4	4	7	20	20

By JTMM-S

Dinesh Sah alias Raja, 27, of Khuttapiparadhi VDC-4 and Ajaya Shah, 26 of Singyahi-6 were abducted by cadres of JTMM-S on November 25 from Sonmai VDC-5. The victims were rescued on November 26 by police from Sundarpur VDC -2.

By Unidentified Group

Executive Chairman of People's Helpful Investment, Dhruvashakhar Ghimire, 35 of Lalbandi VDC-1 of Sarlahi was abducted by an unidentified group on April 19 from Tikuliya Bazaar of Jaleswor-Bardibas road section. The victim was freed on April 26.

THREATS/BEATINGS

By MMTT

People of hilly origin were given life threats to leave the village within 45 days by cadres of MMTT on June 3. The party warned that they would face dire

consequences if they failed to do so in the stipulated time.

Accountant of the DDC, Laxman Raya, 50, and an official of the same office, Binod Jha, 38, were beaten by the District Level leaders of TMDP, Indra Raj Prasad Singha, Sarojkumar Singha, Manoj Jha, and Rakesh Sharma on July 14 at their office, on charge of delaying their office work. Although the victims filed a complaint against the perpetrators at the DPO, they had not been punished by the end of the year.

By Unidentified Group

Najir Alam, 35, of Gaushala VDC-1 and Karimulla Shesh, 42, of Nigaul VDC -5 and Sakil Shesh, 45 of Nigaul VDC -5 were beaten by an unidentified armed group at Bairiya area of Khopi VDC on June 11. Their motorbike and some cash was also robbed at gunpoint, while they were on the way to Samsi Bazaar from their home. All three were treated at the primary health centre, Gaushala.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION (Including Political Freedom and Free and Impartial Election)

Joint General Secretary of TMSFCC, Satyandra Yadav, 25 of Bathnaha VDC-7, Mukesh Mandal, 27, of Halkhorī VDC-5, Ramthakkan Yadav, 32, of Ankar VDC-7 and Sanjaya Singh, 29, of ward no. 6 in the same VDC were injured when police baton charged them during their demonstration against the governmental decision to establish an Integrated, Service Centre at Bardibas, on January 29 in Jaleshwar. Yadav was seriously injured and underwent treatment in Kathmandu following primary aid at Jaleshwar Hospital. Mahottari District Correspondent of Annapurna Post Daily, Ishwari Paudel, 38, of Jaleshwar Municipality -5, who was covering the demonstration, was also injured in the incident.

RIGHT TO PROMPT AND FAIR TRIAL

229 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. In addition, 67 new criminal cases, where the individual is plaintiff, were filed this year. Among the total 296 criminal cases, where the individual is plaintiff, 65 were decided, while 231 remained undecided by the end of this year.

94 criminal cases were brought forward from last year. Additionally, 36 new criminal cases were filed this year. Among the total 130 criminal cases, 24 were decided and 106 remained undecided by the end of this year.

1116 civil cases were brought forward from last year. Furthermore, 506 new civil cases were filed this year. Among the total 1622 civil cases, 394 were decided, while 1228 remained undecided by the end of this year.

CHILD RIGHTS

22 children, ranging from 7-12 years of Jaleshwar Municipality-1 to 6, were allured with chocolate and taken around the city naked by locals on January 26, to protest against the decision of the government to establish an integrated Service Center at Bardibas. Issuing a press statement, INSEC Mahottari objected to the incident.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Patkari Das, 45, of Baspatti VDC-8 was beaten and fed human excreta by Jagdev Das, 52, Laxman Das, 51, Rampari Das, 45, Basmatiya Devi, 17, and Devdhari Das, 32, of the same place on July 19, on charge of practicing witchcraft. The victim filed a case against the perpetrators on July 21, however they were not arrested and the case was still pending at the district court by the end of the year.

Domestic Violence

Shobha Devi Mahato, 25, of Bathnaha VDC -2 was beaten up and expelled from her home by her father-in-law, Prabhu Mahato, 50, mother-in-law, Jagataran Devi, 45, and sister-in-law, Mamata, 19, on June 1 on charge of being short. The victim filed a complaint at the DPO on June 3 but both the sides reached an agreement at the police office, after the perpetrators apologized for the incident and promised not to repeat such actions in the future.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Capture of Property

By CPN-M

18 Bighas and 2 Katthas of land at Loharpatti VDC, belonging to Raghubir Pandey, 55 and Ratneshwar Pandey, 53, of Suga Bhawani VDC -6 was captured by CPN-M cadres on November 21,

by erecting the party's flag on the land. Similarly, on the same day, the party declared to have captured 75 Bighas at Bhangaha VDC-5 and 50 Bighas of land at Harinmari VDC-6, belonging to Ramlalit Singh. However, police removed the erected flag on 22 November.

By AMLF

Newly emerged armed group, AMLF torched Bakharibhat Higher Secondary School in Ankar VDC-8 on December 12 damaging doors, windows, furniture and documents stored in the school since its inception in 2020 B.S.



2.3

Sarlahi



Population : 777,568

Literacy(%) : 45

Women Literacy(%) : 35

Area(Sq. Km.) : 1,259

Number of VDC(s)/Municipality(ies) : 99/1

Number of School(s) : 330/24

Campus(es)/Higher Secondary School(s) : 3/19

Hospital(s)/Health Post(s) : 1/103

Human Development Index : 0.408

Average Household Size : 7

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By Unidentified Group

Birendra Pasman, 22, of Netraganj VDC-2, was shot dead by an unidentified group near his house on February 23. The victim, who was shot in the chest and lower frontal ribs, died on the spot. The perpetrator had not been identified by the end of the year.

An 8th grade student of Marichman Secondary School in Bhakitipur VDC, Sushil Kumar Mahato, 16, of Chandranagar VDC-3, was shot dead by an unidentified group on April 15 in the Nadiban area of the same VDC. The victim, who was abducted on March 31, was found on the bank of a pond in the Nadiban area of the same VDC. The perpetrator had not been identified by the end of the year.

INJURED IN SHOOTING/EXPLOSION

By Abandoned Bomb

Bir Bahadur Chaudhari, 9, alias Ravi, Harjit Thapa, 10, alias Anuj and Munu Kumar Shah, 10 of Balara VDC-4 were injured in a bomb explosion while they were on their way to school. The bomb went off when student Ramsakhi Mohit Singh, of Janata Higher Secondary School, picked up the unidentified object found on the road and hurled it. Munu Kumar sustained injuries to his eyes and all over his body, while the others sustained minor injuries. The victims were treated at the district hospital and Narayani Sub-Regional Hospital Birgunj.

Kanchha Tamang, 20, of Narayankhola-7 was seriously injured when an abandoned bomb exploded while he was collecting grass and fodder on March 27. Both of the victims' hands were maimed in the explosion, and he also sustained injuries to different parts of his body. The victim was treated at Narayani Sub-Regional Hospital Birgunj.



Type of Events	By Non-State				By State			
	By Others				No. of Events	Male	Female	Total
	No. of Events	Male	Female	Total				
Killing	14	9	6	15				
Injured	12	17	1	18				
Arrest & Torture					1	1		1
Beatings	2	2		2	4	3	2	5
Women Rights	1		1	1				
Child Rights	3		3	3				
Inhuman Behaviour	2	1	1	2				
Abduction	23	29		29				
Total	57	58	12	70	5	4	2	6

By Unidentified Group

Sikandar Mahato, 30, of Naukelwa VDC-7 was shot and injured by an unidentified armed group on January 28. The armed group shot the victim after their efforts to abduct the victim were aborted. The victim was treated at Narayani Sub-Regional Hospital, Birgunj. The Perpetrators had not been identified by the end of the year.

JAIL AND DETAINEES

The "C" grade district jail that has the capacity to detain 100 inmates, has 138 inmates at the end of the year. There are 39 male and one female convicts and 92 male and 2 female detainees at the end of the year. Similarly, two convicted and two alien detainees are there. Jailor Anil Acharya maintains that the inmates are provided with facilities such as a radio, a television, newspapers, sewing machines, a telephone and a library among others.

DISAPPEARANCE/ABDUCTION

By Unidentified Group

Secretary of Matsari VDC, Gajendra Mishra, 40, of Velhi VDC-7, was abducted by an unidentified group, on March 14 from Velhi VDC-6, Jhimpul. The victim was abducted while he was on the way

to home on his motorbike. The victim was released from Sangrampur VDC on March 23 after paying Rs 700 thousand in ransom.

Madhav Koirala, 60, of Bhaktipur-8 was abducted from his home by an unidentified group on July 28. The victim was abducted while he was sleeping. The victim was released on August 1. The perpetrators had not been identified by the end of the year.

THREATS/BEATINGS

By State

Birendra Yadav, 35, of Malangawa-9, was beaten by the patrolling team of the APF, on March 27, when Yadav was on his way home by motorbike. He was beaten following a minor dispute. The Victim was treated at Narayani Sub-regional Hospital. Police agreed to cover the cost of the victim's treatment, and to take departmental action against the perpetrators.

Ramesh Lama, 25, of Ghurkauli VDC-8 was beaten by APF, on October 26, while he was playing football at Charlik village, on the charge of making noise. The victim was treated at the local Namuna Hospital.

By MJF

The accountant of the DEO Sarlahi, Shiva Chandra Kuswaha, 45, was beaten by cadres of the MJF, led by district Chairperson of the party Ashok Kumar Yadav, 42, of Salempur VDC-1 on September 26, on charge of being involved in irregularities in the DEO. Yadav's team stopped Kuswaha's vehicle, beat him up severely, and vandalized the vehicle. The victim filed a complaint against seven MJF cadres, including Ashok Yadav, at the DPO on October 2. Civil servant organizations formed a struggle committee and closed all government offices for four days, protesting against the incident and demanding action against the perpetrators. The agitating civil servants called off the strike following an agreement reached by both sides after perpetrators apologized for the incident.

RIGHT TO PROMPT AND FAIR TRIAL

Of the total 1452 civil cases, including the ones brought forward from last year, 994 were decided by the end of the year and 458 remained undecided in the district court. Among the 295 criminal cases, where the individual is plaintiff, 160 cases were decided and 135 cases remained undecided by the end of the year. Similarly, among the 123 criminal cases, 63 were decided and 60 remained to be settled. Among the total 1870 cases including civil cases, criminal cases, where the individual is plaintiff, and criminal cases, 653 cases remained undecided by the end of the year in the Sarlahi District Court.

CHILD RIGHTS

Rubi Shah, 9, of Sundarpur Chuhadwawa VDC-9, was strangled to death by Lalbabu Raut, 27 of Samanpur-2 in Rautahat on January 1. Police stated that Raut, who had been working at the

victim's home, killed the victim due to a disagreement with the proprietor. Police arrested the perpetrator and initiated an investigation regarding the case. The perpetrator was sent to jail and the trial of the case was ongoing by the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Bina Devi Mahato, 40, of Salempur VDC-4, was manhandled by villagers including local youths on September 1, on charge of not performing the final rites of her disappeared husband. The perpetrators forcibly shaved her hair, tore the blouse she was wearing, removed the beads from her neck and smashed her bangles. The Victim filed a case against three of the perpetrators and by the end of the year they had been punished.

Rape, Attempt to Rape, Inhuman Behaviour

One 7-year-old girl of Bela VDC-5 was raped by Upendra Shah, 20, of Babargang VDC-8 on January 21. Police arrested the perpetrator on January 23. The Victim was treated at District Hospital Malangwa. The perpetrator was remanded to jail.

Brijkishor Mishra and Rajendra Das of Kaudena VDC-4 attempted to rape a 32-year-old woman, of the same VDC. The perpetrators persuaded her to get on their motorbike telling her that they would take her to her house. Instead she was taken to a field. The villagers became aware of the problem when they heard the victim's yells. They defended the victim and the police rescued her. Police arrested the perpetrators on October 2 with the help of the locals. The perpetrators had been sent to jail by the end of the year.

Domestic Violence

Sarita Karki, 35 of Janakinagar

VDC-3 was killed by her husband Ram Bahadur Karki, 40, and his second wife Padmadevi Karki, 38, on March 22 at ward no. 1 of the same VDC. She was killed by hanging on a *sorea robusta* tree. Acting upon a complaint received by police, they arrested the perpetrators on March 24. Padma was released on April 20 following the order from the District Court and Ram Bahadur was sent to jail for the trial of the case at the end of the year.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Capture of Property

Cadres of the CPN-M captured 19 *Bighas* of land including a four-roomed public building at Bhaktipur VDC in the district. They captured one *Bigha* of land belonging to Laxmi Sharma of Bhaktipur VDC-8, one *Bigha* and 10 *Katthas* of land belonging to Madan Acharya of the same place, one and half *Bighas* from Santosh Gurung in the same VDC, 16 *Katthas* from Khadka Thing of ward no 2 of the same VDC, and 2 *Bighas* and 9 *Katthas* from Rupnarayan Singh of Ishworpur VDC-6. The party captured 2 *Bighas* and 2 *Katthas* belonging to Nanda Lal Mahato of the same place, 7 *Katthas* belonging to Biltuniya Devi of the same place, 17 *Katthas* from Laxmi Singh of ward no 2 of the same VDC, 10 *Katthas* from Urmila Chaudhari of the same place, 10 *Kattha* from Gagan Adhikari of ward no 3 of the same VDC, and 11 *Katthas* from Shyam Sundar Mahato of Babarganj VDC-1. Further lands captured by the party were 1 *Bigha* 11 *Katthas* belonging to Ramit Mahato of the same place, 16 *katthas* belonging to Ram Bilas Mahato of the same place, 15 *Katthas* from Ramchandra Mahato of the same place, and 7 *Katthas* from Sitaram Mahato of the same place.

2.4 Sindhuli



Population : 333,816

Literacy(%) : 55

Women Literacy(%) : 35

Area(Sq. Km.) : 2,491

Number of VDC(s)/Municipality(ies) : 53/1

Number of School(s) : 494/15

Campus(es)/Higher Secondary School(s) : 3/20

Hospital(s)/Health Post(s) : 1/55

Human Development Index : 0.469

Average Household Size : 7

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

Sindhuli District Jail detained three times more inmates than it can accommodate in 2009. The jail has the capacity to detain 25 inmates whereas 70 inmates are kept in the jail. There are 29 male and four female convicts and 35 male and two female detainees by the end of the year. Two dependent children are also staying in the jail. The jail building is in a dilapidated condition and has a cracked roof. Due to over crowding, the inmates have to sleep in the passage-ways, on the floor and in the bathrooms. Because of leaks in the building, inmates have to ensure they find suitable sleeping locations for themselves. The inmates complained that they have to queue to use the latrine and also stated that the jail

Type of Events	By Non-State							By State				
	By Others				By UCPN-M							
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Female	N/A	Total
Killing	6	5	1	6								
Beatings	9	9	3	12	1	1	1					
Right to Assembly								1	2	1	19	22
Racial Discrimination	2	5		5								
Women Rights	24		25	25								
Child Rights	10		14	14								
Abduction	1	1		1								
Total	52	20	43	63	1	1	1	1	2	1	19	22

lacks facilities such as sufficient water, sports equipment (except caromboard) and medical facilities.

DISAPPEARANCE/ABDUCTION

By YCL

Netra Bahadur Thapa, 48, of Amare area of Sitalpati VDC-5 was abducted from his house by six YCL cadres, led by Gyan Bahadur Bishwakarma on January 7. The victim was abducted while he was sleeping. He was freed that same day at the initiation of INSEC representative.

THREATS/BEATINGS

By Youth Force

District Committee Member of Nepal Tarun Dal, Pusparaj Karki, 26, of Bhimeshwor 5 was beaten by Area Chief of Youth Force, Sankar Lungeli, 25, of Ratanchura VDC-2 and his driver, Jayabahadur Bishwakarma, 22, of ward no 9 of the same VDC on August 28. He was beaten due to an issue with paying tax on concrete and sand. Following the incident the cadres of Tarun Dal halted vehicular movement in the district and also beat the driver, Bishwakarma. The issue was settled following an agreement between political parties.

By ANNISU-R

A student of Sindhuli Multiple

College and Secretary of ANNFSU Preliminary Committee, Dipesh Baral and District Treasurer of the same organization, Chiranjivi Dahal were beaten by the cadres of ANNISU-R Prakash Karki and Manoj Adhikari on June 9. District President of ANNFSU, Ramesh Ghimire, stated that Baral was beaten inside the college and Dahal was beaten while he was walking into the college. They were beaten due to an issue with the FSU Election, held on March 19. Protesting the incident, ANNFSU closed the educational institutions of the district for two days. Both sides reached an agreement after the perpetrator's side apologized for the action in a meeting of student unions and their mother parties.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom and Free and Impartial Election)

The election for FSU at Sindhuli multiple Campus of Kamalamai Municipality-9, scheduled for March 19, was postponed following a clash between cadres of ANNISU-R and the joint panel of ANNFSU and NSU over the issue of polling. Following the incident, the agitated students attacked and vandalized each others' offices including the office of Revolutionary Journalists' Association.



The Local Administration issued a curfew order following the incident, to bring the situation under control.

RIGHT TO PROMPT AND FAIR TRIAL

54 criminal cases were brought forward from last year and 22 new criminal cases were filed this year in the District court. Of the total 76 criminal cases, 2 were decided, while 74 remained undecided. 51 civil cases were brought forward from last year and 11 new civil cases were filed this year. Of the total 62 civil cases, 6 were decided and 56 remained undecided. Out of a total of 138 cases, including criminal and civil cases, 130 were undecided by the end of the year.

CHILD RIGHTS

An 11-year-old girl of Ladabhir VDC-9 was raped by her neighbour, Bhnaubhakta Dahal, 27, on February 17 after entering the girl's room while she was changing her clothes before going to school. The victim revealed that she didn't inform anyone about the incident at the time because the perpetrator was one of her relatives. The perpetrator was captured by villagers and handed over to the police. The District Court sent the victim to jail for trial on March 15.

Pabitra Waiba, 24, of Mahadevsthan VDC-5 killed her newly born infant on February 24. The body of the neonate was found near her house covered with stones and leaves. The locals had informed the police about the incident. Pabitra was remanded to jail on March 20 as per the order of the District Court.

Dil Kumari Paudel Chhetri attempted to traffick two teenagers, 17 and 18 years of age, of Belghari VDC-1, and two others of ward no. 5 of the same VDC and of the same age, into India. The perpetrator was arrested by police on October 28 from Sindhulimadi, while she was trying to take the girls to India by providing monetary support when issuing

their Citizenship Identity Cards and passports. Police said that the perpetrator was released on November 20 and the victims were handed back to their families on November 9.

A 9-year-old student at Raktamala Primary School in Jalakanya VDC-9 was abused by Jitendra Bhattarai, 42, of Karmaiya VDC-6 in Sarlahi on November 13. The perpetrator identified himself as the coordinator of Prayas Nepal. Headmaster of the school, Om Bahadur Karki, stated that the child was abused during the school blood testing program, when the perpetrator touched the victim's private parts. The perpetrator confessed his guilt to the villagers, who held him over night and then handed him over to the police in the evening. The perpetrator was freed from the DPO after paying Rs.12,000 on bail.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

A 70-year-old woman of Kamalamai Municipality-5 was raped by Ramesh Rana Magar, 33, of Ward No. 4 of the same Municipality on June 11. The victim was raped while she was cutting grass in a maize field. The perpetrator was still at large at the end of the year.

Domestic Violence

Dil Kumari Bholan, 35, of Kapilbrikshya VDC-1 was killed by her husband, Man Bahadur Bholan, 61, on June 8, on charge of giving birth only to daughters and killed himself shortly after. The perpetrator had married the victim as his third wife, after the first two wives also failed to give birth to sons. According to police, the perpetrator had 11 daughters from the earlier wives.

Accusation of Being Witch

China Karki, 50, of Bhubaneshwari VDC-2 was ill-treated by Pratap Karki, 21,

Deepak Thapa, 35, Santosnh Thapa, Bulbul Karki, among others of the same VDC on February 16, on charge of practicing witchcraft. The victim was ill-treated after a witch doctor uttered the victim's name while treating Pratap's daughter Kalpana Thapa. The perpetrators threatened to kill the victim by throwing her into the Sunkoshi River, if she didn't revoke the spell. The victim filed a complaint at the DAO and it was forwarded to the DPO. According to the DSP, Mukesh Kumar Sigha, an agreement was reached between both sides in the DPO on April 5, after the perpetrators apologized for the incident and paid Rs 10,000 as punishment.



2.5 Ramechhap



Population : 234,046

Literacy(%) : 55

Women Literacy(%) : 30

Area(Sq. Km.) : 1,546

Number of VDC(s)/Municipality(ies) : 55/0

Number of School(s) : 412/5

Campus(es)/Higher Secondary School(s) : 2/15

Hospital(s)/Health Post(s) : 3/53

Human Development Index : 0.434

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING/FIRING

By Others

Sriman Majhi, 75, of Chisapani VDC-8 was killed by Saroj Majhi, 13, of the same place on June 28 at the victim's cattle-shed. The boy had attacked Sriman with a khukuri after the latter accused Saroj of stealing his money. Sriman died on the spot. The boy was detained in Ramechhap jail at the end of the year.

JAIL AND DETAINEES

Ramechhap District Jail, which has the capacity of keeping 50 inmates, has 49 inmates at the end of the year. There are 34 male and five female convicts and 10 male are on trial. The new jail building is under construction.

Guard, Krishna Bahadur Rana Magar, and leader, Gopal Hayu, were injured in a beating by inmates on May 23. The incident occurred when the inmates, claiming irregularities by Magar and Hayu, attacked them. Both were taken to the District Hospital for treatment and were taken to Kathmandu the next day.

DISAPPEARANCE/ABDUCTION

By UCPN-M

Engineer Mahesh Chandra Neupane, 46, and Sub-engineer Shivaram Dev, 32, of Ramechhap were held by the UCPN-M on charge of accepting a bribe on January 7. They were held at the UCPN-M office and handed over to the DAO. UCPN-M said they caught Dev red-handed as he was accepting Rs 40,000 from local Prahlad Khatri for approving bills from the construction of the road in Gelu VDC and that Neupane had supported Dev. DAO sent their case to the CIAA.

Type of Events	By Non-State								By State		
	By Others				By UCPN-M						
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	9	6	3	9							
Arrest & Torture									2	2	2
Beatings	6	19		19	3	5		5	2	5	5
Threats					11	17	1	18			
Right to Assembly	1	1		1	6	17	2	19	2	4	4
Women Rights	12		12	12							
Inhuman Behaviour					1	2		2			
Abduction					2	2		2			
Total	28	26	15	41	23	43	3	46	6	11	11

THREATS/BEATINGS

By State

Lalit Poudel, 25, UCPN-M cadre and Manthali Campus FSU vice-president was injured in a police baton charge on June 21. He received head injuries, when the UCPN-M cadres were trying to lock the District Education Office, as per the party's plan of stopping all the government work on that day. Poudel was treated at Tamakosi Sahakari Hospital.

By UCPN-M

NC Ramechhap treasurer, Krishna Bahadur Mahat, was taken to UCPN-M office and threatened by the party cadres on May 4. Mahat was abducted from Manthali VDC-4, where he was overseeing the construction of his house. A group of about eight UCPN-M asked him to go to their office, saying that district joint in charge of the party, Rajan Dahal, had requested him to come. When Mahat declined, YCL activists threatened to beat him, forcing him to relent. He was threatened by Dahal along with others, for allegedly warning army mobilization against them. Mahat reported that Dahal had threatened to beat him unless he left Manthali.

By CPN-UML

UCPN-M cadres Ganga Shrestha, 36, and Durga Shrestha, 37 were injured in clash in Khimti VDC-8 with UML cadres on September 25 after a dispute over the choice of chief guest in a cultural programme. Among the injured, Ganga sustained head injuries. They claimed that Youth Force activists were behind the attack.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom and Free and Impartial Election)

By UCPN-M

UCPN-M issued a statement signed by district co-in-charge, Rajan Dahal, on May 5, announcing public action against UML and NC. The statement accused the Ram Baran Yadav and NC being an agent for India and CPN-UML of being their supporter. It warned that further action would be taken with the area and village level leaders. In the statement, the Maoists said they were giving a chance to the political workers of UML and NC to make a public apology or face action. UCPN-M had urged its party committee, YCL, professional organizations and fronts to adhere to that policy.

UCPN-M interfered in the rally held by UML on March 28 in Manthali. The rally was being held to protest the killing of Youth Force cadre, Prachanda Thaiba, in Butwal by UCPN-M. A team, led by district in charge, Rajan Dahal, wielding iron rods stopped them from moving forward. Dahal threatened to use the rods if the rally moved forward. The police snatched the rods. UML held a corner meeting at the same place and condemned the Maoist act.

UCPN-M cadres rolled boulders over vehicles, including of the vehicle UML general secretary, Ishwar Pokharel, on May 17. Pokharel was heading for the Dolakha headquarters after attending the UML district level assembly. A boulder hit a vehicle boarded by Politburo member Pashupati Chaulagain. One of the personal secretaries in the convoy inspector, Rajan Adhikari, said the UCPN-M fled after the policemen fired in the air. UCPN-M suspended Dahal but he was reinstated a few days later.

RIGHT TO PROMPT AND FAIR TRIAL **District Court**

There were 178 cases including 94 brought forward from last year in the district court. Among the new cases, 45 were criminal and 32 were civil. This year, 32 criminal and 25 civil cases were decided. At the end of the year, 121 cases were pending.

The District court decided a case on polygamy on the day of registration. The court sent the accused to jail on the day the case was filed. Both were serving their sentences at the end of the year.

TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT **By State**

Gopilal Lama, 48, of Phulasi VDC-6 was beaten by police at the Pulasi

Police Station on April 4. Gopilal had filed a complaint at the station against his elder brother Rahar Singh, after his brother damaged his fence on April 3. Police, led by the head constable, took him to the police station on April 4, accusing him of complaining in an inebriated state. Gopi said the policemen beat him with a baton, pipe and also kicked him. When the police asked him to sign a paper settling the dispute with his brother, the locals opposed it, saying they could not force him to sign the agreement. He sustained injuries to the back and abdomen, for which he got treatment at Tamakoshi Community Hospital. He did not file a complaint for the second time, fearing more police beating.

CHILD RIGHTS

Ramesh Rana Magar, 12, and Sube Basel of Salu VDC were beaten by the police on March 23 on charge of being thieves. Magar's father said that they were accused of stealing from local Krishnahari's shop on March 10. He added that the boys were handcuffed and taken to the Police Station in Ramechhap and were beaten by polythene pipes, before being released a day later. Police released them after making Magar's father sign a letter promising to pay Rs 15,000. DSP Kedar Dhakal refused the charge of beating and added that the police had saved the boys from angry villagers.

ALL KINDS OF DISCRIMINATION **AGAINST WOMEN**

Rape, Attempt to Rape, Inhuman Behaviour

Lubhu Police Station Rakathum's police constable, Sri Prasad Kharel, mistreated a 25-year-old woman of Mechchhe VDC in Kavre district on May 19. Kharel had tried to hold her at her hotel. The locals vandalised the police station that day, protesting against the policeman's



behaviour. They returned only after the police promised to take action against Kharel. The police said that action was taken against Kharel but did not disclose the details.

Domestic Violence

Bimala Bohora, 22, of Gelu VDC-8 was thrown out of her house on June 23 by her husband Prem Bahadur for giving birth to a daughter. Bohora, who already had a girl, had given birth nine days before the incident. She went to her mother's house in Chinde of Phulasi VDC with her daughter. She was still at her mother's house at the end of the year.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

By State

Thirty-one dalit families of Bhirpani VDC did not get the allowance declared by the government through VDC for fiscal year 2009/10. The VDC said it had set aside Rs 50,000 for the families. Fifteen families got Rs 1,000, out of the allocated Rs 1,420, but others did not get any. Bhirpani VDC secretary, Kul Bikram Shrestha, said he had already given the money to a local network called Dalit Mukti Samaj but this organisation had not distributed the money.

By UCPN-M

Rinji Sherpa of VDC-3 filed an application at the DAO on January 6, asking for the return of his seized property. His land was captured by the UCPN-M during the insurgency. The administration did not take action against the party.

2.6 Dolakha



Population : 232,797

Literacy(%) : 60

Women Literacy(%) : 40

Area(Sq. Km.) : 2,191

Number of VDC(s)/Municipality(ies) : 51/1

Number of School(s) : 393/12

Campus(es)/Higher Secondary School(s) : 3/24

Hospital(s)/Health Post(s) : 1/54

Human Development Index : 0.450

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS JAIL AND DETAINEES

The jail has the capacity to accommodate 35 inmates. At the end of the year there are 31 inmates. Among them, 15 are male convicted and 20 female and 14 are on trial. Among the inmates on trial, 13 are male and one is female. The jail has the drinking water facilities, electricity, regular health check-ups, and access to newspapers, radio, television and sports equipment such as ludo, carom board and chess.

THREATS/BEATINGS

By State

Bharat Basnet, 47, of Kabre VDC-1 was injured after being shot by a police patrol team from Area Police Office on Phagun 9. Basnet had set his own house

Type of Events	By Non-State								By State		
	By Others				By UCPN-M						
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	3	2	1	3							
Injured	2	2		2					1	1	1
Beatings	5	9		9	2	2	1	3			
Women Rights	4		4	4							
Abduction					1	1		1			
Total	14	13	5	18	3	3	1	4	1	1	1

on fire after forcing the family members out of the house, the previous day. Police said that they had to shoot at him below the knee, as he tried to attack them, when they arrived at the location, after receiving information that Basnet was roaming in the village wielding a khukuri. The family members claimed that the policemen had the chance to overpower him, without firing the shot. Basnet was treated at the Army Hospital, Chhauni in Kathmandu.

By UCPN-M

Krishna Prasad Phunyal, 43, of Chyama VDC-1 and his wife Chandra Maya, 39, were beaten up by UCPN-M cadres in their house on Chaita 1. The UCPN-M involved in the incident were Shantosh Phunyal, 55, the UCPN-M district secretariat member, Karna Bahadur Phunyal, 24, Chhatra Bahadur Phunyal, 55, Khadga Bahadur Phunyal, 44 of Chyama VDC-1, Santosh Phunyal, of Chyama VDC-2, Netra Baahdur KC alias Santhosh, 29, Roshan Sharma and Raju Sharma of Hawa VDC.

The NC district committee issued a press statement demanding action be taken against the perpetrators, while UCPN-M countered the allegation with another statement saying that the NC was trying to sabotage the image of the party secretariat member. A case under a public offence was filed. Raju Sharma was

released on bail, after paying Rs 2,000, while the others had to pay Rs 1,000.

RIGHT TO FAIR AND PROMPT TRIAL

There were 59 criminal cases brought forward from last year, where the individual is plaintiff. Among them, 18 cases were decided. In addition, out of 26 new cases, where individual is plaintiff, only five were decided this year. Likewise, out of 25 criminal cases brought forward from last year, five were decided. None of the 13 similar cases, registered this year, were decided by the end of the year.

Out of 111 civil cases brought forward from last year, 35 were decided this year. Similarly, out of 80 new cases registered this year, only nine were decided. At the end of year, a total of 242 cases remained undecided. However there are no cases older than five years.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

An 18-year-old speech-impaired woman of Bhimeshwar Municipality-13 was raped by Ram Chandra Khati, 19, Bishnu Baral, 27, Umesh Baral, 22 and Devraj Baral, 32 of ward number 10 of the same Municipality on Asar 18, when nobody was at her home. The perpetrators also stole her jewellery. They were remanded in custody at the end of the year.



2.7 Rautahut



Population : 677,261

Literacy(%) : 40

Women Literacy(%) : 25

Area(Sq. Km.) : 1,126

Number of VDC(s)/Municipality(ies) : 96/1

Number of School(s) : 383/20

Campus(es)/Higher Secondary School(s) : 3/20

Hospital(s)/Health Post(s) : 1/97

Human Development Index : 0.409

Average Household Size : 7

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By Tarai Army

Jaya Narayan Mahato, 30, of Karkach Karmaiya VDC-4 died on the spot when cadres of the TA detonated a time bomb at Kachahari Bazaar on January 25. Hari Raya Yadav, 52, of Katahariya VDC-1, who was seriously injured, died while undergoing treatment at Narayani Sub-regional Hospital on January 26. Islabul Khatun, 32, and Sukali Khatun of Katahariya VDC-3 were injured also in the incident. They were taken to Narayani Sub-Regional Hospital in Birgunj for treatment. The TA military commander, Shansah claimed responsibility for the incident over the phone.

By Others

Arjun Prasad Dhimal, 55, of Bhasedawa VDC-6 was shot dead by an unidentified group on the morning of April 11. A group of about five persons shot him in his house. Bal Bahadur Dhimal, 60, and Krishna Prasad Dhimal, 21 were injured in the incident. They were treated at Narayani Sub-regional Hospital, but were taken to Kathmandu for further treatment.

Laxman Ray Yadav, 42, alias Himat of Ramauli Bairiya VDC-6 and YCL central committee member was shot dead by an unidentified group on July 25. He was killed at the bank of the Chandi River, as he was heading home from Balerikhor of Bishrampur VDC-8 in his motorcycle, with the number plate Ba 6 Pa 6416. Nobody was arrested for the killing by the end of the year.

Makal Ray Yadav, 35, of Sarmajhuwa VDC-8 was beaten in custody by Indian policemen of Jamuniya Base Camp in Motihari District of India on October 3. Yadav was released on the day of the incident. Yadav died the next day as a result of the beating. Rautahat CDO and Motihari DSP met with Motihari DM demanding action against the accused. The family said no action had been taken against them nor did the family get any compensation by the end of the year.

INJURED IN SHOOTING/EXPLOSION

By Tarai Army

Jagarnath Yadav of Hathiyahi VDC-2, Dibyalal Sah of Gedahi Guthi VDC-2, Jitendra Prasad Yadav of Malahi VDC-2, Jaylal Sahani of Malahi VDC-6, Birendra Yadav of Bhalohiya VDC-6 and Rajesh Sah, 12, of Gangapipra VDC-7 were injured in an explosion on the evening of March 28. The incident occurred at an eatery owned by Rambabu Sah at Garuda Bazaar. The injured received treatment at Gaur Hospital. Tarai Army and JTMM-J

Type of Events	By Non-State							By State			
	By Others				By UCPN-M						
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Female	Total
Killing	16	12	6	18							
Injured	6	19	6	25	1	13	13	1	5		5
Beatings	3	5		5				1	4	5	9
Threats	3	3		3							
Right to Assembly								4	25	2	27
Racial Discrimination	1	1	1	2							
Women Rights	8		10	10							
Child Rights	5		5	5							
Economic, Social and Cultural Rights	1	1		1							
Abduction	4	4		4							
Total	47	45	28	73	1	13	13	6	34	7	41

claimed responsibility for the incident in two separate statements.

By Others

Bijay Kumar Lal Dutt, 42, of Rajpur Pharahadawa VDC-4 and forest ranger at the District Forest Office was injured after being shot on July 23. He was shot by an unidentified group in a jungle under Dhansar Range Post in Kanakpur VDC. He sustained injuries to the thigh and back. Dutt got medical treatment at Narayani Sub-regional Hospital, Birgunj.

JAIL AND DETAINEES

The "C" grade Gaur Prison has 102 inmates including two dependants at the end of the year even though its capacity is only 75. Among the inmates, 38 male are convicted, while three female and 59 male inmates are on trial. There are separate buildings for male and female inmates. There are four toilets for male inmates and three for female inmates. The inmates have access to drinking water facilities, six television, table tennis board and library. Priyanka Kumari Mahato, 2,

and Bibek Mahato, 5, were living with their mother, Krishna Devi Mahato, since November 2. Bibek was taken in by the Prisoners Assistance-Nepal, Naya Bazaar in Kathmandu for studies on January 13, 2010. Krishna Devi gave birth to another son, after Bibek left. Jailor Azar Alam said the jail authority was providing rations and clothes for the children, after the order from the district court.

DISAPPEARANCE/ABDUCTION

By Unidentified Group

Jot Narayan Jha, 51, of Karkachkarmaiya VDC-3 and teacher at Patharabudhram Secondary School was abducted on the night of August 31 as he was heading home from school. He was released from an undisclosed location on September 3. Jha did not divulge the identity of his abductor nor the conditions for the release. The perpetrators were not identified by the end of the year.

Ram Sharan Pandit, 40, of Jatahara VDC-7 was abducted by an unidentified gang on December 22. His whereabouts was not identified by the end of the year.

THREATS/BEATINGS

Ram Binay Sah, Anant Chaudhary, Mukesh Guro, Gyani Guro, Bihari Kunwar, Laxmi Thakur, Thaga Thakur, Girija Devi Kunwar, Devrani Kunwar, Devaki Chaudhary among nearly 20 persons of Chandranighapur VDC-5 were injured in a police beating on the morning of May 2. The police had attacked the pedestrians, all of a sudden, on the day of bandh called by TJSC. The police also threw teargas shells, targeting houses at Rajapaida of the same VDC. Anjali Kumari, Anju Chaudhary and Anu Chadhaury were injured because of the tear gas shells being thrown in the house of Ram Dayal Chaudhary. The persons who were injured due to beating and teargas received treatment at the primary health centre in Chandranighapur. Police ill treated Kantipur reporter, Shiva Puri, Nepal Samacharpatra's, Sanjay Karki and Tarai Express Weekly's, Ashok Pahadi and stopped them from taking pictures. FNJ, Press Chautari Nepal and Nepal Press Union issued separate statements criticizing police action against the journalists.

By YCL

Deepak Regmi, 30, the UML district committee member and Bhupendra Khadka, 42, the UML cadre of Chandranighapur VDC-6 were beaten up by YCL cadres at Deurali Chok on June 2. They filed a complaint at the APO, Chandranighapur but no action was taken against the YCL cadres.

By Tarai Army

Prem Chandra Jha, 38, of Hathiyahi VDC-1 and FNJ Rautahat chairperson received a life threat from Bishal, who identified himself as Tarai Army's central committee member, on December 20. Jha said he was asked to issue correction for news that was aired on Rautahat FM,

which claimed that the inspector Mukti Narayan Chaudhary of the APO, Garuda had released illegal logs after taking a bribe from loggers. FNJ, Press Chautari Nepal, Nepal Press Union issued separate statements protesting against the threat. Police expressed a commitment to take action against the perpetrators, however there was no action taken against anyone in this regard.

By Others

Dharampur VDC secretary, Shankar Sah, was beaten by the cadres of UCPN-M, MJF and TMDP at the house of LOC on June 10. He was beaten for not holding the annual council meet, to decide on development projects for the current fiscal year, despite their demand for such, at the DDC. Rambinayray Yadav, Kaji Paswan of Dharampur VDC-1, Siyaramray Yadav, Ramakantray Yadav, Auran Ansari, Sureshray Yadav and Bijayray Yadav of ward number 3 of the same VDC were taken into custody by police on charge of being involved in the incident. A case of public offence was filed. All were released on bail.

ARBITRARY ARREST

Gyanendraray Yadav, 38, Pipariya Dostiya VDC-8 and cadre of SJTMM-Pawan and Rajendraray Yadav of Karkachkarmaia VDC-6 were arrested by police without any warrant on the night of January 24. Those who were arrested were released without any conditions, two days later. DPO Rautahat's SP, Ghanananda Bhatta, said they were released as their group was holding dialogue with the government.

RIGHT TO FAIR AND PROMPT TRIAL

A total of 1,094 civil cases were brought forward from last year. Among them, 353 were decided while 741

remained pending. This year, 384 cases were registered, out of which 79 were decided and 305 remained pending.

257 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. Out of these, 84 were decided this year and 173 cases remained undecided. In addition, 128 new criminal cases, where the individual is plaintiff, were filed this year. Among them, 19 were decided this year and 109 remained pending. Likewise, out of 71 criminal cases were brought forward from last year, 21 were decided and 50 remained undecided by the end of the year. Out of 33 new criminal cases, two were decided this year. The district court stated that it had 12 cases which are older than two years.

CHILD RIGHTS

Suraj Ale, 14, Tale Majhi, 11, Saurav Rana, 12, and Bishnu Rai, 13, of Thada in Chandranigahapur VDC-1 were tied to a pole for a whole day on December 14 on charge of stealing from a shop of a neighbor, without providing any food. The boys were released on the condition of not being involved in such cases in the future.

A 15-year-old girl of Dharampur VDC-9 was gang raped by Krishna Nandan Ray, 29, Bijay Ray Yadav, 30, Rambir Ray Yadav, 28 and Ramananda Ray Yadav, 27, of the same place on November 30. The girl said the perpetrators entered her house during the night when she was alone. She filed an FIR at APO, Garuda on December 1. The perpetrators had absconded by the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rajwati Devi Yadav, 65, Dipiya Devi Yadav, 41, and Manchun Devi Yadav,

25 of Pipariya (Do) VDC-1 were beaten up and fed human excreta on September 14. Khaheru Yadav, Brahma Narayan Yadav, 22, Maheru Ray Yadav, Bishwanath Raut Kurmi, Hari Chand Sah Kanu, Jay Lal Raut, Khaheru Ray Yadav, Ram Ekbal Raut, Jagannath Raut and Kamal Raut Kurmi of the same place carried out the assault on the women. Among them, Bishwanath Raut Kurmi and Brahma Narayan Ray Yadav were arrested on September 25. They were released by the district court on Rs 1,00,000 bail. Others were still at large by the end of the year.

Rape, Attempt to Rape, Inhuman Behaviour

Jasmati Devi Nuniya, 25, of Bairiya VDC-8 was raped by Shekh Butan, 30, of the same place on October 31. Nuniya said Butan raped her after tying her mouth and hands. She filed a case of rape at the DPO on November 9. The perpetrator was still at large by the end of the year.

Domestic Violence

Shraddha Mahato Koiri, 30, of Bhasedawa VDC-6 was beaten to death by her husband Hareram on January 9. The body was found a kilometer away from her house. Post mortem of the body was conducted at Gaur Hospital. A murder case was filed at the DPO against Hareram on January 11. The accused was still at large by the end of the year.

Women Trafficking

Ambari Khatun, 19, of Akolawa VDC-3 was sold in India on September 2, after being promised a marriage, by Hanif Osta Hajam, Ram Ekbal Raut Barai, Gonur Raut. A case of human trafficking was filed against them on October 12. Among the perpetrators, Hanif Osta Hajam, was arrested on December 14 and was sent to jail on remand on December 29.

Polygamy

Sekh Nepali of Hathiya VDC-6 got married to Chanda Khatun of the same place on May 6. His first wife Samina, filed a case against him and his second wife at DPO, Rautahat on June 25. They were released after a deposit of Rs 40,000 on July 7 at the court's order.

ALL KINDS OF RACIAL DISCRIMINATION

Sikindar Prasad Sah, 21 and Anju Kumari Mahara (Sah), 21, of Dipahi VDC-5 were stopped from entering their home by the family of Sikindar on June 22. The family was not happy with the marriage saying, the girl was from a low caste. Both victims were living in Chandranigahpur, after the family expelled them.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property By TJSC

Cadres of Tharuhat Joint Struggle Committee torched four vehicles on May 2 on charge of defying the bandh. A jeep (Na 1 Ja 2105) heading for Kathmandu from Lalbandi, a truck (Na 2 Kha 5567), a truck which number could not be identified, and an Indian jeep, which number could also not be identified, were damaged.



2.8

Bara



Population : 706,098

Literacy(%) : 55

Women Literacy(%) : 35

Area(Sq. Km.) : 1,190

Number of VDC(s)/Municipality(ies) : 89/1

Number of School(s) : 383/68

Campus(es)/Higher Secondary School(s) : 2/20

Hospital(s)/Health Post(s) : 1/98

Human Development Index : 0.309

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By State

Raj Bahadur Lama, 42, of Simara VDC-5 and working at Nepal Bottlers Limited Simara was shot dead by police at Bajani of the same VDC on April 20. He was shot at by the police during a scuffle with the locals, angry at the death of a boy at Bajani of Simara when he was hit by a tripper, began torching trippers and even fire brigade.

By JTMM-J

Bhawanath Pudasaini, 42, of Suping Tole in Bhimphedi vDC-7 of Makawanpur district and working as guard at Basudev Metal Factory at Bhulahibharwaliya

Type of Events	By Non-State							By State		
	By Others				By UCPN-M					
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Total
Killing	14	12	3	15				1	1	1
Injured	7	11	1	12						
Beatings	1	1		1						
Right to Assembly								1	2	2
Women Rights	1		1	1						
Economic, Social and Cultural Rights					1	2	2			
Abduction	5	5		5						
Total	28	29	5	34	1	2	2	2	3	3

of Banjariya VDC-8 was shot dead by JTMM-J on January 9. He was abducted from the factory and taken to the banks of Dhudhaura River before being shot. Police arrested Pramod Kushwaha of Banjariya VDC-7 on charge of being involved in the killing. He is in Birgunj jail on remand at the court order.

By JMMT

Pradip Timalisina, 44, of Kalaiya Municipality-10 and teacher of Nera Secondary Pheta was shot dead at Jagatipur of Pheta VDC on April 30 by the cadres of JMMT. He was shot in the temple. The family conducted his final rites at the Pusaha River after an agreement between the administration and Teachers' Union.

By JTMM-Prithvi

Menaka Kumari Sah, 19, of Bhulahi Bharwaliya VDC-3 and teacher at Nera Primary School Tribeni was shot dead by JTMM-Prithvi on May 27 by the cadres of JTMM-Prithvi after abducting her from her home. She was shot dead at the banks of Tribeni River of Itihayi VDC. Her body was found the next morning. The family conducted her final rites in the village after post mortem. Police arrested the

deceased's father and JTMM-Prithvi cadre Ramesh Prasad Yadav of Parsauni VDC-9 on charge of being involved in the killing. Both were at Birgunj prison on remand at the order of the court.

By TMM

Riddhi Bahadur Khadka, 43, of Asamtole of Sihorwa VDC-5 was shot injured by the cadres of TMM at his own house on March 24. He succumbed to his injuries same night while being treated at Narayani Sub-Regional Hospital, Birgunj.

By Others

Rahamalluh Ansari alias Tabarej Bhai alias Munna, 36, of Banjariya VDC-9 and Bara coordinator of JTMM was shot dead by unidentified group on January 22. He was shot in the temple near Spring Dam of South Jhitkaiya VDC-5. Police arrested Shivnath Sah, 32, of Motihari of Eastern Chaparan of Indian State of UP on charge of the killing. He was sent to Birgunj prison on remand on court order.

INJURED IN SHOOTING/EXPLOSION

By Explosion

Kailash Mukhiya Bin, 22, and his brother Arun Mukhiya Bin, 16, of Benauliya in Pheta VDC-9 were killed in



explosion on September 29 night. The bombs they were carrying went off during a discussion between them. Rambha Devi Mukhiya Bin, 50, Lal Babu Mukhiya Bin, 14, Shivrath Mukhiya Bin of the same place and Chhotelal Mukhiya, 35, of Parsa district were injured in the incident. They were treated at Narayani Sub-regional Hospital and Kalaiya District Hospital.

By JTMM-J

Kayam Ansari, 28, of Surahi in Banjariya VDC-9 was attacked by the cadres of JTMM-J in Batara VDC on January 31 on charge of being informer in the death of its in-charge Tabarej Bhai. He sustained injuries in neck, head and other parts of the body. Ansari received initial treatment at Narayani Sub-regional Hospital, Birgunj and after that in Kathmandu.

By Others

Shukre Praja, 14, of Newarpani VDC-2 in Makawanpur and currently working at a shop in Kalaiya was injured in a bomb explosion at Bazaar Road in Kalaiya Municipality-6 on April 2. The bomb was detonated by unidentified persons. Praja was treated at Kalaiya District Hospital. The perpetrators were not identified till the end of the year.

CLASH

Birendra Sah of Jitpur Bazaar, Sohan Chaudhary of Chhatauli VDC of Parsa district and Pramod Nepal, in charge of Jitpur Police Station was injured in clash between the police and cadres of Tharuhat Struggle Committee on March 13. The injured were treated at local pharmacy.

DISAPPEARANCE/ABDUCTION

By JTMM-J

Yam Bahadur Phunyal, a security guard at Nabin Polybhar Factory in

Lipanimal VDC-9 was abducted by the JTMM-J cadres on April 25. The motive of the abduction could not be known. He came into the contact of the office on April 26 after being released from dry port at Sirsiya of Parsa district.

By Others

Mukhesh Chaudhary, 7, of Maheshpur VDC-7 and nursery student of Sunny Academy Kalaiya was abducted by unidentified group on February 14 as he was heading home from school. The motive of the abduction could not be known. The boy was released on February 23. The perpetrators were not identified till the end of the year.

RIGHT TO PROMPT AND FAIR TRIAL

There were 150 civil cases where the individual is plaintiff that were brought forward from last year and registered this year in the district court. Similarly, there were 184 criminal cases where the individual is plaintiff that were brought forward from last year and registered this year. Likewise, 90 criminal cases brought forward and registered this year were there in the district court.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Sunaina Devi, 32, of Bachhanpurwa VDC-6 was badly beaten by her husband Bharat Chaudhary on April 20 over a domestic dispute. Bharat beat her with hot iron rod. Sunaina Devi was treated at Narayan Sub-regional Hospital in Birgunj. Bharat was arrested and later released by Area Police Office, Kolhavi on date in the presence of the villagers on April 22.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Land plots belonging to Awadesh

Sah and Upendra Sah along with their family members of Gadhawa were captured by the pro-UCPN-M Peasants and Landless Struggle Committee. The land plots were located in the area of Gadhal, Narahi, Sukhi and Pathara among others. The committee began distributing the land to the landless people from June 9.



2.9

Parsa



Population : 624,501

Literacy(%) : 45

Women Literacy(%) : 30

Area(Sq. Km.) : 1,353

Number of VDC(s)/Municipality(ies) : 82/1

Number of School(s) : 331/16

Campus(es)/Higher Secondary School(s) : 5/8

Hospital(s)/Health Post(s) : 2/38

Human Development Index : 0.448

Average Household Size : 7

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING/FIRING

By State

Bhola Sribastav, 32, and Mohan Sribastav, 22 of Raxaul of India were shot

dead by police at Reshamkoshi of Birgunj Municipality-6 on March 25. Mohan died on the spot, whereas Bhola died during treatment at Bharatpur of Chitwan. Both victims received bullet wounds to the head and chest. SP Subodh Ghimire said that the police shot them as they had received information that they were detonating bombs at various locations. Police inspector KP Sharma further revealed that the police fired at them as soon as they detonated two sutali bombs at the gate of Birgunj Municipality-6. Locals of Raxaul burned a police vehicle, with the number plate Ba 1 Jha 7141, when the locals staged an agitation in protest of the killing. During the agitation, six policemen were beaten, including sub-inspector Narayan Dhungana. The families performed the final rites after claiming the bodies on March 29.

Mojahir Ansari, 55, of Inarwa in Birgunj Sub-metropolis was beaten to death by APF team on October 29. Locals accused the APF of killing him while he had gone to the field to check the water canal. Locals of Inarwa demonstrated in the custom office area on October 30 to protest against the incident. They also demanded action to be taken against the perpetrators and compensation to be given to the deceased's family. The tension subsided after the police promised locals to recommend the Home Ministry to pay the compensation. His funeral was performed in Inarwa after the post mortem at Narayani Sub-regional Hospital. The family of the deceased had not yet received any compensation by the end of the year.

By Others

Binod Agrawal, 50, of Birgunj Sub-metropolis and local business was shot dead by an unidentified group on October 11. He was sleeping outside his readymade clothes shop located between Maisthan



Type of Events	By Non-State				By State		
	By Others				No. of Events	Male	Total
	No. of Events	Male	Female	Total			
Killing	9	7	3	10	4	6	6
Injured	13	32	10	42	1	1	1
Beatings	1	7		7			
Women Rights	1		1	1			
Inhuman Behaviour	1	1		1			
Abduction	5	4	1	5			
Total	30	51	15	66	5	7	7

Chok and Ghantaghar of Birgunj Sub-metropolis. He was found dead the next morning. The police were still searching for his killers at the end of this year.

INJURED IN SHOOTING/EXPLOSION

By MMT

Bijay Kumar Chaurasiya, 28, of Birgunj Sub-metropolis-13 was injured in a sutali bomb explosion on April 7. A proprietor of Pashupani Pipe Factory at Nagawa of Birgunj sub-metropolis-19, Chaurasiya was injured when the bomb placed at the entrance of the factory went off. Shrapnel hit his abdomen and leg. He got treatment at Narayani Sub-regional Hospital. The MMT Parsa in charge, Bhagat Singh, claimed, over the phone, that they had carried out the explosion to protest against a government conspiracy, in an attempt to hold dialogue with the government.

By JTMM-J

Chandrabhushan Sribastav, 33 and his wife Sangita, 28, of Birgunj Sub-metropolis-19 were injured in a sutali bomb explosion at Mithilanagar of the same ward on April 7. They sustained injuries to the hands, legs and abdomen due to shrapnel. They received treatment at Narayani Sub-Regional Hospital. JTMM-J city in charge, Gaurav, contacted

the media over the phone claiming responsibility for the explosion.

By Others

Gyanendra Mishra, 26, of Birgunj Sub-metropolis and Gadhimai FM programme coordinator and FNJ Parsa's member was injured after being shot near Narayani Stadium on February 20. The bullet hit his left arm which he

received treatment for at Narayani Sub-regional Hospital. FNJ's district chairperson, Shatrudhan Nepal, Mechi Mahakali Media Society Parsa chairperson, Sriram Raymajhi, issued two separate statements the day of the incident, condemning the attack. The attackers had not been identified by the end of the year.

Dasain Mahato, 40, his wife Dukhani Devi, 30, Phulena Mahato, 42, Ramchandra Mahato, 40 and Motwani Khatun, 60, of Lipanibirta VDC-5 were injured when they handled an unattended tiffin bomb on November 5. They found the bomb in the field in the same VDC where they had gone to harvest paddy. Shrapnel hit their hands, legs, chest, abdomen and face. They were transferred to TU Teaching Hospital after initial treatment at Narayani Sub-regional Hospital. Dashain died as a result of his injuries on November 7.

Nabaraj Pudasaini, 38, of Hetaunda Municipality-7 of Makawanpur, a security guard at Jyoti Firm at Parwanipur VDC-4 was abducted on May 23 by three JTMM-J cadres. The victim was a member of Maoists affiliated All Nepal Securities Workers Association Parsa. A cadre named Bhaju Patel called security guard in-charge demanding Rs 1 million and jobs for 10 persons. Pudasaini was released from Sirsiya Dry Port at 10 pm on May 24.

The conditions for his release were not known.

JAIL AND DETAINEES

The "A" grade district prison has the capacity of 1500. At the end of the year, there are 855 convicts, detainees and dependants. There are two boys and five girls living as dependents. 435 male and 23 female inmates are convicted, while 365 male and 25 female inmates have yet to get any jail term.

DISAPPEARANCE/ABDUCTION

By Others

Daroga Sah, 56, of Gamgariya VDC-9 was abducted from his house by a group of masked persons on June 27. He was released from near the APO in Pokhariya VDC on July 1 at 10 pm. Inspector Bidur Gautam said Sah had also sustained serious injuries in the beating. The reason behind the abduction was not known.

RIGHT TO FAIR AND PROMPT TRIAL

325 cases, where the individual is plaintiff, were brought forward from last year in the district court. 160 new cases were registered this year. Out of these, 70 were decided and 415 cases remained pending at the end of the year. Likewise, 148 government criminal cases were brought forward from last year and 55 were registered this year. Out of these, 20 were decided and 183 remained pending by the end of the year. Out of 1115 civil cases brought forward from last year and new 450 cases that were registered this year, 270 were decided and 1295 were yet to be decided by the end of the year.

TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

Misbehaviour

Minister of State for Agriculture,

Karima Begum, assaulted CDO Durga, Prasad Bhandari, on November 10 for sending an old vehicle to collect her from Sinara Airport. Elected from Parsa constituency 1 as MJF candidate, Begum maintained she assaulted Bhandari for disregarding her. During the assault the CDO's glasses were broken. CDO Bhandari said he had sent the only available vehicle. Protesting the state minister's action, DAO, Parsa and Bara halted governmental work for five days. The CDO's bodyguard registered a case against the minister the next day

CHILD RIGHTS

Rekha Patel, 14, of Birgunj Sub-metropolis and eighth grader at Siddhartha Secondary School managed to escape being trafficked on Asar 31 as she regained consciousness after her neighbor Bhagwati Pandey forced her to sniff sedatives. She woke up at Sripur Chok of Birgunj, when she was being taken to Raxual and escaped from Pandey's grip. Locals captured Pandey that day near Ghantaghar and handed her over to the police. Police said that legal procedures against the perpetrators were in process at the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

The body of Pherala Khatun, 20, of Thulasiharwa VDC-6 was found buried near the garden kitchen of her house on June 5. Her relatives dug up her body during a search after she was missing for four days. Witnesses said that salt was laid on her body. The relatives claimed she was killed by her husband and father-in-law for not getting enough of a dowry. Her father, Mahamud Hawari, said that the family had demanded Rs 100,000 and a cow in dowry and filed an FIR on May 28. The deceased's husband, Munna Miya, his



father, Ramjan Miya, and his mother had absconded by the end of the year.

Polygamy

Gyanu Baral, of Pumdibhumdi VDC-2 of Kaski district sought help from the media and human rights activists to receive justice, on June 2, after her husband, Om Prasad Baral, got married for the second time. Gyanu was married to Om, a lecturer at Thakurram Campus in Birgunj, in 1995. She said that her husband had married Shila Mainali of Birgunj Nursing Campus in 2001, adding that they got divorced, after she moved court in November, but continued to live together. The media and civil society members helped her file an appeal to get half of her husband's salary. It is not known whether her demands were met or not.

Accusation of Being Witch

Saraswati Thakur, 35, of Rabidas of Mudali VDC-9 was beaten by local women on charge of being a witch on February 18. The women tried to feed her human excreta, but she fled. The women then chased her inside her house and started beating her. She went to the next village seeking refuge. Her husband took her to a health centre at Pokhariya VDC for treatment. Thakur attempted to file a complaint at Pokhariya station on February 20 but did not, after pressure from the perpetrators. On February 21, the case was settled after the village assembly made the perpetrators pay Rs 1,000 to the victim.



2.10 Chitwan



Population : 591,505

Literacy(%) : 80

Women Literacy(%) : 60

Area(Sq. Km.) : 2,218

Number of VDC(s)/Municipality(ies) : 36/2

Number of School(s) : 496/117

Campus(es)/Higher Secondary School(s) : 6/45

Hospital(s)/Health Post(s) : 5/42

Human Development Index : 0.518

Average Household Size : 5

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By State

Sarad Chaudhary, 22, of Ratnanagar Municipality-5, Ravin Chaudhary, 20, of the same place, Santoshi Shrestha, 34, also of the same place and Ranjit Chaudhary, 20, of Bachhauli-3 were injured when the APF opened fire on March 4 at Sauraha Chok in Ratnanagar Municipality-5. Ranjit sustained injuries to his right leg, Santoshi to her right thigh and Gopal Chaudhary to his head and Rabin to his right leg. Of the injured, Rabin and Santoshi were treated at Bharatpur Hospital and Ranjit and Bipin were treated at Medical College in Chitwan. Ranjit Chaudhary was taken to B and B hospital for the further treatment.

Type of Events	By Non-State									By State				
	By Others					By UCPN-M								
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Female	Total	No. of Events	Male	Female	N/A	Total
Killing	4	2	4		6					2	3			3
Injured	1	3			3					1	6	1		7
Arrest & Torture										2	7			7
Beatings	18	24	7	11	42	6	8	1	9	11	18	5		23
Threats						1	1		1					
Right to Assembly	2	2			2	1	3		3	1	1		4	5
Women Rights	28		28		28									
Child Rights	8		8		8									
Economic, Social and Cultural Rights	1	1			1	5	5		5					
Abduction	7	15	1		16	1	1		1					
Total	69	47	48	11	106	14	18	1	19	17	35	6	4	45

Kamal Chaudhary, 19, of Bachhauli VDC-3 was killed when armed police opened fire on March 5 at Sauraha Chowk in Ratnanagar Municipality-1. The victim who had sustained injuries to his abdomen died shortly after he was taken to hospital. The incident occurred during a clash between the police and Tharu activists, who were imposing a bandh. Chaudhary was on the roof of Shesh Narayan Shrestha at Sauraha Chowk when he was shot. The family of the victim refused to take the dead body, demanding fulfillment of their 12-point demands including compensation. His final rite was not performed until March 12, after the family members received compensation from the state. The government of Nepal provided one million rupees to the victim's family through the DAO on May 11.

Raj Kumar Darai, 28, of Kumroj VDC-8 was killed on the spot when the NA opened fire inside Chitwan National Park on November 27. Battalion Commander of Gorakh Bahadur Battalion, Kasara claimed that Darai was killed by the army, after he opened fire targeting Army personnel, who were trying to arrest him while he

was felling trees near Amrite Post of ward no 8 of the same VDC. Chief Conservation Officer of Chitwan National Park however stated that he was shot dead, while he was fleeing from the Army. Family members of the victim refused to take the dead body, demanding compensation and action against the perpetrator, among other demands. However, the victim's family members accepted the dead body following an agreement with local administration on 1 December.

By Tharu Kalyankarini Shabha, Tharu Students Society and Tharu Mukti Samaj

Police Constable of Gadhimai APF, Bhandara Kumar Budathoki, 22, of Gelu VDC-8 was killed by the supporters of Tharu Community on March 6 at Sauraha, Ratnanagar Municipality- 1. The victim was captured and attacked by sharp objects for not surrendering to them. The victim sustained severe injuries to the head. Police rescued him after he collapsed to the ground and then the APF took him to Bharatpur Hospital. The victim died shortly after he was taken to hospital. His final rite was performed at Devghat on

March 7. The government provided one million rupees to the victim's family.

By Explosives

Januka Rai, 42, of Bhandara VDC-8, her daughter Rammaya Rai, 16, and Januka's nephew Rajkumar Rai, 14, of Hatiya VDC-5 Makawanpur were killed on the spot when a 21 inch MM mortar shell went off on December 28 at the backyard of Januka's house. Januka's eldest son Kumar Rai, 22, youngest son Arbin Rai and Januka's brother Balkrishna Rai, 35, of the same place were wounded in the incident. The explosive, which was brought from the forest area by Januka's youngest son four months ago and kept on a firewood stack at the backyard, had gone off when Raj Kumar rubbed it. Of the injured, Kumar Rai was air lifted to Kathmandu for treatment, with the help of local administration on December 29. By the end of the year, he was being treated at Bir Hospital in Kathmandu and others underwent treatment at Bharatpur Hospital. Stating that the explosive was abandoned by the APF Gadimai. The locals staged a protest by not allowing the dead bodies to be moved and by halting vehicular movement in the area. Locals called off their protest program after the local struggle committee and local administration reached a three-point agreement at the initiation of human rights defenders. An investigation committee, headed by CDO was formed to investigate the incident. Other members of the committee are the Officer of the Armed Police Force and the Coordinator of Struggle Committee. The committee was mandated to submit a report within 15 days.

JAIL AND DETAINEES

Though the District jail in Chitwan can accommodate 120 inmates, by the end of this year 291 inmates are detained in the jail. Of the total 191 inmates, 136,

including 12 women, are convicted and 155, including 12 women, are detainees. Among the total inmates there are four dependent children in the jail. Jailer, Tol Prasad Sharma stated that it is not economically sound to manage that number of inmates in the "D" grade facility. The inmates submitted a letter of demand to the CDO on May 25, demanding facilities including water, tube well, better toilets, a building to learn skills such as weaving, knitting, plumbing, masonry.

DISAPPEARANCE/ABDUCTION

By UCPN-M

Min Bahadur Magar, 55, of Bachhauli VDC-9 was arrested by cadres of UCPN-M on 24 January. The victim said that he captured and then threatened to be taken to the witch doctor for treatment. The victim was, however, released after four hours.

By NSU

Assistant Lecturers of Martyr Memorial Multiple Campus situated at Ratnanagar Municipality-2, Ram Babu Ghimire, Ishwor Bhusal, Madhav Shrestha, Kamal Bhattarai, Suk Nath Bastola, Sundar Shrestha, Kamala Devi Sharma, Shanti Bahadur Shrestha, Omkar Poudel were abducted by NSU affiliated students from different places on March 18. It was the intention of the perpetrators to disrupt the FSU election. They were abducted early in the morning from various places, while going to the campus and were kept for 4 hours. NSU boycotted the election, to raise the issue of the fact that ANNISU-R members beat NSU cadres.

THREATS/BEATINGS

By state

Gore Tamang, 30, of Dharan Municipality-8 of Sunsari district, who was working in a garage in Ratnanagar municipality was beaten by police on March 5. The victim alleged that the

perpetrators also stole Rs 70,000 from him. The victim further informed that the police entered his house and struck him with a gun, while he was sleeping and also stole four pairs of pants, vest and a shirt including some items from the garage.

Bhumeshwori Mahato, 28, of Ratnanagar-7 was beaten by police on March 6. Earlier, during a Tharu community's agitation, a member of the Armed Police Force was killed. Following this incident, the APO and Nepali Police members broke into the victim's house and beat her with batons

By UCPN-M

Senior leader of Nepali Congress, SherBahadur Deuwa, Minister for Irrigation, Bal Krishna Khand and the youth leader, Gagan Thapa were attacked by UCPN-M cadres on November 6 in Narayani Kala Mandir premises, Narayangadh. The leaders were marking the 56th anniversary of the establishment of the youth wing of the party Nepal Tarun Dal and were attacked while going to Kalamandir, the program venue, in Deuwa's vehicle from the Century Hotel, Bharatpur. Deuwa was attacked by UCPN-M cadres after breaking through the security ring of police. Police used force against the perpetrators. Although the windscreen and rear glass of his vehicle was smashed, Deuwa was unharmed. Deuwa was however, attacked continuously for 20 minutes. Later, Nepali Congress cadres also retaliated. In the incident, cadre of Nepal Tarun Dal Thakur Bista, 43, of Meghauli VDC sustained minor injuries to his face. Gopal Devkota, Gopi Gurung, Bipin Rai and Manjit Lama also sustained minor injuries. Similarly, UCPN-M cadres tried to attack Gagan Thapa, who was some distance away. However, a house owner saved him, by closing the gate. Thapa was rescued by the police. The agitating cadres of UCPN-M

also damaged the motorbike of NSU district chief, Jit Narayan Shrestha.

By YCL

Cadre of CPN-UML Ishwor Thapa, 45, of Shivanagar VDC-2 and Khem Lal Kandel, 40, of ward no-3 of the same VDC were attacked with a Khukuri by YCL cadres, led by VDC in-charge of YCL, Prem Bahadur Thapa, 25, on March 24. They were attacked because of the controversial selection of members of the management committee of the Primary Health Centre. Earlier, a meeting of political parties that was held at the residence of VDC in-charge of UCPN-M, Babu Ram Dahal, ended inconclusively after UCPN-M and CPN-UML both tried to claim the post of chairperson of the Management Committee of Primary Health Center. The victims were attacked while returning from the meeting. Khem Lal sustained injuries to his right ear and Ishwor sustained severe wounds at the back of the head. Both victims were treated at Bharatpur Hospital.

By ANNFSU

District Chairperson of ANNISU-R, Lal Bahadur Tamang, 25, of Padampur VDC-1 was hit with brick on the head by the cadres of ANNFSU on February 12 when he was standing on the grounds of Birendra Multiple Campus. The perpetrator was not punished. The students also hurled stones and bricks at the police who were there to control the clash of students of Saptagandaki and Birendra Multiple campuses.

By ANNISU-R

Student of Jana Adarsha Multiple Campus and president of ANNFSU Preliminary Committee of the same campus, Krishna Prasad Bhandari, 21, of Birendranagar VDC-2 was beaten up by

Jaya Ram Gotame, 20, of ward no 4 of the same VDC and Ananda Pathak, among others, on January 26. Bhandari was beaten when he was facilitating a discussion program of ANNFSU in a classroom. According to the victim, Gotame punched him in the face and others helped in the attack.

By NSU

Student of Agriculture Campus Rampur and member of ANNISU-R, Brijesh Mishra, 18, of Bhanu VDC-5 Tanahun was beaten by NSU cadres on March 16, on charge of beating their cadres. The victim was beaten by a group of 10 students from Balkumari Campus. The victim sustained injuries to the back of the head and to the back. He was treated at Medical College, Bharatpur.

RIGHT TO PROMPT AND FAIR TRIAL

456 civil cases were filed this year in the District Court. Of the total 456 cases, 153 were decided this year, while 303 remained undecided by the end of the year.

445 criminal cases were filed this year. Among the total 445 cases 211 were decided this year and 234 remained undecided.

Among the total 901 cases, criminal and civil, 364 were decided, while 537 remained undecided at the District Court by the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

A 55-year-old woman of Chainpur VDC-7 was raped by Purna Bahadur Magar, 21, of the same place on June 6. The victim filed a complaint at the Area Police Office, Khairahani stating that the perpetrator had also repeatedly raped her on previous occasions. Police held

a discussion regarding the case with the concerned parties and freed the perpetrator on June 9, following an agreement that was reached between both sides.

Polygamy

Arjun Karki, 34, permanent resident of Rautahat and living at Bharatpur Municipality-6, married Bindu Gautam, 32, of 6 no. ward of the same Municipality on April 8, as his second wife. Demanding punishment against the perpetrators, the first wife of Karki Januka Karki, 34, filed a complaint at the District Police Office on April 20.



2.11 Makawanpur



Population : 467,996

Literacy(%) : 75

Women Literacy(%) : 60

Area(Sq. Km.) : 2,426

Number of VDC(s)/Municipality(ies) : 43/1

Number of School(s) : 512/44

Campus(es)/Higher Secondary School(s) : 5/22

Hospital(s)/Health Post(s) : 1/44

Human Development Index : 0.470

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The “D” grade District jail situated in Bhimphedi has the capacity to accommodate 39 inmates. The men’s ward which has the capacity to accommodate 35 persons has 63 inmates at the end of the year. There are a total of 31 convicts and 32 detainees at the end of the year. The women’s ward is so dilapidated, that from October onwards, women inmates were sent to Birganj jail. The inmates were provided with facilities like radio, newspapers, television and sports equipment. The jail has proper drinking water facilities. The inmates in the jail had been generating income weaving bamboo stools.

THREATS/BEATINGS

By YCL

Central Committee Member of CPN-UML affiliated People’s Volunteers, Buddhi Ram Dimdung, 36, of Sisneri VDC was beaten by YCL cadres on December 22 in Heatauda bazaar. The victim sustained injuries to the head and was treated at the district hospital. The victim filed a complaint at police but both sides, subsequently reached a mutual understanding.

RIGHT TO PROMPT AND FAIR TRIAL

Appellate Court

1519 civil cases were brought forward from last year and 624 new civil cases were registered this year. Of the total 2143 civil cases, 675 were decided and 1468 remained undecided by the end of the year.

189 criminal cases, where the individual is plaintiff, were brought forward from last year and 170 such cases were newly registered this year. Of the total 359 criminal cases, where the individual is plaintiff, 170 were decided

and 189 remained undecided by the end of the year.

10 criminal cases were brought forward from last year and 5 new criminal cases were registered this year. Of the total 15 criminal cases, six were decided this year and nine remained undecided by the end of the year.

Among the total 2553 cases, including civil and criminal, where the individual is plaintiff, 1666 cases remained undecided at the Appellate Court by the end of the year.

District Court

Among the total 436 cases, 251 cases were brought forward from last year and 215 new cases were registered this year at the district court. Of these 436 cases, 143 were decided and 323 remained undecided by the end of the year. Two cases were registered at the Juvenile Bench.

CHILD RIGHTS

A 13-year-old girl of Hetauda Municipality- 8 was raped by her step-father, Manbahadur Lole, 45, on January 2, after taking her to a jungle nearby their house. The perpetrator was sent to jail as per the court order.

A 12-year-old girl of Makawanpurgadhi VDC-4 was raped by Jeevan B.K, 14, of the same place on February 12, while grazing cattle in the jungle. Acting upon a complaint filed by the victim’s father, police arrested the perpetrator, who was released on bail later as per the order of District Court.

Jangali Maya Pahari, 36, of Raigau VDC-6 killed her new-born baby on December 23. She had given birth to the neonate, who was the result of an illicit relation. She already had five children. Police arrested her on December 24 on charge of killing a newly born infant. The

Type of Events	By Non-State							By State		
	By Others				By UCPN-M					
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Total
Injured	4	3	1	4				1	2	2
Beatings	2	2		2	1	1	1			
Threats	1	2		2	1	2	2			
Right to Assembly								1	5	5
Women Rights	12		14	14						
Child Rights	15	1	14	15						
Abduction	2	2		2						
Total	36	10	29	39	2	3	3	2	7	7

case was on trial at the District Court at the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Phoolmaya Thing, 55, of Namtar VDC-8 and Motilal Thing, 58, of the same place were inhumanly treated by Nairo Tamang Lama, 28, of the same place, as well as three other persons, on June 21. She was mistreated on charge of practicing witchcraft. Of the four perpetrators Tamang was arrested by police and released after paying Rs. 10,000 for bail, while the other three remained at large by the end of the year.

Domestic violence

Aitaram Jimmwa, 34, of Churiyamai VDC-1 tried to kill her wife, Ramkumari Waiba, 32, on July 17 by pouring paraffin on her body. The victim

saved herself with the help of a neighbor. Police arrested the perpetrator at the initiation of Maiti Nepal. The perpetrator was released later after apologizing for the incident.

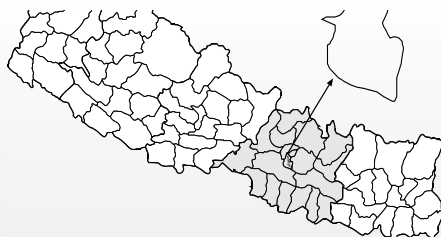
Sita Maya Syangtan, 26, of Handikhola VDC-1 was attacked by her father-in-law, Jeet Bahadur Syangtan, 61, on July 24. The victim was attacked with a Khukuri. The perpetrator was arrested and put on trial.

Women Trafficking

Shobha Shrestha 24, Basamadi VDC-2, Thulimaya Lama, 20, and Sarita Lama, 16, of the same place, were sold by Chet Bahadur Tamang, 36, of Padampokhari-8 on April 19, after taking them to a brothel in India. One of the victims, Shrestha managed to come back to Hetauda after one month. The perpetrator remained at large by the end of the year.



2.12 Lalitpur



Population : 419,004

Literacy(%) : 80

Women Literacy(%) : 65

Area(Sq. Km.) : 385

Number of VDC(s)/Municipality(ies) : 41/1

Number of School(s) : 477/314

Campus(es)/Higher Secondary School(s) : 27/81

Hospital(s)/Health Post(s) : 8/41

Human Development Index : 0.588

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By Nepal Defense Army

Celeste Joseph, 10th graded student of St. Mary's school, and permanent resident of Kerala, India and currently living at Dhalko Kathmandu Metropolis, Deepa Patrick, 30, of Patna, India, Buddha Laxmi Joseph, 35, of Kerala, India and living at Dhalko in Kathmandu were killed when Nepal Defense Army detonated a bomb at Catholic Church of Assumption at Dhobighat, Lalitpur Sub-metropolis-4 on May 23. Celeste died on the spot while Deepa and Buddha Laxmi died while undergoing treatment at Patan Hospital. Buddha Laxmi's brother Rakesh, 28, of India and living at Kumaripati in Lalitpur, Ani Amatya, 13, of Patandhoka, Lalitpur, Manisha Shakya, 19, of Pulchok, Kanchhi

Tamang, 45, of Dhobhighat Lalitpur, Renuka Thakuri, 50, of the same place, Mona Singh, 20, of India, Ravi Shrestha, 10, Sweety Singh, 16, Binayak Kunwar, 18, Shyam Kumar Tamang, 30, and Rina Tamang, 15, of Kavre District were injured in the incident. The injured were treated at Alka Hospital, Patan Hospital in Lalitpur and Bir Hospital in Kathmandu. Nepal Government formed a three-member probe panel on May 24 to probe the incident. Police arrested Sita Thapa Shrestha, 27, of Kathmandu, Ananda Bhairav Sattal, staying at Shantinagar Baneshwar on June 2 for their alleged involvement in the incident. The trial is on about the incident at the end of the year.

By Others

Arun Maharjan, 32, of Imadol VDC-5 was killed by Bilan Maharjan, of Lalitpur Sub-Metropolis-6, Kaji Ratna Maharjan of Lalitpur Sub metropolis-7, Shyam Sundar Poudel of Imadol VDC-5 on September 18 in Imadol VDC. He was hit with stones on the head. The victim died while being taken to the hospital. Police arrested the perpetrators on the same day and filed a murder case against them. They were remanded to jail on October 16 as per the Court order.

INJURED IN SHOOTING/EXPLOSION

By State

Ramsharan Maharjan, 30, of Chapagaun-4, Kanchha Lama, 36 of Lele VDC- 4, Kumar Maharjan , 33, of Chapagaun VDC-9, Rajmati Nagarkoti , 35, of Chhampi VDC- 4, Amari Nagarkoti, 37, of the same place were injured when police used force including blank firing against the demonstrators who were picketing in front of Metropolis Police Circle Chapagoun on June 26. Of the injured, Maharjan and Lama were hit by rubber bullets while others were injured

Type of Events	By Non-State							By State			
	By Others				By UCPN-M						
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Female	Total
Killing	3	1	4	5							
Injured	4	14	8	22				2	8	2	10
Arrest & Torture								2	2		2
Beatings	2	3		3	2	4	4	1	1		1
Threats	2	2		2	1	1	1				
Right to Assembly	1	2		2				6	24	3	27
Racial Discrimination	1	1	1	2							
Women Rights	2		2	2							
Child Rights	11	2	10	12							
Inhuman Behaviour	1	9		9							
Abduction	3	2	1	3							
Total	30	36	26	62	3	5	5	11	35	5	40

in baton charge. The locals were picketing the police office alleging that the police harbored the alleged child abductors Durga Bahadur Maharjan of Dhapakhel VDC-4 and Amrit Kumar Bhusal of ward no.2 of the same VDC. The local administration clamped curfew order in Imadol area from 6.30 p.m. on June 26 to 4.30 a.m. on June 27 to take the situation under control. Police Inspectors Shanti Ram Koirala and Shyam Khattri, ASI Shantosh Pokharel, Police Constables Shyam Adhikari, Bel Bahadur Buda, Manoj Mahato Dhanuk, Narayan Bhandari and Dor Bahadur Roka were also injured in the incident. All the injured persons underwent treatment at Patan Hospital. Police arrested Sajan Mali, 14, of Thecho VDC-4, Chandra Bahadur Lama, 24, of the same place and Sudip Lama of Makawanpur are arrested during the demonstration. All three were released in the presence of Constituent Assembly member, Raj Kaji Shrestha on the next day.

JAIL AND DETAINEES

The "C" grade jail in Lalitpur

has the capacity to detain 175 inmates whereas 442 accused and convicted inmates are detained in the jail by the end of this year. Among the inmates, 249 are convicted and 193 are detainees. 24 foreign nationals have been serving their jail term in the jail. Over crowded jail is the main problem in the jail. This jail has the facilities like electricity, latrines, library and sports materials. The inmates are involved in income generating works inside the jail.

DISAPPEARANCE/ABDUCTION

By State

Deputy Chairperson of Maoist Victims National Struggle Committee Dev Bikram Shah, of Khungri VDC-5 of Rolpa district was arrested and disappeared by plain cloth police personnel on March 3 from Sanepa Height in Lalitpur on charge of being involved in the attack of Syalulibang Police Post of Pyuthan District. Kalyan Budathoki of the struggle committee filed a Habeas Corpus writ at the Supreme Court on March 5. The Supreme Court on March 8 ordered police

headquarters and the Home Ministry to present the victim within three days. On March 11, Secretary of Home Ministry and Officer in the Home Ministry replied to the Supreme Court that the person was not arrested. In course of pleading of the case in the court, Budathoki claimed that the victim had been taken to District Police Office in Pyuthan and demanded instant investigation and search regarding it. Based on the information, Supreme Court issued search warrant. Following that, Pyuthan Police sent a report to the Supreme Court informing that Shah was detained by Pyuthan Police. Joint bench of Justices Anup Raj Sharma and Girish Chandra Lal issued order to present Shah within three days before the court. Following the order Shah was presented before the court on March 17 and was released on March 18 in the presence of Assistant Registrar of the Supreme Court.

By Unidentified Group

Former Singapore police Rum Bahadur Gurung, 48, of Kaski District, who was living at Amarawati Cloony Saibu VDC, was abducted by a group of unidentified people on March 27 from his residence. A group of about five persons came in taxi abducted the victim and warned to kill him if he failed to pay ransom of Rs 65 million. The victim was taken to Marsyangdi Guest House at Mitranagar, Daunne Devi Guest House and Naya Nepal Guest House at Balaju, Machhapokhari and in different locations. Police rescued the victim while the victim's family went there to pay the ransom as demanded by the perpetrators on March 31. Police arrested ex-Singapore Police Sanaman Limbu alias Bishal, 44, of Ambong VDC-5 in Tehrathum District, Former Company Commander of UCPN-M Bijaya Kumar Sharma alias Ashis, 27, of Nuwakot VDC-6 in Rukum, Bishnu Prasad Sharma, 19, of ward no

7 of the same VDC, Hira Lal Pun alias Kailash, 32, of Syalapakha VDC-1 of the same VDC, Prem Prakash Pun, 22, of ward No. 2 of the same VDC and former Platoon Commander of UCPN-M Mohan Budha alias Marshal, 27, of Chaukhawang VDC-5 of the same district while rescuing the victim. They were arrested and filed case against them.

THREATS/BEATINGS

By UCPN-M

District Committee Member of CPN-UML affiliated Nepal Trade Union Federation Nabaraj Gautam and labor Sundar Khanal were beaten by the cadres of UCPN-M affiliated All Nepal Metal Association on September 11 at the premises of Elite Firm Industries in Patan Industrial Area. They were beaten when they refused to attend the procession organized by UCPN-M. Both injured were treated at Patan Hospital.

By Others

Human Rights Defender and journalist Ramesh Prasad Timilsena, 28, of Devichaur VDC-4 was threatened by District Committee Member of Nepali Congress Kabel Bahadur Tamang of Pyutar VDC-7 on April 29 on charge of publishing a news item. The perpetrator warned of abducting the victim in connection with news published in Manav Aawaz weekly about a witchcraft case. The victim verbally informed INSEC and Metropolitan Police Circle Chapagoun and the then Chief District Officer Laxmi Prasad Dhakal about the incident. The victim was continuing his profession at the end of the year.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom and Free and Impartial Election)

The locals in Bungmati area vandalized Sama Printing Press belonging

to APCA House, located at Bungmati VDC on June 22. The locals vandalized it over the issue of the phrase used by the newspaper. The daily earlier had published a news that one body trunk had been seized from *one house* of Bungmati area. The locals wanted to be specific which house that *one house* meant. The agitated locals torched the copies of newspapers taking out of the press. Reporter for ABC television Minal Pandey who was reporting the news sustained minor injury in the incident.

RIGHT TO PROMPT AND FAIR TRIAL

Appellate Court

1982 civil cases were brought forward from the last year and 604 civil cases were filed this year in the Appellate Court. Of the total 2586 civil cases, 726 cases were decided this year and 1860 cases remained undecided by the end of the year. Of the remaining 1860 civil cases 161 are waiting to be decided for more than two years.

416 criminal cases, where the individual is plaintiff, were brought forward from the last year in the appellate court and 176 criminal cases, where the individual is plaintiff were filed this year in the appellate court. Of the total 592 such cases 159 were decided this year and 433 cases remained undecided this year. Of the 433 undecided criminal cases, where individual is the plaintiff, 31 cases were pending for two years. 470 criminal cases were brought forward from the last year in the Appellate Court and 381 such cases were filed this year. Of the total 851 criminal cases 377 were decided this year and 474 cases were remaining undecided. Of the remaining 474 criminal cases, 69 were remaining undecided for more than two years.

District Court

1506 cases were brought forward from the last year and 720 cases were filed this year in the District Court. Of the total 2226 cases, 427 cases were decided this year and 1799 cases remained undecided by the end of the year. Of the remaining cases 408 cases were waiting for more than one year.

TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

The Principal of Kantipur Engineering College at Dhapakhel Nabin Chandra Sharma, 48, Chief Accountant of the same college Uttam Ghimire, 41, and the teachers Dubraj Neupane, 39, Subash KC, 32, Rabindra Khati, 40, Kulananda Chaudhary, 53, Pawan Aryal 29, among others were locked inside the administration room by cadres of ANNISU-R and NSU on March 8 over the issue of the election of Student Council. The cadres of ANNISU-R and NSU were demanding inclusion of Fourth Semester Students in the election of the Students Council slated for March 6. The election program was postponed following the row between college administration and students over the issue. The students had locked the principal and the teachers charging that administration could not hold election on fixed date. The victims were freed on March 9.

CHILD RIGHTS

Stating that a 10-year-old girl at Bakumari, Lalitpur Sub-Metropolis -8, was raped by Haris Chandra Desai, 28, of Chapagaun VDC-2 on February 27, the family of the victim filed a complaint at Metropolitan Police Range at Jawalakhel on February 28. Police arrested the perpetrator on the same day. He was remanded to custody as per the order of the District Court.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Women Trafficking

A woman of Chapagaun VDC-2 was abducted, with the motive of trafficking to India, by Prakash Shahi, 28, of Chapagaun VDC-2, Dipendra Shahi, 26, Aditya Baskota, 28, of the same place and Dharmendra Mishra, 23, of Birganj Sub-metropolis-13 on February 19 from Lagankhel in Lalitpur Sub-metropolis-5. The victim was taken to Birganj and was sexually abused in a hotel. Relatives of the victim demonstrated and vandalized Metropolitan Police Circle Chapagaun for not searching the victim and the perpetrator. Police constable Ramesh Pariyar who was allegedly involved in the abduction revealed that the victim was in Birganj. The victim was brought back to Chapagaun on March 3. The perpetrators were arrested on March 5 and police filed a case against them on charge of human trafficking.

Accusation of Being Witch

Kallikumari Bishwakarma of Pyutar VDC-7 was beaten and fed human excreta by the principal of Gadibhanjyang Primary School, Bimala Lama, 25, of the same place, Dipesh Lama, 45, Sherman Lama, 30, Kamala Gole, 31, Kamal Gole, 22, and Shyam Lama, 21, among others, on March 20 on charge of making Bimala Lama sick through her spell. The victim informed that the perpetrators started to slit and cut the victim's breast with razor blade and sickle to make her confess witchcraft. After beating and misbehaving, Bimala had kept the victim at her house locked till March 21 and also made the victim promise not to expose the incident

to anyone. The victim filed a case against the perpetrators on March 23 at Ashrang Police Post. Human rights organizations submitted memorandum to the District Administration Office on March 27 and on the very day the victim filed a case at Metropolitan Police Range, Jawalakhel against the perpetrator. Police arrested Shyam Lama and Kamal Gole on April 22 and Bimala Lama was arrested on June 18. The victim was rehabilitated on March 18 at the initiation of National Human Rights Commission and the perpetrator was released on June 14 after paying Rs. 100,000 on bail.

ALL KINDS OF RACIAL DISCRIMINATION

Jamuna Pariyar and her husband of Risibi Pariyar of Lubhu VDC-2 were beaten by Prem Thapa, 58, of the same place on February 11 charging them that Jamuna and Risibi tried to touch him as he was on his way to public tap to fetch water. The victims filed a complaint against the perpetrator on February 15 at Metropolitan Police Range, Jawalakhel. Police arrested Thapa and both sides reached into an agreement at the police office.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property

Cadres of Autonomous Newa State Joint Struggle Committee vandalized a motorbike, Ba.8.Pa 5872, belonging to journalist of Kantipur FM Krishna Paudel on June 1 in Pulchok, Lalitpur. The cadres also misbehaved with her and damaged her motorbike on charge of driving motorbike on the closure-strike day called on by them.



2.13 Kavre



Population : 442,395

Literacy(%) : 73

Women Literacy(%) : 60

Area(Sq. Km.) : 1,396

Number of VDC(s)/Municipality(ies) : 87/3

Number of School(s) : 655/71

Campus(es)/Higher Secondary School(s) : 12/50

Hospital(s)/Health Post(s) : 7/94

Human Development Index : 0.543

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS JAIL AND DETAINEES

Kavre district has “D” grade jail in Dhulikhel. 27 convicts and 81 accused are detained in the jail at the end of the year. The jail has the capacity to accommodate only 61 inmates but a total of 108 inmates are detained in the district jail. The jail is divided into three sections and at the central section; persons with mental illness are detained. 34 inmates with mental illness were detained at the jail by the end of the year.

DISAPPEARANCE/ABDUCTION

Ram Chandra Acharya alias Arjun, 30, of Kushadevi VDC-5 was abducted by a group of unidentified person on October 11 from his home. Locals picketed the

DPO on November 12 to pressurize the police to find the whereabouts of the victim. Police arrested Ram Chandra’s wife, Bhavani Acharya, 27, and Devendra Timislsina alias Laxman, 30, on November 12 and on December 4 for their alleged involvement in the incident. They were remanded to jail. Ram Chandra and Bhavani were having cold relation when the victim inquired about the money he had sent from abroad.

By UCPN-M

Dhan Bir Lama, 35, of Shishakhani VDC-8 was abducted by a group of UCPN-M affiliated contractors on February 19 while he was at DDC office to submit tender for the construction of Bhakunde-Mechhe road section. The victim was beaten while in their captivity but released after receiving Rs 10,000 from him. The deadline for tender was up to 5:00 PM but Lama, who was there three minutes before the deadline was punched, kicked, and key and license of his motorbike were taken away by the perpetrators in front of the police. Lama who was claiming the right to submit the tender was first taken to Kaka’s hotel and kept there for half an hour and was taken to Banepa afterward. The victim’s key and license were given back to him at YCL chok when he paid Rs, 10,000. However, the UCPN-M cadres had filed a complaint claiming that Lama had beaten them.

THREATS/BEATINGS

By State

Five UCPN-M cadres were injured in a clash with police while they were greeting Minister for Finance Surendra Pandey with black flags on September 18 while the latter was in Banepa. UCPN-M cadres Suntali Tamang and Reshma Lama of Salmechakal VDC, Rajan Bhattarai of Mahadevsthan VDC, YCL cadre Santosh Rai of Okhaldhunga District and Bijaya

Type of Events	By Non-State									By State				
	By Others					By UCPN-M								
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	N/A	Total	No. of Events	Male	Female	N/A	Total
Killing	12	8	4		12									
Injured	1	1	1		2									
Arrest & Torture										1	2			2
Beatings	14	19		17	36	2	4	5	9	3	7	3	3	13
Threats						1	3	9	12					
Right to Assembly										1	1			1
Racial Discrimination	1	1			1									
Women Rights	6		6		6									
Child Rights	4		5		5									
Economic, Social and Cultural Rights						1	2		2					
Abduction	2	1	1		2									
Total	40	30	17	17	64	4	9	14	23	5	10	3	3	16

Dahal of UCPN-M labor Union sustained minor injuries and underwent treatment at Shir Memorial Hospital in Banepa. Two students affiliated with UCPN-M student organization were beaten by police in the incident. Police had resorted to baton charge and also used nine shells of tear gas to disperse the UCPN-M cadres.

By UCPN-M

Twelve leaders of NC and CPN-UML were threatened of physical action by UCPN-M cadres on June 7 on charge of their involvement in vandalizing the party office. Issuing a press statement, the party named 12 persons including Mangalman Prajapati, 30, of Banepa Municipality-4, CPN-ML labor leader Prakash Dahal, 34, of Banepa Municipality-4, District Head of Youth Force Mukti Bista, 30, of Ugratarajanagal VDC-4, Ganesh Kumar Shrestha, 30, of Banepa Municipality-6, Ram Praja Pati Bhaila, Ramkrishna Manandhar, 43, of Nasikasanga VDC-5, Kesav Manaddhar of Nasikasanga-4, member of NSU Nripesh Bade and Suman Bhaila of Banepa Municipality-10 'Criminal Group' and warned of taking

action against them. Similarly, addressing a program in Banepa on June 8, YCL leader Chandra Bahadur Thapa alias Sagar had declared action against former VDC president Ramhari Shrestha of Nasikasanga VDC-6, Prakash Shrestha and CPN-UML Nasika Village Committee Secretary Siddhi Bahadur Joshi. Issuing a press release on June 10, NC and CPN-UML objected the incident of issuing threat by the UCPN-M. Human rights organizations of the district condemned the incident and urged the party to revoke the threat. Locals organized a peace and harmony rally in Banepa on June 13.

By Youth Force

A IX grade student at Mahakali Higher Secondary School of Nayagaun VDC-1, Raj Ganesh Waiwa was severely beaten by Youth Force cadres on January 13. The victim said that he was beaten on the way while returning to home after school following a dispute on election of School Management Committee. A dispute had arisen there after CPN-UML affiliated group won the election and students affiliated with NC and UCPN-M



Party intensified the dispute. Following the dispute, a group of students went to the CDO demanding peace and security. The victim was treated at the local health post.

RIGHT TO PROMPT AND FAIR TRIAL

Among the 373 civil cases filed in the District Court this year and the civil cases brought forward from the last year, a total of 183 cases were decided.

Among the 196 criminal cases where individual is plaintiff filed this year and the criminal cases where individual is plaintiff brought forward from the last year, 126 cases were decided.

Similarly, among the 60 criminal cases filed this year, a total of 51 criminal cases were decided this year.

A total of 269 cases remained undecided this year at the District

CHILD RIGHTS

Dipsan Thapa, 3, of Saradabata VDC-1 was killed by Gokul Thapa, 40, of the same place on April 10. The perpetrator who was back home completing his 10 years' jail term on killing his own pregnant wife, Rama Karki, injured his nephews Dipesh Thapa and Dipsan Thapa hitting them with axe. The victim died while undergoing treatment at neurological Hospital, Bansbari in Kathmandu. The perpetrator who was hiding inside the house was arrested by police and the locals. But, when he realized that he was being arrested, he drank poison and died at hospital on April 14. Following the postmortem, the body was handed over to the family.

A 14-year-old girl of Patlekhet VDC-2 was raped by Rabin Gautam, 20, of ward no. 8 of the same VDC on January 25. The perpetrator had raped the victim in the evening when her parents were in the field. Police took the girl to the hospital for health check-up with her clothes

soaked in blood. The victim stated that the perpetrator raped her despite her struggle to escape. A case was filed at DPO against the perpetrator on January 28.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Polygamy

Pratap Singh Tamang, 30, of Hokse VDC-1 married Gyanu Tamang, 23, of the same place as the second wife. On the charge of polygamy his first wife filed a complaint on July 26 at local police station.

Accusation of Being Witch

Las Maya Tamang, 50, of Mechhe VDC-7 was expelled from the village on charge of practicing witchcraft. Following her expulsion from the village the victim filed a case at DPO on April 8. She demanded that her neighbor Kaman Singh Lama, 50, his son Chhoisang and another neighbor Sun Maya Tamang be punished. She informed that she saved her life hiding in maize field. The perpetrators were taken to the District Police Office on May 11. Kaman Singh was released on general date while Sun Maya was released paying deposit of Rs 2,100.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property By Others

The locals in Banepa vandalized UCPN-M office in Banepa stating that the cadres of the party vandalized and set the public vehicles and motorbikes on fire on June 7 in course of closure-strike called on by federation of ethno-regional and indigenous people affiliated with the party. Many people got injured when the UCPN-M cadres hurled stone at the people from the roof of the party office. Chandra Raj Ranjitkar, 45, of Banepa

Municipality-5, Rakesh Manandhar, 19, of Nasika Sanga VDC and Ganesh Thapa, 18, of Banepa Municipality had severe injuries on their heads and they were treated at Karuna Pharma in Banepa. Keshav Khadgi of Nasikasanga VDC, Rittika Baniya of Janagal VDC, Bhim Prasad Sapkota of Ryale VDC-7 and Pramod Lama of Banepa Municipality-10 were injured in the stampede there.


A vehicle numbered, BA.3 Cha6802 belonging to the Kantipur Publication that reached to Dhulikhel Buspark delivering newspapers was vandalized by the cadres of Tamsaling State Committee on July 21. The Tamsaling Joint Struggle Committee had called on closure-strike in Sindhuli, Kavrepalanchok, Sindhupalchok, Dolakha, Ramechhap and Araniko Highway on April 11 in relation to what they called Nepal government's failure to materialize the agreements signed by Nepal government with Tamsaling Struggle Committee earlier. Following the incident, different Organizations in Kavre- Press Union, Press Chautari and Revolutionary Journalists' Association condemned the incident through statements. Accusing his involvement in the incident, police arrested District Vice-President of Nepal Tamang Ghedung Association Rup Bahadur was arrested and released later.

Right to Religion

Kanchha Man Lama, 40, of Chyasingkharka VDC-2 and Shanti Maya Lama, 30, of the same place were stabbed injured by Karmajit Bal Tamang, 52, of the same VDC on January 26 for refusing to convert. The victim sustained injuries to abdomen. They were treated at local hospital, and the perpetrator was remanded to jail.



2.14 Bhaktapur



Population : 277,935

Literacy(%) : 85

Women Literacy(%) : 60

Area(Sq. Km.) : 119

Number of VDC(s)/Municipality(ies) : 16/2

Number of School(s) : 336/133

Campus(es)/Higher Secondary School(s) : 10/35

Hospital(s)/Health Post(s) : 5/26

Human Development Index : 0.595

Average Household Size : 7

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By Others

Jeevan Gahaa Magar, 18, of Daunne VDC-8 of Nawalparasi district, who was living in Kathmandu Metropolitan City-35, Sabin Mahat Chhetri, 19, of Parsa Tandi VDC-8 Chitwan, living in Kathmandu in the same place, and Basananta Lama, 16, of Hilldevi VDC-2 in Ramechhap, living in Madhyapur Thimi Municipality-14, were killed by a group of locals on July 7 at Chapacho in Thimi Municipality, for their alleged involvement in the abduction of a child. They were killed when the locals hurled stones and bricks at them. The three victims died while undergoing treatment at B and B Hospital Gwarko. Saroj Rai, 16,



Type of Events	By Non-State								By State		
	By Others					By UCPN-M					
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Total	No. of Events	Male	Total
Killing	4	5	1		6						
Beatings	2	3	2		5	1	1	1	1	1	1
Racial Discrimination	2	1	1	4	6						
Women Rights	6		6		6						
Child Rights	3		3		3						
Economic, Social and Cultural Rights	1	1			1						
Total	18	10	13	4	27	1	1	1	1	1	1

of Kaule VDC-9 Khotang, who is living in Dadhikot VDC-9, was also injured in the incident. The victim underwent treatment at B and B hospital. Police arrested Subas Adhikari, 18, of Madhyapurthimi-5, Pradip Poudel, 18, Rajin Bade, 17, and Asha Lama, 34, of the same place on 8 July, for their alleged involvement in the incident. They were prosecuted in Bhaktapur District Court under the charge of murder. Asha Lama was released on August 7, while the others were remanded in custody as per the order of the Court. Other perpetrators of the incident, Bikram Jyapu, 20, Sagar Karki, 18, Sanju lama, 18, and Jwala Tamang, 20, of Thimi Municipality-4 were still at large at the end of the year.

JAIL AND DETAINEES

Bhaktapur district does not have a jail. The District has a Child Reform Centre for children below the age of 16, from across the country, who were involved in criminal incidents. The Centre has 73 children by the end of the year including 7 girls. The children are educated in the centre.

THREATS/BEATINGS

By state

Sher Bahadur Deuja, alias Ramesh, 48, of Chitpol VDC-9, was beaten by

police Constable Ramchandra Bhandari, 30, of Duwakot VDC-2 on December 2. The victim was beaten at ward no. 1 of the same VDC and the perpetrator also looted money from the victim. The victim was beaten while he was returning home from his relative's home after attending a festival. The victim claimed that the perpetrator stole Rs. 97 thousand and 8 hundred during the incident. The victim filed a complaint at the Metropolitan Police Circle on December 3, and Police arrested the perpetrator on the same day. The perpetrator was released on December 15 after paying Rs 16,000 bail.

By UCPN-M

Chief of the Curriculum Development Centre, Haribol Khanal, 55, was beaten by UCPN-M cadres on December 21 on the charge of opening his office during a 3-day-long general strike called by the party. The UCPN-M cadres also vandalized the office vehicle. Issuing a press statement on the same day, the Curriculum Development Centre condemned the damage and the manhandling.

RIGHT TO PROMPT AND FAIR TRIAL

Among the total 716 civil cases, brought forward from last year, including

those filed this year in the district court, 184 cases were decided, and 532 remained undecided by the end of the year.

Among the total 73 criminal cases, brought forward from last year and those filed this year, 35 were decided and 38 remained undecided.

Similarly, of the 159 criminal cases, where the individual is plaintiff, brought forward from last year and those filed this year, 39 cases were decided, while 120 remained undecided by the end of the year.

Among the total 948 cases, including civil cases, criminal cases and criminal cases, where the individual is plaintiff, 690 cases remained undecided at the District Court by the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

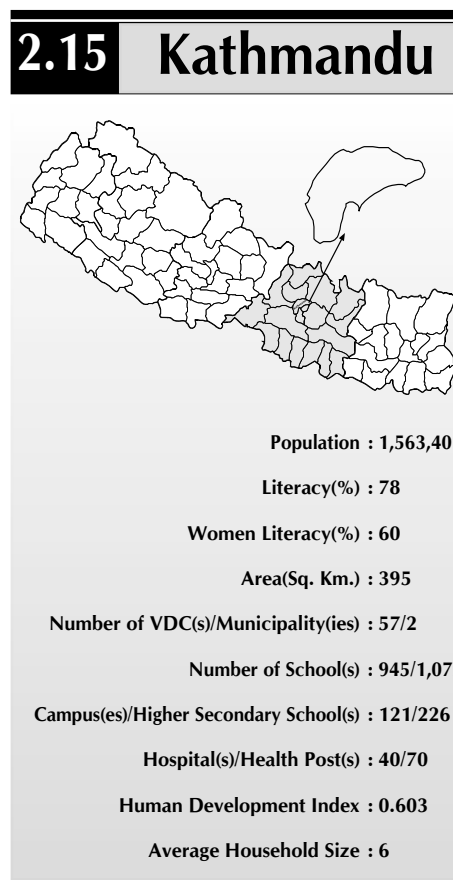
An 8-year-old girl of Ramechhap district, who is living at Madhyapur Thimi-13, was raped by Suresh Tamang, 13, of Phulasi VDC-4, Ramechhap district, who was living in the same place in Bhaktapur. The victim filed a complaint against the perpetrator on November 2 and the police arrested the perpetrator on the same day. The Perpetrator, being a minor, was freed on the general date as per the order of the District Court.

Polygamy

ASI of Nepal Police, Nabaraj Thapa, 28, of Duwakot-2, had his second marriage with Preeti Dulal, 24, of ward no. 9 of the same VDC, on February 20. Thapa's first wife, Bhagawati Thapa, 27, filed a complaint at the Metropolitan Police Circle, Bhaktapur on 19 February. The newly married couple were arrested by police on the same day. Acting upon the order from the District Court in Bhaktapur, the couple were released on March 7 after submitting RS. 25000 each on bail.

ALL KINDS OF RACIAL DISCRIMINATION

Sagar Pariyar, 20, of Chitpol VDC-9, and Sangita Thapa, 20, of ward no-9 of the same VDC, were displaced from their village on 2 September, following threats made by the family of Sangita as a result of her marriage to a man from a so called lower caste. Shreeraj Pariyar 45, the father of Sagar, was also beaten by Suman Thapa, 26, on December 17, because his son Sagar, a Dalit, married Sangita, a girl belonging to a so called upper caste family. Demanding punishment against the perpetrators, the victims filed a complaint at Bhaktapur Metropolitan Police on December 18. The couple were living in Kathmandu, and by the end of the year the perpetrators had not yet been punished.



CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By State

Ramesh Shah, 25, of Rajghat VDC-5 of Sarlahi district, who was living in Basundhara area of Kathmandu, and Sujit Tamang, 25, of Hasaposha VDC-2 of Sunsari, who was living in Gongabu, were killed by police on May 23 at Balaju-Tokha road, on charge of opening fire on the policemen. Four persons were traveling on two motorcycles, and the rider of the second motorbike opened fire on a police team. The police then gunned down the two victims in retaliation, while the two others managed to escape. The bodies of the deceased were received by their family following the postmortem at TU Teaching Hospital in Maharajgunj. Police claimed that both the deceased were involved in abducting Dundup Lama, 15, of Gongobu-3 in Kathmandu.

INJURED IN SHOOTING/EXPLOSION

By KJWP

Parwati Khatiwada, 35, a tenant at Suman Shrestha's house, was injured when a socket bomb exploded nearby Vice President Permananda Jha's residence, in the Gaurighat area of Kathmandu metropolis on August 27. The victim underwent treatment at Om Nursing Home. The explosion smashed the window panes of Shrestha's house and Khatiwada was injured by the shards. Police stated that pamphlets of the KJWP were found in the place of the incident.

By ANNFSU

Central Committee Member of NSU, Bhim Gurung, 34, of Kathmandu Metropolis-7, Chabahil, was shot by cadres of the ANNFSU on July 5, at Tri-Chandra College, on the charge of having a dispute over tender at the campus. The victim, who sustained an injury to his right

leg, was treated at TU Teaching Hospital, Maharajgunj. A member of the NSU, Ravi Thapa, 34, Kathmandu Metropolis-14, Kuleshwor, was hit with an iron rod in the same incident. He underwent treatment at Medicare Hospital. The victim filed a complaint against the perpetrators at the Metropolitan Police Range Hanuman Dhoka, on 6 July. Police arrested Central Committee Member of the ANNFSU, Ain Bahadur Mahar, 27, of Subuda VDC-5 Bajhang, living at Nayabazar, and Samik Badal, 24, of Mangaltar VDC-5 in Kavre, living in Kapan VDC-1, in Kathmandu on July 31 for their alleged involvement in the incident. All arrested persons were released on August 18 after paying bail of Rs 25,000 each.

By Ranabir Sena

Bimaleshwor Gupta, 16, a street vendor and an Indian national, were injured when a sutali bomb exploded on January 1 in front of the Kathmandu Mall shopping complex in Sundhara. He received treatment at Bir Hospital. An underground armed group Ranabir Sena claimed responsibility for the incident on the same day. Gupta sustained an injury to his right knee in the incident.

JAIL AND DETAINEES

The Central Jail and Bhadra Bandi Griha located at Sundhara, has the capacity to accommodate 1200 inmates. However, in total, at the end of this year, there are 1622 inmates. There are a total of 904 inmates including 368 convicts and 536 detainees at the central jail. A total of 169 women inmates including 75 women convicts and 94 accused women were detained in the women's cell. Similarly, at the end of the year there are a total of 549 inmates in Bhadra Bandi Griha, 181 convicts and 368 detainees.

Similarly, there are 384 inmates, including 152 convicts, in the jail in

Type of Events	By Non-State									By State			
	By Others					By UCPN-M							
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total
Killing	4		4		4					1	2		2
Injured	11	13	4		17	1	2		2	4	6	4	10
Arrest & Torture										3	6	1	7
Beatings	12	13	3		16	4	7	2	9	2	2	1	3
Threats	1	3			3	2	3		3				
Right to Assembly						2	3		3	14	106	30	136
Racial Discrimination	2	1	1		2								
Child Rights	10	1	8	2	11								
Inhuman Behaviour	1	2			2								
Abduction	5	3	2		5								
Total	46	36	22	2	60	9	15	2	17	24	122	36	158

Charkhal, which has the capacity to detain only 150 inmates. Drainage, light, and dilapidated buildings are the main problems in the jail. The crowded conditions also contributed to general disorder within the jail. For example, journalist Ram Subhok Mahato, 23, of Phoolkahakatti VDC-9, was thrashed by Som Lama on July 12. The perpetrator was shifted to next block following the incident.

THREATS/BEATINGS

By UCPN-M

A reporter of Image Channel Television, Bipana Upadhaya, 24, of Kathmandu Metropolis-9, Battisputali, and the Cameraman of the same Television Channel, Rajendra Napit, 40, of Kathmandu Metropolis-16, were manhandled by cadres of UCPN-M on November 13, while they were reporting on the Singhadarbar picketing organized by the party. As per the second round of their protests, the UCPN-M had picketed Singh-durbar. The victims were manhandled while they were recording the children who were being used in the protest. The victims were verbally abused and beaten by the perpetrators. UCPN-M cadres also

seized a camera and DV cassettes from the victims. Media related organizations denounced the act.

By YCL

General Manager of Industrial Area Management Limited, Giri Raj Bhandari, 48, of Kathmandu Metropolis-3, Tyanglaphant, was beaten by YCL cadres on August 2 at his office, on a charge of corruption. The victim was thrashed while he was organizing a press meet at his office in Balaju. The victim underwent treatment at Man Mohan Memorial Hospital. Police arrested YCL Cadres Bikash Rai of Solukhumbu and Khadka Bahadur Tamang on August 2. The DSP Basanta Raj Kunwar at Metropolitan Police Circle, Balaju stated that a case against the accused was filed at the DAO on August 3. The case was on trial by the end of the year.

By Youth Force

A student of Tri-Chandra Campus, Kiran Sitaula, 22, of Jhapa, was attacked by Youth Force cadres on January 25 at the college premises. The victim was attacked with Khukuri, and his right hand was chopped off in the incident. The

victim underwent treatment at Kathmandu Model Hospital.

CLASH

The DSP of Metropolitan City Police Circle, Dilip Chaudhary of Bhaluwa VDC-6 Sunsari, was severely beaten by Maoist cadres on December 20, when Police and the UCPN-M demonstrators clashed in front of the Constituent Assembly Building in New Baneshwor on the first day of the three-day-long general strike called by UCPN-M. The demonstrators chased the victim and beat him severely after taking him under their control in front of the Constituent Assembly Building. He sustained a serious head injury. Following primary treatment at Nepal police Hospital, he received further treatment at neurological hospital in Maharajganj. The area was under the command of DSP Chaudhary during the incident. Dozens of police personnel including Police Inspector Gaju Siddhi Bajracharya, were also injured in the incident. Equal numbers of Maoist cadres and Constituent Assembly Members were injured in the incident. Central Committee Member of UCPN-M, Yasoda Subedi, cadres Shashi Shrestha, Madhu Bista, and Ram Chandra Thapa among others, also received injuries. The victims underwent treatment at Everest hospital in Baneshwor and Jana-Maitri hospital in Kathmandu.

RIGHT TO PROMPT AND FAIR TRIAL

3294 civil cases were brought

forward from last year, and 96 civil cases were filed this year in the district court. Out of the total 3390 civil cases, 898 cases were decided this year and 2492 cases remained undecided by the end of the year. Similarly, 2555 criminal cases were brought forward from last year and 1407 were filed this year in the district court. Out of the total 3962 criminal cases, 1100 were decided this year and 2862 remained undecided.

CHILD RIGHTS

Sonali Kumari Singh, 7, of Kathmandu Metropolis-32, Ghattekulo, was killed by an unidentified group following her abduction from the same place on March 16. The victim's body was found abandoned in a field near Raksaul, India.

A 15-year-old girl, living in a rented room in Kathmandu Metropolis-14, Kuleshwor, was raped by Ram Ashish Mahato, 70, of Karjanha VDC, Siraha, living in Bhatbhateni area of Kathmandu, on May 12. The women's Cell of Kalimati Police Post stated that the perpetrator raped the victim forcefully despite resistance from victim. The victim filed a case against the perpetrator at the women's Police Cell of the Metropolitan Police Circle, Kalimati on May 13. The victim said that Laxmi Lama alias Puja and Sangita Thapa had taken her to the residence of Mahato. The police arrested Lama and Thapa on May 15 yet the perpetrator was still at large. The police filed a rape case against Mahato.



2.16 Dhading



Population : 395,859

Literacy(%) : 51

Women Literacy(%) : 35

Area(Sq. Km.) : 1,926

Number of VDC(s)/Municipality(ies) : 50/0

Number of School(s) : 593/30

Campus(es)/Higher Secondary School(s) : 4/26

Hospital(s)/Health Post(s) : 1/51

Human Development Index : 0.410

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS INJURED IN SHOOTING/EXPLOSION By UCPN-M

YCL cadre Santa Bahadur, 24, of Darkha VDC-8 was shot injured by a member of Republican Sports Association Bal Bahadur Tamang alias Bikram on December 29. The victim sustained injury in his left eye. The victim was treated at TU Teaching Hospital, Maharajganj in Kathmandu. The perpetrator shot the victim when he refused to take his vehicle some distance further from Darkhaphedi due to risky road condition. Stating that Youth Force was involved in the incident, YCL called district bandh on December 30. YCL called off the bandh after CPN-UML agreed to assist to arrest

the perpetrator. A murder case was filed against the perpetrator on December 31 but the perpetrator was not arrested till the end of the year.

JAIL AND DETAINEES

The "C" grade District Jail which has the capacity to detain only 25 inmates has 75 inmates at the end of the year. Among them, seven women and 33 men are convicted and one woman and 34 men are detainees.

On March 26, three inmates were injured in a clash inside the jail and were treated at District Hospital. According to the jail authority, the clash began due to long existing enmities among themselves and capacity-defying number of inmates in the jail.

DISAPPEARANCE/ABDUCTION By UCPN-M

NC cadre Phal Prasad Itani, 30, of Tripureshwor VDC-3 was abducted by cadres of UCPN-M on October 2 from Salyankot VDC. The victim was abducted on charge of working against the UCPN-M party. The victim was released at the initiation of police and locals.

THREATS/BEATINGS By UCPN-M

A petrol pump owner Kalyan Naharki, 40, of Bishaltar, Benighat VDC-8 was beaten by UCPN-M cadres on June 2 at his petrol pump on charge of not giving donation. The victim claimed that he was beaten by the cadres of the party who had gone to him asking for donation for TRMM. Protesting the incident, the locals halted vehicular movement in the area for two hours in the same evening. The locals called off the strike after police expressed commitment to punish the perpetrators.

Type of Events	By Non-State									By State		
	By Others					By UCPN-M						
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	N/A	Total	No. of Events	Male	Total
Killing	9	3	6		9							
Injured	4	6			6	1	1		1	1	2	2
Beatings	11	19	4	7	30	3	7		7			
Threats	1		1		1	4	3	1	4			
Racial Discrimination	4	1	4	15	20							
Women Rights	19		20		20							
Child Rights	4		5		5	1		200	200			
Abduction						1	2		2			
Total	52	29	40	22	91	10	13	201	214	1	2	2

RIGHT TO PROMPT AND FAIR TRIAL

108 civil cases were brought forward from last year and 30 civil cases were filed this year in the District Court. Of the total 138 civil cases, only 15 cases were decided this year and 123 cases remained undecided by the end of the year.

Similarly, 131 criminal cases were brought forward from last year and 52 such cases were filed this year. Among the total 183 criminal cases, 30 cases were decided this year and 153 cases remained undecided.

Among the total 321 cases including civil cases and criminal cases, 276 cases remained undecided in the District Court by the end of the year.

CHILD RIGHTS

12th grader student of Chandrodaya Higher Secondary School of Benighat VDC-8, Milan Kumar Shrestha, 21, of Dhusha VDC-6 was beaten and expelled from school by the school administration on November 3. The victim was expelled following a minor fight between students in school over the issue of excursion the students made earlier. However, the school administration also decided that he would get his educational certificates he

was entitled to get from school. The victim also sustained injury to his head, hand and other parts of the body due to the beatings of some students. School administration locked the victim inside the room till evening and even did not allow treatment of his wounds. He was allowed out when school administration decided to expel him. Issuing a press statement, human rights defenders demanded the guarantee of the victim's education and pressurized the school administration for the respect of human rights. The victim was rehabilitated in the school following the dialogue with school administration at the initiation of human rights defenders.

Third grader of Jagat Prakash Jung Primary School at Maidi VDC-2 Asmita Bhatta, 8, and other four students, were beaten by her teacher Ashok Sedhain on February 2 in school. Asmita's hand was fractured in the incident while others sustained injuries. The victim's father Giri Raj Bhatta informed that the victim underwent treatment at District Hospital, Dhading on February 7. Other victims Asbin Bhatta, Apsara Bhatta, Sarala Bhatta, Sijan Bhatta and Sisir Adhikari were injured in the incident. The teacher beat the victims after they could not make the

meaning of the words. The victims didn't attend school for one month following the beating.

A 17-year-old teenager of Baireni VDC-7 was raped by Ram Bahadur Tamang, 28, of the same VDC on October 21. The perpetrator raped her at a time while she was at her home and no family members were there. APO Gajuri arrested the perpetrator on November 3 with the help of the villagers. The victim was remanded to custody on charge of rape.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rabina Regmi (Bhandari) 22, of Jeevanpur-5 was beaten to death by her husband, Om Bhandari, 25, on January 1 on charge of giving birth to daughter. The perpetrator hit the victim with a stick while she was baking bread. The victim died while being taken to the hospital. The perpetrator confessed his crime when her 7-year-old daughter informed the police about the incident. The perpetrator was detained.

ALL KINDS OF RACIAL DISCRIMINATION

Devi Mijar, 19, of Kalleri VDC- 4 and Resma Mijar, 22, of ward no. 1 of the same VDC were beaten and misbehaved by the villagers on March 6 on charge of touching the stuffs in a feast. Following the beating the victims were forced to apologize for the incident. Though the victims complained at police office, the incident was settled without legal action against perpetrators.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Property Capture

Cadres of UCPN-M captured 16 Ropanis of land of the locals of Naubise VDC-1 Dharke on December 19 and erected make-shift huts saying that they would erect public buildings there.

The land belonging jointly to CPN-UML Naubise Village Committee Vice Chairperson Bishnu Prasad Acharya and his six brothers remained untitled. Earlier, locals had claimed the land as public but when the dispute reached to the Supreme Court. Acharya family had claimed to have won the case and the brothers had got ownership certificate of the land. UCPN-M Naubise Village Committee Secretary Ramesh Prasad Acharya said that they captured the public land as attempts were made for selling the land registering it in the name of some persons. He also added that the locals not the UCPN-M had captured the land.



2.17 Sindhupalchowk



Population : 346,997

Literacy(%) : 46

Women Literacy(%) : 32

Area(Sq. Km.) : 2,542

Number of VDC(s)/Municipality(ies) : 79/0

Number of School(s) : 507/24

Campus(es)/Higher Secondary School(s) : 6/34

Hospital(s)/Health Post(s) : 1/78

Human Development Index : 0.414

Average Household Size : 6



CIVIL AND POLITICAL RIGHTS JAIL AND DETAINEES

The “D” grade District jail has 25 convicted inmates including one woman and 60 males, and two female detainees by the end of the year. Although the jail has the capacity to accommodate only 38 persons, there are a total of 87 convicted and detained inmates in the jail at the end of the year. The main problems in the jail are due to inadequate drinking water and latrine facilities, and poor infrastructure. The library of the jail is frequently used as a sleeping space for inmates due to a severe lack of space inside the jail. Inmates are regularly provided with health check-ups in the jail.

DISAPPEARANCE/ABDUCTION By UCPN-M

The NSU Candidate for the Free Student Union Election in Chautara Multiple Campus, Maheshwor Dangal, 20, of Sanosirubari VDC-6, was abducted by UCPN-M cadres on March 14. The victim was released from Ikhu VDC the next day, in the presence of DSP Pramod Kharel. The victim was freed on condition of withdrawing his candidacy from the election.

THREATS/BEATINGS By State

15 locals including Sophiya Shrestha, 3, Rupesh Timilsena, 6, Rupal Timilsina, 9, Pawan Nepal, 4, Durga Maya Shrestha, 15, Suresh Shrestha, 17, and Suraj Shrestha, 19, were beaten by a team from the APF led by DSP Pradip Khadka. The team was deployed for the security of the Chhoti Custom Office at Andheri on May 31 at Kothe area in Phunlingdanda VDC-7. The victims were severely injured in the incident. The victims underwent treatment at Barhabishe Hospital. In protest against the incident, locals halted vehicular movement on Araniko Highway.

The locals withdrew their protest following an agreement reached between both sides to take action against the perpetrators.

By CPN-UML

UCPN-M cadres Ghambar Bahadur Shrestha, 35, of Phulming VDC-1, Chitra Bahadur Shrestha, Bhim Bahadur Shrestha and Tok Bahadur Thapa of the same place, were beaten by CPN-UML cadres on April 4, following a dispute in a VDC meeting. The victims returned to their homes following treatment at the local medical centre. CPN-UML and UCPN-M issued separate statements regarding the incident.

By Unidentified Group

The Headmaster of Siddhikamala Secondary School, of Pipaldanda VDC-2, Govinda Dkakal, 38, of Bansbari VDC, received a life threat from an unidentified person on January 19. The victim was called by the perpetrator and threatened while he was teaching in his class. The school remained closed for two days following the incident.

RIGHT TO PROMPT AND FAIR TRIAL

143 civil cases were brought forward from last year, and 30 civil cases were filed this year in the District Court. Similarly, 51 criminal cases were brought forward from last year and 39 such cases were filed this year, and 67 criminal cases, where the individual is the plaintiff, were brought forward from the last year and 68 such cases were filed this year in the district court. Among the total 398 cases including civil cases, criminal cases and criminal cases, where the individual is the plaintiff, 267 cases remained undecided at the District Court by the end of the year. 5 cases are waiting to be decided for the last two years in the district court.

CHILD RIGHTS

A 4th grade student at Mangalamai

Type of Events	By Non-State								By State			
	By Others					By UCPN-M						
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Total	No. of Events	Male	Female	Total
Killing	14	13	2		15							
Injured	4	1	4		5							
Arrest & Torture									4	4		4
Beatings	8	13	3		16				3	7	2	9
Threats	4	3	2		5							
Racial Discrimination	2	1	1		2							
Women Rights	18		18		18							
Child Rights	4		5		5							
Economic, Social and Cultural Rights	2		1	50	51							
Abduction						1	1	1				
Total	56	31	36	50	117	1	1	1	7	11	2	13

Secondary School at Piskar VDC-4, Surendra Thami, 14, of the same place, was taken to the police post at Piskar, and tortured by police on August 23, on a charge of stealing their communication sets. The victim was tortured during the night. His limbs were tied, and he was kicked with boots and hit with batons. The victim was released the following day as he was found innocent. The victim was treated at the local health center. A team of human rights activists monitored the incident and stated that the case was a violation of child rights.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

A 30-year-old woman of Helambu VDC-6, was raped by Kami Sherpa of the same place on January 1. Police arrested the perpetrator and filed a case at the District Court. The victim was released as per the order of the District Court on 5 February.

A woman of Pipaldanda VDC-8 was raped by Mohan Mahato, 27, of Malangwa-7 in Sarlahi on May 27. Mahato, who travelled to the villages repairing

stoves and pressure cookers, raped the victim after taking her to the jungle nearby her house. The Victim's health check-up was carried out at Chautara Hospital, and the perpetrator was remanded in jail.

Domestic Violence

Lal Maya Tamang, 35, of Chautara VDC-7, was beaten by her father-in-law, Jaya Bahadur Tamang, 65, on February 14. She was attacked by the perpetrator when no other family members were at home. The perpetrator was arrested on the same day and released after two days.

Polygamy

Buddha Shrestha, 38, of Chautara VDC-8 married with a woman working at a WDO, Nirmaya Tamang, 36, of ward no 8 of the same VDC on April 4. Tamang became his second wife. Shrestha had 2 sons and 3 daughters from his previous marriage, and the victim, his first wife, didn't complain on religious grounds, saying that a wife can't file a complaint against her own husband.

Accusation fo Being Witch

Dolmaya Bhattarai, 50, of

Bhotshipa VDC-8 was beaten and tortured by Om Bahadur Bhattarai, 55, of the same place on July 2 on a charge of practicing witchcraft. The victim filed a complaint at Bhimtar Police Post on the same day. Both sides reached an agreement at the Police Post.

ALL KINDS OF RACIAL DISCRIMINATION

Balkumari Raut, 48, of Barhabishe VDC-5, was attacked with a Khukuri by Kamal Raut, 47, of the same place on February 24, on charge of accepting his son who married a Dalit Girl. The victim was treated in Kathmandu and the perpetrator remained at large at the end of the year.



2.18 Nuwakot



Population : 328,055

Literacy(%) : 55

Women Literacy(%) : 43

Area(Sq. Km.) : 1,121

Number of VDC(s)/Municipality(ies) : 61/1

Number of School(s) : 501/53

Campus(es)/Higher Secondary School(s) : 4/24

Hospital(s)/Health Post(s) : 1/66

Human Development Index : 0.463

Average Household Size : 6



CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By Unidentified Group

Village Committee member of the NC, Prem Bahadur Kandel, 45, of Thaprek VDC 8, was killed by an unidentified group on April 7. The victim was killed when nearly 15 persons in combat dress attacked him with Khukuri. The victim was called out of his home, stating that he was called by Kharanitar Police Post. He was then taken to an open area, and attacked with khukuri. Issuing a press release, the Chairperson of the NC District Committee, Dhruva Adhikari, condemned the incident and called on the concerned authorities to take action against the perpetrators. Adhikari claimed that the incident was political. Acting upon a complaint filed by the victim's side, police arrested Ganesh Adhikari 41, and Shahadev Adhikari, of the same place on 8 October. The perpetrators were sent jail for the trial of the case.

JAIL AND DETAINEES

The "D" grade jail in Nuwakot has the capacity to detain 50 inmates. There are 44 convicts including five women and 32 men, and three female detainees at the end of the Year. Altogether there are 79 convicted and detained inmates at the jail by the end of the year. One dependent child is also staying at the jail along with his parent. The inmates are provided with facilities like newspapers, a radio, a television and a telephone. All male inmates are given a three-month long training course in bamboo stool weaving by the Cottage and Small Industry Development Committee.

THREATS/BEATINGS

By UCPN-M

Village Committee Secretary of CPN-UML, Nar Bahadur Tamang, of Likhu

VDC-5, received a life threat from a group of UCPN-M cadres led by Shiva Khati, on June 2. The victim was displaced from his home following the threat. District Committee Secretary of UCPN-M claimed that the victim had previously beaten UCPN-M cadres Mangali Tamang and Karma Tamang, and when they came to discuss the issue, the victim fled. The victim remained displaced at the end of year.

By YCL

Arjun Khatiwada 23 of Lijung VDC-5 and Krishan Pudasaini, 33, of the same place, were beaten up by YCL cadres, led by Deepak Dhungana, 28, of the same place on January 1, following a dispute over the issue of forming a school management committee in Kalyani Secondary School. Khatiwada sustained an injury to his head and Pudasaini sustained an injury to his chest. They were treated at the local medical centre.

By Youth Force

A student of Adarsha Multiple Campus and District Chairperson of ANNISU-R, Rupesh Tamang, 25, Narayan Nepal of Duipipal VDC-2, and Asmin Pandey of Sundardevi VDC, were attacked by members of the Youth Force on March 18, following a dispute over the FSU election in Aadarsha Multiple Campus, Nuwakot. Rupesh was treated at the Teaching Hospital, Maharajganj, Kathmandu, and Narayan and Asmin were treated at Janamaitri Hospital in Kathmandu.

Type of Events	By Non-State						
	By Others				By UCPN-M		
	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	5	2	3	5			
Injured	2	3		3			
Beatings	5	10	2	12	1	1	1
Threats					1	1	1
Women Rights	6		12	12			
Child Rights	4		6	6			
Total	22	15	23	38	2	2	2

By Others

Ishwari Thapa, 45, of Sundara Devi VDC-2, Satbise, was beaten up by Ganesh Karki, 25, of the Same VDC on August 10, on charge of practicing witchcraft. The victim sustained an injury to her back, and was treated at Binayak Hospital in Kathmandu. The perpetrator apologized for his actions before the villagers on August 26, and conceded that he committed the crime due to his own superstition. The victim was reinstated in her village at the initiation of the APO Kharanitar and the INSEC District Representative, following a meeting of human rights activists, teachers, journalists and villagers.

RIGHT TO PROMPT AND FAIR TRIAL

101 civil cases were brought forward from last year and 49 civil cases were filed this year in the District Court. From the total 150 civil cases, only 11 were decided this year, while 139 cases remained undecided by the end of the year.

Similarly, 73 criminal cases were brought forward from last year and 33 such cases were filed this year. Among the total 106 criminal cases, 47 cases were decided this year, while 59 cases remained undecided.

Among the total 256 cases, including civil cases and criminal cases, 198 remained undecided at the District Court by the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

A 10-year-old girl child of Bidur Municipality-6 was raped by Karna Bahadur Sadaula, 63, of the same place, on March 13, after he called her to his own house. Family sources claim that the child had been frequently raped by the same man who had allured her with money and sweets. This incident of rape surfaced when the perpetrator attempted to rape another child. Based on the complaint filed by the victim's family, police arrested the perpetrator on March 14 and remanded him in jail on March 28 as per the order of the District Court.

Prem Bahadur Thapa, a.k.a. Suman, 34, of Ralukadevi VDC-8, attempted to rape a 17-year-old girl of the same place on April 20. The perpetrator attempted to rape the victim at her house. APO Khairenitar, arrested the perpetrator and sent him to jail as per the Court Order. The case is on trial.

Domestic Violence

Bidu Rai, 22, of Malakot in Surmati VDC-6, was killed by her husband Ram Kumar Rai, 24, on February 18. Acting upon a complaint filed by the victim's father, Ram Bahadur Rai of Madanpur VDC-4, the DPO arrested the perpetrator from his house on February 21. The perpetrator was remanded in jail following the order of the District Court on March 17.

Women Trafficking

Rising Tamang, of Ghyangphedi 5, was arrested by police on January 24 while

he was trying to sell Phurtika Sherpa, alias Khirhung, 18, of the same place. Tamang was arrested from Samundratar Bazaar of Samundratar VDC-2. The perpetrator was remanded in jail following the decision of the court on February 26.



2.19

Rasuwa



Population : 52,286

Literacy(%) : 47

Women Literacy(%) : 35

Area(Sq. Km.) : 1,544

Number of VDC(s)/Municipality(ies) : 18/0

Number of School(s) : 108/3

Campus(es)/Higher Secondary School(s) : 1/3

Hospital(s)/Health Post(s) : 1/18

Human Development Index : 0.394

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The "E" grade District jail has 11 male convicts and one male detainee at the end of the year. There are a total of 12 convicted and detained inmates at the end of the year which has the capacity to detain 25 inmates. However the jail is in a dilapidated condition. The inmates were

provided opportunities to watch TV and listen to the radio but newspapers were not available. The inmates had been provided with skill generating trainings. The inmates complained that they couldn't study and toilets were not well managed.

Inmates, Ganesh Tamang, of Deurali VDC-6 Nuwakot and Subas were killed in a police firing on June 9, while they tried to escape from the jail. Tamang died on the spot, whereas Subas was killed while undergoing treatment in Bir Hospital

THREATS/BEATINGS

By YCL

Six players; Kumar Nagarkoti, 19, of Dhaibung VDC-7, Bijaya Bogati, 22, of Saramthali VDC-7, Baburam Tamang of Dhaibung VDC-3 and Kanchan, among others, were beaten by the cadres of YCL at Dhaibung VDC-8 on October 16. The YCL cadres had beaten them while they were returning after training Taekwondo players in Bhorle VDC. Maila Shrestha, another Taekwondo Trainer, who was heading towards the incident site, after receiving news of the beating, was also beaten and stones were hurled at her by the YCL cadres. YCL District Chief Prabhakar stated that in the name of players the youths were instigated by Youth Force to attack YCL Cadres with Khukuri.

ARBITRARY ARREST

Sundar Shrestha, Rabindra Upreti, Kaisnngdhidup Tamang, and Ramesh Basnet of Dhunche VDC-5 and Tempa Titung, Lachhin Titung, Mahendra Khadka and Sundar Lal Shrestha and Mingmarchhowang Tamang of ward number 8 of the same VDC were arrested without arrest warrant by the police on April 13, while they were returning after

Type of Events	By Non-State			By State		
	By Others					
	No. of Events	Male	Total	No. of Events	Male	Total
Killing				1	2	2
Injured	1	1	1			
Beatings	2	6	6	1	11	11
Threats	1	1	1			
Total	4	8	8	2	13	13

selecting a picnic spot. Police personnel verbally abused the victims and beat them up before arresting them, near Dhunchhe bazaar. Police released them the next day. Following the arrest, the locals called a district bandh, stating that plain clothes police team, led by Constable Shree Krishna Bhujel arrested the victims without any reason. Police resorted to using blank shots to disperse the demonstrators. Locals protested that the police, under the command of Narendra Upreti, repressed the demonstrators who were protesting against the arbitrary arrest. The locals called an indefinite bandh from 15 April demanding punishment for the perpetrators, compensation to the victims, security of the locals, transfer of the DSP and suspension of Police Constable Bhujel. A statement issued by NSU, Nepal Tarun Dal, businessmen and representatives of civil society condemned the incident. The locals called off the strike on April 16 after an agreement was reached between both sides at the DAO, in the presence of CDO and DSP.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION (Including Political Freedom and Free and Impartial Election)

District Correspondent of Kantipur Daily, Krishna Thapa, of Ganeshtan VDC-2 and the Editor of Ruprekha Weekly, Bishwamitra Khanal, of Bidur

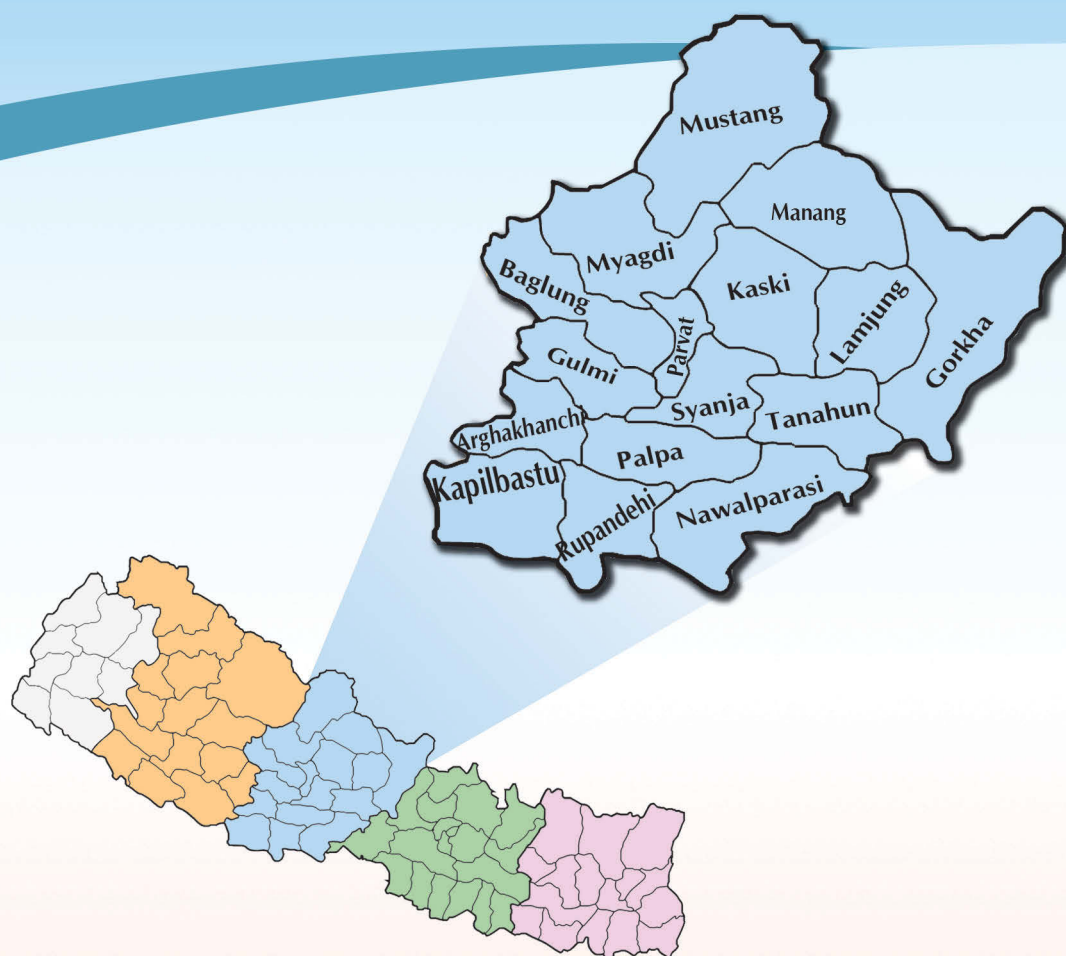
Municipality-3 were verbally abused and barred from collecting news by Nepal Army personnel of Indrabox Battalion, stationed at Timure Sino-Nepal border security, on April 9 in the bordering area. Lieutenant Rebanta KC of the Battalion barred the victims from collecting news saying that the order came from higher authorities. KC asked the victims to submit their cameras to the Army personnel if they wanted to enter into the area. Issuing a press statement, Rasuwa Chapter of FNJ condemned the incident. Nepal Army said that the incident occurred due to a border security policy.

RIGHT TO PROMPT AND FAIR TRIAL

Five criminal cases were brought forward from last year. Out of these, not a single case was decided this year. Six new criminal cases were filed this year at the District Court. Four of these cases were decided and two remained undecided by the end of the year. Among the total 11 criminal cases, seven cases remained undecided by the end of the year.

Only one civil case was brought forward from last year and one new civil case was filed this year. One civil case was decided this year. Among the total 13 cases, criminal and civil, eight remained undecided at the District Court by the end of the year.





3. WESTERN REGION

- | | | | |
|-----|-------------|------|--------------|
| 3.1 | Tanahun | 3.9 | Palpa |
| 3.2 | Gorkha | 3.10 | Kapilbastu |
| 3.3 | Lamjung | 3.11 | Arghakhanchi |
| 3.4 | Syangja | 3.12 | Gulmi |
| 3.5 | Kaski | 3.13 | Baglung |
| 3.6 | Manang | 3.14 | Parvat |
| 3.7 | Nawalparasi | 3.15 | Myagdi |
| 3.8 | Rupandehi | 3.16 | Mustang |

3.1 Tanahun



Population : 358,485

Literacy(%) : 72

Women Literacy(%) : 63

Area(Sq. Km.) : 1,546

Number of VDC(s)/Municipality(ies) : 46/1

Number of School(s) : 600/84

Campus(es)/Higher Secondary School(s) : 7/37

Hospital(s)/Health Post(s) : 2/46

Human Development Index : 0.524

Average Household Size : 5.5

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The "C" grade District Jail has 40 convicts and 42 detainees by the end of the year. The inmates have been finding it difficult to live in the overcrowded jail, which has the capacity for only 25 inmates. The inmates of the jail are also facing an acute shortage of water. They have protested many times in the jail for the transfer of inmates, as the jail has been overcrowded.

DISAPPEARANCE/ABDUCTION

BY YCL

Member of Youth Force Byasnagar Village Committee, Deepak KC, 25, was abducted by YCL cadres on February 11 from Byasnagar municipality-2, Damaulee,

on charge of engaging in activities against the UCPN-M. After the abduction and after being beaten by the perpetrators, the victim, who was also a former Maoists combatant, was taken to the YCL Camp located at Byas Municipality-5. YCL handed the victim over to the police after holding a press conference on 12 February. Youth Force released him from the police immediately after YCL had handed him over.

THREATS/BEATINGS

By State

Chairperson of CPN-UML Area No. 3, Ram Chandra Upadhaya, of Khairaneetar VDC-8, member, of CPN-UML District Committee, Mukti Timlsena, Armit Ghimire, Jiban Gurung and Bikram Gurung of the same place were beaten by police on 3 October. They were assaulted, while trying to make the locals withdraw at Prithivi High way. The victims stated that the police used force while they were talking to the locals. There was a clash when the police attempted to reopen the highway. During the clash police blank fired & used tear gas shells and baton-charged the victims. The injured victims were treated at Seteeganga Community Hospital.

By UCPN-M

NC cadre, Bodh Raj Wagle, 40, of Chhanga VDC-4 was beaten by District Committee Member of UCPN-M, Dilip Shrestha on May 17 at the victim's home. Dilip Shrestha assaulted him following a minor dispute. The victim was treated at a local medicine store.

By YCL

CPN UML village committee secretary, Prem Bahadur Mahat, 60, of Dhorphirdee VDC-5 was beaten by YCL cadres on April 9 at his home. The victim

Type of Events	By Non-State							By State		
	By Others				By UCPN-M					
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Total
Killing	5	1	4	5						
Injured	1		1	1						
Arrest & Torture								2	3	3
Beatings	13	21	4	25	1	1	1	2	10	10
Threats					2	2	2			
Racial Discrimination	1		1	1						
Women Rights	2		3	3						
Child Rights	2		2	2						
Economic, Social and Cultural Rights								1	6	6
Abduction	1	4	1	5	1	1	1			
Total	25	26	16	42	4	4	4	5	19	19

was assaulted by a group of YCL cadres, when he was heading to Dhorphirdee VDC while celebrating the victory of the FSU election at Bhanu Bhakta Campus. The victim was treated at the Western Regional Hospital, Pokhara. He did not file a complaint by the end of the year.

Police Constable of District Police Office, Hari Nepali, 25, of Arghakanchi district was beaten by YCL cadres on June 20 at Damouli bazaar on charge of making a statement against the movement. The victim was beaten while on duty. He underwent treatment at the Western Regional Hospital, Pokhara. Police failed to arrest anyone by the end of the year.

By Youth Force

UCPN-M cadre, Bir Bahadur Rana, 40, of Ghiring Sundhara VDC-7 was beaten by Youth Force cadres on June 4 at Ghiring Bazaar area following a minor dispute. The victim who was injured in the incident underwent treatment at the Western Regional Hospital, Pokhara.

By Unidentified Group

Central president of Nepal Public

Campus Association and Campus Chief of Bhanu Bhakta Multiple Campus, Damauli, Baikuntha Nyaupane, 50, of Byas Municipality, who is also a Central Committee Member of Human Rights Organization Nepal, was beaten up with stick at Byas municipality-2, Amarapuree by a group of unidentified man. He was assaulted while he was heading home from school. The victim's right hand was fractured in the incident. The victim underwent treatment at Fishtail Hospital, Pokhara. Prior to this incident, he was beaten by YCL cadres on March 22.

CLASH

Police head constable, Padam Gurung was injured when a stone was hurled at him by UCPN-M cadres while he was greeting Environment Minister, Thakur Prasad Sharma, with a black flag on October 27. Similarly, UCPN-M cadres, Ram Hari Bajagain, Purna Bahadur Sharki, Uma Raj Neupane and Rishi Ram Dhungana were also injured when police baton charged them in incident. All the injured victims underwent treatment at

Damauli Hospital.

Students of Bahnu Bhakta Multiple Campus, Belchautara and cadres of ANNFSU, Salana Thapa, Amrita Khanal and Regional coordinator of Youth Force, Prem Kumar Shrestha were beaten by YCL cadres on March 18 in Khairenee VDC-8. The victims were beaten while they were returning from Vimad Bazaar after a campaign for the FSU election. The victims were treated at Setiganga Community Hospital. Similarly, YCL cadres assaulted NSU cadre Nabin Khanal in the same incident. The victim was treated at Manipal Hospital.

RIGHT TO FAIR AND PROMPT TRIAL

66 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. In addition, 39 new criminal cases, where the individual is plaintiff, were filed this year. Among the total 105 cases, 10 were decided this year and 95 remained undecided by the end of this year.

42 criminal cases were brought forward from last year in the District Court. Additionally, 16 new cases were filed this year. Among the total 58 criminal cases, four were decided this year and 54 remained undecided by the end of this year.

119 civil cases were brought forward from last year in the District Court. Furthermore, 51 new cases were filed this year. Among the total 170 civil cases, 14 were decided and 156 remained undecided by the end of this year.

Among the total 333 cases, criminal and civil, where the individual is plaintiff, 305 cases remained undecided at the District Court by the end of this year.

CHILD RIGHTS

Santos Pariyar, 13, and Bikas Shrestha, 11, of Dulegaunda VDC-7

were arrested by police on August 6 from Dulegaunda Bazaar without any arrest warrant, on charge of theft. They were accused of stealing clothes, biscuits and other items, including alcohol from the vehicles, Ga 1 Ka 208 and Dha 1 Cha 16, which were stopped along the road near Damauli. The children were kept in police custody for three days. The victims were released on 9 August after they were found innocent.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Bisara Sarki, 64, of Bhanu VDC-6 was killed when her husband burned her alive on March 10, following a minor dispute. The perpetrator spread kerosene on the victims body and set her on fire. Police arrested the perpetrator same day. The case was still on trial by the end of the year.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property By Janamukti Party

A motorcycle, GA4PA 2274, belonging to Basnet of Kahu VDC-2, Kaski was burned by cadres of Janamukti Party on September 3 on charge of defying the Nepal Bandh called by the party demanding an autonomous ethnic state. The vehicle was torched while the victim was heading to Kathmandu from Pokhara. Police arrested the Central Member of the party, Shiba Lal Thapa of Byas municipality-2 and cadres of the party, Hemanta Banshi, Bahadur Sinha Thapa and Lila Bahadur Thapa of the same place for their alleged involvement in the incident. They were released on 7 September.

By UCPN-M

A motorcycle, with Registration

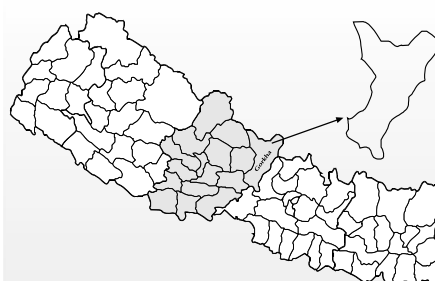
Number GA3PA 768, belonging to Julpha Jwarcharan of Khairenee VDC-9 was torched by UCPN-M cadres on December 22 at the same place on charge of defying the general strike called by UCPN-M demanding what they term as upholding civilian supremacy. Police doused the fire. Some parts of the motorcycle were damaged in the incident. However, no action had been taken against the perpetrators by the end of the year.

By Rastiya Janamorcha

A motorcycle, with registration number GA2PA 4462, belonging to Nandalal Gurung of Kaski district and another, with an on-test sign, belonging to Ishwor Paudel of Byas municipality-1, Talghare were vandalized by a group of Rastiya Janamorcha Cadres on December 27 at Byas municipality-11. They were vandalised on charge of defying the Gandaki-Dhaulagiree bandh called by the party denouncing the Federalism. The protestors vandalized the motorcycles while Gurung was returning to Kaski from Bharatapur after meeting a patient and Paudel was heading to Damaulee bazaar. The front panel glass of the motorcycles was damaged in the incident. No action had been taken against the perpetrators by the end of the year.



3.2 Gorkha



Population : 320,004

Literacy(%) : 50

Women Literacy(%) : 41

Area(Sq. Km.) : 3,610

Number of VDC(s)/Municipality(ies) : 66/1

Number of School(s) : 496/24

Campus(es)/Higher Secondary School(s) : 2/36

Hospital(s)/Health Post(s) : 2/74

Human Development Index : 0.454

Average Household Size : 5

CIVIL AND POLITICAL RIGHTS JAIL AND DETAINEES

The "E" grade District Jail, which has a capacity to house 55 inmates, has 50 male and five female inmates by the end of this year. Among them, there are 35 male and five female convicts and 15 male detainees. There is also one dependent minor boy among them. Both the male and female sections of the jail has one colour television set each and access to sports equipment and newspapers. There is also one library in the male section.

THREATS/BEATINGS By UCPN-M

Former chairperson of Kerabari VDC and CPN UML activist, Biraj Gurung, 37, of same VDC-2 was attacked

by the UCPN-M cadres on January 14 at Chisapani area of the same VDC. The victim was seriously injured in the attack and he was taken to Gorkha District Hospital for treatment and the next day was referred to Kathmandu for further treatment. The victim returned home on January 23 after treatment at Neuro Hospital Kathmandu.

Principal of Ganesh Secondary School Bhim Dhamala, 45, of Thumi VDC-2, who is also a member of Nepal National Teachers Organization, was beaten by UCPN-M cadres on July 29. The victim was assaulted by a group of six persons led by a local UCPN-M cadre while he was on his way to the school. The victim who received injuries to his right eye, underwent treatment at the local health post of Aaruchanaute VDC-1.

BY ANNISU-R

District Secretary of NSU, Rup Bahadur Gurung, of Gorkha Municipality-2 and District Member, Sharan Shrestha, of Gorkha Municipality-4 were beaten by cadres of ANNISU-R on August 3. They were beaten on charge of beating cadres of ANNISU-R on August 2 in the compound of Darbya Shaha Multiple Campus located at Gorkha municipality-8. Gurung received injuries to his leg and Shrestha received injuries to the head. ANNISU-R cadres Rajan Thapa Magar, Amrit Wagle, Imanjang Baniya and Raju Shrestha were also injured in the incident.

CHILD RIGHTS

Police arrested Hom Prasad Shrestha, 62, of Gankhu VDC-5 from his

Type of Events	By Non-State						
	By Others				By UCPN-M		
	No. of Events	Male	Female	Total	No. of Events	Male	Total
Injured	1	6		6			
Beatings	2	10	1	11	4	6	6
Right to Assembly					2	20	20
Child Rights	5		5	5			
Economic, Social and Cultural Rights					1	1	1
Inhuman Behaviour					1	2	2
Total	8	16	6	22	8	29	29

home on February 2 on charge of raping a 12-year-old girl of the same place. He was accused of raping the girl on January 30. The victim's relatives filed a complaint with the police on February 1 against Hom Prasad Shrestha for raping the girl at the jungle located at Nareshwor VDC- 6, after tempting her with 45 rupees. Accused Hom Prasad was sent to jail on February 27 for trial.

Police arrested Gothe Nepali, 58, of Chhoprak VDC-5 on November 17 on charge of raping an eight-year-old girl of the same place. According to the girl, he raped her at his home, after she was invited for food on November 14. Gothe Nepali was brought into police custody on December 10 for trial.

RIGHT TO PROMPT AND FAIR TRIAL

27 criminal cases, where the individual is plaintiff, were brought forward from last year and 14 new criminal cases, where the individual is plaintiff, were filed this year. Among the total 41 criminal cases, where the individual is plaintiff, 14 were decided this year and 27 remained undecided in the District Court by the end of this year.

38 criminal cases were brought forward from last year and eight new criminal cases were filed this year in the

District court. Among the total 46 criminal cases, 20 were decided this year and 26 remained undecided in the District Court by the end of this year.

58 civil cases were brought forward from last year and 22 new civil cases were filed this year in the District Court. Among the total 80 civil cases 11 were decided this year and 69 remained undecided in the District Court by the end of this year.

Among the total 167 cases, criminal and civil, where the individual is plaintiff, 122 cases remained undecided by the end of this year at the District Court.

District Vice-Chairperson of RPP Nepal, Ram Kumar Shrestha, 53, of Gorkha Municipality-1 and District Secretary, Ammar Bahadur Kunwar, 55, of Gorkha Municipality-8 were treated inhumanly by UCPN-M cadres on August 18 on charge of running a program against the spirit of the people's movement and the constitutional mandate. UCPN-M cadres manhandled them while they were conducting a signature campaign at a local bus park. They were conducting the campaign with a banner demanding a referendum to decide the fate of the monarchy and other rights, including the right of Nepal to be a Hindu country.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

As in previous years, there was a food deficit in the remote northern parts of Gorkha. People from the seven VDCs of the northern part namely, Chhekampar, Lho, ProKa, Bihee, Chumchet, Sideerbas and Samagaun were especially deprived of food. Nepal Food Corporation could not distribute 2260 quintal of rice for Sidiwas Dipoe, that was approved this year. Following the extreme shortage of food, Nepal Food Corporation delivered food on the eighth day of the Dashain, charging 2 hundred rupees per 1 KG.

Capture of Property

By ANFA

Approximately 650 *Ropanis* land belonging to Bharat Gurung, ex-security personal of former royal family member, of Shreenathkot VDC-2 was captured by UCPN-M affiliated All Nepal Farmer Association on August 31. Cadres of ANFA had announced the capture by placing the flag on the land. The land was still in the possession of ANFA cadres at the end of this year.



3.3 Lamjung



Population : 198,302

Literacy(%) : 65

Women Literacy(%) : 54

Area(Sq. Km.) : 1,692

Number of VDC(s)/Municipality(ies) : 61/0

Number of School(s) : 530/22

Campus(es)/Higher Secondary School(s) : 6/23

Hospital(s)/Health Post(s) : 1/61

Human Development Index : 0.492

Average Household Size : 5

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The "D" grade Jail with a capacity of 25 inmates has two female and 23 male

inmates at the end of the year. Among them, there are 19 male and two female convicts. There are also two male detainees at the jail at the end of the year. According to the inmates, they are deprived of facilities including electricity, drinking water, newspapers and sport equipment.

THREATS/BEATINGS

By YCL

District vice chairperson of NC, Jiwan Kumar Shrestha, of Beshishahar VDC-1 and CPN UML Village Committee Member, Raghujeet Mishra, 35, of Sundarbazar VDC were beaten by YCL cadres on March 9 at Lamjung Agriculture Campus. YCL cadres assaulted them on charge of engaging in political activities on the campus.

By Youth Force

District vice chairperson of All Nepal Teachers' Organization, Hari Danai, of Gaunshahar VDC-2, District Chairperson of All Nepal Trade Union Federation, Shambhu Shrestha, trader, Bashu Panta, Joint Secretary of Lamjung district chapter of FNJ Nabin, Raj Kuinkel and District chairperson of Revolutionary Journalist Association, Bashu Thapa, were beaten by Youth Force cadres on March 10 at a local bazaar of Beshishahar VDC.

Youth Force cadres assaulted them for their alleged involvement in the beating of Youth force cadres in Bhoteodar VDC the same day. Among the injured, Danai and Shrestha were treated in Kathmandu. Although UCPN-M District Committee filed an attempted murder case against District Vice Chairperson of Youth Force Govinda Basnet and Member Basu Baral on March 11, no action had been taken against the perpetrators by the end of the year.

Type of Events	By Non-State						
	By Others				By UCPN-M		
	No. of Events	Male	Female	Total	No. of Events	Male	Total
Injured	1	1		1			
Beatings	14	63	8	71	1	1	1
Threats	1	16		16			
Women Rights	3		3	3			
Total	19	80	11	91	1	1	1

By NC

UCPN-M cadre Prem Bahadur Kunwar, 38, of Neta VDC-9 was beaten by a group of NC cadres, led by Shankar Basnet on August 26 at Thansin of same VDC. NC cadres assaulted him on charge of engaging in political activities. The victim had not filed a complaint by the end of the year.

By ANNISU-R

President of Lamjung Agriculture Campus Unit of NSU, Dipendra Bhatta of Chitwan District and NSU Vice President Radhika Gartaula were beaten by students affiliated to ANNISU-R on March 8 at the campus compound. The victims were treated at Kalika Policlinic Bhoteodar. The victim had not filed a complaint by the end of the year.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom and Free and Impartial Election)

By YCL

YCL cadres hurled stones targeting Prithvi Subba Gurung, Constituent Assembly member from Constituency No.2, Lamjung District on March 11 near the district police office located at Beshishahar VDC-1. The incident occurred while he was on a trip gathering suggestions for the constitution. YCL cadres hurled stones at him on charge of giving political protection to the Youth Force cadres who



were involved in the beating of UCPN-M cadres at Besishahar VDC on March 10. No action had been taken against the perpetrators by the end of the year.

RIGHT TO PROMPT AND FAIR TRIAL

16 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. Of which, 11 cases were decided this year and five cases remain undecided. Similarly, 24 criminal cases, where the individual is plaintiff, were filed this year. Of which, 13 cases were decided this year and 11 cases remained undecided. Among the total 40 criminal cases, where individual is plaintiff, 16 cases remained undecided by the end of the year.

Nine criminal cases were brought forward from last year in the District Court. Of which, three cases were decided this year and six cases remained undecided. Similarly, eight criminal cases were filed this year. Of which, five cases were decided and three cases remained undecided. Of the total 17 criminal cases nine cases remained undecided by the end of this year.

49 civil cases were brought forward from last year in the District Court. Of which, 32 cases were decided this year and 17 cases remained undecided. Similarly, 20 civil cases were filed this year. Of which, two cases were decided and 18 cases remained undecided of the total 69 civil cases 34 cases were decided and 35 cases were remained undecided by the end of this year. Among the total 126 cases 60 cases remained undecided by the end of this year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

A 33-year-old woman of Simpanee VDC-9 was raped by Narayandatta Kuikel of the same place on 30 June at her home.

The victim's family filed a complaint at the district police office on July 3. The victim committed suicide by consuming poison on July 6. The perpetrator was still at large by the end of this year.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Property

YCL cadres vandalized a motorcycle, with registration number BA3PA 8683, of Tula Adhikari of Besishahar VDC-1 and another vehicle with registration No. BA4CHA 1920, of Mid Marsyandi Hydropower Project on June 8. YCL cadres vandalized the vehicles on charge of defying the bandh called by Tamu Rastriya Morcha.



3.4

Syangja



Population : 337,670

Literacy(%) :68

Women Literacy(%) : 58

Area(Sq. Km.) : 1,164

Number of VDC(s)/Municipality(ies) : 60/2

Number of School(s) : 691/64

Campus(es)/Higher Secondary School(s) : 7/61

Hospital(s)/Health Post(s) : 1/60

Human Development Index : 0.535

Average Household Size : 5



**CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
KILLING/FIRING**

BY Unidentified Group

Vice chairperson of Nepal Tarun Dal District Committee Babu Ram Paudel, 30, of Bicharichautara VDC-7 was killed by a group of unidentified people on March 17 near his home. The victim's relatives filed a complaint at the Area Police Office Setidovan on March 19. Police arrested Goma KC, Krishna Pariyar, Kamal KC and other people of ward No.9 of the same VDC on March 19 for interrogation about the incident. All the arrested persons were released on April 15. The perpetrator was still unknown by the end of this year.

JAIL AND DETAINEES

The "E" grade District Jail, which has a capacity of 35 inmates, has 35 male and seven female inmates by the end of the year. Among them, 16 male and 5 female are convicted and 19 male and two female are being detained.

Inmates have facilities such as television, radio, newspapers, toilets, drinking water and electricity. However, the sports equipment was not sufficient. Furthermore, health check ups were not conducted on a regular basis. Although the male inmates have been provided with skill-generating work, including weaving with hand made material such as bamboo all females in the jail have been deprived of such work and skills.

THREATS/BEATINGS

BY NC

Area No. 2 Regional In-charge of UCPN-M Tika Ram Regmi, 36, of Waling Municipality-8, Rambachchha was beaten by NC cadres, Sandeep Khand, 19, Malayankot VDC-5 Pradeep Khand, 17, of ward number 6 of the same VDC and Rajan Sen of ward number 7 of the same

VDC on June 1 at Malyankot VDC-7. The victim underwent treatment at Pokhara Community Hospital. The victim filed a complaint against the perpetrators at the DPO Syanja on June 2. Police arrested the perpetrators on June 3. They were released on June 19 after paying three thousand rupees each on bail.

By Others

Village committee secretary of CPN-UML Chet Kanta Nepali, 50, of Pidikhola VDC-2, Tallo Kuvinde was beaten by a group of approximately 90 students from Ghurunkha Secondary School on March 16 on charge of engaging in political activities. The victim filed a complaint at Pidikhola Police Post against a Teacher Organisation affiliated with UCPN-M for provoking students to carry out the attack. Police arrested two teachers of Ghurunkha Secondary School, Hari Prasad Aasyal, of Taklak VDC of Parbat District and Ram Babu Yadab, of Sarlahi District on March 26. However, they were released on the same day after interrogation.

RIGHT TO PROMPT AND FAIR TRIAL

41 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. Of which, nine cases were decided this year and 32 cases remained undecided. Similarly, 32 criminal cases, where the individual is plaintiff, were filed this year. Of which, 16 cases were decided this year and 16 cases remained undecided. Among the total 73 criminal cases, where the individual is plaintiff, 48 cases remained undecided by the end of this year.

33 criminal cases were brought forward from last year in the District Court. Of which, 10 cases were decided this year and 23 cases remained undecided. Similarly, 17 criminal cases were filed this

Type of Events	By Non-State							
	By Others				By UCPN-M			
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total
Killing	4	2	2	4				
Injured	4	3	1	4				
Beatings	7	5	3	8	1	2	3	5
Women Rights	18		20	20				
Child Rights	1		1	1				
Abduction	2		2	2				
Total	36	10	29	39	1	2	3	5

ALL KINDS OF DISCRIMINATION AGAINST WOMEN Rape, Attempt to Rape, Inhuman Behaviour

A 27-year-old pregnant woman of Majhkot VDC-7 filed a case of attempted rape against Wal Sing Gurung, 42, of ward no. 4 of the same VDC on November

22. Gurung was accused of raping the victim on October 15 at Chihan Danda of Majhkot VDC-6 while she was returning home from the maternity home located at Manakamana VDC-1. The accused was still at large by the end of this year.

Domestic Violence

Reena Kunwar, 20, of Thumpokhara VDC-8 was beaten and expelled from her house by her husband, Tap Prasad Kunwar, 26, and his family members on March 15 for not bringing a sufficient dowry. The victim filed a complaint at the DPO on March 20. At the initiation of INSEC District Representative, discussion was held between both sides at the DPO on March 28. During the discussion, Rina refused to stay at the home and got divorced as per the decision of the District Court on April 7. The court ordered the perpetrator to pay 105 thousand rupees to the victim and take back the dowry she brought during the marriage.

Women Trafficking

Tika Maya Gurung, 23, of Manakamana VDC-4 was rescued by police from Sunauli of India on May 20 while being trafficked to India by Tukamaya Gurung, of the same place. The victim was handed back to her maternal home. Police

year. Of which, two cases were decided and 15 cases remained undecided. Among the total 50 criminal cases, 38 cases remained undecided by the end of this year.

96 civil cases were brought forward from last year in the District Court. Of which, 33 cases were decided this year and 63 cases remained undecided. Similarly, 30 civil cases were filed this year. Of which, seven cases were decided and 23 cases remained undecided. Among the total 126 criminal cases, 40 cases were decided this year and 86 cases remained undecided by the end of this year.

A total of 172 cases, including criminal cases, where the individual is plaintiff, criminal cases and civil cases, reminded undecided by the end of this year in the District Court.

CHILD RIGHTS


A three-year-old girl of Ratanpur VDC-8 was abducted from her home, by Binod Rai, 24, of Beltar VDC-9 of Udayapur district on March 28. The girl was found at the jungle near her home, while her relatives were searching for her. Police arrested Binod Rai on March 30 following the complaint filed on March 28 by the girl's relatives. Binod Rai was in police custody for investigation at the end of this year.



arrested Tukamaya Gurung and Tara Sunar, 32, of Adarsha VDC-2 and brought them into police custody for interrogation. The police have initiated a case against them for human trafficking. The case was in court at the close of 2009.



3.5
Kaski



Population : 467,995

Literacy(%) : 72

Women Literacy(%) : 61

Area(Sq. Km.) : 2,017

Number of VDC(s)/Municipality(ies) : 43/2

Number of School(s) : 609/196

Campus(es)/Higher Secondary School(s) : 16/62

Hospital(s)/Health Post(s) : 7/48

Human Development Index : 0.550

Average Household Size : 5

CIVIL AND POLITICAL RIGHTS JAIL AND DETAINEES

The “D” grade District Jail had 92 male and 19 female convicts and 94 male and 11 female detainees awaiting trial at the end of this year. There were a total of 216 detained inmates in the jail which has the capacity to detain only 60 persons. One girl and two boys are also staying in the jail with their parents.

Inmates are facing problem as the jail is over-crowded. There are facilities of clean water, sanitation, electricity, health, newspaper, radio, TV, sports goods, school materials and telephone. Inmates of the jail are also engaged in income generating activities.

DISAPPEARANCE/ABDUCTION By Unidentified Group

Student of Bhadrakali Technical Institute of Pokhara Sub-metropolis-12, Dipak Ghimire, 22, of Jyangrunkot VDC of Myagdi district was abducted by a group of unidentified person on February 12 while he was returning home from the market. Campus Chief Rabindra Prasad Shrestha informed police about the incident and appealed for safety of his life after the victim sent SMS to his friend and informed about the incident. The victim managed to escape from the captivity and reached District Police Office, Bhairahawa on February 14. The victim was handed over to his father on the next day. The reason behind the abduction was not known.

THREATS/BEATINGS By State

Engineer of Pokhara Sub-metropolis Sushil Poudel, 29, and staffs Yam Bahadur Chhetri, 32, Mukti Rana Magar, 35, and Amar Karki, 35, were beaten up by police personnel deployed from DPO on March 23 in the office. Poudel underwent treatment at Padma Nursing Home and others underwent treatment at Western Regional Hospital. Police beat employees of the office who were organizing demonstration demanding action against perpetrator after a motorcycle, in which employees of the office Maheshwor Pahari, 34, and Krishna Gurung, 28, were traveling, was hit by a microbus with Registration Number GA1KHA 2246.

By YCL

Taxi driver Dharma Gurung, 20, of

Type of Events	By Non-State							By State			
	By Others				By UCPN-M						
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Female	Total
Killing	4	4	2	6							
Injured	6	48	2	50				1	4		4
Beatings	12	24	3	27	2	2	2	3	9		9
Threats	1	3		3							
Right to Assembly								1	4	7	11
Women Rights	1		1	1							
Child Rights	2		2	2							
Inhuman Behaviour	3	4	2	6							
Abduction	1	1		1							
Total	30	84	12	96	2	2	2	5	17	7	24

Pokhara Sub-metropolis-9 was thrashed by YCL cadres on May 12 near Pokhara Bus Park of same place on charge of hiding mobile set. The victim informed that a group of about five YCL cadres took the victim to the YCL camp and thrashed him on charge of hiding a mobile set of one of the YCL cadres while they were heading to Lake Side from Prithivi Chok area in the taxi.

BY CPN-UML

Dandi Raj Baral, 56, of Sildajure VDC-5 was thrashed by a group of CPN-UML cadres led by Rabi Prasad Poudel on June 16 on charge of obstructing water supply. The victim underwent treatment at local health post.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION (Including Political Freedom and Free and Impartial Election)

Krishna Mani Subedi, 64, of Hanshapur in Hanshapur VDC-4 was threatened to be killed by cadres of UCPN-M on April 9 on charge of removing the party flag placed at his home. A group of nearly 30 UCPN-M cadres including Nirmala Subedi, Satya Raj Subedi and Bir

Bahadur Kami also thrashed the victim and warned that they would kill his son Milan Subedi if he returned to the village. The perpetrators had put the party flag at the victim's residence on April 5.

YCL cadres led by Chairperson of District Committee Suman Devkota obstructed a signature campaign of RPP-Nepal on July 30 at Chipledhunga of Pokhara Sub-metropolis. The group pelted stones at leaders and cadres of RPP-Nepal. Chairperson of RPP-Nepal District Committee Devi Jung Gurung, 42, members Lal Bahadur Malla, 40, Ram Bahadur Tamang, 37, Amir Miya, 39, and Dandi Raj Acharya, 43, were injured in the incident. Injured victims underwent treatment at Model Hospital in New Road. District chairperson of YCL Suman Devkota, 34, cadres of the organization Sanam Baniya, 36, Lokendra Bista, 29, and Bhoj Raj Acharya, 26, were injured when police baton charged to take the situation into control. Injured YCL cadres underwent treatment at Abhiyan Community Hospital of Lakhan Chok. RPP-Nepal was collecting signatures demanding that the decision should be taken from referendum in serious issues like Federalism and fate of the Monarchy.

RIGHT TO PROMPT AND FREE TRIAL Appellate Court

32 criminal cases, where the individual is plaintiff, were brought forward from the last year and 22 such cases were registered this year at the Appellate Court. Of the total 54 criminal cases, where the individual is plaintiff, 30 cases were decided and 24 cases remained undecided by the end of the year.

67 criminal cases were brought forward from last year and 157 criminal cases were registered this year. Of the total 224 criminal cases, 101 cases were decided this year and 123 cases remained undecided by the end of the year.

136 civil cases were brought forward from last year and 143 civil cases were registered this year. Of the total 279 civil cases 175 were decided and 104 cases remained undecided by the end of the year.

Among the total 557 cases including Individual Cases, where the individual is plaintiff, criminal cases and civil cases, 251 cases remained undecided by the end of the year at the Appellate Court Kaski.

District Court

135 criminal cases, where the individual is plaintiff, were brought forward from the last year and 171 such cases were registered this year in the District Court. Of the total 306 criminal cases, where the individual is plaintiff, 179 cases were decided and 127 cases remained undecided by the end of the year.

161 criminal cases were brought forward from last year and 89 criminal cases were registered this year. Of the total 250 criminal cases, 93 cases were decided this year and 157 cases remained undecided by the end of the year.

302 civil cases were brought forward from last year and 204 civil cases were registered this year. Of the total 506 civil cases, 142 cases were decided and

364 cases remained undecided by the end of the year.

Among the total 1062 cases, including Individual Cases, where the individual is plaintiff, criminal cases and civil cases, 648 cases remained undecided by the end of the year in the District Court.

CHILD RIGHTS

Students of New Diamond Model School Alisha Nepal, 4, Manisha B.K., 6, and Ghana Shyam Bhusal, 8, of Lekhnath Municipality-9 were expelled from the school on July 13 on charge of being HIV infected. Children were deprived from their Right to Education following the incident. The children, who were staying at Aankura Village of HIV infected people, were enrolled in Nursery class on May 6. School principal Som Lal Tiwari informed that guardians of other students forced the school to expel the victims. Many organizations made effort to enroll the victims at the same school but parents other students did not allow to do so. The victims had been studying at the school run by Nava Kiran Plus, an organization of HIV infected people in Swyambhu of Kathmandu in the initiation of National Federation of HIV Aids infected people.

ALL FORMS OF DISCRIMINATION AGAINST WOMAN

Domestic Violence

Ganga BK, 20, who was staying with her husband at a rented room in Pokhara Sub Metropolis-3, was set on fire by her husband Buddhi Gurung, 21, on January 28 following a family dispute. The victim underwent treatment at Western Regional Office Pokhara with the help of locals and her parents. The victim informed that her husband had beaten her time and again in the past as well. However, the victim was staying with her husband by the end of the year despite the incident.

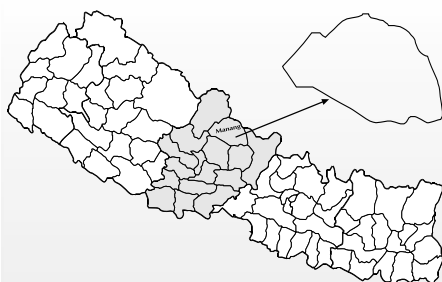


ALL KINDS OF RACIAL DISCRIMINATION

Buddhi Bahadur Mijar, 26, of Ghachok VDC-4, Udabir Nepali, 35, Mana Bahadur Nepali, 28, Jhalak Bahadur Nepali, 34, and Dhana Bahadur Nepali, 32, of the same place were beaten by some people of the same place on charge of saying they had demanding their rights despite being so-called Dalits. They were beaten while they were having discussion with local stakeholders. The victims underwent treatment at local health post. Dalits announced various protest programs saying they did not have equal access to water, land and education.



3.6 Manang



Population : 15,062

Literacy(%) : 50

Women Literacy(%) : 35

Area(Sq. Km.) : 2,246

Number of VDC(s)/Municipality(ies) : 13/0

Number of School(s) : 31/1

Campus(es)/Higher Secondary School(s) : 0/2

Hospital(s)/Health Post(s) : 1/13

Human Development Index : 0.502

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By Others

Local people of the Gorkha district, Bire Gurung, 15, Kami Gurung, 14, Sobar Gurung, 22, Aaitaram Gurung, 23, Dhurbe Gurung, 17, Gyan Bahadur Gurung, 35, of Kerauja VDC-1 and Kanchha Gurung, 29, of same VDC ward No. 2 were killed with a baton and knife by local villagers of Nar VDC of Manang district on charge of collecting Yarshagumba.

Police arrested 59 persons of the Nar VDC on various dates in June and July on charge of their involvement in the murder case. Among them, police summoned 40 persons to the district court. As per the decision of the district court, four persons were released on-bail on August 5. Similarly, 17 persons were released on-bail on 1 November, following the decision of the Appellate Court Pokhara. By the end of the year, 19 of the total number of people arrested in connection with the Nar incident were put in jail, while the police carried out their investigations.

According to the incident details, seven persons of Kerauja VDC of Gorkha district had gone to the Nar VDC of Manang district to collect Yarshagumba on June 8. Relatives of the Yarshagumba collections filed an application on June 18 at the DPO Gorkha appealing for a search for their relatives. Police started a search following the application and found two dead bodies on June 29 at Kankrelake of Manang. The bodies of the remaining five persons were found at the same place near the bank of river. The dead bodies were found scattered around after exhumation. During the investigation, police arrested some villagers including Lakpachhiye Lama, Phudhidel Lama, Dhawaphurpa

Type of Events	By Non-State		
	By Others		
	No. of Events	Male	Total
Killing	2	8	8
Injured	1	1	1
Beatings	1	1	1
Total	4	10	10

Lama, Suresh Rana of the Nar VDC on July 5, who were subsequently, released.

JAIL AND DETAINEES


Newly established Manang jail has 32 male inmates by the end of the year. Among the total inmates, 20 male were detained on murder charges, 11 on charges of thievery and one on an attempted murder charge. Manang district had no jail in 2008. A new jail was established in August, after the Nar murder case. The jail does not have its own building, as it was established in the district education office building. The capacity and the grade of the jail also had not been fixed by the end of this year.

RIGHT TO PROMPT AND FAIR TRIAL

One criminal case was brought forward from last year. Additionally, four new criminal cases were filed this year. The court's record keeper, Shambhuprasad Baral informed that among the total five criminal cases, all cases remained undecided by the end of the year.



3.7 Nawalparasi



Population : 688,483

Literacy(%) : 63

Women Literacy(%) : 30

Area(Sq. Km.) : 2,162

Number of VDC(s)/Municipality(ies) : 73/1

Number of School(s) : 546/93

Campus(es)/Higher Secondary School(s) : 7/55

Hospital(s)/Health Post(s) : 3/82

Human Development Index : 0.482

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By Others

Central Military Commander of All Tarai Liberation Front Arjun Ray Yadav, 35, of Baltuwa VDC-7 in Rautahat district was found dead in a field in Hakai VDC-7 on November 21. He was shot in chest and temple. Police sent the body for post mortem after the locals informed them on the same day. The deceased was cremated by Ramgram Municipality three days after the death as his identity could not be established immediately. The killers have not been identified yet.

JAIL AND DETAINEES

The "D" grade District Jail has the

Type of Events	By Non-State								By State			
	By Others				By UCPN-M							
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total
Killing	5	3	2	5								
Injured	4	7		7								
Arrest & Torture									6	19		19
Beatings	5	5		5	2	2		2	3	13	2	15
Threats	3	3		3	1	2		2				
Right to Assembly									1	2	3	5
Racial Discrimination	1	1		1								
Women Rights	18		25	25								
Child Rights	10		10	10								
Economic, Social and Cultural Rights	2	3		3	6	8	1	9				
Inhuman Behaviour	3	3		3								
Abduction	3	3	1	4	1	1		1				
Total	54	28	38	66	10	13	1	14	10	34	5	39

capacity to accommodate of 35 persons. There were 92 inmates including nine female at the end of the year. Among them, two female and 19 male inmates, are convicts and seven female and 64 male inmates are detainees. The inmates are facing problems due to overcrowding. There are three rooms meant for male inmates and one for female. The inmates say their products, including stools and fishing nets find good market.

DISAPPEARANCE/ABDUCTION

By UCPN-M

Gopal Mahara, 23, of Bhimdutta Municipality-8 and living in Hattikhor Satellite Camp under Fourth Division of PLA was abducted by UCPN-M cadres from Naya Gaon of Shivamandir VDC on July 26. The abduction was led by Maoist cadre Yuganta Mainali on charge of joining CPN-M. Mahara, kept at Hattikhor camp after abduction, was handed over to his wife Kopila at the initiation of INSEC District Representative and other human rights defenders on July 31.

By MMT

Bharat Raymajhi, 55, of Kathmandu Metropolis-29 and currently living in Butwal Municipality in Rupandehi was abducted by the cadres of Madhesi Mukti Tigers from Maheshpur Chok of Ramgram Municipality-5 on December 24. He was released from the same place after paying Rs 500,000. Raymajhi made the incident public following the arrest of Sahamadding Ansari, a politburo member of the group on February 28. He did not disclose the incident fearing the group. Ansari was in police custody for remand at the end of the year.

By Others

Kodai Yadav, 48, of Ramgram Municipality-11 and Manager of New Hari Brick Factory of the same place was abducted from factory premises by an unknown group on January 22. He was kept at undisclosed location with hands tied and blindfolded. He was freed from Devgaon VDC-1 on January 25. The

identity and motive of abductors could not be known.

THREATS/BEATINGS

By State

Ten persons, including Ramesh Shrestha of Makar VDC-4, Ajmer Khan, 21, of Swathi VDC-6, Phulawa Basphor, 28, of Ramgram Municipality, Syata Narayan Chaudhary, 36, of Panchanagar VDC-9, Damayanti Mishra, 42, of Laghunaha in Makar VDC-8, Padam Narayan Chaudhary, 40, of Dainawa in Banjariya VDC, Narayan Kurmi, 43, of Ramgram Municipality-11 were injured in police baton charge. The victims were injured during police interference in a demonstration held by differently abled persons when they were trying to picket the DAO.

By UCPN-M

Former VDC chairperson and Central Committee Member of Tarai Madhesh Democratic Party Subhan Ali Ansari, 45, of Rampur Khadauna VDC-5, was beaten up by the UCPN-M cadres at Maheshpur Chok of Ramgram Municipality-5 on September 22 on charge of bothering women and other locals.

Hem Bahadur Magar, 55, of Rakachuli VDC-4 and resident of the same ward was abducted and beaten up by a team of PLA members of Maoists' Fourth Division on March 23 on charge of misbehaving with a local woman. He was brought to the camp and was released in the evening.

By YCL

Youth Force cadre Dilip Pun, 32, of Sunbal VDC-5 and was beaten up in his house by YCL cadres Ram Prasad Kunwar, Pancharam Kunwar and Shivaram Nepali on December 17 on charge of defecting YCL to join Youth Force. Pun got head and chest injuries for which he was

treated at District Hospital, Parasi. He said the Maoists had also looted paddy crop planted in two kathas of land on November 23. UCPN-M issued a statement on 18 December claiming UML of politicizing a personal incident while UML claimed it was a politically-motivated attack.

By NC

YCL cadre Shankar Bhandari, 28, of Ramnagar VDC-1 got injured in an attack by NC cadre Bhojraj Neupane at Bhumahi Bazaar on June 19. Bhandari was attacked with sharp weapon during a rally held to protest Presidential move to veto PM Prachanda's decision to dismiss Chief of Army Staff Rookmangud Katawal. The injured received treatment at Lumbini Zonal Hospital, Butwal. Neupane was held in custody since June 21 for remand.

By TSC

District reporter for Radio Nepal KB Rana, 29, of Ruchang VDC-5 was beaten up by cadres of TSC at Sunbal of Sunbal VDC-1 on March 10 on charge of defying the call for bandh. They also vandalised his motorcycle.

By MMT

Dhruba Prasad Yadav, 27, of Guthiprasauni VDC-8 was threatened by MMT cadre Shivapujan Rajbhar alias Pujari and his wife Sanjidevi Rajbhar on December 5. Rajbhar had threatened over phone of killing Yadav's son. Yadav said the couple also threatened him on December 12 demanding Rs 500,000. Yadav filed a complaint On December 21 at DPO. Sanji Devi was held on remand on the same day while Shivapujan was absconding until the end of the year.

By MJF

UCPN-M cadres Harihar Harijan, 55, of Hakui VDC-4, Budhan Ali, 35, and Sachin Pathak, 32, of Ramgram

Municipality-6 were beaten up by MJF cadres on September 22 on charge of waving black flags to State Minister for Women, Children and Social Welfare Ram Bachan Yadav. Yadav was heading for a programme on the occasion of Dashain when the incident occurred. The injured UCPN-M cadres underwent treatment at District Hospital, Parasi.

RIGHT TO PROMPT AND FAIR TRIAL

Among the total 506 criminal cases, brought forward from the last year and filed this year, 336 cases were decided and 170 cases remained undecided by the end of this year.

Among the total 960 civil cases, brought forward from the last year and filed this year, 520 cases were decided and 440 cases remained undecided by the end of this year.

Among the total 1466 cases including criminal cases and civil cases, 856 cases decided and 610 cases remained undecided by the end of this year at the District Court.

CHILD RIGHTS

Family members of an 11-year-old girl of Dibyanagar of Makar VDC-4 filed a complaint against Sanju Poudel, 26, of the same place on March 5 on charge of raping her. The family claimed he forcibly took the girl to a nearby jungle threatening to kill her if she refused and raped her. Police arrested Poudel on March 6. At the end of the year, he was in custody on remand as per the order of the district court.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

Laugi Harijan, 45, of Bhatauliya in Bhujhawa VDC-5 was threatened to break her hands and kill her by Samsodha Miyan on July 26 on charge of being

witch. Harijan, who was displaced to Bihar in India on July 27, came back home on September 2. She claimed that Miyan beaten and threatened her for being witch. She said she filed a complaint at Bhujhawa Police Station on July 27 but no action was taken against perpetrators by the end of the year.

Domestic Violence

Bishwanath Kewat, 38, of Harpur VDC-8 electrocuted his wife Mansa Devi Kewat, 35 on October 7 for not giving birth to a son. Mansa Devi was shut inside the room before the act was carried out. She did not register complaint anywhere.



3.8 Rupandehi



Population : 900,895

Literacy(%) : 66

Women Literacy(%) : 55

Area(Sq. Km.) : 1,401

Number of VDC(s)/Municipality(ies) : 69/2

Number of School(s) : 498/62

Campus(es)/Higher Secondary School(s) : 16/68

Hospital(s)/Health Post(s) : 6/69

Human Development Index : 0.500

Average Household Size : 6

**CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
KILLING/FIRING**

By State

Abdul Mojib Dewan, 32, of Betkuiya VDC-7 was found dead in the garden of Parashawa area of Bogadi VDC-8 on October 26. A fact finding report conducted by human rights organization including INSEC, NHRC and Advocacy Forum concluded that Dewan was killed after arrest. The victim's father Abdul, 62, tried to file a complaint against SI Sambhu Upadhaya of Betharee Police Post alleging that Upadhaya shot the victim dead but police refused to file the complaint. Abdul filed a case at the Appellate Court against DPO and DAO on November 18. Though the court issued show cause notice in the name of defendants on the next day no action was taken by the end of the year as per the writ.

By YCL

District Committee Member of Youth Force, Prachanda Man Thaiba, 35, of Butwal Municipality-9 was shot dead by a group of YCL cadres on March 26. YCL cadres shot him following him in a motorcycle while he was going home from Hospital Road. He sustained bullet injuries in chest and arm. The victim died while undergoing treatment at Lumbini Zonal Hospital.

The district remained bandh till April 2 following riots erupted after the incident. Youth Force cadres vandalized and torched offices of sister organizations affiliated with UCPN-M in Butwal Municipality. The riot stopped when UCPN-M and CPN-UML reached an agreement at the central level to punish the guilty. UCPN-M informed that Sujit BK fled while they were taking him to NHRC. Nepal Government announced Thaiba a

Martyr on April 23 and provided Rs 1 m as compensation to the victim's family. Accused BK was not arrested by the end of this year.

By Tarai Cobra

District Committee Member of RPP Parabesh Kanda Khan alias Saukat, 35, of Kapilvastu Municipality-3, Jamuwartol was shot dead by cadres of Tarai Cobra in Mainabagar of Butwal Municipality-4 on December 25. Cadres of the group, who came in motorcycle with Indian number plate, shot Khan while he was going to Butwal to repair motorcycle. Tarai Cobra claimed responsibility of the incident. Police arrested his wife Najama Khatun, 32, for her alleged involvement in the incident. The last rite of the victim was held after conducting post-mortem at Lumbini Zonal Hospital.

By Unidentified Group

Bekaru Harijan, 35, of Khaldiya in Bogadi VDC-4 was shot dead by a group of unidentified persons at his own home on June 2. He got two bullet injuries in chest. The post-mortem of the body was conducted in Bhim Hospital Bhairahawa on the same day. No one took the responsibility of the incident.

CLASH

Cadre of Madeshi Tiger Rambali Chauhan, 30, of Kamhariya VDC-5 was killed when the group clashed with police in Dhakadhai VDC on February 26. The victim was killed in police retaliation when the group opened fire targeting them.

INJURED IN SHOOTING/EXPLOSION

By Unidentified Group

Bikram Jayasawal, 29, his wife Sunita Jayasawal, 26, of Hatibangai VDC-8 and their worker Krishna Jayasawal, 16, were shot injured by a group of

Type of Events	By Non-State								By State		
	By Others				By UCPN-M						
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	5	3	2	5					3	4	4
Injured	6	6	2	8							
Arrest & Torture									2	5	5
Beatings	5	9	1	10	2		8	8	3	16	16
Threats	4	5		5	2	3	2	5			
Right to Assembly									1	4	4
Women Rights	1		1	1							
Child Rights	3		3	3							
Economic, Social and Cultural Rights					2	19		19			
Abduction	1	1		1							
Total	25	24	9	33	6	22	10	32	9	29	29

unidentified people on March 21 near their house. Injured victims were treated in Gorakhpur of India. No one took the responsibility of the incident.

JAIL AND DETAINEES

The 'C' grade District Jail with the capacity to detain 60 inmates has 229 inmates at the end of the year. Of which, one female and 90 male convicts and 138 male detainees are there by the end of this year. Inmates are facing problem in the jail due to large number of inmates. INSEC had recommended for reform in the jail during its monitoring on December 16. However, the Jailor Bomlal Bhandari informed that they had corresponded to concerned authorities for assistance in this regard.

Detained inmates of the jail Milan Thapa, Sushil Chapagai, Dangoriya Chaudhary, Ali Akhatar Khan, Rem Pun, Mesbahadur Yadab, Babu Paudel, Sushil Bhujel, Bhola Galami, Bishwas Gurung, Tribeni Chaudhary, Rajesh Gupta, Lekhnath Yadab, Rampad Yadab, Raphik Khan were beaten up by police on January 23 on charge of holding demonstration in the Jail. Injured detainees were treated at

Universal Medical College, Bhairahawa. Leader of the inmates Bishnu Khatri, Bimal Ale, Mangal Chauhar, Kamal Pariyar and Menu Gurung were injured in an attack by inmates. They were also treated at the same hospital.

DISAPPEARANCE/ABDUCTION

By Unidentified Group

Narendra Kewat, 25, of Makari in Gonaha VDC-2, also a student of Rupendehi Campus, was abducted by a group of unidentified persons on January 26 from near his house while he was returning from the college. The victim came into contact with family members on May 24. The victim did not inform condition for being released.

THREATS/BEATINGS

By UCPN-M

Journalists Kul Mani Gyawali, Harish Dhakal, Mina Bhattra and Tejendra KC were warned of action by UCPN-M cadres on June 11 on charge of defying the bandh called by the party. The scribes were mistreated and warned while they were covering news of the Abadh State Bandh called by the party against the

President's step to halt the decision of the UCPN-M led government to sack former CoAS from the post.

BY YCL

Arjun Basyal, 32, and Ishwori Budhathoki, 35, of Kotihawa in Madhwaliya VDC-5, received life threats by YCL cadres on May 31. YCL cadres Udaya Pun and Durlav issued the threats after visiting the victim's home on charge of opposing the activities of YCL.

By CPN-M

Khem Narayan Shrestha, owner of Samrat Hotel located at Traffic Chok of Butwal Municipality-6, was given life threat by Lumbini Zone Secretary of the party on November 14 on charge of occupying land of many people. Speaking at a program organized at Traffic Chok by the party, the perpetrator issued life threat to Shrestha.

By Unidentified Group

Madhav Prasad Adhikari, 45, of Shiddharthanagar Municipality-7 in Bhairahawa was issued life threat by a group of unidentified persons on May 13. The victim received threat via telephone by a person identifying himself as a Madheshi Tiger cadre. The victim informed that he did not receive threat after he filed a case at police office on May 15.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION (Including Political Freedom and Free and Impartial Election)

UCPN-M Cadres vandalized the office of Radio Mukti FM on March 20 on charge of not disseminating the news in the favor of ANNISU-R. UCPN-M cadres hurled stones and vandalized transmission room of the station. Issuing a press statement, Chairperson of the radio station Kabita

Sharma informed that the perpetrators also issued threats to staffs of the FM station. Similarly, issuing a press release, FNJ District Chapter demanded security of the journalist with the Government.

RIGHT TO FAIR AND PROMPT TRIAL

Appellate Court

64 criminal cases, where the individual is plaintiff, were brought forward from the last year in the Appellate Court and 93 criminal cases, where the individual is plaintiff, were filed this year. Among the total 157 cases, brought forward from the last year and filed this year, 40 cases were decided this year and 117 cases were remained undecided by the end of this year.

60 criminal cases were brought forward from the last year in the Appellate Court and 102 criminal cases were filed this year. Among the total 162 cases, brought forward from the last year and filed this year, 66 cases were decided this year and 96 cases were remained undecided by the end of this year.

221 civil cases were brought forward from the last year in the Appellate Court and 293 civil cases were filed this year. Among the total 514 cases, brought forward from the last year and filed this year, 175 cases were decided this year and 339 cases remained undecided by the end of this year. A total of 552 cases remained undecided by the end this year in the Appellate Court.

District Court

185 criminal cases, where the individual is plaintiff, were brought forward from the last year in the District Court and 154 criminal cases, where the individual is plaintiff, were filed this year. Among the total 339 cases, brought forward from the last year and filed this year, 65 cases were decided and 274 cases remained

undecided by the end of this year.

115 criminal cases were brought forward from the last year in the District Court and 79 criminal cases were filed this year. Among the total 194 cases, brought forward from the last year and filed this year, 49 cases were decided and 145 cases were remained undecided by the end of this year.

621 civil cases were brought forward from the last year in the District Court and 315 civil cases were filed this year. Among the total 936 cases, brought forward from the last year and filed this year, 162 cases were decided and 774 cases remained undecided by the end of this year. A total of 1193 cases remained undecided by the end this year in the District Court. Of which, there were 191 cases undecided for two years.

CHILD RIGHTS

Police arrested Krishna Thapa, 50, of Debdaha VDC-8 on September 1 on charge of raping a nine-year-old girl of the same place on August 27. Police arrested him following a complaint filed at DPO by the victim's relatives on August 30. The alleged perpetrator was remanded to custody for trial.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Anarkali Tharu, 36, of Dudharaksha VDC-6 was killed by her husband

Bhikkhu Tharu, 42, on August 15. The victim was attacked with sickle after minor dispute occurred while working at paddy field. The victim's son Paltu Tharu filed a complaint at the APO on the same day. Police arrested the perpetrator on the same day. Last rite of the victim was held after post-mortem at Lumbini Zonal Hospital.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Property

By ANNISU-R

Two vans, with the number plate, Ba1Ja 350 and Ba1Jha 7932 belonging to Nepal Drinking Water Corporation and National Investigation Department were torched at Nepaljung Road in Butwal by a group of ANNISU-R Cadres on August 12. The vans were completely damaged by the fire. UCPN-M Party had directed the cadres to set fire on the government vehicles as soon as it appeared on the street, one ANNISU-R leaders Keshar Bahadur Thapa said.

Capture of Property

By UCPN-M

Six Bigahas land belonging to Gangaram Mallaha, Aabadharam Mallaha, Laxman Mallaha, Babulal Mallaha, Tulsi Mallaha, Darukh Mallaha and Rajaram, of Mainahiya VDC-1 was captured by UCPN-M cadres on June 18. UCPN-M cadres announced the capture by planting the party flag.



3.9

Palpa



Population : 297,322

Literacy(%) : 70

Women Literacy(%) : 55

Area(Sq. Km.) : 1,373

Number of VDC(s)/Municipality(ies) : 62/1

Number of School(s) : 4/25

Campus(es)/Higher Secondary School(s) : 5/41

Hospital(s)/Health Post(s) : 2/65

Human Development Index : 0.486

Average Household Size : 5

CIVIL AND POLITICAL RIGHTS JAIL AND DETAINEES

The "D" grade district jail with the capacity of only 175 inmates has 205 inmates by the end of this year. There are 13 female and 150 male convicts and 17 female and 25 male detainees. Since the jail has more inmates than its capacity, the inmates are facing various problems, including lack of drinking water. According to the inmates, they have to hire water tankers to ensure there is sufficient water. The inmates have problems with washing clothes, bathing and cleaning. Similarly, as revealed by a jailer, due to the limited budget allocated to the jail, the inmates are deprived of health check-ups and treatment for ill inmates. The inmates have been provided with

recreational facilities such as newspapers, and skill generating activities like netting and weaving stools.

THREATS/BEATINGS

By UCPN-M

Chemana Prasad Pokharel, 41, of Bakamalan VDC-8 and his wife Laxmi Pokharel, 37, were beaten by Area In-charge of UCPN-M Ram Prasad Khattri, 42, of Bakamalan VDC-7 on June 12 at ward No. 8 of the same VDC. They were beaten on charge of defying the bandh called by Magarant State Committee of the party. The victims were thrashed while they were heading to the sub health post. The victims underwent treatment at a local medical store. The victims filed a complaint against the perpetrator at the district police office on June 15. An agreement was reached between both sides on June 16, at the District Police Office after the perpetrator expressed a commitment not to repeat such an incident in the future.

RIGHT TO PROMPT AND FAIR TRIAL

13 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court and 30 new 41 criminal cases, where the individual is plaintiff, were filed this year. Among the total 43 cases, brought forward from last year and filed this year, 30 were decided this year and 13 remained undecided by the end of this year.

22 criminal cases were brought forward from last year in the District Court and 42 new criminal cases were filed this year. Among the total 64 cases, brought forward from last year and filed this year, 43 were decided this year and 21 remained undecided by the end of this year.

45 civil cases were brought forward from last year in the District Court and 57 new civil cases were filed this year. Among

Type of Events	By Non-State								By State		
	By Others				By UCPN-M						
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total	No. of Events	Male	Total
Beatings	1		1	1	1	1	1	2	1	1	1
Racial Discrimination	1		1	1							
Women Rights	5		5	5							
Child Rights	6		7	7							
Inhuman Behaviour	1	1		1							
Total	14	1	14	15	1	1	1	2	1	1	1

the total 102 cases, brought forwarded from the last year and filed this year, 54 were decided this year and 48 remained undecided by the end of this year.

Among the total 209 cases, criminal and civil, where the individual is plaintiff, 82 remained undecided by the end of this year at the District Court.

A juvenile bench was established in Palpa district this year and four cases were filed in total. Of these 4 cases not a single one was decided by the end of this year.

CHILD RIGHTS

Police arrested Top Bahadur Bagale, 53, of Kachal VDC-6 on 17 April on charge of raping a 10-year-old girl of the same place on 11 April. Bagale was accused of raping the girl after tempting her. The accused was in police custody by the end of this year. The condition of the victim is normal.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

Police arrested Lal Bahadur Bogati, 36, of Tansen Municipality-11, Lamidanda on January 15, on charge of raping a 22-year-old mentally-retarded woman of the same place on January 19. Police arrested the perpetrator and remanded him to

custody as per the court order. The case was still ongoing at the district court by the end of the year. The victim is in a stable condition.

Women Trafficking

Two girls, 15 and 16 years of age, of Khyaha VDC-1 were rescued by police from Tansen of Palpa on January 5, while being trafficked to India in lure a job by Manakala Sunar, 53, of Khyaha VDC-4, Sunita B.K., 35, of Dudharaksha VDC-5, Maku Kamee, 40, of Rudrapur VDC-4 and Bharat Bahadur Thapa, 40, of Gajedi VDC-1, of Rupendehi district. Police arrested all the accused persons the day the girls were rescued. The victims were sent back to their homes with the support of the District Police Office, journalists and some human rights activists. The accused were in prison at the end of this year.

Domestic Violence

Shanti Poudel, 30, of Tansen Municipality-14 was beaten by her mother-in-law Prabha Paudel, 50, and father-in-law, Kishor Kumar Paudel, 60, on October 13, on charge of telling neighbours about a family dispute. The victim received serious injuries to the head and bruises on various parts of her body. She filed a complaint at the District Police Office on 14 October. However,

no action has been taken against the perpetrators. The victim had been staying at her parent's home at the end of the year.

ALL KINDS OF DISCRIMINATION RACIAL DISCRIMINATION

Manisha Sunar, 18, of Tansen municipality-3, Bhimsentol, was abandoned by her husband, Prakash Legal, 19, of Tansen Municipality-3 from October 27, on charge of being a Dalit. The victim was abandoned by her husband after his family members did not accept the marriage. The couple got married on July 2 at Narayansthan temple of Tansen. Although the victim filed a complaint at the Western Regional Police Office Butwal on October 30 to find her husband's whereabouts, the perpetrator still remained at large by the end of the year.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Capture of Property

All Nepal Landless Squatters Organization and All Nepal Farmers' Association affiliated to UCPN-M captured nearly 65 *Ropanis* land, belonging to Amar Narayan Trust located at Tansen Municipality-14 on December 14. The group also captured 45 *Ropanis* public land located at Tansen municipality-11, Prabhas on the same day. A group of nearly 200 cadres led by Politburo member of UCPN-M Hemanta Prakash Oli placed a flag in the land and announced the capture. The land was still under the control of perpetrators by the end of this year.



3.10 Kapilbastu



Population : 591,840

Literacy(%) : 50

Women Literacy(%) : 30

Area(Sq. Km.) : 1,738

Number of VDC(s)/Municipality(ies) : 77/1

Number of School(s) : 355/31

Campus(es)/Higher Secondary School(s) : 2/31

Hospital(s)/Health Post(s) : 3/78

Human Development Index : 0.437

Average Household Size : 8

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By Unidentified Group

Om Bahadur Pokharel, 53, of Gajedi VDC-7 was killed by a group of unidentified persons on May 16. The victim was abducted by a group of unidentified persons on May 11. He was found dead in Kothi Mahila Community Forest. The victim's funeral was held on the same day after post mortem at District Hospital. The perpetrators were not identified by the end of the year.

INJURED IN SHOOTING/EXPLOSION

By Explosion

Netra Prasad Belbase, 72, Om Prasad Pandey, 40, and Keshab Khanal



Type of Events	By Non-State									By State		
	By Others				By UCPN-M							
	No. of Events	Male	Female	Total	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Total
Killing	7	5	2	7								
Injured	8	15	1	16								
Arrest & Torture										4	31	31
Beatings	4	5	3	8								
Threats	1	2		2						1	1	1
Right to Assembly										2	4	4
Women Rights	4		9	9								
Child Rights	3	1	2	3								
Economic, Social and Cultural Rights	3	3		3	3	12	1	1	14	1	1	1
Inhuman Behaviour	1	1		1								
Abduction	2	2		2								
Total	33	34	17	51	3	12	1	1	14	8	37	37

of Krishnanagar VDC-4 were injured in an explosion at the same place on May 16. Belbase sustained injuries in different parts of the body for which he underwent Treatment in Norvic Hospital, Kathmandu. Two other victims underwent treatment in Medical College Bhairahawa. JTMM took the responsibility of the incident.

By Tarai Cobra

Cadres of Tarai Cobra detonated a time bomb at the office of DEO targeting to the Chief of the office Rakesh Shreevastav on September 3 on charge of being indulged in corruption. District In-charge of the party Nagarjun took responsibility of the incident by calling local journalists on the same day. Police arrested Debendra Pandey, 35, of Dohanee VDC-2 on September 9 for his involvement in the incident and filed a case on arms and ammunition act. The Chief Education Officer was transferred from the district after the incident.

By Abandoned Bomb

Lali Kasaudee, 43, of Simalpani VDC-5 of Arghakhanchi district was

injured when an abandoned bomb went off in the jungle of Madhuban and Motipur VDC-7 on December 22. The bomb went off while the victim was trying to hit the unidentified object hanged at a tree with sickle while she reached the area herding goats. Police informed that the explosive devise was sutali bomb. The victim was treated in United Health Care Centre of Gajehada VDC-7 and underwent further treatment in Butwal Zonal Hospital. The victim sustained shrapnel injuries on right hand and leg.

By Unidentified Group

Harka Bahadur Paudel of Nigleehawa VDC-2 was injured in a bomb explosion carried out by an unidentified group near his residence on April 18. The roof of the cow-shed was damaged in the incident while one cattle died. The group involved in the incident was not identified by the end of the year.

JAIL AND DETAINEES

The "E" grade District Jail with the capacity to accomodate 100 inmates had 136 inmates by the end of this year.

Of which, there were 63 convicts and 73 male detainees. Most of the inmates in the jail were arrested on charges of killing, drug abuse, robbery, rape, and human trafficking. Though a building is constructed for political detainees with a budget of Rs 30 million the building is not in use at present. The inmates had the facilities like drinking water, toilet, newspapers, library and sports materials in the jail. Inmates have requested for arrangement of education till primary school level and income generating activities in the jail.

DISAPPEARANCE/ABDUCTION

By Unidentified Group

Binaya Malla, 16, of Fulika VDC-1 was abducted by two unknown persons on January 24 from his home. The victim's sister Alina Malla informed that a group of persons arriving in combat dress abducted the victim. Police rescued the victim on January 29 from nearby village. No one claimed the responsibility of the incident.

THREATS/BEATINGS

By State

Assistant Program Coordinator of Accountability Watch Committee Prem Jayaswal of Pipara VDC-1 was threatened by a police constable of Rangapur Police Post on November 19. The perpetrator had threatened the victim of breaking his hands and legs after he had taken a picture of police constable taking money from persons who were smuggling rice from India. INSEC District Representative and member of Accountability Watch Committee Nanda Ram Poudel and Rabi Thakur of a local NGO Mauree home raised the issue with CDO Shambhu Adhikari. The CDO ordered DSP to investigate the incident and take action against perpetrator but no action was taken against perpetrator by the end of the year.

By TSC

Bishnu Paudel of Badara in Jayanagar VDC-9 was threatened of physical action by cadres of TSC on March 2 on charge of not assisting them. A group of nearly 500 cadres captured the paddy belonging to the victim and threatened to vandalize victim's home and take physical action against him. The victim was threatened when he urged them not to block the road during the bandh called by them.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom and Free and Impartial Election)

25 employees of Mary Stopes, including Mani Ram Pandey, 41, of Kapilvastu Municipality-5 were barred by the company management from forming a Union for the welfare of staffs on October 2. Pandey informed that the management barred them from forming Union despite the legal provision that the employees will be allowed to form union if 25 percent of them agree to form a union. The union had not been formed by the end of the year due to the obstruction created by Management.

RIGHT TO FAIR AND PROMPT TRIAL

109 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. Of which, 90 cases were decided this year and 19 cases remained undecided. Similarly, 123 criminal cases, where the individual is plaintiff, were filed this year. Of which, 48 cases were decided this year and 75 cases remained undecided. Among the total criminal cases, where the individual is plaintiff, 94 cases remained undecided by the end of this year.

87 criminal cases were brought forward from last year in the District Court.

Of which, 72 cases were decided this year and 15 cases remained undecided. Similarly, 230 criminal cases were filed this year. Of which, 140 cases were decided and 90 cases remained undecided. 105 criminal cases remained undecided by the end of this year.

Among the total 966 civil cases filed this year in the district court, only 673 were decided this year and 293 cases remained undecided by the end of this year. A total of 492 cases remained undecided by the end of this year.

CHILD RIGHTS

Police arrested Manoj Kumar Kohar, 19, of Pateriya VDC-3 on charge of sexually abusing a four-year-old girl of the same place on August 2. Health checkup of the girl was held at District Hospital Taulihawa on the next day. The victim's side filed an application at the police on August 3. The alleged was remanded to custody for investigation.

ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Bhumkala Pariyar, 28, Basanta Sawat, 25, Kamala Pariyar, 17, and Pabitra BK, 21, of Chutrabeshi VDC-4 of Arghakanchi district were rescued by police from Marjapur area of Kapilvastu district while the victims were being trafficked to India by Kamala Karki, 29, of Arghakanchi and Rewati Chaudhary of the same place on June 20. Police arrested the perpetrators on June 21. They were sent to Palpa Jail on remand as there was no female ward in the district jail.

Domestic Violence

Rapheekul Nisha, 23, of Piparahawa in Shauraha VDC-2, was expelled from her home by her husband Sahid Dhuniya and his family members on June 22 on charge of bringing less dowry. The victim who was married with Sahid some five years

ago was being beaten frequently by her in-laws for not bringing Rs 127 thousands rupees as demanded by the family members. Police arrested Sahid on June 24 following a complaint filed by victim at DAO on June 23. Both sides reached an agreement on condition of not repeating such act in the future.

ALL FORMS OF RACIAL DISCRIMINATION

Sita Nepali, 30, of Chankipur in Gajehada VDC-4 was beaten by Lok Bahadur Thapa, 55, and his wife Basanti Thapa, 42, and Hum Bahadur Thapa, 40, of the same place on November 1 at her own home on charge of humiliating them despite being Dalit. Local informed the police about the incident. APO Gorusinhe informed that the perpetrators had beaten her with knife and iron-rod. The victim underwent treatment at United Nepal Health and Research Centre located in the same VDC-7. Police arrested Lok Bahadur Thapa for beating Sita Nepali.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Property By TMDP

Cadres of TMDP vandalized a sweet shop run by Badri Kasodhan and other two betel leaf shops on July 25 on charge of defying the Banda called by the party. The party had organized the bandh to protest against Government's act of not allocating budget to the Taulihawa-Marjapur Road. Police arrested 21 TMDP cadres led by District Committee Member Dharma Bahadur Lal Shreevastav for their alleged involvement in the incident. The arrested persons were released on the same day in the presence of journalists.

Capture of Property

Cadres of UCPN-M affiliated All Nepal Peasants Association captured about 206 bighas of land in different VDCs

of the district. The Association captured the land belonging to Abdul Salam Musalman, Rahaman Musalman, Thitija Rahamag of Abhirab VDC-5, Prabhat Raj Pandey, Pratap Raj Pandey and Pradip Raj Pandey. Similarly cadres of All Nepal Peasants Association captured 20 Bigahas land belonging to Jabbahar Musalman of Nandanagar VDC-7 and six bighas land belonging to Dhanendra Karki of Jahadee VDC-7. ANPA-R cadres announced the capture on November 14.



3.11 Arghakhanchi



Population : 233,275

Literacy(%) : 64

Women Literacy(%) : 54

Area(Sq. Km.) : 1,193

Number of VDC(s)/Municipality(ies) : 42/0

Number of School(s) : 484/15

Campus(es)/Higher Secondary School(s) : 2/24

Hospital(s)/Health Post(s) : 1/41

Human Development Index : 0.471

Average Household Size : 5

CIVIL AND POLITICAL RIGHTS INJURED IN SHOOTING/EXPLOSION

By Abandoned Explosive

Baburam Acharya, 10, of Jukena VDC-9 Madelachaur and Amrita Acharya, 6, of the same place were injured when an abandoned bomb went off on April 23 at the farm near their home. Both the victims received shrapnel wounds in face and legs. They underwent treatment at Lumbini Zonal Hospital Butwal.

JAIL AND DETAINEES

There is no jail in the district. The inmates are taken to the prisons in Gulmi and Kapilbastu districts.

DISAPPEARANCE/ABDUCTION

By Unidentified Group

Khagishwar KC, 46, of Divarna VDC-3, Bhaishthala was abducted by a group of approximately five unidentified people on June 16 near his home. The victim was freed on June 17 from Khanchikot VDC-5. However, the motives of the abduction were unknown at the close of the year.

THREATS/BEATINGS

By UCPN-M

Argakanchi correspondent of Kantipur Daily, Birendra KC, 25, received life threats from Secretariat Member of District Committee of UCPN-M, Baburam BK on May 21, on charge of reporting false news. He received life threats after news of the party leader Top Bahadur Rayamajhi giving an order to chase cadres of CPN-UML and NC from their villages was published in the daily on May 12. Both sides came to an agreement following discussion between the victims and district secretary of UCPN-M, in the presence of INSEC District Representative and Representative of FNJ on May 23.

Type of Events	By Non-State						
	By Others				By UCPN-M		
	No. of Events	Male	Female	Total	No. of Events	Male	Total
Injured	1	1	1	2			
Beatings	2	2	1	3	3	3	3
Threats	1		1	1	1	1	1
Racial Discrimination	2		2	2			
Women Rights	2		3	3			
Abduction	2	2		2			
Total	10	5	8	13	4	4	4

By Others

News Chief of Deurali Community Radio, Ramesh Panthi, 28, of Sandhikharka VDC-6 and news reader of the radio station, Surya Bhusal were beaten by a group of unidentified people on December 21 in Sandhikharka VDC-6. Many organisations issued press releases, protesting the incident.

RIGHT TO PROMPT AND FAIR TRIAL

22 criminal cases were brought forward from last year in the District Court. 10 of these were decided this year, while 12 remained undecided. In addition, 24 new criminal cases were filed this year. Of these new cases, cases seven cases were decided this year, while 17 remained undecided. Among the total 46 criminal cases, 17 were decided this year and 29 remained undecided.

65 civil cases were brought forward from last year in the District Court. 38 of these were decided this year, while 27 remained undecided. In addition, 36 new civil cases were filed this year. Of these new cases, eight were decided this year, while 28 remained undecided by the end of the year. Among the total 101 civil cases, 46 were decided and 55 remained undecided by the end of this year.

Among the total 147 cases, criminal

and civil, 63 decided, while 84 remained undecided by the end of this year at the District Court.

CHILD RIGHTS

Sixth grade student of Chandra Prabha Secondary School Dihidanda Gita BK, 12, of Khanchikot VDC-5 received life threats by Durga BK, 45, of the same place on April 8. The perpetrator threatened to kill the victim,

if she refused to marry him. The victim's relatives filed a complaint at the DPO on April 10, after she stopped attending school due to the threats. Both sides reached an agreement at the DPO on April 12, after the perpetrator apologized for his actions and expressed a commitment not to repeat such incidents in the future.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rita Rayamajhi, 22, of Sandhikharka VDC-8 was beaten by her husband, Padam Bahadur Rayamajhi, 28, on April 5 at their home on charge of being character less. Although the victim filed a complaint at the district police office on April 7, no action was taken against perpetrator by the end of the year.

ALL KINDS OF RACIAL DISCRIMINATION

Putali Kumal, 32, of Pali VDC-9, Balewang was beaten by Bishnu Adhikari, 38, and Keshe Kumal, 45, of the same place on April 6, on charge of touching water from the public tap. The victim filed a complaint against the perpetrators at the DPO on April 7. Both sides reached an agreement at the DPO on April 8, after the perpetrators publicly apologized for the incident.

3.12

Gulmi



Population : 323,275

Literacy(%) : 66

Women Literacy(%) : 53

Area(Sq. Km.) : 1,149

Number of VDC(s)/Municipality(ies) : 79/0

Number of School(s) : 545/22

Campus(es)/Higher Secondary School(s) : 2/32

Hospital(s)/Health Post(s) : 1/70

Human Development Index : 0.467

Average Household Size : 5

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By Abandoned Bomb

Student of Darling Secondary School Bom Lal BK, 9, and Bikram BK, 11, of Darling VDC-7 were killed in an abandoned bomb explosion on April 18. The victims died on the spot when the bomb went off suddenly in the jungle near Chinara while the victims were snatching the unidentified object taking it as a radio set. Upper parts of the victims' bodies were scattered by the impact of the bomb. Post mortem of the bodies was held in district headquarter Tamghas on April 20. Police identified the explosive device as 36-hand-grenade. Locals said that the bomb might have been abandoned by the

security personnel or Maoist combatants during the period of armed insurgency as both the sides were using it during that period.

JAIL AND DETAINEES

The "D" grade District Jail with the capacity of 25 inmates has 37 convicts and detainees by the end of this year. Among them, there were 27 male and three female convicts and seven male were detained at the jail at the end of the year. The inmates were provided with facilities like radio, newspapers, television, clean drinking water, toilet and health services. Inmates complained that they were facing problem in the jail due to inmates beyond capacity.

By UCPN-M

Jagat Bahadur Khatri, 44, of Hastichaur VDC-4 and a teacher of Himalaya Secondary School was beaten by District Committee Member of UCPN-M Cham Kumar Sunar alias Shyam BK on August 16 at Saunepani of same VDC-4. The victim was beaten while he was heading to the school following a dispute over construction of a local road. The victim received serious face and head injuries. The victim underwent treatment in District Hospital Tamghas on August 18 with the help of local people. The victim filed a case at DPO on August 18, but the case was pending by the end of this year.

By ANNISU-R

Joint secretary of Gulmi District Chapter of FNJ Bharat Pandey, 23, of Dhurkotrajasthal VDC-2 was beaten by Acting Chairperson of ANNISU-R Yadhu Gyawali alias Santosh on September 17 while the victim was heading for Radio Resunga from Lakurimanch. Pandey was beaten for the news content disseminated by local Resunga Radio. He was accused

Type of Events	By Non-State						
	By Others				By UCPN-M		
	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	1	2		2			
Beatings	4	3	2	5	3	7	7
Racial Discrimination	1		1	1			
Women Rights	8		8	8			
Child Rights	2		2	2			
Total	16	5	13	18	3	7	7

of connecting Yadhu's name in the news related to expulsion of a student from supplementary exam of grade 12 on charge of cheating. Both sides reached an agreement in the DPO on September 19 after perpetrator assured not to repeat such action in future.

By NSU

District Committee Member of ANNISU-R Janak Bhandari, 20, of Dhurkotbastu VDC, who is temporally residing in district headquarter Tamghas, was beaten by NSU cadre Bikram Thapa of Tamghas VDC-5 on March 20 at the door of Resunga Multiple Campus following a dispute regarding the FSU election. Police arrested Bhandari along with other students following a clash between students. NSU cadres torched a motorcycle belonging to UCPN-M cadre on the same day at the compound of police office. Police fired three-shells of teargas to control the situation. Arrested students were released in same evening after an agreement among political parties with the initiation of human rights defenders.

RIGHT TO FAIR AND PROMPT TRIAL

21 criminal cases, where the individual is plaintiff, were brought forward from the last year in the District Court and 41 criminal cases, where the individual is plaintiff, were filed this year. Among the

total 62 cases, brought forward from the last year and filed this year, 30 cases were decided this year and 32 cases remained undecided by the end of this year.

Eight criminal cases were brought forward from the last year in the District Court and 32 criminal cases were filed this year. Among the total 40 cases, brought forward from the last year and filed this year, 21 cases were decided this year and 19 cases remained undecided by the end of this year.

Similarly, 36 civil cases were brought forward from the last year in the District Court and 97 civil cases were filed this year. Among the total 133 cases, brought forward from last year and filed this year, 60 cases were decided this year and 73 cases were undecided by the end of this year.

Among the total 235 cases, including criminal cases, where the individual is plaintiff, criminal cases and civil cases, 111 cases were decided and 124 cases remained undecided by the end of this year at the District Court.

CHILD RIGHTS

Police arrested Amir Miya, 32, of Tansen Municipality-13, who was temporarily residing in the district headquarters Tamghas, on charge of raping a 15-year-old girl of Bhagawati

VDC-9 in Arghakhanchi district on September 25. The case was on trial at the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN Domestic Violence

Tila Mahat, 31, of Hastichaur VDC-1 was attacked by her husband Til Bahadur Mahat on January 19. The victim's right leg was fractured in the incident and she also received deep injury in the head. The victim underwent treatment at Lumbini Zonal Hospital in the initiation of Women Rights Defenders. Police arrested the perpetrator from his residence on January 22. The perpetrator was released on the next day in the presence of human rights defenders after he became ill.

Polygamy

Parbati Pande, 29, of Ashlewa VDC-2 was expelled from her house after her husband, Kulananda Pande, 37, married Kamala Pande, 23, of the same place. Pande married Kamala when the victim was in Israel as a migrant worker. The victim informed that her husband scolded two daughters and expelled them from home. The victim's father Post Raj Bhandari filed a case of polygamy against Kulananda and his second wife, Kamala in the DPO on January 4. The couple were released after submitting bail as per the order of the District Court.

Kopila BK, 19, of Badagoun VDC-6 filed a complaint in the DPO on November 2 demanding subsistent expense from Binod Thapa of the same place as Thapa assured to marry her but did not. The victim also submitted application to the INSEC District Representative on the next day. A team of human rights defenders carried out fact finding of the incident and urged local administration to initiate efforts for providing justice to the victim.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS


Destruction of Property By Unidentified Group

Office of Ruru FM located at Shringa VDC-2 was vandalized by a group of unidentified persons on January 22. The locals tried to take the perpetrators under control but they managed to escape.



3.13

Baglung



Population : 302,002

Literacy(%) : 60

Women Literacy(%) : 50

Area(Sq. Km.) : 1,784

Number of VDC(s)/Municipality(ies) : 59/1

Number of School(s) : 514/11

Campus(es)/Higher Secondary School(s) : 4/32

Hospital(s)/Health Post(s) : 1/59

Human Development Index : 0.492

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING/FIRING

By Unidentified Group

Serab Kunsen, 36, of Yakkhutte Buddhist Monastery of Adhikarichour

Type of Events	By Non-State							By State			
	By Others				By UCPN-M						
	No. of Events	Male	Female	Total	No. of Events	Female	Total	No. of Events	Male	Female	Total
Killing	4	4		4							
Injured								1	1	1	2
Arrest & Torture								3	6		6
Beatings	17	30	3	33	1	1	1	4	9	1	10
Threats	2	3		3							
Right to Assembly								1	1		1
Women Rights	3		3	3							
Child Rights	1		1	1							
Inhuman Behaviour	1	1	1	2							
Total	28	38	8	46	1	1	1	9	17	2	19

VDC-9 and originally from Tibet was killed by a group of unidentified people on October 15 inside the Monastery. Police informed that the group involved in the incident remained unidentified at the end of the year.

JAIL AND DETAINEES

The "E" grade District Jail has the capacity to detain only 25 inmates. There were 41 inmates, including 25 male, three female convicts and nine male and four female detainees at the end of the year. There was one dependent boy in the jail. Male inmates were facing problems due to the limited space of the Jail.

An acute shortage of water in jail was found during the monitoring of human rights defenders and journalists led by INSEC District Representative on December 6. Following a news published in www.inseconline.org, INSEC's human rights news portal, Baglung Municipality Drinking Water Corporation supplied water to the Jail.

Inmates of the jail demanded for vocational trainings, improvement in facilities in Jail, including sports facilities. Similarly, they demanded to remove

the swine farming located at the Jail compound.

THREATS/BEATINGS

By State

New Everest Academy' Accountant Kashi Ram Regmi, 38, of Paiyupata VDC-4 was beaten by police on July 2. Police beat him after entering into the school compound on charge of giving protection to the protestors involved in beating police during a bandh called by Network of Backward Dalit Community.

By UCPN-M

Acting chief of Survey Office Baglung, Mukunda Kuienkel, 29, was beaten by a group of UCPN-M cadres on December 20 at his office on charge of defying Bandh called by the party. UCPN-M cadres assaulted him when he refused to close the office door during the bandh. The same group also vandalized the office of Agriculture Development Office. Police arrested Secretary of District Secretariat of UCPN-M Babu Lal Shakya, 38, District Committee Member Nirmal GC, 29, YCL district member Nar Bahadur Chhetri, 35, and YCL cadres Sushil Bosel,

24 and Raj BK, 26, and released them few hours later.

By NC

Subash Kandel, 34, of Lekhani VDC-1 and a CPN-UML village council member was beaten by NC cadres of the same place on January 30 on charge of arguing at the village council meeting. The victim underwent treatment in Baglung Hospital. The argument started in the council meeting when CPN-UML accused NC of allocating budget as per the party's interest. The case reached an agreement on February 10 when an all-party meeting decided not to repeat such debate in the days to come.

By CPN-UML

Chhetra Bahadur Karki, 21, of Resha VDC-6 and a jeep driver, was beaten by a group of CPN-UML cadres on December 13 on charge of disputing about fare. The victim sustained injuries in the beating and was treated in Baglung Hospital. CPN-UML cadres alleged him of being rude. The victim filed a case at the DPO on December 14. Both sides reached an agreement after the perpetrators agreed to pay the medical expense to the victim during a discussion held in the DPO.

By NSU

Chief of Mahendra Multiple Campus Ram Prasad Upadhaya and Secretary of TU Professor Association Mahendra Multiple Campus Unit, Pradip Sapkota, were thrashed by NSU cadres on April 27 on charge of being involved in a dispute between ANNFSU and NSU cadres. The victims were beaten by former president of NSU Kamal Bahadur Adhikari, Joint Secretary Surendra Bosel and Members Prem Subedi and Suman Khadka and Nandu Bista. Police arrested Bosel on the next day. However, he was

released on May 3 following an agreement in a meeting of six political parties. NSU cadres also thrashed district member of ANNISU-R, Suman Sharma, on the same day. The victim underwent treatment in Baglung Hospital.

By ANNFSU

Himal KC, 19, of Malham VDC and Vice President of FSU Mahendra Multiple Campus was thrashed by ANNFSU cadres on April 27 on charge of obstructing the protest program organized by five student unions including ANNFSU. The victim filed a complaint at the DAO but it was revoked on May 3.

By RJM

Lok Bahadur Sunar Nirasi, 27, Editor-in-chief and Ram Narayan Subedi, 27, of Darling VDC-3, Manager of Burtiwang weekly, were warned by cadres of RJM against organizing release program of the newspaper on January 27. The party had called bandh on the day to protest against the Federalism. RJM cadres told them anything might happen if the program went ahead. The newspaper organized program on the street following the threat. However, District Chairperson of the party Amar Thapa claimed that the party did not threaten but just requested them not to organize program on the day.

By Unidentified Group

Balabir Pariyar, 65, of Lamsu Siranghar in Paiyouthanthap VDC-4 was severely beaten by a group of unidentified people on February 15 at his own residence. The victim received serious wound in his face.

ARBITRARY ARREST

INSEC District Representative Ram Bahadur GC, 38, of Resha VDC-9, staffs of Advocacy Forum Baglung, Baburam

Adhikari, 39, of Shivapuri VDC-9 in Kapilvastu District and Nikesh Bharna, 27, of Baglung Municipality-2 were arrested by Police on June 22 while monitoring the police beating during a protest program organized by Network of Backward and Dalit people. Issuing a press release on the same day, FNJ and Human Rights Alliance protested the incident. The victims were released after two hours after leaders of the political parties refuse to attend the all-party meeting. Police also arrested Khim Bahadur Roka, Dil Bahadur Bohara, Prem Bohara, Ramjane Sharki, Arjun Karki, Rajiv Khati and Maya Sharki of Baglung Municipality-1 on charge of beating police personnel. Police released all the arrestees following an all-party meeting.

RIGHT TO FAIR AND PROMPT TRIAL Appellate Court

Ten criminal cases, where the individual is plaintiff, were brought forward from the last year in the Appellate Court and 12 criminal cases, where the individual is plaintiff, were filed this year. Among the total 22 cases brought forward from the last year and filed this year, 11 cases were decided this year and 11 cases were remained undecided by the end of this year.

32 criminal cases were brought forward from the last year and 31 criminal cases were filed this year in the Appellate Court. Among the total 63 cases, brought forward from the last year and filed this year, 38 cases were decided this year and 25 cases remained undecided by the end of this year.

23 civil cases were brought forward from the last year and 53 civil cases were filed this year in the Appellate Court.

Among the total 76 cases, brought forward from the last year and filed this year, 23 cases were decided this year and 53 cases remained undecided by the end of this year.

Among the total 161 cases including criminal cases, where the individual is plaintiff, criminal cases and civil cases, 72 cases were decided and 89 cases remained undecided by the end of this year in the Appellate Court.

District Court

23 criminal cases were brought forward from the last year and 159 criminal cases were filed this year in the District Court. Among the total 182 cases, brought forward from the last year and filed this year, 106 cases were decided and 76 cases remained undecided by the end of this year.

162 civil cases were forwarded from last year and 115 civil cases were filed this year in the District Court. Among the total 277 cases, brought forward from last year and filed this year, 140 cases were decided and 137 cases remained undecided by the end of this year.

Among the total 459 cases including criminal cases and civil cases, 246 cases were decided this year and 213 cases remained undecided by the end of this year in the District Court.

CHILD RIGHTS

Police arrested Kisan Gurau Chaudhary, 25, of Narayani VDC-8, Nawalparasi district and staying in Baglung district, on charge of raping a 14-year-old girl of Shivadharachowk at Baglung Municipality-4. The perpetrator was in the custody till the end of this year.

3.14 Parvat



Population : 170,227

Literacy(%) : 63

Women Literacy(%) : 57

Area(Sq. Km.) : 494

Number of VDC(s)/Municipality(ies) : 50/0

Number of School(s) : 327/13

Campus(es)/Higher Secondary School(s) : 4/24

Hospital(s)/Health Post(s) : 2/53

Human Development Index : 0.504

Average Household Size : 5

CIVIL AND POLITICAL RIGHTS JAIL AND DETAINEES

The "D" grade District Jail, which has a capacity to accommodate 25 inmates, has 26 male and four female inmates by the end of the year. Among them, there are 19 convicts and 11 detainees. Inmates are provided with drinking water facilities, sports equipment and television sets. Inmates are engaged in skill-generating work, including weaving stools. Although inmates have been provided many books, the jail still lacks a library. According to the inmates, due to the small capacity of the jail, they have been facing many problems in their every day living.

THREATS/BEATINGS

By UCPN-M

Account of District Land Revenue Office Krishna Prasad Sharma, 45, of Shiwalaya VDC-1, staff of the same office, Dharmadatta Sharma, 45, of Bajhun VDC-8, Matrika Prasad Rimal, 38, of Arthar Dandakharka VDC-1, Rajib Sharma, 21, of Kurga VDC-1 and Office Assistant, Krishna Prasad Gautam, of ward number 3 of the same VDC, were beaten by UCPN-M cadres on December 21 at their office. The victims were assaulted on charge of defying the three-day-long general strike called by the party. Nepal Civil Servant Employee Organisation and Nepal Civil Service Employee Union organized a pen down protest from December 21 to December 27 to denounce the incident. The strike was called off following an agreement between both sides after the perpetrators agreed not to repeat such incidents in the future.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom and Free and Impartial Election)

Member of Village Council Mechanism and cadre of CPN-UML, Mithu Lal BK (Nepali), 32, of Tilahara VDC-8 were beaten by UCPN-M cadre Mahendra Jung Lamichane, on February 14 on charge of raising the issue of an advance of money, which had been taken by Lamichane, at the council meeting. The victim raised the issue of an advance of 200 thousand rupees, which had been taken by the perpetrator to purchase an ambulance from the budget of the village for fiscal year 2007/08. The victim filed a complaint against perpetrator at the DPO on February 14 but no action had been taken against the perpetrators by the end of the year.

Type of Events	By Non-State							By State		
	By Others			By UCPN-M						
	No. of Events	Female	Total	No. of Events	Male	Female	Total	No. of Events	Male	Total
Beatings	1	1	1	4	32		32	1	3	3
Threats				1		1	1			
Right to Assembly										
Women Rights	1	1	1							
Child Rights	2	2	2							
Inhuman Behaviour	1	1	1							
Total	5	5	5	5	32	1	33	1	3	3

RIGHT TO PROMPT AND FAIR TRIAL

12 criminal cases, where the individual is plaintiff, were brought forward from last year and 11 new criminal cases, where the individual is plaintiff, were filed this year. Among the total 23 criminal cases, where the individual is plaintiff, 10 were decided this year and 13 remained undecided in the District Court by the end of this year.

14 criminal cases were brought forward from last year and nine new criminal cases were filed this year in the District court. Among the total 23 criminal cases, 7 were decided this year and 16 were remained undecided in the District Court by the end of this year.

47 civil cases were brought forward from last year and 27 new cases were filed this year in the District Court. Among the total 74 civil cases 22 were decided this year and 52 remained undecided in the District Court by the end of this year.

Among the total 120 cases, criminal and civil, where the individual is plaintiff, 81 cases remained undecided by the end of this year at the District Court.

CHILD RIGHTS

Police arrested Rudra Prasad Paudel of Dhairing VDC-1 on July 28 on charge

of raping a 12-year-old girl of the same place that day. According to the victim, the perpetrator raped her in his own room in the evening tempting her with chocolate. Villagers caught him and handed him over to the police after hearing the girls scream.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

A 38-year-old woman of Thapathana VDC-8 filed a complaint at Village Council against Jit Bahadur Khatree of the same place, for abandoning her after raping her and making her pregnant. The perpetrator accepted the charge against him at a meeting on October 6 and agreed to pay 50 thousands rupees to the victim. The victim complained that she gave birth to an unhealthy child on November 18 after Jit Bahadur's sons gave her medicine for an abortion on October 27. Dr. Khalak Sharma confirmed that child was sick due to the effect of the medicine. The child died on November 29 while undergoing treatment at Gandaki Hospital Pokhara. Though the victim filed a complaint at the DPO against the perpetrator, no action had been taken against him by the end of this year.

3.15 Myagdi



Population : 126,805

Literacy(%) : 72

Women Literacy(%) : 62

Area(Sq. Km.) : 2,297

Number of VDC(s)/Municipality(ies) : 40/0

Number of School(s) : 230/10

Campus(es)/Higher Secondary School(s) : 1/10

Hospital(s)/Health Post(s) : 1/42

Human Development Index : 0.498

Average Household Size : 5

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The "D" grade District Jail with the capacity to detain only 25 inmates had a total of 43 inmates at the end of the year. Of the total inmates, 34 were convicts and nine were detainees. Inmates in the Jail have access to facilities like drinking water, sports materials and television. Inmates were engaged in income generating activities such as making stools and weaving cloths.

THREATS/BEATINGS

By UCPN-M

Sammar Bahadur Thapa of Ghatan VDC-8 was threatened of physical action by acting Office secretary of UCPN-M

Srijana on March 13 in connection with a land related dispute. The perpetrator warned the victim for solving the land related dispute with Ram Bahadur Chokhayal of the same place. The victim informed that the perpetrator issued the threat by telephone and also through sending letter to him. A letter sent by perpetrator on March 11 had summoned the victim to the party office to settle the case. District in-charge of UCPN-M Mitra Saran Sharma alias Bihani informed that they were not operating People's Court but just supporting the Judiciary.

RIGHT TO FAIR AND PROMPT TRIAL

56 criminal cases, where the individual is plaintiff, were brought forward from the last year in the District Court and 15 criminal cases, where the individual is plaintiff, were filed this year. Among the total 71 cases, brought forward from the last year and filed this year, 62 cases were decided and nine cases remained undecided by the end of this year.

17 criminal cases were brought forward from last year in the District Court and seven criminal cases were filed this year. Among the total 24 cases, brought forward from the last year and filed this year, 16 cases were decided and eight cases remained undecided by the end of this year.

76 civil cases were brought forward from last year in the District Court and 21 cases were filed this year. Among the total 97 cases, brought forward from last year and filed this year, 66 cases were decided this year and 31 cases were undecided by the end of this year.

Among the total 192 cases including criminal cases, where the individual is plaintiff, criminal cases and civil cases, 48 cases remained undecided by the end of this year in the District Court.

Type of Events	By Non-State						
	By Others				By UCPN-M		
	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	3	1	5	6			
Beatings					2	13	13
Threats					1	1	1
Racial Discrimination	1	2	2	4			
Inhuman Behaviour	1	16		16			
Total	5	19	7	26	3	14	14

CHILD RIGHTS

The dead bodies of Sapana Darji, 11, and Ganga Nepali, 9, of Ratnechour VDC-9 were found on June 11. The victim went missing on June 4. Police suspected that they might have been murdered after rape. The perpetrator was not identified till the end of the year.

the perpetrator, but he remained at large by the end of the year.



ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Kiran Tilija of Begkhola VDC-5 was killed by her husband Lal Prasad Tilija, 35, and mother-in-law Naramati Tilija, 73, on June 15 on charge of not bringing money from her maternal home. The victim was beaten to death with baton and spade at her home for not bringing money to send her husband abroad. Police filed a murder case against the perpetrators. The case was under trial in the District Court by the end of this year.

ALL FORMS OF RACIAL DISCRIMINATION

Man Bahadur BK, 27, of Khawang in Rum VDC-2 was killed by Mahendra Pun, 22, of the same VDC-3 on October 21 on charge of speaking nonsense with Dalle Pun, 12, son of Shankha Pun of the same place. The victim was beaten to death by the perpetrator with the stroke of baton. Police filed a murder case against

3.16 Mustang



Population : 15,481

Literacy(%) : 53

Women Literacy(%) : 40

Area(Sq. Km.) : 3,573

Number of VDC(s)/Municipality(ies) : 16/0

Number of School(s) : 65/5

Campus(es)/Higher Secondary School(s) : 0/2

Hospital(s)/Health Post(s) : 2/18

Human Development Index : 0.482

Average Household Size : 5

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The “E” grade District Jail, with a capacity of 10 inmates, had only three detainees at the end of the year. The jail lacks open space for recreation, as there is no outer wall. The inmates have been provided food and clothes, as per the rule of Nepal Government. However, the inmates have demanded for additional facilities from the Government.

RIGHT TO PROMPT AND FAIR TRIAL

One criminal case, where the individual is plaintiff, was brought forward from last year in the District Court. Additionally, one new criminal case, where the individual is plaintiff, was filed this year. Among the total two cases, none had been decided by the end of this year.

Due to the existence of Mukhiya Partha (Village Head Tradition) in this district, very few cases are brought to the District Court as most of them are decided at the local level by Mukhiyas (village heads).

CHILD RIGHTS

The impact of culture and tradition has directly affected children in this district. Society easily accepts the Bahupati Partha (Tradition where the women can have many husbands) in the district. As a result, a child born within this tradition has many fathers.

As a result of having multiple fathers, the child normally bears many names and this can be problematic for getting birth certificates and other legal documents. Similarly, the tradition of Naylu Partha (where the woman can be an unmarried mother) also affects the children. These children can face different problems, including getting a birth certificate or citizenship and can be deprived of the

right to education, parental property and other social security rights.

UCPN Maoist used six children at the protest program organised against the Government demanding civilian supremacy, on April 29. Students were used in a demonstration programme after school time. Similarly, UCPN Maoist used the students, who were in school uniform, of Janahit Higher Secondary School, Jomsom, on May 5 at the general strike called by UCPN Maoist. Twelve students were deprived of study due their involvement in the strike. Tarun Dal (Organisation of youth affiliated to NC) and Youth Force (Youth organisation affiliated to CPN UML) protested against the incident on the same day and decided that no children under class 11 should be used in political programmes. A meeting of School Management Committee held on May 24 decided that during school hours, no children could be used in political program. The meeting also decided that one of the political parties could use hostellers in their political programme without the permission of parents.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Jhuma Tradition

Traditionally, in the past, it was compulsory for the second daughter of the family to stay unmarried, in order be of service to a Buddhist temple ‘Gumba’. These girls are known as ‘Jhumas’. But more recently, the tradition is more flexible; the second daughter can decide herself whether to follow the tradition or not. These days there is not any marriage restrictions for girls who have been a ‘Jhuma’. But she should ask permission from her Guru or Lama, instead of parents and also should apologise for not being

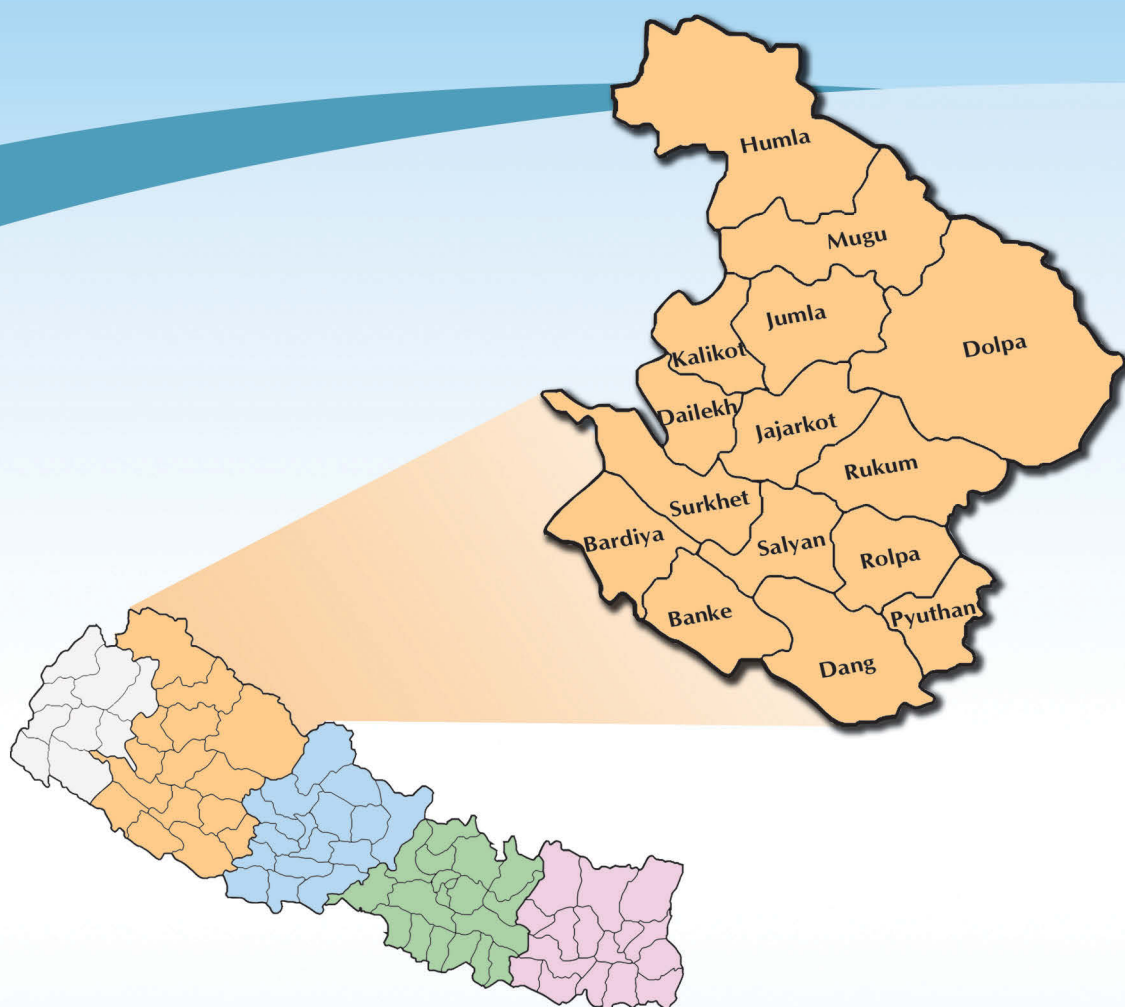
able to be a Jhuma. Jhumas can study, work and participate in activities including the village rituals, like other Gurus and Lamas of Gumba. They also can work and can be provided an equal wage for the work, according to their ability.

Mukhiya Pratha (Village Head Tradition)

By tradition there is a Mukhiya Pratha (Village Head) in the district.

Although some Mukhiyas are working against the law, most people are satisfied with the custom. The work carried by Mukhiyas is fast, easy, transparent, and less complex for the villagers, according to a local civil society member, Chand Bahadur Thakali and local, Ratne BK. They added that the selection process of Mukhiyas is participatory and the working modality of the Mukhiyas is quite progressive.





4. MID WESTERN REGION

- | | | | |
|-----|---------|------|----------|
| 4.1 | Dang | 4.9 | Jajarkot |
| 4.2 | Pyuthan | 4.10 | Dailekh |
| 4.3 | Rolpa | 4.11 | Dolpa |
| 4.4 | Salyan | 4.12 | Jumla |
| 4.5 | Rukum | 4.13 | Kalikot |
| 4.6 | Banke | 4.14 | Mugu |
| 4.7 | Bardiya | 4.15 | Humla |
| 4.8 | Surkhet | | |

4.1

Dang



Population : 570,439

Literacy(%) : 69

Women Literacy(%) : 47

Area(Sq. Km.) : 2,955

Number of VDC(s)/Municipality(ies) : 39/2

Number of School(s) : 461/84

Campus(es)/Higher Secondary School(s) : 5/31

Hospital(s)/Health Post(s) : 5/40

Human Development Index : 0.409

Average Household Size : 5

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By State

Prakash Chaudhary, 38, of Sisahaniya VDC-7 and Ram Prasad Chaudhary, 31, of the same place, were killed when patrolling security forces opened fire on the cadres of agitating Tharuhath Joint Struggle Committee, on March 13 at the same place, on charge of vandalizing those vehicles defying the curfew order during the bandh called by the group. The DAO stated that the victim's family was given one million rupees on April 28, as per the agreement reached between the government and Tharuhath activists. Janjiru Chaudhary, 31, Prabin Chaudhary, 14, and Pradip Chaudhary, 15, of the same place were also injured

in the incident. The victims underwent treatment at Nepalgunj Medical College Kohalpur. The government provided medical expenses to the victims.

By Bomb Explosion

Gopal BK, 16, of Sourahawa VDC-3 of Bardiya District, died when an explosive device went off in the prohibited area of Shree Nath Battalion of the Nepal Army at Chailahi VDC-3 on June 15. The victim, who received injuries to his left hand, leg and neck died while being taken to Ghorahi for treatment. The victim entered into the prohibited area to urinate when the bus he was traveling on stopped close by.

By Unidentified Group

The operator of Victoria Manpower Private Limited, Jageshwor Dang, 33, of Tarigoun VDC-5 was shot dead by a group of unidentified people on July 7 at Raikhalayan area of ward number 7 of the same VDC. The victim was shot in the chest and head while he was returning home. The group involved in the Incident had not been identified by the end of the year.

JAIL AND DETAINEES

The "D" grade District Jail, Ghorahi, has 57 male convicts and 38 detainees by the end of the year. In total there are 95 convicted and detained inmates in the Ghorahi Jail. However, the jail has the capacity to accommodate only 50 inmates. There are a number of problems as a result of this large number of inmates, which greatly exceeds the capacity of the Jail. Inmates are provided with the facilities of newspapers, sports equipment and radio and television. However, the jail lacks adequate drinking water facilities.

There are 68 male and 7 female convicts in the "B" grade Tulsipur jail at the end of the year. 22 male detainees are also being held at the Jail. Three dependent

Type of Events	By Non-State								By State		
	By Others					By UCPN-M					
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Total	No. of Events	Male	Total
Killing	3	3			3				2	3	3
Arrest & Torture									1	3	3
Beatings	12	14	1		15	1	1	1	1	1	1
Threats	3	2	1		3	1	3	3			
Women Rights	11		11		11						
Child Rights	7	1	6	2	9						
Inhuman Behaviour	4	3	4		7						
Abduction						1	4	4			
Total	40	23	23	2	48	3	8	8	4	7	7

children are staying with their parents at the jail. In total, at the close of 2009, 97 convicted and detained inmates are staying at the Jail which has the capacity to detain 100 inmates.

DISAPPEARANCE/ABDUCTION

By UCPN-M

UCPN-M cadres Guru Prasad Lamsal a.k.a. Arjun, 34, of Kavre VDC-9, Rim Bahadur Nepali a.k.a. Arun, 40, of the same place, Jhaggu Prasad Pant a.k.a. Resham, 35, of ward number 6 of the same VDC and Shankar Gharti, 46, of Syeuja VDC-5 were abducted by UCPN-M cadres on January 23 on charge of being involved in a looting. The victims were handed over to the police on January 30. The victims were abducted on charge of opening firing in the Mandre area of Pyuthan while Chief District Officers of Rolpa and Pyuthan were returning to their districts after attending a meeting in Dang. The DPO Dang handed them over to the DPO Pyuthan on the same day. They were sent to jail for the trial of the case.

THREATS/BEATINGS

By State

HiraMani Chaudhary, 24, of Urahari VDC-2 Kachila, was beaten by security

personnel deployed from APO Tulsipur, on June 5 at the same village, on charge of beating police. The victim underwent treatment at Poly Clinic Tulsipur. The victim had not filed a complaint by the end of the year.

By UCPN-M

Keshav Chaudhary, 25, of Fulbari VDC-7 Gidhniya, was thrashed by UCPN-M cadres on July 4 on charge of having a land related dispute. The victim underwent treatment at Nepalgunj Medical College Nepalgunj. Police arrested UCPN-M cadres Ramita Chaudhary, 35, of Fulbari VDC-2, Dhurba Raj Chaudhary, 23, of the same place on the same day, and Suntali Chaudhary, 22, of Urahari VDC-1 on the following day, for their alleged involvement in the incident. All the arrested persons were released on July 6. The victim claimed that he was thrashed on charge of using his land in spite of the verdict of People's court constituted by UCPN-M.

By YCL

Prakash Chaudhary, 21, of Shreegoun VDC-5 was thrashed by the YCL cadre known as Buddhi on May 22, on charge of being engaged in Tharuhat

politics. Two of the victim's teeth were broken in the incident. The victim had not filed a complaint by the end of the year.

By Tharuhat Activists

UCPN-M cadre Prakash Ali, 39, of Dhikpur VDC-7, was thrashed by Tharuhat activists on July 9 in connection with a land related dispute. The victim's hand was injured in the incident. Police arrested Tharuhat activists Kalu Ram Chaudhary, Asha Ram Chaudhary, Kali Ram Chaudhary, and Lila Bahadur Chaudhary of the same place, and released all four on the same evening in the presence of Foreign Department Chief of Tharuhat, Lila Gambhir Tharu, and Central Committee Member, Sharan Tharu. Issuing a press statement on the same day, District Secretary of UCPN-M, Ramjee Chaudhary, demanded security from the local administration. The statement also urged the local administration to take action against perpetrators and provide medical expenses to the victim.

By Others

LDO, Bikash Adhikari, 55, of Manpur VDC-9 Bagoushi, was locked in his room by 13 officials of the Local Development Trust on June 2. The victim was locked in his office from 10 a.m. to 2 p.m. by the 13 officials as part of their protest against the decision of the 17th District Council to fire them from their job. Police rescued the victim after breaking the lock of the room. DDC Dang informed the officials that they were not fired from their job but an attempt was being made to mobilize them in their duty stations.

RIGHT TO PROMPT AND FAIR TRIAL Appellate Court

36 criminal cases, where the individual is plaintiff, were brought forward from the last year in the Appellate Court. Similarly, 23 criminal cases, where

the individual is plaintiff, were filed this year. Among the total 59 criminal cases, where the individual is plaintiff, 30 cases were decided this year, while 29 remained undecided by the end of this year.

129 criminal cases were brought forward from the last year. Similarly, 64 criminal cases were filed this year in the Appellate Court. Among the total 193 criminal cases, 60 were decided this year, while 133 remained undecided by the end of this year.

92 civil cases were brought forward from the last year, while 46 civil cases were filed at the Appellate Court this year. Among the total 138 civil cases, 46 were decided this year, while 92 remained undecided by the end of this year.

Among the total 390 cases including criminal cases where the individual is plaintiff, criminal cases and civil case, 254 remained undecided by the end of this year.

District Court

107 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. Similarly, 115 criminal cases, where the individual is plaintiff, were filed this year. Among the total 222 criminal cases, where the individual is plaintiff, 104 cases were decided this year, while 118 remained undecided by the end of this year.

39 criminal cases were brought forward from the last year. Similarly, 71 criminal cases were filed this year in the District Court. Among the total 110 criminal cases, 60 cases were decided this year while 50 remained undecided by the end of this year.

247 civil cases were brought forward from the last year, while 158 civil cases were filed at the District Court this year. Among the total 405 civil cases, 166 cases were decided this year, while 239 remained undecided by the end of this year.

Among the total 737 cases, including criminal cases where the individual is plaintiff, criminal cases and civil case, 407 cases remained undecided by the end of this year.

CHILD RIGHTS

Bishal Chaudhary, 5, of Gangaparaspur VDC-1 was killed by his father Bikram Chaudhary on June 3, in connection with family dispute. His wife Deu Kumari and 8-year-old daughter Sushila were also injured in the incident. The victims underwent treatment at Medical College Kohalpur. The perpetrator was sent to jail as the case is on trial.

A nine-year-old girl of Ghorahi Municipality-3, was raped by Narayan Prasad Yogi, 73, of the same place, on August 23 at the victim's home. Police arrested the perpetrator on August 31 and sent him to jail for interrogation. The victim underwent treatment at Rapti Sub-Regional Hospital Ghorahi.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

A 22-year-old woman of Bijouri VDC-8 was gang raped by Ram Bahadur Rawat, 24, and Huma Bahadur Nepali, 21, of the same place, on August 25 at the same village. The perpetrators were arrested the next day and sent to Ghorahi jail. The victim underwent treatment at Rapti Sub-Regional Hospital Ghorahi.

Polygamy

Maya Yadav, 25, of Bela VDC-4 has filed a complaint at the DPO, as her husband, Lila Bahadur Yadav, 27, married with Kavita Yadav, 20, of the same place. Police arrested both of them on January 18. Lila Bahadur was sent to jail on January 23

while his second wife was released as per the Court order.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Property

Tharuhat activists vandalized the vehicle of members of the constituent assembly on March 3 at Tulsipur municipality-3 Doghare, while they were heading to Panchakule VDC from Tulsipur Municipality. The members of the constituent assembly were going to collect public opinion for the new constitution. Window of the vehicle with registration number BA 1 JHA 6718 belonging to Tulsipur Municipality was vandalized in the incident. Members of the constituent assembly Sushma Sharma Ghimire, Nilamber Acharya and Shiva Raj Gautam were traveling in the vehicle. Police arrested Janak Chaudhary, 45, of Urahari VDC-8 Belaganar and Kalpana Chaudhary, 24, of Ghanouri VDC-1 on the same day and released them the following day.

Cadres of the UCPN-M affiliated Tharuwan Mukti Morcha vandalized the house and cow-shed of Bam Dev Regmi of Bijouri VDC-6 Doghariya on June 4. According to Keshav Poudel, Dhaneshwor Regmi, and Ghadhar Regmi, the group also pelted stones at their houses, and verbally abused them. Issuing a press statement on June 7, CPN-UML Dang District Committee and the Village Committee expressed concern over the incident.

Tharuhat activists torched 10 VDC offices of the district on March 12. Tharuhat activists torched the offices of Gangaparaspur, Belam Rajpur, Sisaniya, Lalmatiya, Gobardiya, Chailahi, Soudiyar, Dhikpur and Tarigoun VDCs. Some office documents were destroyed in the incident.



4.2 Pyuthan



Population : 242,574

Literacy(%) : 53

Women Literacy(%) : 40

Area(Sq. Km.) : 1,309

Number of VDC(s)/Municipality(ies) : 49/0

Number of School(s) : 333/13

Campus(es)/Higher Secondary School(s) : 1/5

Hospital(s)/Health Post(s) : 1/11

Human Development Index : 0.416

Average Household Size : 5

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By Blast Bomb

Yam Bahadur Roka, 48, of Bhingri VDC-8 Bartankhola was killed when a socket bomb exploded at his residence on May 13. The bomb went off as he tried to break the unidentified object which he had found while ploughing a field. The victim's son Prakash Roka, 17, was also injured in the incident. The victim underwent treatment at Butwal Zonal Hospital. The victim had not received any assistance by the end of the year.

CLASH

Police Personnel of Syauliwang Police Post, Suman GC of Torbang VDC-7,

was killed on February 6, when a group of nearly 70-80 armed personnel attacked the police post. The post mortem of the victim's body was held at District Hospital Bijuwar. ASI Dev Bahadur Khadka, who was in charge of the police post, was also injured in the incident. The perpetrators looted one communication set, one pistol and one .303 rifle from the police post. Police had failed to identify the group by the end of the year.

JAIL AND DETAINEES

The "D" grade District Jail has 32 male and two female convicts and 14 male and one female detainee at the end of the year. There are a total of 49 convicted and detained inmates in the Pyuthan Jail. The 49 inmates find it difficult to live in the jail, which has the capacity to hold only 25 inmates. The jail administration has provided facilities of newspapers, sports materials, radio and television to the inmates.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom, and Free and Impartial Election)

Cadres of NPF obstructed the opinion collection process for the new constitution at Chunjathati area of Chunga VDC on March 2. Cadres of the party destroyed the opinion collection sheet and chanted slogans against federalism when a team of Constituent assembly members led by Shobhakar Parajuli reached the area to collect the opinions. The team collected public opinions despite the obstruction.

RIGHT TO PROMPT AND FAIR TRIAL

35 criminal cases were brought forward from the last year in the District Court, out of which 24 cases were decided this year and 11 cases remained undecided. Similarly, 36 criminal cases

Type of Events	By Non-State				By State			
	By Others				No. of Events	Male	Female	Total
	No. of Events	Male	Female	Total				
Killing	2	2		2				
Injured	1	1		1				
Arrest & Torture					2	7	1	8
Women Rights	1		1	1				
Inhuman Behaviour	1	1		1				
Total	5	4	1	5	2	7	1	8

were filed this year. Five of these were decided and 31 remained undecided. Among the total 71 criminal cases, 42 cases remained undecided by the end of this year.

27 civil cases were brought forward from last year in the District Court, out of which 13 cases were decided this year while 14 remained undecided. Similarly, 19 civil cases were filed this year. Two of these cases were decided and 17 remained undecided. Among the total 46 civil cases, 31 cases remained undecided by the end of this year.

Among the total 117 cases, including criminal and civil cases, 73 remained undecided by the end of this year in Pyuthan District Court.

TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

Chief District Officer Man Bahadur

Chhetri was inhumanly treated by cadres of Nepal Tarun Dal and NSU on February 26. The victim's face was painted black, and he was taken to the marketplace. A group of nearly 20-21 cadres led by District Chairperson of NTD Man Bahadur KC and District Chairperson of NSU had called the victim from his office saying they needed to discuss something at the DAO. They inhumanly treated him on the way. Police rescued the victim from the middle of the market, and he was taken to the DAO. By the end of the year no action had been taken against the perpetrators.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Deva Baijali, 40, of Majhkot VDC-8 Kafalbuta was beaten by her brother-in-law Chabe Baijali on February 15. The victim underwent treatment at District Hospital.



4.3

Rolpa



Population : 234,038

Literacy(%) : 42

Women Literacy(%) : 30

Area(Sq. Km.) : 1,879

Number of VDC(s)/Municipality(ies) : 51/0

Number of School(s) : 297/8

Campus(es)/Higher Secondary School(s) : 1/2

Hospital(s)/Health Post(s) : 1/51

Human Development Index : 0.387

Average Household Size : 5

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By Unidentified Group

Tek Bir Budha Magar, 27, of Gam VDC-6 Kaleng was killed by a group of unidentified people on May 5, at Harja area of the same VDC. The victim was shot with an automatic weapon. A police team led by DSP Dipesh Lohani, reached the incident site on the same day. Police recovered three .303 rifles and one M-60 rifle from the incident site. These weapons were captured from Seulibang Police Post of Pyuthan District. The group Involved In the incident was not yet known by the end of the year. Police maintain that the same group carried out the raid in

Seulibang Police Post of Pyuthan District, and also murdered two UCPN-M District Committee Leaders of Rolpa on March 18, 2008.

By Bomb Explosion

Kumari Rana, 26, of Khumel VDC-5 was killed in an explosion which took place on February 3 near the Naya Gorakh barracks of the Nepali Army. The explosive, planted by the Nepali Army in the territory of the barracks, went off while the victim was cutting grass. The victim's dead body was removed from the area the next day after the Nepal Army Mine Disposal team had diffused the bomb. Chameli Roka, 27, of the same place was also injured in the incident. The Nepali Army had not placed 'No entry' marks for the area. The post mortem of the dead body was conducted at District Hospital Reugha. The victim's family had not yet received any compensation by the end of the year.

JAIL AND DETAINEES

The "D" grader District Jail has 24 male and three female convicts, and 38 male and two female detainees at the end of the year, a total of 67 convicted and detained inmates are in the Rolpa jail. The jail, which has the capacity to accommodate 50 inmates, is in a dilapidated condition. Inmates in the jail are provided with a radio, television and one caram-board. Inmates in the jail complained that they were deprived of facilities including national newspapers and sufficient sports materials.

The inmates padlocked the jail on July 13 in protest against jail conditions. While police and local administration tried to unlock the padlock a clash occurred between the inmates and the police resulting in a number of injuries. Among those injured in the clash were

Type of Events	By Non-State									By State		
	By Others					By UCPN-M						
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Female	Total	No. of Events	Female	Total
Killing	1	1			1					1	1	1
Injured	1	1			1					2	2	2
Beatings	3	12	4		16	1	1	1	2			
Child Rights	2	1		2	3							
Abduction						1	1		1			
Total	7	15	4	2	21	2	2	1	3	3	3	3

Set Bahadur Pun of Uwa VDC-6, Bishnu Sunar of Liwang VDC-6, Devchan Damai of Talawang VDC-9, Mahesh Buda of Thawang VDC-2, Jan Singh GC of Pang VDC-1, Purna Bahadur BK of the same place, Sanjaya Gharti of Jelwang VDC-7 and Gobardan BK of Karagithi VDC-8 Salyan. Police Head Constable Chakra Bahadur Nepali and Police Constables Singh Bahadur Rawat and Hom Bahadur Gurung also suffered injuries..

THREATS/BEATINGS

By Unidentified Group

Operator of Shristhi medical hall, Gauri Kiran Dangi, 28, of Jungar VDC-2, was attacked at his medical store by a group of unidentified people on November 25 at the victim's medical store. The victim was asked to open the shop and was then attacked with a sharp weapon. The victim underwent treatment in Butwal. Though the victim filed a complaint at the Police Post, police had failed to nab the perpetrator by the end of the year.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom, and Free and Impartial Election)

District Committee Secretary of CPN-UML, Shant Kumar Oli, 40, of Jugur VDC-3 and member of the constituent

assembly Shanta Chaudhary, were verbally abused and thrashed by UCPN-M cadres on April 10 at Thawang polling centre, on charge of not allowing UCPN-M cadres to vote without producing their citizenship certificate. The victims were working as agents of CPN-UML in the by-election of the constituent assembly. The victim stated that they fled from the area immediately after the incident took place ensuring their safety from further attack.

Member of NSU Palpa Multiple Campus Unit, Som Bahadur Budathoki, 23, of Gumchal VDC-3, was attacked by cadres of ANNISU-R on December 1 at a room in Manakamana Hotel situated at Liwang VDC-6, on charge of threatening ANNISU-R cadres of Gumchal Secondary School. The victim was attacked while he was staying in room No-5 of the hotel along with other friends. NSU issued a press statement protesting against the incident. Central Committee Member of ANNISU-R, Ratna Mahara, stated that the organization was not involved in the incident.

RIGHT TO PROMPT AND FAIR TRIAL

49 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court, while 33 such cases, where the individual is plaintiff, were filed this year. From a total

of 82 criminal cases, where the individual is plaintiff, 18 cases were decided this year while 64 remained undecided at the close of the year.

37 civil cases were brought forward from last year while 17 civil cases were registered at the District Court this year. Among the total 54 civil cases, 42 cases were decided this year and 12 remained undecided.

Among the total 134 criminal cases, where the individual is plaintiff, and civil cases, 76 cases remained undecided by at the end of this year.

The cabinet revoked 44 decisions filed against UCPN-M leaders during the period of armed insurgency. Similarly 90 complaints were registered at the DPO this year.

CHILD RIGHTS

Risa Pariyar, 29, of Liwang VDC-4 Reugha murdered her new born child on January 14. The murdered child was born as a result of an illicit relation with another person. Police arrested the perpetrator on January 15 and filed a case of murder charge. The perpetrator was sent to jail as per the order of District Court on February 2.



4.4 Salyan



Population : 242,599

Literacy(%) : 54

Women Literacy(%) : 42

Area(Sq. Km.) : 1,462

Number of VDC(s)/Municipality(ies) : 47/0

Number of School(s) : 381/5

Campus(es)/Higher Secondary School(s) : 4/15

Hospital(s)/Health Post(s) : 1/47

Human Development Index : 0.399

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The "D" grade District Jail has 13 male and three female convicts and 10 male detainees at the end of the year. Thus, there are a total of 32 convicted and detained inmates in the Salyan Jail. However, the jail has the capacity to accommodate only 20 inmates. The inmates were provided with facilities including water, newspapers, radio and television. Despite this, the inmates have been facing problems regarding sleeping and eating in the jail.

DISAPPEARANCE/ABDUCTION

By UCPN-M

Teacher of Shree Gobrahi Primary School of Nigalchula VDC-6 Drumkhola,



Type of Events	By Non-State							By State		
	By Others				By UCPN-M					
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Total
Killing	7	6	1	7						
Injured	1	7		7				1	12	12
Arrest & Torture								2	5	5
Beatings	3	14	2	16	5	12	12			
Threats	1	1		1						
Women Rights	11		11	11						
Child Rights	4	3	3	6						
Abduction					2	7	7			
Total	27	31	17	48	7	19	19	3	17	17

Bhola Yadav, 50, of Mahuwa VDC-8 of Saptari District and another teacher of the same school, Ramesh Oli of Nigalchula VDC-6 Drumkhola, were abducted, from the school, by UCPN-M cadres, who were led by District Committee Member of the party, Sher Bahadur BK a.k.a. Pushpan and Area Committee Member, Manapati BK, on June 5. They were abducted on charge of misappropriating 122 thousand rupees from the school fund after forging a signature. The victims were beaten and received life threats during their captivity in order to persuade them to confess to the crime. The victims were released on June 10. One of the victims, Bhola Yadav, revealed that they confessed to the act due to the threats from UCPN-M cadres. Furthermore, he alleged that the principal of the School, Chhetra Narayan Yadav, misappropriated the money in coalition with the UCPN-M cadres. No action had been taken against the perpetrators by the end of the year.

THREATS/BEATINGS

By UCPN-M

INSEC Salyan District Representative, Rom Prakash Thapa, 40, of Sejuwaltakura VDC-9 received life threats from UCPN-M village council

Representative, Paras Mani Thapa, 60, of the same place and his son YCL village committee in-charge, Kamal Thapa, 28, on February 10. He was threatened on charge of raising his voice to find consensus among all political parties while forming consumer committees at the village and district level. The perpetrators also tried to thrash the victim. The victim had not filed a complaint by the end of the year.

Buddi Singh Bista, 55, of Devsthal VDC-5 Bagchour and his brother, Bel Dhar Bista, 52, were beaten by 10-12 UCPN-M cadres, who were led by VDC in-charge of UCPN-M, Dev Bahadur Kami a.k.a Prajawol, on Juny 2 at Ghajaripipal VDC-8. They were beaten on charge of ploughing a field captured by UCPN-M during the period of armed insurgency. Dev Bahadur Kami received serious injuries when the victims retaliated. Acting upon a complaint filed by the victims, APO Sallibazar arrested Dev Bahadur Kami, Khieuro Kami and Shalik Ram Kami and filed a public offence case at the DAO on July 20. All the arrested persons were released on bail.

By YCL

Chairperson of CPN-UML Hiwalcha Village Committee, Yamlal Kanwar, 46, of

Hiwalcha VDC-6 Madhana was thrashed by YCL cadres Keshav Lamichane of Khalanga VDC-5 and Sudhir Thapa of ward number 6 of the same VDC on December 23, at the ground of Mahendra Ratna High School Hiwalcha. He was beaten on charge of pelting stones at YCL cadres during a clash between YCL and CPN-UML cadres at Luhaping area. The victim stated that he was beaten under instruction of UCPN-M cadre, Sita Ram Mahar, of Hiwalcha VDC-5. The victim further revealed that his life was saved after he reached his relative's house.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION
(Including Political Freedom, and Free and Impartial Election)

41 cadres of CPN-UML and 20 cadres of UCPN-M were injured during a clash between UCPN-M and CPN-UML cadres on December 8. The clash erupted following a dispute between both sides, while CPN-UML cadres were returning from Salyan Multiple Campus of Khalanga VDC-5 after attending the sixth District Convention of the party and YCL cadres were returning after picketing a government office.

Chair of closed session of the convention and UML activist, Uday Bahadur Bohara, of Triveni VDC-7 Luham, former District Committee Secretary of the party, Lok Bahadur Dangi, of Kotmoula VDC-7, District Committee Member of the party Top, Bahadur Chand, of Damachour VDC-3, Regional Committee Member, Jeet Bahadur Pun, Central Committee Member of CPN-UML affiliated Democratic National Youth Association, Govinda Pun, of Bame VDC-8, District Coordinator of Youth Force, Uttam Gharti, of Siddheswori VDC-9, District Committee Member of CPN-UML, Jit Bahadur Chalaune, Hari Lal KC, Ishwori Budathoki, Santa Hamal, Prema Adhikari and Dhana Budathoki among others were injured in the

incident.

Similarly, UCPN-M cadres Khum Bahadur Magar a.k.a. Jeevan of Laxmipur VDC-3, Shovajung KC, Tilak BK, Prem Rawat, Lila Devi Kunwar, Rup Lal Rana, Suk Lal Khadka among others were also injured in the incident. CPN-UML cadres, who were seriously injured, underwent treatment in Man Mohan Memorial Hospital Kathmandu, after having primary treatment at District Hospital. The other injured persons underwent treatment at District Hospital.

CPN-UML filed a complaint at the DPO on December 14 against 19 UCPN-M cadres. The next day, police arrested District in-charge of YCL, Chandra Bahadur Khadka, of Dhanawang VDC-1 and Bhim Hamal of Khalanga VDC-5 and filed a case at the District Court under murder charge. They were released after submitting 50 thousand for each bail as per the order of District Court on December 27. UCPN-M also filed a complaint against 12 CPN-UML cadres in connection with the case. Police arrested District Chairperson of Democratic National Youth Association, Jaya Ram Sing, 33, of Khalanga VDC-5 and District Committee Secretary of ANNFSU, Janak BK, 23, of Pipalneta VDC-8 on December 16 and filed a case at the DAO under the Public Offence Act. They were released on December 21 after submitting five thousand rupees each on bail.

RIGHT TO PROMPT AND FAIR TRIAL

24 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. Of these 24 cases, seven were decided this year, while 17 remained undecided. In addition, 24 new criminal cases, where the individual is plaintiff, were filed this year. Five of these were decided this year and 19 remained undecided. Among the total 48 criminal cases, where the individual is plaintiff, 36 cases remained undecided by the end of this year.

14 criminal cases were brought forward from last year. Four of these were decided this year, while 10 remained undecided. Additionally, 10 new criminal cases were filed this year, of these only one was decided this year and nine remained undecided by the end of the year. Among the total 24 criminal cases, 19 cases remained undecided by the end of this year.

43 civil cases were brought forward from last year. 18 of these were decided this year, while 25 remained undecided. Furthermore, 20 new civil cases were filed this year and none of the cases were decided. Among the total 63 civil cases, 45 cases remained undecided by the end of this year.

Among the total 135 criminal and civil cases, where the individual is plaintiff, 105 cases remained undecided by the end of this year. There was also a five year old criminal case brought forward to the District Court this year.

TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

Bir Bahadur Chanda, 44, of Damachour VDC-1 and Yamu Chanda, 40, of the same place were tortured by SI Mukesh Kanwar and ASI Laxmi Prasad Acharya on February 27 and 28, while in police custody at APO Damachour. The police were trying to extract a confession from them. The victims complained that they could not walk or move for 15 days due to torture inflicted under police custody. Bir Bahadur informed that they were provided with medicine by jail administration to treat the paralysis which resulted from the torture. He also added that they were recovering gradually from the injuries.

ARBITRARY ARREST

Bir Bahadur Chand, 44, of Damachour VDC-1 Falatae, Yamu Chand,

40, and Krishna Chand, 38, of the same place were arrested by police personnel of APO Damachour on February 24, without any arrest warrant. They were arrested on charge of their involvement in the murder of Dan Bahadur Yogi, 58, of the same place. The victims were handed over to APO Tharmare after four days. They were given arrest warrants after two days and handed over to DPO as per the order of District Court. All the arrested persons were sent to jail for trial as per the order of District Court on March 25.

CHILD RIGHTS

A 16-year-old girl of Laxmipur VDC-9 was raped by Kali Bahadur Thapa, 24, of ward number 8 of the same VDC on February 27, at Maskhola area of ward number 4 of the same VDC. The victim was raped after being forced to consume alcohol. Police rescued the victim after receiving information about the incident. The perpetrator had absconded by the end of the year.

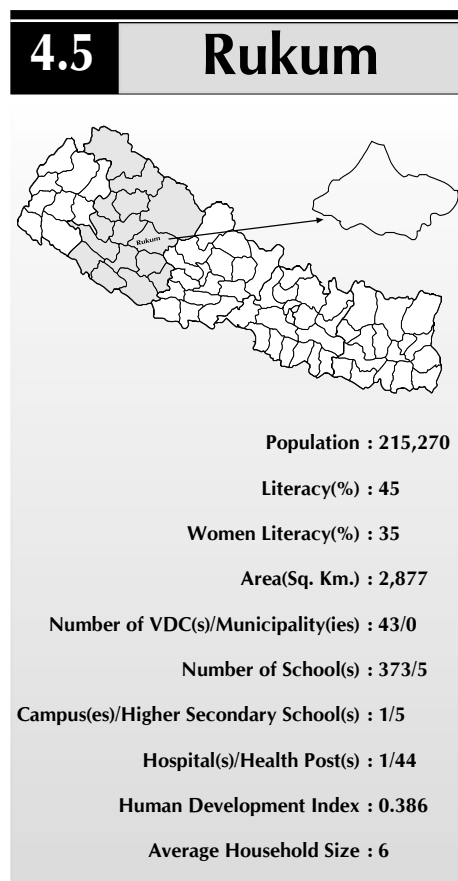
ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Basmati Buda, 47, of Syanikhal VDC-5 Salyanchour was inhumanly treated and beaten by her relatives Nimi Buda, Chitra Basnet, Kamala Basnet and Sarkeni Budha of the same place on November 14, near the residence of her neighbor Ganesh Basnet. She was beaten on charge of being a witch. The victim was stripped naked and beaten across her body. The victim filed a complaint at the APO Shreenagar on the day of the incident. An agreement was reached between both sides the next day at the APO, after the victims agreed to pay the victims's medical expenses and not to repeat such incidents in the future. The victim underwent treatment at Kantipur Poly Clinic Shreenagar.

Domestic Violence

Bhuma Chalaune, 21, of Syanikhal

VDC-2 was forced to leave her home by her husband, Suresh Chalaune, 22, and father-in-law, Rudra Bahadur Chalaune on February 18. The victim's husband and father-in-law had continuously beaten, verbally abused and deprived her of medicine after her husband had married Sarita Yogi in 2007. The victim has been staying at her parent's home at Lekhpokhara VDC-3. The victim filed a case at the District Court on March 11, seeking divorce from her husband.



CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The "D" grade District Jail has four convicts and 25 male and seven female detainees. There are a total of 40 convicted and detained inmates in the Rukum Jail that has the capacity to accommodate only 30 inmates. There is one dependent child in the jail. The jail does not have proper drinking water facilities and also lacks facilities like newspapers, sports equipment, radio and television. The inmates also complained that they lack a market to sell the goods produced in the jail.

The inmates organized a protest program in the jail on October 31 demanding fulfillment of their 22-point demands, including general amnesty and improvement in the physical infrastructure of the jail. However, they called off their protest program saying that some of their demands including the improvement in physical infrastructures and the supply of sports equipment had been fulfilled.

THREATS/BEATINGS

By YCL

Ram Bahadur BK, 35, of Nuwakot VDC-5 was beaten by YCL cadres on July 4 at his residence, on charge of having a land related dispute with his neighbor. The victim underwent treatment at Rukum District Hospital. The victim had not filed a complaint by the end of this year due to fear of reprisal.

By Unidentified Group

General Convention Member of the FNJ and Correspondent of Rajdhani Daily, Tika Bista, 25, of Garayala VDC-8 was attacked by a group of unidentified people on November 8 at Ghieykhola area of Khalanga VDC-1. The victim was found unconscious in the area with a severe head injury, and wounds inflicted by a razor

blade on four of the fingers on her right hand. She had been thrown off the side of a cliff.

The group also vandalized two mobile sets and one laptop computer belonging to the victim. The victim is still undergoing treatment in Kathmandu by the end of the year. The victim informed the fact finding mission of the FNJ, that she received many threats for articles written by her in the past, and unidentified masked people had attacked her. She further added that UCPN-M might have been responsible for attacking her. The victim had published an article entitled 'Why should the UCPN-M care for Tirtha's dead husband?' in a local Jantidhara weekly.

The fact finding report of the FNJ concluded that the victim was attacked by UCPN-M cadres. Citing an internal probe report of the party, the UCPN-M refuted the claims of the FNJ, and said that the party was not involved in the case. Eye-witnesses issued a statement on December 28 claiming that the UCPN-M team had distorted facts collected from them.

A team led by INSEC Mid Western Regional Office conducted a fact-finding mission on the incident from December 16-19. The report of the fact-finding mission was yet to be published by the end of the year. The victim's mother filed a complaint at the DPO on December 14. Police said that the investigation regarding this incident was ongoing at the end of the year. Police arrested 15 UCPN-M cadres to investigate the incident but they were released after questioning. The DPO has formed an investigation committee led by Police Inspector Diwakar Ghimire to investigate the incident.

Type of Events	By Non-State				
	By Others				
	No. of Events	Male	Female	N/A	Total
Injured	1	11	1	10	22
Beatings	5	5	1		6
Right to Assembly	1	5	2		7
Racial Discrimination	3	11			11
Child Rights	3		3		3
Total	13	32	7	10	49

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION (Including Political Freedom, and Free and Impartial Election)

12 leaders of different political parties including District Chairperson of National People's Front, Ram Prakash Puri, District Chairperson of RPP, Mukunda Sah, Sita Oli, Thal Bahadur Khadka, Nanda Bista, Top Bahadur Khadka and Keshar Oli of NC among others, were injured when YCL cadres attacked a corner meeting, organized by five political parties including Nepali Congress and CPN-UML on March 1 in the district headquarter. Out of the injured persons, Ram Prakash Puri was seriously injured, and underwent treatment in Kathmandu, while others underwent treatment in the same district. Police arrested ANNISU-R cadres Dinesh Gurung, Suresh KC, Arjun Batala and Bikram Shai from Khalanga VDC-3 on March 3 and filed a case under the Public Offence Act.

RIGHT TO PROMPT AND FAIR TRIAL

48 criminal cases were filed this year. Of the total cases filed, only seven were decided this year while 41 cases remained undecided by the end of the year.

60 civil cases were brought forward from last year in the District Court, out of which

only two cases were decided this year while 58 remained undecided. Similarly, 37 civil cases were filed this year. Out of these cases, none were decided this year. Among the total 97 civil cases, 95 remained undecided by the end of this year.

Among the total 145 criminal and civil cases 136 cases remained undecided by the end of this year.

CHILD RIGHTS

A 16-year-old child of Pipal VDC-7 was raped by Rudra Bahadur Khattri, 32, of the same place, on June 8 at an empty house belonging to a local. Police arrested the perpetrator acting upon a complaint filed by victim's relatives, and filed a case at the District Court. The perpetrator remained in jail by the end of the year as per the court's order.

ALL KINDS OF RACIAL DISCRIMINATION

Dinesh Pariyar, 21, of Sankh VDC-1, was thrashed by a group of locals including Dambar Bahadur Pandey and Chhetra Bahadur Oli of ward number 3 of the same VDC on October 24, on charge of marrying a so called upper caste girl. The perpetrators also looted 50 thousand rupees from the victim, and forced his wife, Hira Pandey, to separate from him. Issuing a press statement the Dalit Rights Forum urged police to take action against the perpetrators, yet police had failed to arrest any perpetrator by the end of the year. The victims were still living together at the end of the year.



4.6

Banke



Population : 4789,150

Literacy(%) : 53

Women Literacy(%) : 50

Area(Sq. Km.) : 2,337

Number of VDC(s)/Municipality(ies) : 46/1

Number of School(s) : 452/65

Campus(es)/Higher Secondary School(s) : 6/32

Hospital(s)/Health Post(s) : 3/46

Human Development Index : 0.479

Average Household Size : 7

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By State

Parshuram Kori, 18, of Bankatti VDC-5, who was arrested on charge of being a cadre of JTMM-J, by patrolling security team of Betahani Police Post and DPO from Betahani VDC-4, on April 9, was shot dead, 200 metres from where the arrest took place. Speaking at a press conference organized the same day, DPO Banke claimed that the victim was killed during a clash between police and cadres of JTMM-J. A joint fact finding report carried out by INSEC, Advocacy Forum and Human Rights Project of Nepal Bar Association stated that the victim was murdered after being taken into control by the authorities.



Type of Events	By Non-State									By State				
	By Others					By UCPN-M								
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Female	Total	No. of Events	Male	Female	N/A	Total
Killing	12	11	2		13					2	2			2
Injured	6	7	3		10									
Arrest & Torture										7	19			19
Beatings	7	18	4		22					1	1			1
Threats	6	4	4		8	1	4	1	5	1		1		1
Right to Assembly										5	17	2	20	39
Women Rights	5		5		5									
Child Rights	7	1	5	1	7									
Economic, Social and Cultural Rights	3	2		1	3	3	2	1	3					
Abduction	8	8	1		9									
Total	54	51	24	2	77	4	6	2	8	16	39	3	20	62

By JMMT-Tarai

Prakash Shahi, 36, of Radhapur VDC-4, who ran a dairy shop in Nepalgunj municipality-4, was murdered by cadres of JMMT-Tarai on January 24. The victim was killed while he was going to Nepalgunj from his residence. On January 25, police found the victim's dead body near Karmouli village of Indrapur VDC. The victim's relatives revealed that they had not filed a complaint by the end of this year due to threats from perpetrators.

By Unidentified Group

District Committee Member of NTD Subash Darnal, of Kohalpur VDC-2, Rambagar, was killed by an unidentified group on July 22 near his residence. The victim was hacked to death, with a sharp object, by an unidentified group while he was returning home. Family members of the victim filed a complaint at the DPO on July 30 but police had failed to arrest the perpetrators by the end of the year.

By Bomb Explosion

Cadre of JTMM Taiyas Mohammed Khan, 24, of Rainyapur VDC-9 died in

an explosion on March 23 at the Bheri Zonal Transport Management Office. The victim died while attempting to carry out an explosion at the office with a pressure cooker bomb. The wall of the office was destroyed in the incident.

CLASH

Area Commander of JMMT Omkar Shyam Bharati Gosain of Fattepur VDC-3 was killed during a clash between JMMT cadres and the APF, on December 27, at Keroniya area, which borders Matehiya and Narainapur. The victim received bullet injuries to the right leg and chest. A postmortem of the victim's body was held at Bheri Zonal Hospital on the same day.

INJURED IN SHOOTING/EXPLOSION

By JTMM-J

Hidayat Khan, 22, of Bankatti VDC-6 was shot by cadres of JTMM-J on January 22 on charge of spying against their party. The victim was shot while he was returning from a local shop after purchasing rice. The victim, who received injuries to his left arm, underwent treatment at the local Health Post.

By Unidentified Group

Employee of NEA Kohalpur, Krishna Hari Sharma, 36, of Karkando VDC-1 was shot and injured by a group of unidentified people, on January 23, at Manikapur VDC-5. The victim, who received an injury to his right shoulder, underwent treatment at Bheri Zonal Hospital in Nepalgunj.

JAIL AND DETAINEES

By the end of the year, the "C" grade District Jail has 79 men and 16 women convicts and 112 men and two women detainees. Thus, there are a total of 209 convicted and detained inmates in the Banke Jail, which has the capacity to accommodate only 150 inmates. Furthermore, the jail building is in a dilapidated condition. Inmates in the jail are provided with newspapers, sports equipment, as well as a radio and television.

The inmates submitted a memorandum to the Prime Minister through the District Jail on October 14 demanding implementation of the decision of the cabinet to release inmates. The cabinet had made the decision on October 7 to release 204 inmates from across the country. Inmates of the jail, Sushil Chhetri, Megh Raj Thapa, Tarka Bahadur Giri and Bhim Roka, attacked advisor of the local administration for inmates, Babbu Singh Pathan Thakur, on May 6, on charge of creating a problem with them. The victim underwent treatment at Bheri Zonal Hospital Nepalgunj. Watchman Damber Shahi, leader Mohammed Salim Khan and inmates Ram Kumar Gupta, Raju Shreevastav and Kul Prasad Yogi were injured during a clash between inmates on the same day. All the victims underwent treatment at Bheri Zonal Hospital.

DISAPPEARANCE/ABDUCTION

By YCL

CPN-UML cadre Abdul Lajij of

Kamdi VDC-4 was abducted by YCL cadres on November 16 from Milan Chowk of the same VDC. The victim was released by YCL cadres on the same day from ward number 3 of the same VDC at the presence of journalists Rakesh Mishra and Surya Lal Yadav. Joint Coordinator of Tharuwan State Committee Rabindra claimed that the victim was taken under control in order to be handed over to the police, as the police did not arrest him for his involvement in various criminal activities. DSP of DPO, Raj Bahadur Baidar, stated that complaints were filed against the victim and the perpetrator and they have absconded and by the end of the year they had not been seen.

By JMMT-Tarai

Village Committee Chairperson of Nepal Tarun Dal Laba Raj Pokhrel, 37, of Fattepur VDC-8 was abducted by cadres of JMTT-Tarai, on December 22, from his residence. The victim was released the next day from ward number 7 of the same VDC after paying a ransom of Rs. 50,000.

By Undefined Group

Trader, Gaurav Krishna Rastogi of Nepalgunj Municipality-11, was abducted by an unidentified group on June 21, from Nepalgunj Municipality-13. The victim was abducted while he was returning home from the bordering Indian town of Rupaidiha. The whereabouts of the victim was not known by the end of the year. The victim's father paid 700 thousand rupees to the perpetrators as per their demand on June 27. The victim was not released even after paying the amount. Police arrested two persons from Bhojpur and Morang on July 5 for their alleged involvement in the incident but they were both released on July 28. The group involved in the incident is yet to be identified.

THREATS/BEATINGS

By State

Protection Officer of NHRC Regional Office, Nepalgunj Sarita Gyawali, was threatened by Police Constable Sugandha Shrestha of Kohalpur VDC-3 on May 7 at the victim's office. The victim was threatened in connection with a rape case filed at the Commission. No action had been taken against perpetrator by the end of the year.

By JTMM-J

Secretary of Udaypur VDC Uttam Singh Sodi, 49, received a threat by cadres of JTMM-J on April 12. The victim was told that he would be physically abused if he failed to pay 50 thousand rupees donation to their party. A letter signed by Banke-Bardiya in-charge of the party, Bhagat Singh, was sent to the victim demanding to pay the donation by March 28 or face action. The victim had not paid the amount by the end of the year.

By NTD

District Committee Member of Youth Force, Santosh Budathoki, 27, of Kohalpur VDC-2 was attacked by cadres of Nepal Tarun Dal Rigal Dhalak of Nepalgunj Municipality-5 and Nirajan Rana of Kohalpur VDC-1, on September 10, at Nepalgunj Municipality-13. The victim was attacked by a sharp object. The victim, who received injuries to the head, hand and leg, underwent treatment at Western Hospital of Nepalgunj and TU Teaching Hospital Maharajgunj Kathmandu. The victim filed a complaint against the perpetrators at DPO on September 15. By the end of the year the perpetrators had absconded.

By Unidentified Group

Chairperson of Tharu Student Committee of Mahendra Multiple Campus, Abinash Chaudhary, was issued

life threats by an unidentified group on March 11. The victim was warned not to participate in any protest program of Tharu community or in the election of the FSU. The victim stated that he received the threats from mobile number 98490-74615. The victim demanded security from local administration on March 12.

ARBITRARY ARREST

Brigade Commander of 5th Brigade of UCPN-M, Dipendra Sah, of Kalikot was arrested from Kohalpur VDC by APO, Kohalpur without an arrest warrant, on November 28, on charge of disturbing peace and security. The victim was given a three month detention order by DAO Nepalgunj. The victim was released as per the verdict of joint bench of Hari Ram Koirala and Tanka Muktan of Appellate Court Nepalgunj on December 4. Police informed that he was arrested along with Chinese Pistol verified by UNMIN while making dispute with a local of Kohalpur area.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom, and Free and Impartial Election)

30 people, including Rishi Raj Sapkota of Rajhena VDC-3, Prashu Ram Sapkota, Gulam Hussain, Lal Singh Thapa, Lal Bahadur Malla, Radhika Dhakal, Laxmi Tripathi, Ram Narayan Tharu, Guna Nidhi Acharya, Bisakhar Joshi, Atma Ram Adhikari, Khada Nanda Poudel, Kamal Acharya, Dob Nath Adhikari, Santa Bahadur BC, Bajari Tharu, Tilak Bahadur Thapa and Chudamani Poudel of the same place were injured during a baton charge of police, on July 29, at Kohalpur VDC-3 on charge of obstructing the Mahendra Highway. Locals of the area were obstructing the highway, demanding compensation to the family members of Chet Narayan Poudel of Rajhena VDC-3, who was killed in

motorcycle accident in Kohalpur on July 25. The victims underwent treatment at Nepalgunj Medical College Kohalpur. Police also took 25 demonstrators into control for defying the curfew order on the same day. All the arrested persons were released on the same day. INSEC Banke District Representative, Narayan Subedi, and Saptari District Representative, Prakash Khatiwada, were injured when the demonstrators pelted stones at the vehicles of INSEC Mid and Far-Western Regional Offices heading towards Nepalgunj. Windows of the vehicle used by INSEC Far Western Regional Office were also smashed during the incident.

RIGHT TO PROMPT AND FAIR TRIAL **Appellate Court**

64 criminal cases, where the individual is plaintiff, were brought forward from the last year in the Appellate Court. Of which, 20 cases were decided this year and 44 cases remained undecided. Similarly, 29 criminal cases, where the individual is plaintiff, were filed this year in the Appellate Court. Of which, two cases were decided this year and 27 cases remained undecided. Among the total 93 criminal cases, where the individual is plaintiff, 71 cases remained undecided by the end of this year.

62 criminal cases were brought forward from the last year. Of which, 30 cases were decided this year and 32 cases remained undecided. Similarly, 61 criminal cases were filed this year in the Appellate Court. Of which, three cases were decided and 58 cases remained undecided. Among the total 123 criminal cases, 90 cases remained undecided by the end of this year.

230 civil cases were brought forward from the last year. Of which, 106 cases were decided this year and 124 cases remained undecided. Similarly, 132 civil cases were filed this year. Of which,

12 cases were decided and 120 cases remained undecided. Among the total 362 civil cases, 244 cases remained undecided by the end of this year.

Among the total 578 cases including criminal cases, where the individual is plaintiff, criminal cases and civil cases, 405 cases remained undecided by the end of this year.

A total of 141 complaints were registered at the DPO in Banke this year.

District Court

394 criminal cases, where the individual is plaintiff, were brought forward from the last year in the District Court. Of which, 76 cases were decided this year and 318 cases remained undecided. Similarly, 162 criminal cases, where the individual is plaintiff, were filed this year in the District Court. Of which, 10 cases were decided this year and 152 cases remained undecided. Among the total 556 criminal cases, where the individual is plaintiff, 470 cases remained undecided by the end of this year.

140 criminal cases were brought forward from the last year. Of which, 45 cases were decided this year and 95 cases remained undecided. Similarly, 67 criminal cases were filed this year in the District Court. Of which, six cases were decided and 61 cases remained undecided. Among the total 207 criminal cases, 156 cases remained undecided by the end of this year.

885 civil cases were brought forward from the last year. Of which, 157 cases were decided this year and 728 cases remained undecided. Similarly, 346 civil cases were filed this year in the District Court. Of which, 21 cases were decided and 325 cases remained undecided. Among the total 1231 civil cases, 1053 cases remained undecided by the end of this year.

Among the total 1994 cases

including criminal cases, where the individual is plaintiff, criminal cases and civil cases, 1679 cases remained undecided by the end of this year.

TORTURE, CRUEL, OTHER INHUMAN AND DEGRADING TREATMENT

Pitamber Lamichane, 28, of Bageshwori VDC-2 was arrested by APO Dhanouli on April 2 on charge of having a dispute with his wife. Following his arrest, he was tortured in police custody. The victim filed a complaint with INSEC and the NHRC demanding action against the perpetrators, on April 5. However no action had been taken against the perpetrators by the end of the year.

CHILD RIGHTS

Students of grade nine of Gyankunja High School, Ganesh Prasad Sharna, 15, of Rajhena VDC-2, Sarita Sharma, Mohan Mahatara, Jung Bahadur Bom, Keshav Raj Gyawali, Purushottam Pokhrel, Bishnu Khadka, Laxmi Thapa, Bijaya Bhattarai and students of grade seven of the same school, Dilli Prasad Sharma, 12, were beaten badly by teacher of the same school Arjun Poudel, on January 20. The victims were beaten for revealing the secret information that students of the school had written letters to two other teachers of the same school. Blue marks were reported on the legs and hands of victims after the incident. Poudel apologized for the incident and expressed commitment not to repeat such incidents in the future after guardians informed the management committee about the incident.

A 9-year-old girl of Sitapur VDC-6 was raped by Bala Ram Sharma, 35, of the same place on November 25. The perpetrator assured the victim that he would bring her home after they were singing and dancing at the residence of Purna Bahadur Sharma till late into the night, after returning from a picnic. The

victim's family members filed a complaint for a rape case at the DPO the next day. A medical examination of the victim was carried out at Bheri Zonal Hospital on November 26. The medical report revealed that there was soiling near the victim's genitalia.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Hasrun Idrishi, 24, who has been staying at a rented room in Nepalgunj Municipality-8, received life threats by her brothers-in-law, Ahamud Idrishi and Rijwan Ansari, on January 19 at Banke District Court. She was threatened after she won a domestic violence case. The victim's husband, Ushim Idrishi, mother-in-law, Ruksana Idrishi, and other members of her family attempted to burn the victim alive on November 8, 2007 on charge of not bringing a dowry. Banke District Court handed over a five-year jail term to her husband and mother-in-law on January 19 for attempted murder.

Women Trafficking

A 21-year-old woman of Radhapur VDC-2 was gang-raped by Bal Krishna Sunar of Sitapur VDC-2 and Mohan Sunar of the same place on January 23 near the victim's residence. Acting upon the complaint filed by the victim APO Khajura arrested the perpetrators on January 24. The victim underwent a medical examination on the same day at Bheri Zonal Hospital Nepalgunj. DPO Banke released both the alleged perpetrators on February 16 on general date.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

By UCPN-M

Cadres of UCPN-M are yet to return 141 *bighas* land belonging to family members of Badri Prasad Gupta, 50, of

Udarapur VDC-2. The land was captured by UCPN-M cadres in 2002, during the period of armed insurgency. The victim also stated that UCPN-M cadres are yet to return goods, such as a tractor and other personal properties that were also captured during the period.

BY TJSC

Badala Tharu of Rajhena VDC-1 was forced to pay one thousand rupees by nearly 200 cadres of Tharuhat Joint Struggle Committee, led by Anshuman Tharu of Rajhena VDC-1 and Surendra Chaudhary of the same place, on April 27, on charge of not taking part in the protest program organized by Tharuhat Joint Struggle Committee. The group also issued a life threat to the victim if he failed to pay the amount. The victim filed a complaint at the APO Kohalpur on April 28 demanding security. However, the police had failed to arrest any perpetrator involved in the incident by the end of the year.

Destruction of Property

BY UCPN-M

Cadres of UCPN-M vandalized the office of Nepal Investment Bank, Nepalgunj Branch, situated at Nepalgunj Municipality-1 Dhumbojhi, on December 22, on charge of defying the general strike called by them. Glass, of the main entrance of the bank, was broken during the incident. UCPN-M had called a three day long general strike from December 20-22 demanding what they term upholding Civilian Supremacy.

By JTMM-J

Cadres of JTMM-J detonated a pressure cooker bomb at the office of NC District Working Committee situated at Nepalgunj Municipality-13 on March 14. The office building was partially damaged

in the incident. Although some pamphlets of JTMM-Tufan Singh were found near the incident site, Banke-Bardiya, in-charge of JTMM-J, called local journalists and took responsibility for the incident.

By TJSC

Cadres of TJSC vandalized the ambulance belonging to Radhakrishna Tharu Jana Sewa Kendra Bardiya and used by Royal Polyclinic Nepalgunj on March 7 at Kohalpur VDC-3. The ambulance with registration Number BA 1 CHA 779 was vandalized on charge of carrying other people rather than patients during the indefinite bandh called by the group. The ambulance was returning from Dang after delivering a patient. Property worth 400 thousand rupees was destroyed in the incident. The protestors also thrashed the driver of the ambulance, Prem Adhikari, 24, of Jamuni VDC-3 Bardiya and assistant, Amit Gurung. Both the victims underwent treatment at Nepalgunj Medical College Kohalpur.

By Conflict Affected Army and Police National Struggle Committee

Members of conflict affected Army and Police National Struggle Committee torched a truck with Registration Number NA 2 KHA 353 and another HIACE micro bus, on March 28, at Rohani khola area of Kohalpur VDC, on the charge of defying the bandh called by them. Both the vehicles were completely destroyed in the incident. Security personnel, who were forced to leave their jobs during the period of armed insurgency, formed a struggle committee and have been protesting, demanding reinstatement in their previous jobs. One demonstrator Bishnu Oli injured when the demonstrators clashed with passengers protesting the bandh. The committee had called the bandh from March 28-30.

By ANNFSU

Cadres of ANNFSU vandalized and set ablaze Mahendra Multiple Campus, Nepalgunj on March 23 on charge of not re-counting the ballots of Free Student Union. Tables and chairs belonging to the campus along, with some office documents were destroyed in the incident.

By ANNISU-R and NSU

Cadres of ANNISU-R and NSU vandalized a vehicle used by journalists on June 16 at Nepalgunj Municipality-1 on charge of defying the bandh called by them. The vehicle with registration number BHE 1 CHA 801 was carrying Secretary of FNJ Ramji Dahal, editor of Himal Fortnightly Kiran Nepal and Indra Shrestha, Rameshwar Bohora and Rima Shrestha of the same magazine. Students had called Banke District bandh at the call of Free Student Union Mahendra Multiple Campus denouncing the beating of a member of FSU Ganesh Bahadur Bhandari of ANNISU-R by staffs of a microbus on June 15.

By ANNISU-R

Cadres of ANNISU-R vandalized a microbus with Registration Number NA 3 KHA 4918 on June 15 in front of the Traffic Office at Nepalgunj Municipality following a dispute between bus staff and cadres of ANNISU-R regarding payment

of the bus fare. Windows of the bus were completely destroyed in the incident.

By Unidentified Group

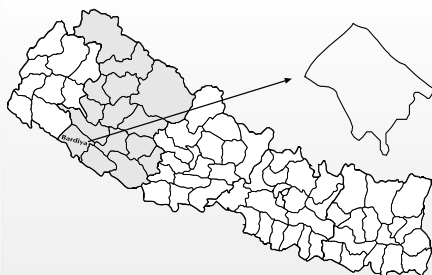
An unidentified group detonated a socket bomb at the District Contact Office of UCPN-M situated at Nepalgunj Municipality-16, on March 14. Sumita Retail Shop, situated at the ground floor of the building, and a party office of UCPN-M were partially damaged in the incident.

Displacement

Moti Lal Chaudhary, 35, of Baijapur VDC-3, Bajar Chaudhary, 32, Hom Raj Chaudhary, 17, Pitamber Chaudhary, 14, and Laxmi Chaudhary, 29, of the same family were displaced from January 31 from their home, following threats from UCPN-M cadres. The victims have been staying at a rented room in Nepalgunj Municipality-7 following the incident. The victim stated that they were displaced after UCPN-M cadre, Jit Bahadur Nepal, threatened their lives following a dispute regarding the road. UCPN-M cadre took Ram Ratan Chaudhary, 36, from his family and beat him on February 14, 2001. The family were originally displaced on February 15, 2001 following the incident. The family members returned to their village following the signing of Comprehensive Peace Agreement between government and UCPN-M in November 2006.



4.7 Bardiya



Population : 475,766

Literacy(%) : 56

Women Literacy(%) : 42

Area(Sq. Km.) : 2,025

Number of VDC(s)/Municipality(ies) : 31/1

Number of School(s) : 400/65

Campus(es)/Higher Secondary School(s) : 1/29

Hospital(s)/Health Post(s) : 1/33

Human Development Index : 0.429

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

CLASH

Nanda Kishor Burma, Ram Nibas Rana, Faruk Khan, Patuk Khan, Mokra Khan and Hanik Sai were injured during a clash between cadres of Indigenous Tharu Coordination Committee and locals of Mahammadpur VDC-3, on March 5. The clash erupted after Tharu activists vandalized a tractor at the area on charge of defying the bandh called by them. Of the injured, Nanda Kishor Burma received a deep injury to the head and eye and underwent treatment in Lucknow of India. Tharu activists Binod Tharu of Mainapokhar VDC-8, Devi Prasad Tharu of Kalika VDC-2, Rajesh Tharu of Mainapokhar VDC-8 and Narayan Tharu

of Kalika VDC-2 were also injured in the incident. Binod and Devi Prasad, who received injuries to the head, underwent treatment at District Hospital Gulariya. Locals also vandalized 30 bicycles of Tharu activists during the clash.

INJURED IN SHOOTING/EXPLOSION

By Bomb Blast

Narendra Kumar, 23, of Gajiyabad of India was injured when a bomb he was carrying went off on June 16 at Gulariya Municipality-6. The victim, who received injuries to the back and left hand, underwent treatment at Bheri Zonal Hospital after preliminary treatment at District Hospital Bardiya. According to an eye-witness, another person, who was standing along with the victim, fled after the incident. According to Inspector of DPO, Prakash Sapkota, the motif behind carrying the bomb was not known by the end of the year. SP of DPO, Shyam Gyawali, informed that the victim was taken to India by his relatives for treatment.

JAIL AND DETAINEES

The "D" grade District Jail has 53 male and six female convicts and 35 male and two female detainees by the end of the year. There are a total of 96 convicted and detained inmates in the Bardiya Jail, which has the capacity to accommodate 110 inmates. Aakash BK, 15, has been detained along with other inmates in the jail. Inmates are provided with the facilities of health check up at the District Hospital, water, newspapers, radio, TV, sports equipment and educational material. Women inmates complained that they were not provided the facility of watching television. Jailer, Rohit Shrestha, informed that they were facing problems as inmates have to be taken to District Hospital for health check-ups since the health personnel deployed at the jail retired and the government is yet to appoint another.



Type of Events	By Non-State								By State			
	By Others				By UCPN-M							
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total
Killing	3	2	1	3								
Injured	4	3	1	4					1	8	1	9
Arrest & Torture									1	1		1
Beatings	9	14	6	20	1	2		2	1	2		2
Threats	5	7	1	8	4	4		4				
Women Rights	21		22	22								
Child Rights	13		13	13								
Economic, Social and Cultural Rights	3	6	1	7	2	2	1	3				
Inhuman Behaviour	2		3	3								
Abduction	4	3	1	4								
Total	64	35	49	84	7	8	1	9	3	11	1	12

DISAPPEARANCE/ABDUCTION

By Unidentified Group

Hari Bahadur Khadka, 35, of Motipur VDC-2 Thaguwatal was abducted by a group of five unidentified people on April 5 from the victim's residence. The victim's wife, Kamala Khadka, filed an application at APO Basgadhi on May 7 to find the whereabouts of her husband. The reason behind the abduction is yet to be clarified. The whereabouts of the victim remained unknown by the end of the year.

THREATS/BEATINGS

By UCPN-M

Bir Bahadur Rana of Motipur VDC-2 was threatened by a group of UCPN-M cadres led by District Committee Member of the party, Rajman Tharu, on June 5. The perpetrators warned the victim either to join the UCPN-M party or leave the village within four days. UCPN-M cadres also disconnected the electricity of the victim's mill. The victim filed a complaint

at the DPO on Jun 7 but police had not taken action against perpetrators by the end of the year. However Rajman refuted his involvement in the incident and stated that some people, who who had certain issues with him, might have carried out the incident.

Cadres of UCPN-M issued a threat to legal professionals not to open their offices on December 21 during the three day long general strike called by the party. The perpetrators also warned that they would face dire consequences if they did not close their offices. Bardiya District Chapter of NBA condemned the incident and also appealed to all sectors not to intervene in their program.

By YCL

Member of FSU Babai Multiple Campus Gulariya, Dilip Kumar Chaudhary, of Rajapur VDC-4 was attacked by YCL cadres, on March 22. The victim, who was attacked by an iron rod, received injuries to the head and underwent treatment at

District Hospital. Police arrested District vice-chairperson of ANNISU-R, Chabilal Singh, and member Kripa Chaudhary for their alleged involvement in the incident. Correspondent of RSS and member of Revolutionary Journalist Association, Dabal Mahatara, received injuries when police used force to bring the situation under control, following clash. Police released two persons who had been arrested in connection with this case that same day.

By ANNFSU

District Committee Member of Revolutionary Journalist Association, Jeevan Timilsena, was beaten by cadres of ANNFSU, on March 22, at the premises of District Development Committee, on charge of assisting YCL and ANNISU-R to beat ANNFSU cadres. The perpetrators also tried to thrash joint-secretary of Federation of Nepalese Journalists while he tried to save the victim. The victim had not filed a complaint by the end of the year.

By Unidentified Group

Health Officer of District Health Office, Sunil Pandey, of Nawalparasi was threatened either to pay 200 thousand rupees or leave the district by a group of unidentified people on November 29 and 30. The victim was displaced from his duty station since December 1, following the incident. The victim did not file a complaint about the threat. Progressive Health Professional's Association padlocked the District Health Office on December 7 demanding action against perpetrators. The victim returned to Bardiya on December 19. The victim also informed that he received subsequent threats from the same group, while returning to his duty-station.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom, and Free and Impartial Election)

13 UCPN-M cadres, including District joint in-charge, Keshav Sharma, were injured when they clashed with police, while trying to padlock the DAO, on June 21. UCPN-M cadres were trying to padlock the office to enforce the three-day-long general strike called by the party for what they term upholding Civilian Supremacy. Member of Tharuwan State Committee, Laxmi Prasad Sharma, in-charge of Gulariya Municipality, Drabya Sah, UCPN-M cadres Nabin Rana, Tika Ram Tharu, Samjhana Chaudhary, Om Prakash Ghimire, Tilku Tharu and Naresh Malla among others, were injured in the incident. Of the injured, Nabin Rana, underwent treatment in Nepalgunj, while others underwent treatment at District Hospital Gulariya. Police constables, Shankar Giri, Surendra Hamal and Dil Bahadur Rawal were also injured from the stones pelted by protestors. Giri underwent treatment in Nepalgunj, while others underwent treatment at District Hospital Gulariya.

RIGHT TO PROMPT AND FAIR TRIAL

In the District Court, 86 criminal cases, where the individual is plaintiff, were brought forward from the last year, of these 64 were decided this year and 22 remained undecided. In addition, 112 new criminal cases, where the individual is plaintiff, were filed this year, of which, 33 were decided this year and 79 remained undecided. Among the total 198 criminal cases, where the individual is plaintiff, 101 cases remained undecided by the end of this year.

63 criminal cases were brought forward from the last year, of these 47

were decided this year and 16 remained undecided. Meanwhile, 57 new criminal cases were filed this year, of which, 17 were decided and 40 remained undecided. Among the total 120 criminal cases 56 cases remained undecided by the end of this year.

266 civil cases were brought forward from the last year, of which 176 were decided this year and 90 remained undecided. Additionally, 401 new civil cases were filed this year, of these 94 were decided and 307 remained undecided. Among the total 667 civil cases 397 cases remained undecided by the end of this year.

Among the total 985 cases, including criminal cases, where the individual is plaintiff, criminal cases and civil cases, 554 cases remained undecided by the end of this year.

A total of 138 complaints were registered at the DPO by the end of the year.

TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

Chinku Tharu, 20, of Deudakala VDC-9 was tortured by Sub Inspector of APO Motipur, on June 7, at the police office, on charge of stealing a big-pot. The victim underwent treatment at Kohalpur Medical College Banke, following primary treatment at local medical store. At the end of the year, the victim could not walk freely due to the torture inflicted by the police. The victim filed a case, with the help of Advocacy Forum, at Bardiya District Court demanding compensation on Jun 22. No action was taken against the perpetrator by the end of the year. Police also did not answer the queries of the Court.

CHILD RIGHTS

A three-year-old girl of Neulapur VDC-5 was raped by Khada Nanda Lamsal,

73, of the same place, on January 26, at the victim's residence. The victim was raped after being offered sweets, when she was alone in the house. Locals took the perpetrator under control and handed him into the APO Bhurigaun. The District Court slapped a five-year jail term to the perpetrator on August 16.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

A 30-year-old mentally retarded woman, of Bhimmapur VDC-1, was gang-raped by Shingal Tharu, 20, of the same place and Aakash BK, 15, of the same place, on March 10. The victim's relatives filed a complaint against the perpetrators at APO Rajapur on March 11. Police arrested both the perpetrators that day and filed a case at the District Court. The perpetrators remained in custody for the duration of the trial. The court had not yet issued a final verdict on the case by the end of the year.

Domestic Violence

Laxmi Poudel, of Kalika VDC-3 Hansapur, was beaten by her husband, Madan Poudel, on March 12. The perpetrator had beaten the victim after she filed a complaint at District Education Office requesting the office to stop her husband's payments as he neglected her and her daughter, after marrying second wife. The victim tried to register a complaint at Police Post Kalika on March 13 but police refused to register the case saying her husband had already registered a case claiming himself as victim.

Polygamy

Dil Bahadur BK, 37, of Mahammadpur VDC-9 got married for the second time with Kamala BK, 20, of the same place on March 6. Dil Bahadur's first wife, Saru BK, filed a complaint at the DPO on April 12. Both the perpetrators

were released as per the order of District Court on April 12, after submitting 35 thousand rupees on bail.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Property, Capture of Property

Trilokman Shrestha, of Manou VDC-8, was barred from using his land, which was captured by UCPN-M during the period of armed insurgency, by a group of UCPN-M supporters, who were a group of seven farmers, including Chiranjivi Tharu of ward number 7 of the same VDC, on February 9. The victim's son, Dip Narayan Shrestha, and daughter, Ganga Shrestha, filed a complaint about the incident at the DAO on February 9. Chief District Officer, Bed Bahadur Karki, visited the incident site and asked both sides to find consensus in this regard. However, no action was taken against the perpetrators. UCPN-M captured 19 bighas land belonging to the victim in 2005 and distributed the land to other farmers.

By UCPN-M

Cadres of UCPN-M, led by Datta Tharu, vandalized the house of Anta Ram Tharu situated at Belawa VDC-3 on May 7. The group vandalized the house which was used by NC as the party office of village committee. The house was partially damaged in the incident. In a meeting held at the APO, Motipur, both sides reached an agreement, not to repeat such incidents in the future.

By JTMMT

The reception of Bishwas Medical, situated at Gulariya Municipality-3, was partially destroyed when cadres of JTMMT detonated a bomb on August 31. Proprietor of Medical Bishownath Regmi stated that property worth up to 10 thousand rupees was destroyed in the incident.

By Indigenous Tharu Movement Coordination Committee

Cadres of Indigenous Tharu Movement Coordination Committee set a motorcycle, with Registration Number Bhe 1 PA 7212, ablaze at Gulariya Municipality, on March 6, on charge of defying the general strike called by them. Police arrested Ramesh Tharu of Deudakala VDC-8 and Bhagwati Tharu of Gulariya Municipality-6 for their alleged involvement in the incident. The perpetrators were released that same day.

By Indigenous Tharu NGO Federation

Cadres of Indigenous Tharu NGO Federation vandalized a motorcycle belonging to vice-chairperson of Nepal Sadbhawana Party (Mahato) on March 2 at Gulariya Municipality-6 on charge of defying the general strike called by them. The protestors vandalized the motorcycle with registration Number BHE 1 PA 7764.

By All Nepal Progressive Health Workers' Association

Members of All Nepal Progressive Health Workers' Association vandalized the medical store of Amar Khadka, situated at the premises of the District Hospital, on December 7. The shop was vandalized by protestors who had arrived there to padlock the District Health Office, denouncing the threat given to District Health Officer, Sunil Pandey, by an unidentified group.

By All Nepal Landless Squatters Association

Cadres of Akhil Nepal Sukumbasi Sangh led by Challu Ram Chaudhary captured 12 bighas of land belonging to Ragam Singh Shumsher Rana of Dhodari VDC-7 on November 25. Freed Kamaiyas close to UCPN-M, from Sanoshree, Dhodari and Bagnaha VDCs, gathered to capture the land.

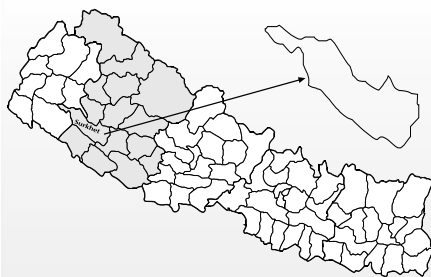
By Unidentified Group

A group of unidentified people set Gola and Pashupatinagar VDC offices ablaze on February 16. A group of four unidentified people, who arrived on two motorcycles, set the VDC offices on fire. All the office documents, cupboards and plastic chairs were destroyed in the incident. No-one had claimed responsibility for the incident by the end of the year. Police stated that it filed a case in the name of District chairperson of Tharuhat Autonomous State Council, Kanhaiyalal Tharu, and started an investigation of the case. However police had failed to arrest any-one involved in the case by the end of the year.



4.8

Surkhet



Population : 350,173

Literacy(%) : 68

Women Literacy(%) : 52

Area(Sq. Km.) : 2,451

Number of VDC(s)/Municipality(ies) : 50/1

Number of School(s) : 532/31

Campus(es)/Higher Secondary School(s) : 3/21

Hospital(s)/Health Post(s) : 1/51

Human Development Index : 0.486

Average Household Size : 6



CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By YCL

ANNFSU's Raj Bahadur Malla, 19, of Pankha VDC-4 in Kalikot district was stabbed to death on March 8 at the bus park in Birendranagar Municipality-6, by a group of YCL cadres led by Padam Bahadur Rawat alias Tiger, for holding a different ideology. He was stabbed on the right side of the abdomen. He succumbed to the injuries on the same day while being treated at Deuti Nursing Home in the same municipality. The relatives of deceased Malla took the body to Kalikot for final rites after the post mortem at Surkhet Hospital. His uncle filed a FIR at the DPO against Rawat, but there was no arrest until the end of the year. UCPN-M's Bheri-Karnali State Council member Rishi Gautam refuted any link between his party and the accused.

JAIL AND DETAINEES

The "E" grade District Jail has one female and 28 male convicts and 33 male and female detainees by the end of the year. There are a total of 62 detained and convicted inmates in the Surkhet Jail. The inmates have drinking water facilities, toilets, treatment and access to newspapers, radio, television and sporting facilities. However, the presence of inmates that is three times over the capacity has resulted in a lack of proper sleeping space. Jailer Om Chapain said that no action has been taken, even though the inmates' plight has been reported several times to a higher authority.

DISAPPEARANCE/ABDUCTION

By UCPN-M

As many as 13 persons were abducted by UCPN-M this year. UML cadre Ganga Bahadur Oli, 42, of Dharapani VDC-4 was abducted from his house and

Type of Events	By Non-State								By State			
	By Others				By UCPN-M							
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total
Killing	2	2		2								
Arrest & Torture									5	12	1	13
Beatings	13	15	3	18	10	23	3	26	4	5		5
Threats	2	1	7	8	10	15		15	1	1		1
Right to Assembly									1	8	2	10
Racial Discrimination	1		1	1								
Women Rights	108		110	110								
Child Rights	7	1	7	8								
Economic, Social and Cultural Rights	1		1	1								
Abduction	1	1		1								
Total	135	20	129	149	20	38	3	41	11	26	3	29

severely beaten by a group of 12 UCPN-M cadres including Nar Bahadur Dangi, Krishna Bahadur Dangi, Keshar Bahadur Dangi and Tej Bahadur Khatri, on May 12. The UCPN-M cadres took Oli to a place bordering the districts of Surkhet and Salyan. He was brought to Birendranagar by a police team from APO Chhinchu, led with the help of locals, by Inspector Ram Prasad Gharti. He had three fractures below his right knee, and had sustained deep cuts on his left leg, his head and his left thumb. Despite filing his complaint at the DPO, Oli said that the police took no action. UCPN-M district in-charge, Krishna Dhamala, denied any involvement of his party in the Incident.

By Others

A staff member of Nepal Bank Limited, Surkhet, Mohan Gaha, 42, of Latikoili VDC-8, was abducted from his house by a group of three unidentified persons on April 15, on charge of not taking good care of his second wife. Gaha said the group took him to a hotel in Birendranagar and threatened to kill him.

He was freed on the same day. He filed a complaint at DPO, saying he had been receiving life threats on his mobile phone. Gaha said there was no action taken by the police.

THREATS/BEATINGS

By State

Sarbananda Sapkota, 29, of Bidhyapur VDC-4, was beaten and threatened to be killed by VDC staff member Namraj Bhandari on April 2 at the VDC building, for refusing to take Rs 200 as his monthly disability allowance. Sapkota refused the money, demanding a monthly disability allowance of Rs 500, as declared by the government to be distributed from that fiscal year. He added he did not file a complaint at any authority as he did not believe any action would be initiated.

Dinesh Guatam, 23, of Uttarganga VDC-9 was beaten by SP Chhabilal Joshi of DPO Surkhet, on June 6, on charge of speaking to him in loud voice. Gautam said he was beaten at the police station while he was having a general conversation with

SP Joshi, where he was called to repair the internet connection. SP Joshi denied the accusation.

By UCPN-M

Ramesh Shahi, 25, of Birendranagar Municipality-5, reporter of Rajdhani daily, was threatened by the UCPN-M on June 3. He was accused of one-sided reporting regarding disputed land. He was asked not to file such news articles in the future. Shahi did not file a complaint about the incident to the police, saying that the police were unable to take action against the UCPN-M cadres.

Bhim Bahadur Baral, 40, of Neta VDC-3 was beaten up by the UCPN-M cadres on July 15, on the charge of being involved in the UML. They beat Baral with nine sticks, fuelwood and stones, after surrounding his house. Baral received treatment at Surkhet Hospital for injuries to his left shoulder. Baral said the group of 24 UCPN-M cadres also assaulted his wife Tika, 38, his daughter Sanila, 18 and his sons Dhaniram, 16 and Deepak, 14. Following the incident, he left his village for Birendranagar and returned home on August 26. He filed an FIR against UCPN-M cadres Him Bahadur Shahi, Khadka Bahadur Rana, Tek Bahadur Budha, Mohan Nepali, Purna Bahadur Ale, Prem Acharya, Bhupendra Lamsal, Man Bahadur Raskoti, Bhupendra Khatri, Laxman Nepali and Bhupal Baudel of Neta VDC-1 at DPO Surkhet, on July 17. No action was initiated against them until the end of the year.

By PLA

Nar Bahadur Taule, 29, Chandra Bahadur Karki, 44, Gaumati Rana, 45, Gangaram Damai, 45, and Dhan Bahadur Gharti, 30, of Kalyan VDC-4, Chandra Bahadur Kami, 32, Dandapani Acharya, 59 and Tek Bahadur Gurung, 39 of Kalyan VDC-3 and Kul Bahadur Saru of Kalyan of VDC-5, were beaten up by UCPN-M

combatants belonging to Jit Memorial Brigade located at Kalyan VDC-3 on April 12 for protesting against them. The villagers were treated at Surkhet Hospital, and were displaced to Birendranagar as they feared reprisal by the combatants. They returned to their homes after 10 days, following initiation taken by INSEC, political parties and district administration.

By YCL

ANNFSU cadre Dan Bahadur Malla, 24, of Odanaku VDC-5 in Kalikot district was issued with death threats by YCL cadres on January 8, for holding a different ideology. He was threatened at his rented room at Tatapani of Uttarganga VDC-8. He did not file any complaint about the incident, saying that police would not take action against the UCPN-M cadres. He went back home dropping out of Surkhet Campus on January 15.

By NC

Sub-inspector Manoj Mahato, 45, deputed at APO, Chhinchu was beaten up by NC cadres on March 15 on the charge of releasing Dil Bahadur BK of Chhinchu VDC-8. Mahato was charged with taking a bribe of Rs 1.2 m, that BK had stole in India. The NC cadres claimed that Mahato had taken the bribe on behalf of SP Chhabilal Joshi, former Chhinchu VDC chairperson and UML district committee member Ratna Adhikari. Mahato, Joshi and Adhikari claimed that they were wrongly charged.

By CPN-UML

Bir Bahadur Budha, 51, of Ghoreta VDC-3 was beaten up by CPN-UML cadres on August 8 for working for the UCPN-M. He was kicked and stoned by the cadres in the village. He received treatment at the local health centre. Budha said he did not file a complaint as no action would be taken against the attackers.

By Youth Force

Bhupendra Khatri, 25, and Bhupal Poudel, 19, of Neta VDC-4 were beaten up by Youth Force cadres on August 9 on the charge of working for the UCPN-M. The duo were beaten up in the same VDC with batons, and were also stoned. They received medical treatment at the local health post. The Youth Force cadres involved in the beating were Shamsheer Shahi, 18, Durga Bahadur Gharti, 21, Yagya Khatri, 20 and Shyam Bahadur Khatri, 22 of Neta VDC-4. They were handed over to police by YCL cadres on August 11, after capturing them on the day of the beating. DPO released them on August 14 on the condition that they would not repeat such incidents. Youth Force cadres claimed they were tortured by YCL activists during their captivity.

By Others

Rima Nepali, 27 of Birendranagar Municipality-4 was beaten up by the activists of Tharuhat on March 7 at her home. She was attacked on the charge of dousing the fire of a motorcycle that they had set ablaze for defying their call for a bandh. She said she did not file any complaint about the issue as she was sure that no action would be taken.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION (Including Political Freedom and Free and Impartial Election)

By State

Jangbir Dhaulakoti, 30, Jaya Bahadur Dhaulakoti, 45 of Ramghat VDC-4, Yam Bahadur Tamata, 45, Padam Bahadur Tamata, 58, Man Bahadur Lapane, 56, Jaskala Khatri, 62, Tulsi Nepali, 65, Krishna Bahadur Tiwari, 68, Hasta Bahadur Nyaule of Lekhparsa VDC-6 and Bhakta Bahadur Rajali, 62 of Lekhparsa VDC-7 were stopped by the police from staging a protest on

April 19. They were demanding martyr status of those persons killed in the police firing anti-Panchayat demonstration on May 29, 1979, and were also demanding treatment for those injured in the same incident. The protestors claimed that they were held at DPS after being called from the site where they were holding a peaceful demonstration. They stated that they did not complain anywhere against the police action. Police released them all on the same day in the presence of INSEC district representative. Seven persons were killed and over 35 were injured in the shooting in 1979. Among the deceased, only Indra BC was declared as a martyr.

RIGHT TO PROMPT AND FAIR TRIAL District Court

42 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. Out of these cases, 22 were decided this year while 20 remained undecided. Similarly, nine criminal cases, where the individual is plaintiff, were filed this year. None of these cases were decided. In total, 38 cases including those brought forward remained undecided at the end of the year.

77 criminal cases were brought forward from the last year. Out of these cases, 26 were decided this year and 51 remained undecided. Similarly, four criminal cases were filed this year, out of which, none were decided. Among the total of criminal cases including those brought forward from last year, 83 remained undecided by the end of this year.

81 civil cases were brought forward from last year. Out of these cases, 30 were decided this year and 51 remained undecided by the end of this year. Similarly, 34 civil cases were filed this year, out of which, one case was decided. A total of 85 civil cases remained undecided by the end of this year.

Appellate Court

12 criminal cases, where the individual is plaintiff, were brought forward from the last year in the District Court. Similarly, three cases where the individual is plaintiff were filed this year. All of the criminal cases remained undecided this year.

17 criminal cases were brought forward from the last year in the District Court. Similarly, 41 cases were filed this year. Among them, 40 cases remained undecided.

One civil case was brought forward from last year and 25 civil cases were filed this year. Out of these cases, 19 remained undecided at the end of this year.

One Habeas Corpus writ was filed this year and was decided upon.

Two Mandamus writs were registered this year both of which remained undecided. Two cases relating to an injunction were brought forward from the previous year, and three cases registered this year were decided while four remained undecided.

TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

Sita Rokaya, 35 of Kaprichaur VDC-7 and Jang Bahadur Budha, 29 of Kaprichaur VDC-8 were beaten up in the custody of DPO on March 23 for denying the charge of drug smuggling. Rokaya and Budha said that police kicked and boxed them, and beat them with an iron rod. They received treatment at a local nursing home. They said they did not complain about the incident to the authorities as there would be no action taken. SP Chhabilal Joshi of DPO denied that any torture took place against the two.

CHILD RIGHTS

Shyam Nepali, 13, and Surendra Basyal, 11 of Birendranagar Municipality-4

were beaten up by police while in custody of the DPO on June 11 on charge of stealing. They said that policemen kicked them and beat them with a pipe in the thigh, chest and back, while pressurizing them to accept the charge. The duo were released in the presence of a protection officer of the District Children Welfare Committee on June 12 but did not file a complaint anywhere. Both received treatment at Surkhet Hospital. SP Chhabilal Joshi claimed the boys were not tortured.

An 11-year-old mentally retarded girl of Chhinchu VDC-9 was raped at her house by Deepak Thapa of the same locality on March 10. Thapa has been in police custody for investigation following the Surkhet District Court order of March 21.

Sita Poudel, 17, of Birendranagar Municipality-11, who was working as a domestic helper, was thrown out by her employer Ganga Devi Khatri of the same place on May 15. As part of the employment conditions, it was agreed that Poudel would receive Rs 800 as monthly salary and her study expenses would also be covered. However, she was forced out without being paid. Poudel said she did not complain about the issue as she believed there would be no action taking against her employer.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

Keshar Bahadur Thapa, 41, of Bidhyapur VDC-3 attempted to rape a local 35-year-old woman, taking advantage of the fact that she was alone in her house on August 8. She filed a complaint at Bidhyapur Police Station on August 9. The case was settled after Thapa apologised to her.

Domestic Violence

Indra Kumari Sharma (Raskoti), 20, of Chhinchu VDC-8 was beaten by her

husband Bal Bahadur on March 22 on the charge of disobeying him. She underwent treatment in Chhinchu. She said that no action was taken despite the fact that she had filed a complaint at Chhinchu APO on March 23.

Shanti Thapa, 38, of Latikoili VDC-3 was forced out of her house on May 24 by her husband after he married for a second time. She filed a complaint against him at DPO Surkhet, with the help of woman rights-based organisation LACC on May 29, but the case remained undecided until the end of the year.

Women Trafficking

Dil Maya Sunar, 33, of Birendranagar Municipality-12 was nearly sold in India by Dilsara Sapkota of the same place on April 4. Sunar filed a complaint at DPO on April 13 accusing Sapkota of luring her to India for the purpose of trafficking. She added that police were yet to initiate any action.

Accusation of Being Witch

Om Kumari Jaisi, 29, of Uttarganga VDC-8 was insulted and beaten up at her house by neighbour Ratna Jaisi on May 6 on charge of being a witch. She filed a complaint at DPO with the help of INSEC and LACC but no action had been taken against the perpetrator by the end of the year.

ALL KINDS OF RACIAL DISCRIMINATION

Tika BK, 20, of Birendranagar Municipality-7 was insulted by her neighbour Ramesh Shrestha on March 13 on the charge of touching water. BK did not complain anywhere saying that such a complaint would not be considered.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Dilsara BK of Birendranagar Municipality-2 was denied five days wages by local Tilak BK. Dilsara had worked at the toilet construction site until April 5. She said Tilak also attempted to rape her and added she did not file any complaint regarding the case as she did not believe any action would be taken.

Destruction of Property

By YCL

Cadres of the UCPN-M and the YCL vandalised shops belonging to Bibek Oli, Durga Bahadur RC, Nandaram Gautam, Khadka Bahadur Shahi, Dambar Khatri, Puran Gairel, Dal Bahadur Khatri and Man Kumari Khatri at Hatiyachok of Birendranagar Municipality-6 on April 30, on charge of having their shops on disputed land. The acts incurred damage worth nearly Rs 600,000. The victims filed the complaint at the DPO but no action was initiated until the end of the year. UCPN-M district committee in-charge denied any involvement of his party or YCL cadres in the attack.



4.9 Jajarkot



Population : 154,097

Literacy(%) : 44

Women Literacy(%) : 30

Area(Sq. Km.) : 2,230

Number of VDC(s)/Municipality(ies) : 30/0

Number of School(s) : 347/7

Campus(es)/Higher Secondary School(s) : 1/7

Hospital(s)/Health Post(s) : 2/33

Human Development Index : 0.343

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE

Clash

ANNFSU cadre Sunil Devkota, Om KC of Khalanga VDC-3, Dharma Bahadur Oli of Karkigaun VDC-6, Correspondent of Janadesh Weekly Dipendra Sharma, YCL cadre Kabindra Jaisi, Journalist Hemanta KC, Mahendra Singh of Sakla VDC-4 and Yogendra Raj Singh of Sakla VDC-2 were injured when police baton charged them, on March 19, on charge of disrupting the vote counting process of the Free Student Union election, at Bheri Gyanodaya Campus. All the victims underwent treatment at the District Hospital.

JAIL AND DETAINEES

The "D" grade District Jail has

five male and two female convicts and 13 male detainees at the end of the year. Thus, there are a total of 20 convicted and detained inmates in Jajarkot Jail. There are also two dependent minors in the jail. The jail has the capacity to accommodate 25 inmates. Inmates in the jail are deprived of facilities such as newspapers, sports equipment, radio and television.

THREATS/BEATINGS

By State

Krishna Bikram Sah, 35, of Khalanga VDC-1 was threatened by DSP of DPO, Birkha Bahadur Rawal, on January 15, on charge of not allowing the construction of a road through his field. The victim was taken to DPO and threatened by being beaten and detained at the police post. The victim did not file a complaint for fear of a reprisal.

By UCPN-M

Cadre of UCPN-M, Dal Bahadur Pun, 33, of Khalanga VDC-7 Dinga, was beaten by cadres of the same party on March 13, at ward number 2 of the same VDC, on charge of speaking against the party. The victim was accused of speaking against the party under the influence of alcohol.

By Unidentified Group

City in-charge of YCL, Dinesh Singh, of Khalanga VDC-1 was beaten by a group of 5-6 unidentified people, on July 10, at ward number 2 of the same VDC. The victim underwent treatment at District Hospital Jajarkot. The victim filed a complaint at the DPO on July 12, demanding action to be taken against the perpetrators. Police arrested non-gazetted officer of DDC Jajarkot, Dal Bahadur Gharti, of Punma VDC-3, on the same day, for his alleged involvement in the incident. The perpetrator was released on July 17 after paying 50 thousand rupees

Type of Events	By Non-State							By State		
	By Others				By UCPN-M					
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Total
Killing	1	1		1						
Arrest & Torture								1	1	1
Beatings	3	2	1	3	1	1	1			
Threats	1	1		1				1	1	1
Right to Assembly								1	8	8
Racial Discrimination	1		1	1						
Women Rights	2		2	2						
Child Rights	9	12	2	14						
Abduction	1		1	1						
Total	18	16	7	23	1	1	1	3	10	10

compensation for the medical treatment of the victim.

RIGHT TO PROMPT AND FAIR TRIAL

42 criminal cases were brought forward from last year. Out of these, one case was decided this year and 41 remained undecided. In addition, four new criminal cases were filed this year, of these not a single case was decided this year. Among the total 46 criminal cases, 45 criminal cases remained undecided by the end of this year.

30 civil cases were brought forward from last year. Three of these were decided this year, while 27 remained undecided. Furthermore, 14 new civil cases were filed this year, of these, not a single case was decided this year. Among the total 44 civil cases, 41 civil cases remained undecided by the end of this year.

Among the total 90 cases, including criminal and civil cases, 86 cases remained undecided by the end of this year.

TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

Moti Giri, 28, of Jagatipur VDC-8 was inflicted torture by patrolling police

team of DPO, on October 12, after taking the victim into control from Khalanga VDC-1, on charge of beating police personnel. The victim was released from DPO on October 14 after he expressed commitment not to use force on anyone in the future.

CHILD RIGHTS

A 14-year-old girl, who has been working at Machepuchre Hotel of Khalanga VDC-1, was raped by Mahendra Singh Thakuri, 27, of Jungathapachour VDC-9 on June 14. The victim's side filed a complaint at the DPO on June 15. Police arrested the perpetrator on the same day. The perpetrator was sent to jail as per the order of District Court on June 28 for interrogation.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Sita Sah, of Dashera VDC-8 Badaban, was thrashed by her husband, Sushil Bikram Sah, 29, on February 25, at their rented room in Khalanga VDC-2, on charge of having illicit relations with another person. Though the victim filed a complaint at the DPO on February 27, no



action was taken against the perpetrator by the end of the year.

ALL KINDS OF RACIAL DISCRIMINATION

Jamuna Nepali, 55, of Khalanga VDC-9 Rawatgaun was barred from entering and offering prayer at the temple of Lord Shiva of the same place, by members of Temple Management Committee, on April 21, for belonging to a so called lower caste. The victim was also forcefully evicted from the room where she had been staying. The victim filed a complaint at the DPO, on April 25, demanding action against the perpetrators. At the close of 2009, the victim had been allowed to stay at the room, after members of Temple Management Committee expressed a written commitment not to repeat such actions in the future.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

219 people were killed due to a diarrhea outbreak which spread across the district from March 30. The disease turned into an epidemic in the remote hilly district, as the state failed to provide health services to the people. All 30 VDCs of the district were affected as a result of the outbreak.

Over 22 thousand people of Dandagoun, Laha, Khagenkot, Ragda, Bhagwati, Sakla, Rokayagoun, Nayakwada, Ramidanda, Paink, Dhime, Punma, Bhur, Karkigoun, Chhapra, Archani, Talegoun, Pujaro, Garkhakot, Kortang, Majhkot, Daha, Suwanouli, Dasera, Salma, Jungathapachour, Seema, Thalaraikar faced a food crisis due to a drought in the district. Nepal Food Corporation stated that it failed to supply food as per the demand because the quota of food allocated for the district was less than the demand.

4.10 Dailekh



Population : 260,566

Literacy(%) : 55

Women Literacy(%) : 35

Area(Sq. Km.) : 1,502

Number of VDC(s)/Municipality(ies) : 55/1

Number of School(s) : 351/13

Campus(es)/Higher Secondary School(s) : 2/17

Hospital(s)/Health Post(s) : 1/62

Human Development Index : 0.381

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By Unidentified Group

Dekendra Kumar Thapa, 22, a member of army personnel deployed at Sharbeshwori Barrack of Nepal Army situated at Narayan Municipality-2, was killed by a group of unidentified people, on February 23, at a local fare at Shreesthan temple of Rawatkot VDC-9. The victim was killed with a sharp object. By the end of 2009, the perpetrators had still not been identified.

JAIL AND DETAINEES

The "D" grade District Jail has 10 male and three female convicts. Nine male and one female detainees are also detained

at the jail by the end of the year There are a total of 23 convicted and detained inmates in the Dailekh Jail, although it only has the capacity to accommodate 19 inmates. Two dependent minors are also detained at the jail along with their guardians at the end of 2009.

The jail is in a dilapidated condition as it is one hundred years old and has not been well-maintained. The jail does not have proper drinking water facilities and also lacks recreational facilities, such as newspapers and sports equipment. The inmates have also complained that they are not getting the opportunity to market the goods produced by them in jail.

DISAPPEARANCE/ABDUCTION

By Unidentified Group

Village Committee Secretary of NTD Maha Roop Shahi, 30, of Jagannath VDC-6, was abducted by a group of unidentified people on April 9 from Kachali jungle area, which borders Jajarkot and Dailekh districts. NC District Secretary, Bhesh Bahadur Thapa, claimed that the victim went missing from the area while returning home from Surkhet district. During the search operation carried out in the jungle area police found one mobile phone and charger and a jacket used by the victim, however the whereabouts of the victim remained unknown by the end of 2009.

THREATS/BEATINGS

By NC and CPN-UML

District Committee Member of YCL Manna Ram Khattri of Badalamji VDC-2, was thrashed by CPN-UML and NC cadres on September 27 at Chakatra bazaar area of the same VDC. The victim received injuries to the head and back during the incident. Following the incident, the victim was displaced from the area for one and half months. At the close of 2009, the victim had moved back to his residence.

Type of Events	By Non-State			
	By Others			
	No. of Events	Male	Female	Total
Killing	3	2	2	4
Beatings	3	4		4
Threats	1	5		5
Racial Discrimination	3	7	1	8
Women Rights	3		3	3
Child Rights	1		1	1
Abduction	1	1		1
Total	15	19	7	26

At the end of the year, no action had been taken against the perpetrators.

By Unidentified Group

Bhim Bahadur BK of Surkhet Municipality-1 was beaten by a group of unidentified people on March 23 at Shreestan temple of Rawatkot VDC-9. According to the victim, the group suddenly attacked him while he was attending a local fare. The victim runs a furniture company in Dailekh. By the end of the year, the perpetrators had yet to be identified.

RIGHT TO PROMPT AND FAIR TRIAL

31 criminal cases were brought forward from the last year in the District Court. Similarly, 41 criminal cases were filed this year. Of the total 72 criminal cases 37 cases decided this year and 35 cases remained undecided by the end of this year.

Similarly 16 civil cases were brought forward from the last year in the District Court and 16 civil cases were registered this year. Of the total 32 civil cases 12 cases were decided this year and 20 cases remained undecided by the end of the year.

Among the total 104 cases including criminal case and civil case, 55

cases remained undecided by the end of this year.

CHILD RIGHTS

Guardians of Laxmi Rawat, 15, of Raniwan VDC-4 and Maya Ram Thapa, 18, of ward number 6 of the same VDC organized child marriage on April 25. Though the marriage was organized against the will of children no action had been taken against perpetrators by the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Sumitra Gurung, 23, of Basi VDC-7 was verbally abused by her husband Ashok Gurung, 28, who threatened to throw her out of the home, on February 10. Two days following the incident, the victim filed a complaint at a local NGO named AAWAZ in order to seek justice. An agreement was reached between husband and wife after a discussion was initiated between both sides, by the local NGO. At the end of the year, the couple were living together.

ALL KINDS OF RACIAL DISCRIMINATION

Mahesh BK, 30, of Pagnath VDC-4, Lal Bahadur BK, 22, of Katti VDC-5, Ram Bahadur Nepali, 35, of Katti VDC-3, Bom Bahadur Kasera, 24, of the same place and Nanda Bahadur BK, 25, of Rum VDC-3, received threats to their lives by so called upper caste people of the same VDC on January 19. The victims received the threats on a charge of protesting the appointment of people from the so called upper caste, following the firing of Dalit teacher at Bhagwati lower secondary school of Katti VDC. The victims were displaced from the area following the threats. They were reinstated to their village after perpetrators expressed commitment not to repeat such

incidents in the future, during a meeting of political parties, civil society, human rights defenders, journalists, representatives of security agencies, victims and perpetrators on February 7.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

The district faced shortages of food due to low production of goods in the district, as a result of a long drought during the winter. District Agriculture Office informed INSEC that the district faced a shortage of 17 thousand metric-tons of food this year. Nearly 100 thousand people of 55 VDCs and one municipality were affected due to this shortage and some people were even forced to go to India for employment because the food shortage was so severe.

RIGHT TO EDUCATION

Bhairav Higher Secondary School of Toli VDC-5 was closed on September 4 due to an Orientation Program of CPN-UML cadres organized by CPN-UML District Committee. As a result of the program, the study of nearly six hundred students of the school was disturbed..

Nepal Rastriya Primary School of Chouratha VDC-4 was closed on October 14 due to the general assembly of the CPN-UML village committee. The study of nearly three hundred students of the school was disturbed due to this program.

Furthermore, the study of nearly 50 thousand students of the district was affected from December 20-23 due to three day long general strike called by UCPN-M for what they term as upholding Civilian Supremacy.

Similarly, nearly 50 thousand students were deprived of their right to education on December 29 due to the Nepal Bandh called by National People's Front against the Federalism.

4.11

Dolpa



Population : 33,731

Literacy(%) : 40

Women Literacy(%) : 25

Area(Sq. Km.) : 7,889

Number of VDC(s)/Municipality(ies) : 33/0

Number of School(s) : 137/2

Campus(es)/Higher Secondary School(s) : 1/2

Hospital(s)/Health Post(s) : 1/23

Human Development Index : 0.379

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The "E" grade District Jail Dolpa, which has the capacity of 25 inmates, houses three convicts and three detainees in 2009. Thus, there are a total of six convicted and detained inmates in the Dolpa Jail. The jail lacks facilities such as newspapers, sports equipment and any means of recreation. In addition, the jail is in a dilapidated condition. One inmate, who had been arrested on charge of wildlife smuggling, committed suicide at the jail on June 26.

RIGHT TO FAIR AND PROMPT TRIAL

Two criminal cases, where the individual is plaintiff, were brought forward from the last year in the District

Court. Of which no case was decided this year. No criminal cases, where the individual is plaintiff, were registered this year. Two criminal cases, where the individual is plaintiff, remained undecided by the end of this year.

Five criminal cases were brought forward from the last year in the District Court. Among the criminal cases no case was decided this year and five criminal cases remained undecided by the end of the year. No criminal case was registered at the District Court this year.

Five civil cases were brought forward from last year. Of which no case was decided this year. No civil case was registered at the District Court this year. Hence, five civil cases remained undecided by the end of the year.

Among the total 7 criminal cases, where the individual is plaintiff, criminal cases and civil cases, all the 7 cases remained undecided by the end of the year.

CHILD RIGHTS

The education of over 10 thousand students of the Dolpa district was disrupted on December 6, due to the bandh called by UCPN-M, organized to denounce the Dundejhari incident of Kailali District. UCPN-M organized bandh protesting the killing of landless squatters in Dundejhari of Kailali district when they clashed with police. Similarly, the study of children in all schools of the district was affected on December 20-23, due to three-day-long general strike called by UCPN-M for what they call upholding Civilian Supremacy.

ALL KINDS OF RACIAL DISCRIMINATION

Hari Bahadur Kumal, 19, of Tripurakot VDC-3 and Lila Thapa, 18, of the same place were expelled from their village by Lila's relatives, on March 13, on charge of inter-caste marriage. The victims got married on March 10. Lila's relatives

Type of Events	By Non-State				By State		
	By Others				No. of Events	Male	Total
	No. of Events	Male	Female	Total			
Killing	2	2		2			
Beatings					1	2	2
Racial Discrimination	2	4	2	6			
Child Rights	1	1	2	3			
Total	5	7	4	11	1	2	2

including her father, Dev Singh Thapa, forced them to leave the village, saying she had married a person who is of a lower caste. At the end of the year the victims were staying at the District headquarters.

Dalit people of Tripura VDC-1, led by Man Bahadur Sarki were barred from entering the Tripura Sundari Bhagwati temple of Tankedanda area of the same VDC, by so called people of upper caste, on September 29. People of the so called dalit community filed a complaint about the incident at the Tripurakot Police Post on September 30. An agreement was reached between both sides that people of the so called dalit community could not to enter the temple, but they will be allowed to offer prayer from the entrance of the temple.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Food Crisis

People of the remote Karnali region faced a food crisis again this year. Locals of Sarmi, Narku, Rimi, Kaigaun, Kalika, Lha, Liku and Pahada VDCs also faced a food crisis, as the Nepal Food Corporation allocated only 10 thousand quintals of food in these areas, whereas 17 thousand five hundred quintals food were supplied last year. People of these areas have to rely on food supplied by NFC as the food produced in these areas is sufficient only for three months.

Capture of Property

By the end of the year, cadres of UCPN-M still has not returned 60 ropanis of land, belonging to Rabi Lal Khattri, Narayan Khattri and Ratna Prasad Pahadi of Liku VDC-4, captured in 1998, during the period of armed insurgency.

The land remained at the control of UCPN-M at the end of the year. The victims had filed an application at the party office of UCPN-M on November 11, 2008 demanding the return of their land.



4.12

Jumla



Population : 102,091

Literacy(%) : 37

Women Literacy(%) : 23

Area(Sq. Km.) : 2,531

Number of VDC(s)/Municipality(ies) : 30/0

Number of School(s) : 137/4

Campus(es)/Higher Secondary School(s) : 1/4

Hospital(s)/Health Post(s) : 1/29

Human Development Index : 0.348

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING/FIRING

By Others

General Committee Member of NC Uma Kant Hamal, 60, of Dhapa VDC-9 Chulegaun was killed by a group of unidentified people on May 22, following the victim's abduction from his residence. The victim's wife Amrita Hamal filed a complaint at DPO the following day, against 16 local people and 10 UCPN-M cadres. Acting upon the complaint filed by victim's wife, police arrested Dhan Roop Bada, Lok Chandra Sunar, Bhanu Bhakta Khattri, Mohan Lal Chaulagain and Dali Bherikar of Dhapa VDC-9. They also arrested Purna Chandra Acharya, Janak Verikar, Ashok Bada, Ram Bhakta Acharya, Sarpa Raj Acharya, Ram Prasad Acharya, Adhi Raj Acharya, Datta Tiruwa, Gopal Acharya and Baisage Sarki of the same VDC on May 25. They were arrested in Chandannath VDC-3. Of the arrested persons Dhan Roop Bada, Lok Chandra Sunar, Bhanu Bhakta Khattri, Mohan Lal Chaulagain and Dali Verikar were sent to jail for the proceeding of the case while the other 10 persons were released from DPO on June 24. Ram Sharma, Jari Lal Shahi, Sarki Rokaya, and Chandra Bir Tiruwa a.k.a. Rabi Kiran, Shila Rokaya and Janak Bahadur Shahi absconded, and were still missing at the end of the year, in spite of their arrest warrant issued by the Court. By the end of the year, the District Court had not issued a verdict. A team of human rights defenders led by INSEC Mid-Western Regional Office, carried out a fact-finding mission surrounding the incident. The fact finding report stated that although the party might not have been involved in the incident, responsible members of the party were, therefore the UCPN-M should take moral responsibility for the incident.

JAIL AND DETAINEES

The "E" grade District Jail has six male and four female convicts, and 11 male detainees by the end of the year resulting in a total of 21 convicts and detained inmates in the Jumla Jail. The jail has the capacity to accommodate only 20 inmates. The jail lacks drinking water facilities, and the inmates complained that they lack skills oriented trainings.

The inmates organized a demonstration in the jail from May 17, protesting against the negligence of jail administration which failed to provide treatment to 3-year-old Asmita Pandit, who was staying in the jail with her mother. The inmates have been insisting on the fulfillment of their 11-point demands including an improvement in the facilities they have access to. The inmates called off the strike on the eve of May 17, after CDO Janak Raj Regmi expressed his commitment to fulfill the inmates' demands.

THREATS / BEATINGS

By State

Gorkha Bahadur Bhandari, 26, of Chandan Nath VDC-2, Bal Bahadur Bhandari, 28, and Tilak Bhandari, 18, of the same VDC, were beaten by Nepali Army personnel of No 24 Brigade of Nepali Army on April 14 at Layapani area of Chandan Nath VDC-3. The victims were verbally abused and beaten by Army personnel in plain clothes carrying communication sets. All the victims underwent treatment at the District Hospital, and were referred to Nepalgunj for further treatment. Following the protest of locals, the Army stated that action would be taken against perpetrators as per the Military Act.

By ANNISU-R

District Coordinator of ANNFSU Kabindra Neupane, 28, of Kartikswami VDC-2, Bhim Thapa, 30, of Mahat

Type of Events	By Non-State			By State			
	By Others			No. of Events	Male	Female	Total
	No. of Events	Male	Total				
Killing	1	1	1				
Injured	1	1	1				
Beatings	3	8	8	2	5	2	7
Right to Assembly				1	5	1	6
Child Rights	1	4	4				
Total	6	14	14	3	10	3	13

VDC-3, Bijaya Kumar Kunwar, 23, of ward number 8 of the same VDC, Srish Bahadur Bhandari, 19, of the same VDC and Thakur Singh Khattri, 20, of Chandan Nath VDC-2 were beaten by cadres of ANNISU-R on March 19 during the ballot counting of the FSU Jumla Multiple Campus. Kabindra Neupane received a severe injury to his back, and underwent treatment in Nepalgunj. The victim filed a complaint at the DPO, but by the end of the year no action had been taken against the perpetrators.

By Unidentified Group

Gopal Rawat, 48, of Garjyangkot VDC-2 and Tashi Kathayat, 58, of the same place were beaten by a group of masked persons on April 23 at Depalgaun VDC-5, while they were returning home from the District Headquarter. Gopal Rawat was injured in the incident, while Kathayat managed to escape the attack without injury. The victim underwent treatment at the District Hospital.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION (Including Political Freedom, and Free and Impartial Election)

Tula Raj Neupane, 23, of Garjyangkot VDC-7 was injured during a clash between ANNFSU and ANNISU-R

cadres on March 19 at Garjyangkot VDC-7. The clash occurred in connection with the election of the Free Student Union. The victim underwent treatment at the District Hospital.

RIGHT TO PROMPT AND FAIR TRIAL District Court

47 criminal cases, where the individual is plaintiff, were filed this year.

Out of these 47 cases, 30 were decided on this year and 17 remained undecided.

41 criminal cases were filed this year in the District Court. 17 of these cases were decided and 24 remained undecided by the year's end.

64 civil cases were filed this year in the District Court, out of which 22 cases were decided and 42 cases remained undecided.

Among the total 152 criminal cases, where the individual is plaintiff, criminal cases and civil cases, 83 cases remained undecided by the end of this year.

Appellate Court

Only one prohibition case was filed in the Appellate Court, and the case remained undecided by the end of the year. Eight complaints were registered at the DPO this year.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Food Crisis

Nearly 100 thousand people, from 30 VDCs of the district, faced food shortage due to the heavy downpours and hailstorms this year. The food shortage surfaced as the Karnali highway, the only the motor-link of the district, was closed during the rainy season due to landslides.

4.13 Kalikot



Population : 121,108

Literacy(%) : 43

Women Literacy(%) : 25

Area(Sq. Km.) : 1,741

Number of VDC(s)/Municipality(ies) : 29/0

Number of School(s) : 211/7

Campus(es)/Higher Secondary School(s) : 1/5

Hospital(s)/Health Post(s) : 1/30

Human Development Index : 0.322

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By Unidentified Group

Former District Committee Member of CPN-UML, Bharat Shahi, 55, of Mehalumudi VDC-3 was killed by a group of unidentified people, on February 20, at Naina jungle of Raku VDC. The victim was killed with a sharp object, after he was captured by the group. The victim's family filed a complaint at the Kalikot DPO, on February 26, against Bishnu Devkota of Raku VDC-8, Gohodi Devkota and Dharma Devkota of the same place, for their alleged involvement in the case. The alleged perpetrators were taken into police custody for interrogation but were later released, after they were found

to be innocent. The group involved in the incident is yet to be identified by the end of the year.

INJURED IN SHOOTING/EXPLOSION

By Abandoned Bomb

Devendra Bharati, 12, of Badalkot VDC-1, Kamal Bharati, 11, Bhuwan Bharati, 9, and Sulochana Bharati, 11, of the same place were injured when a bomb went off on March 8, at Kaulekhola area of Manma VDC. The bomb went off while the children were playing in the area with an unclaimed object, while they were heading towards the Manma district headquarters. Devendra was seriously injured and underwent treatment in Kathmandu, while the other victims underwent treatment at the District Hospital. Medicine San Frontiers and INSEC assisted the victims for their treatment.

JAIL AND DETAINEES

The "E" grade District Jail has one female and six male convicts as well as seven male detainees at the end of the year. Thus, there are a total of 14 convicted and detained inmates in the Kalikot Jail. The jail has the capacity to accommodate 25 inmates. Inmates in the jail are not provided with sports equipment, radio or television. Furthermore, the inmates complained that they do not have regular access to newspapers.

DISAPPEARANCE/ABDUCTION

By YCL

Nanikot village Committee Members, Khagendra Shahi, 19, of Nanikot VDC-6, Kushal Shahi, 18, of the same place, students of Sarswoti Secondary School Nanikot Rana Bom, 18, Chature Darji, 16, Man Bahadur Shahi, 15, Katak Shahi, 16, Mahesh Shahi, 17, Bhupendra Shahi, 16, and teacher of the same school, Basanta Shahi, 28, were abducted by a group of approximately 50 cadres of UCPN-M, who were led by YCL District

Type of Events	By Non-State								By State			
	By Others				By UCPN-M							
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total
Killing	1	1		1								
Injured	4	9	1	10								
Arrest & Torture									1	1		1
Beatings	14	26	3	29	3	4	3	7	2	3	2	5
Threats	5	6		6								
Women Rights	3		3	3								
Abduction	2	6		6								
Total	29	48	7	55	3	4	3	7	3	4	2	6

Committee Member, Ain Bahadur Shahi, on May 18, on charge of not allowing to the school to be moved to ward number 4 of the same VDC. The victims were released from the same VDC on May 20 at the initiation of police.

THREATS/BEATINGS

By State

Technician of Chuli Malika FM, Ram Bahadur Bogati, 28, of Rupsa VDC was thrashed by Riot Control Police on October 23 at Manma VDC-5, on charge of taking a photo on a helipad. The victim underwent treatment at the District Hospital. The victim had not filed a complaint by the end of the year.

By CPN-UML

District Secretary of All Nepal Teachers Organization, Prem Hamal, 33, of Sukatiya VDC was beaten by a group of five CPN-UML cadres on December 14 at Mugraha VDC, on charge of creating problems with locals during the period of armed insurgency. The victim underwent treatment at a local medical hall. All Nepal Teachers Organization issued a press statement and strongly condemned the incident. The victim had not filed a complaint by the end of the year.

By ANNFSU

ASI of DPO Kalikot, Lalit Thapa, 36 of Lakuri VDC of Dailekh district and police head constable, Hari Jaisi, 34, of Jukot VDC of Bajura district were attacked by cadres of ANNFSU and NSU on March 19 at the premises of Tila Karnali Multiple Campus, on charge of not allowing them to tear up the ballot papers of FSU election on the campus. The victims underwent treatment at Kalikot District Hospital. Stating that ANNISU-R casted fake ballots in the election, the perpetrators also set ablaze the ballot box and flag of ANNISU-R. The election was postponed following the incident. The election had still not taken place by the end of the year.

By Nepal Tarun Dal

Bhim Bahadur Shahi, 31, of Daha VDC-2, Ali Bahadur Shahi, 35, of the same place were beaten by nearly 25 cadres of Nepal Tarun Dal, led by Dharendra Shahi on October 1 in Daha VDC, on charge of beating NC cadre Bishnu Bahadur Shahi. The victims underwent treatment in Bheri Zonal Hospital Nepalgunj. Although the victim's relatives tried to file a complaint at the DPO on October 3, police refused to process the complaint.

By YCL

15 CPN-UML cadres, including Secretary of CPN-UML District Committee, Kurma Raj Shahi, 38, of Sukatiya VDC-1, were beaten by approximately 250 YCL cadres, who were led by YCL District Coordinator Mani Lal Aidi a.k.a. Ranabir, members Ain Bahadur Shahi a.k.a. Akhil, Ganesh Shahi a.k.a. Aakash and Purna Singh on May 14, at CPN-UML party office, on charge of defying the bandh called by them.

CPN- UML District Committee, Kurma Raj Shahi, 38, of Sukatiya VDC-1, Til Bahadur Shahi, 42, of the same place, Chandra Bahadur Shahi, 50, of Nanikot VDC-6, Bharat Raj Dhital, 45, of Bharta VDC, District Coordinator of Youth Force Durga Bahadur Shahi, 41, of Daha VDC-3, teacher Tula Raj Malla, 32, of the same place, District Committee Members, Man Bahadur Malla, 48, of the same place, among others were injured when the perpetrators attacked them with iron rods and sharp objects. Kurma Raj Shahi, Durga Bahadur Shahi, Man Bahadur Malla, Tula Raj Malla and Hansha Bahadur Malla were airlifted to Kohalpur Medical College for treatment and then taken to Kathmandu for further treatment. The victims returned home on June 16 following treatment at Kathmandu Teaching Hospital. After the incident, the perpetrators also vandalized the CPN-UML party office, documents from the office, and party-flag.. The group also vandalized the house of CPN-UML affiliated District Secretary of Cultural Forum, Bishnu Bahadur Malla. The group also beat CPN-UML supporters in the district headquarter. Police used four rounds of blank fire to bring the situation under control. The local administration put a curfew order on the district headquarter from the evening of May 14 to the morning of May 15, to ensure the situation was under control. The victims filed a complaint at the DPO on May 17 demanding compensation but no action

had been taken against the perpetrators by the end of the year.

By Others

Kalikot District Correspondent of Image Channel, Dhurba Bikram Shahi, 31, of Malkot VDC-5 was beaten by a group of nearly eight people including an accountant of DDC on January 9, on charge of defamation, whilst being under the influence of alcohol. The victim's right hand was fractured in the incident. The victim underwent treatment in Nepalgunj. The victim filed a complaint at the DPO Kalikot on the next day. The perpetrators apologized to the victim and also provided 50 thousand rupees cash for medical expenses. The victim filed a complaint at the NHRC Regional Office Nepalgunj on January 16, stating that no action was taken against perpetrators. But no action had been taken against the perpetrators by the end of the year.

RIGHT TO PROMPT AND FAIR TRIAL

34 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. 19 of these were decided this year, while 15 remained undecided. In addition, 30 new criminal cases, where the individual is plaintiff, were filed this year in the District Court, of these not a single case was decided this year. Among the total 64 criminal cases, where the individual is plaintiff, 45 remained undecided by the end of this year.

Seven criminal cases were brought forward from last year in the District Court of which one case was decided this year and six cases remained undecided. Additionally, 13 new criminal cases were filed this year in the District Court, of these not a single case was decided this year. Among the total 20 criminal cases, 19 remained undecided by the end of this year.

49 civil cases were brought forward



from last year. Out of these 49 cases, 29 were decided this year, while 20 cases remained undecided. Furthermore, 66 new civil cases were filed this year in the District Court, of these 29 were decided and 37 remained undecided by the end of this year. Among the total 115 civil cases, 57 remained undecided by the end of this year.

Among the total 199 criminal and civil cases, where the individual is plaintiff, 101 cases remained undecided by the end of this year.

CHILD RIGHTS

A team of UCPN-M cadres led by Central Committee Member of the party, Bharat Bom, padlocked Sarswoti Secondary School from October 22, following a dispute between locals of Nanikot VDC-6 and Nanikot VDC-4, in connection with the moving the school. The school was previously located at ward number 6 of the same VDC and was subsequently moved to ward Number-4 of the same VDC, on January 2000. However, the people of ward number 6 of the VDC demanded that the school be moved back to the previous location. The study of over 350 students of the school were affected due to the bandh. The school resumed operation in both locations from December 27 at the initiation of local political parties, INSEC, CAHURASTRA, Local Administration and District Education Office.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

A 30-year-old woman of Pankha VDC-4 was beaten and expelled from her home by her brothers-in-laws, Dhana Damai and Samantae Damai, on January 9, on charge of having illicit relations with another person. The victim was displaced to District headquarters, following the incident. The victim was reinstated at her home on February 17 at the initiation of

human rights defenders. The victim's husband had been killed on 2002 by the state during the period of armed insurgency.

ECONOMIC, SOCIAL AND CULTUREAL RIGHTS

Food Crisis

Some remote VDCs of the district, including Khina and Dhoulagoha, have faced a food crisis due to a long drought. Nearly 300 people of these VDCs picketed the DAO from June 23 -26 demanding immediate supply of food. District Development Committee provided 50 kg rice to each family member on June 29 and 30 as a short-term solution to the problem.



4.14

Mugu



Population : 51,030

Literacy(%) : 32

Women Literacy(%) : 17

Area(Sq. Km.) : 3,535

Number of VDC(s)/Municipality(ies) : 24/0

Number of School(s) : 128/3

Campus(es)/Higher Secondary School(s) : 0/3

Hospital(s)/Health Post(s) : 1/25

Human Development Index : 0.304

Average Household Size : 6



330

Facts on Human Rights Violations in 2009

CIVIL AND POLITICAL RIGHTS INJURED IN SHOOTING/EXPLOSION BY Unidentified Group

District Committee Secretary of CPN-ML, Dharma Bahadur Shahi, 48, of Jima VDC-6, was killed by an unidentified group on July 15 at Adina area of Bhie VDC-7. The victim was murdered with an axe while heading towards Humla from his house. The victim's relatives filed a complaint at the DPO on July 18. The group involved in the incident had not been disclosed by the end of the year.

JAIL AND DETAINEES

The "D" grade District Jail has the capacity to detain 15 inmates. However, as the District Jail does not have its own building, five detainees of the district have been transferred to the Jumla District Jail. The government has yet to construct the jail building.

THREATS/BEATINGS By UCPN-M

Cadres of Nepali Congress Devi Lal Malla, Lal Prasad Chaulagain, Kamala Shahi, Datte Karki, Krishna Bahadur Shahi and Top Bahadur Malla were beaten by cadres of UCPN-M on October 9 at Jima VDC-9 Sorukot, on charge of opposing the UCPN-M. The victims were beaten while taking part in an orientation program of NC cadres. NC cadres Jhupa Shahi, Dhan Bahadur Malla and Jagat Bahadur Malla were also injured in the incident. All the

victims underwent treatment at Bheri Zonal Hospital Nepalgunj.

By YCL

ASI of DPO Mugu Luma Singh Dangi, 35, ASI Raju Puri, 23, Police Head Constable Lok Bahadur Chand, 37, and Police constables Dharendra Buda, Mukesh Yadav, 26, Suresh Buda, 24, and Janak BK, 22, were thrashed by a group of nearly 40 YCL cadres on April 24 in front of the office of the DDC, on the charge of opposing the UCPN-M. The police team, was attacked by YCL cadres during their patrol of the District Headquarters. The victims who were injured in the Incident underwent treatment at District Hospital Mugu. The victims claimed that the reason behind the attack is not unknown.

By CPN-UML

Bablu Ansari, 20, of Nepalgunj Municipality-6, who runs a shop at Shreenagar VDC Gumgadi, was thrashed by cadres of CPN-UML on April 28 in front of the District Food Corporation, on the charge of taking part in a victory rally organized by ANNISU-R after winning the FSU election. The victim was beaten with hands and sticks. The victim received eye and head injuries, and underwent treatment at Mugu District Hospital. The victim did not file a complaint due to threats to his security. By the end of the year the victim had returned to Nepalgunj and has been staying there by the end of the year.

Type of Events	By Non-State							
	By Others				By UCPN-M			
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total
Killing	1	1		1				
Beatings	3	11		11	2	9	2	11
Women Rights	2		2	2				
Total	6	12	2	14	2	9	2	11

By ANNISU-R

Student of Shree Mahakali Higher Secondary School, Nanda Ram Khadka, 20, of Shreenagar VDC-5, Upendra Malla, 19, of ward number 3 of the same VDC and Sam Raj Malla, 19, of the same place, were beaten by cadres of ANNISU-R on December 23 at the school premises, on charge of disrupting their program. The victims filed a complaint at the DAO the next day, however the DAO had failed to take any action against the perpetrators by the end of the year.

RIGHT TO PROMPT AND FAIR TRIAL

13 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court of which five cases were decided this year and eight cases remained undecided. Similarly, two criminal cases, where the individual is plaintiff, were filed this year of which not a single case was decided. Among the total 15 criminal cases, where the individual is plaintiff, 10 cases remained undecided by the end of this year.

Three criminal cases were brought forward from last year of which not a single case was decided this year. Only one criminal case was filed this year and the case was not decided by the end of the year. Among the total four criminal cases, four cases remained undecided.

11 civil cases were brought forward from last year in the District Court of which two cases were decided this year and nine cases remained undecided by the end of this year. Two civil cases were registered at the District Court this year but none of them were decided this year. Among the total 13 civil cases, 11 cases remained undecided by the end of the year.

Among total 32 criminal cases, where the individual is plaintiff, criminal cases and civil cases 25 cases remained undecided by the end of this year.

4.15

Humla



Population : 47,229

Literacy(%) : 31

Women Literacy(%) : 15

Area(Sq. Km.) : 5,655

Number of VDC(s)/Municipality(ies) : 27/0

Number of School(s) : 112/6

Campus(es)/Higher Secondary School(s) : 0/3

Hospital(s)/Health Post(s) : 1/26

Human Development Index : 0.367

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The "D" grade District Jail has one male convict and one male detainee by the end of the year. The Humla Jail has the capacity to accommodate 25 inmates. The jail is in a dilapidated condition. The jail lacks newspapers, radio and sports materials.

THREATS/BEATINGS

By State

Tshiring Sonam Lama, 46, of Bargoun VDC-6 was beaten by police head constable of Muchu Check-post on June 20 while importing goods from Taklakot area of Tibet. The victim was beaten for not paying tax while importing goods. The victim received an injury to the forehead. Both sides reached an agreement after the

Type of Events	By Non-State							By State			
	By Others				By UCPN-M						
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Female	Total
Beatings	4	9		9	5	6	6	3	8	1	9
Racial Discrimination	1		1	1							
Women Rights	4		4	4							
Child Rights	1		1	1							
Total	10	9	6	15	5	6	6	3	8	1	9

perpetrator gave 500 rupees to the victim in the presence of the ASI of the police post.

By UCPN-M

News Anchor of Radio Kailash FM, Barkha Bohara, 26, of Thehe VDC-4, was thrashed by a group of UCPN-M cadres led by Humla District Secretary of the party Pratirodh on September 23 at the victim's office on charge of transmitting a news from Radio station. The victim was beaten for transmitting news regarding the recommendation of constituent assembly member for distributing rice. The perpetrators also padlocked the office of the Radio Station and Nepal Food Corporation. Both sides reached a 4-point agreement after the perpetrators apologized for the act during an all party meeting held at DPO Humla.

By CPN-UML

Punna Bohara, 34, of Raya VDC-2, Changa Bohara, 40, Dhana Bohara, 38 and Hira Bohara, 30, among 37 persons of Raya VDC-2 were beaten by nearly 40 CPN-UML cadres led by Hansh Budha of the same VDC on October 4. The victims were beaten on charge of beating Karna Bohara on October 1. The perpetrators also vandalized the houses of the victims. As a result, the victims were displaced following the incident. The victims were reinstated in their village on October 11 at the initiation of INSEC and Federation of Nepalese Journalists.

By Youth Force

District Committee Member of UCPN-M Makkabir Chantyal, 38, of Kalika VDC-4, UCPN-M cadre Birkha Buda, 30, and Dharma Raj Shahi, were beaten by Youth Force Cadres led by VDC Coordinator of the group, Pramod Bogati on April 8 at Suryodaya Secondary School of Shreenagar VDC-4. They were beaten on charge of issuing a press statement stating that they would not return properties captured during the period of armed insurgency. The perpetrators forced the victims to apologize for issuing such statement. Displaced people of the VDC requested UCPN-M to return their properties captured during the period of armed insurgency. The victim had not filed a complaint by the end of the year.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION (Including Political Freedom, and Free and Impartial Election)

A Sign board of the UCPN-M District Committee's party office was vandalized by Youth Force cadres. on November 9 on charge that UCPN-M cadres greeted the State Minister for Local Administration Jitu Gautam with black flag. As part of their protest program for what they call upholding Civilian Supremacy, UCPN-M cadres had been greeting ministers with a black flag. UCPN-M filed a complaint at the DPO against Youth Force Cadres. An agreement was reached between leaders of both the parties not to repeat such

incidents in the future at a meeting held at DPO on November 11.

RIGHT TO PROMPT AND FAIR TRIAL

Three criminal cases, where the individual is plaintiff, were brought forward from the last year in the District Court. Of which, one case was decided this year and two cases remained undecided. Similarly, eight criminal cases, where the individual is plaintiff, were filed this year in the District Court. Of which, four cases were decided this year and four remained undecided. Among the total 11 criminal cases, where the individual is plaintiff, five cases remained undecided by the end of this year.

No criminal case was brought forward from the last year. One Criminal Case was registered at the District Court this year. Of which none of the cases were decided this year and one case remained undecided by the end of the year. Among total 12 criminal cases, where the individual is plaintiff, and criminal cases six cases remained undecided by the end of the year.

Two complaints were registered at the DPO this year.

CHILD RIGHTS

A 10-year-old girl of Dandaphaya VDC-3 was raped by Punna Shahi, 24, of the same place on January 4 at Jyeula area of the same VDC. The victim's father filed a complaint at Dharapori Police Post on the same day. Police arrested the perpetrator the following day, and took him to the DPO in Humla. A health examination of the victim was carried out at the District Hospital. on June 28 the perpetrator received an 8 year jail term from the District Court, along with a fine of three thousand rupees.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behavior

A 20-year-old girl of Simikot VDC-4,

was made an attempt to rape by a cadre of the UCPN-M, Bishe Nepali of Sarkideu VDC-6 on August 31 next to the building of Simikot Range Post. The victim's family filed a complaint at the DPP the following day. Police arrested the perpetrator on September 2 and filed a case at the District Court. The case was on trial at the end of the year, while the perpetrator remained in jail for interrogation.

Polygamy

Abaid Chanda Thapa of Shree Nagar VDC-4 filed a complaint at the DPO on February 7 against Bhadaure Bumi, 35, of ward number 9 of the same VDC. Bumi had married the victim's wife Chutuka Thapa, 25, on February 8, 2008. Bumi paid a fine of 20 thousand rupees in cash and goods worth 20 thousand rupees for marrying Thapa's wife.

ALL KINDS OF RACIAL DISCRIMINATION

Junakala Damai, 13, of Dandaphaya VDC-1 was beaten by Hari Kala BK, 60, of ward number 2 of the same VDC, on June 3 near her residence for touching the water. The perpetrator threw the water saying that the so called dalit girl touched the water. The victim did not file a complaint with any organization.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Youth Force Cadres demolished the Martyr gate situated at Suryodaya Secondary School of Shreenagar VDC-4, which had been constructed by UCPN-M on February 14. UCPN-M cadres constructed the gate in 2003 during the period of armed insurgency. The cadres demolished the gate stating that there should be no Martyr gate inside the school premises. UCPN-M cadres filed a complaint against Youth Force Cadres Pramod Bogati, Barkha Rokaya and Mohan Fadera, on February 15 for their involvement in the incident, no action had been taken against them by the end of the year.

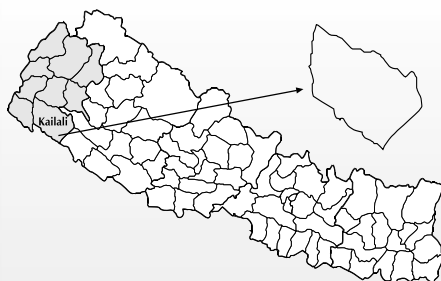


5. FAR WESTERN REGION

- 5.1 Kailali
- 5.2 Achham
- 5.3 Doti
- 5.4 Bajura
- 5.5 Bajhang
- 5.6 Kanchanpur
- 5.7 Dadeldhura
- 5.8 Baitadi
- 5.9 Darchula

5.1

Kailali



Population : 836,877

Literacy(%) : 71

Women Literacy(%) : 35

Area(Sq. Km.) : 3,235

Number of VDC(s)/Municipality(ies) : 42/2

Number of School(s) : 566/99

Campus(es)/Higher Secondary School(s) : 4/46

Hospital(s)/Health Post(s) : 2/49

Human Development Index : 0.413

Average Household Size : 9

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By State

Sanjay Dhakal, 32, of Baliya VDC-8, Ruplal Dhangaura, 70, of Khailad VDC-9 and Narendra Biswakarma, 19, of Tatopani VDC-5 of Surkhet, were killed when police opened fire on December 4, following a clash that ensued as the police tried to evict those who had encroached Dudhejhari forest in Baliya VDC-8, in the name of landless squatters. Police constable Padam Singh Air, 27, of Ajmairu VDC-1, Darchula was also axed to death by the encroachers, who were retaliating against the police. Similarly, Tek Bahadur Bhat, 41, of Sahajpur VDC-1, Netra Bista, 27, of Baliya VDC-8, Kali

Prasad Sanjyal, 28, of Dododhara VDC-7, Karna Singh Malati, 40, of Surkhet, Laxmi Ranabhat, 45, of Bardiya, Khadga Bahadur Mahara, 40, of Sahajpur VDC-3, Ashok Bhandari, 30, of Bajura, Gopal Saud of Sahajpur VDC-9, Amar Bam, 27, of Masuriya VDC-2, Bhim Bahadur Tharu of Baliya VDC-8, Nisha Bhandari, 21, of Sadepani VDC-5, Rupesh Nepali, 24, of Masuriya VDC-2, Nirmal Dhamala, 23, of Sugarkhal VDC, Gopal BK, 20, of Baliya VDC-6, Tilak Bhandari, Sangam Malla, Bal Bahadur BK, Jhapat BK, Ganga Ram Pariyar and Amar Adhikari were injured in police firing while Krishna Bahadur Thapa, Santa Khatri, Meena BK, Bharat BK, Tapendra Gahatraj, Uttam Malla, Lalte BK, Bharat Joshi, Himal Deuba, Hasta Bahadur BK, Mani Kishan Neupane, Ashok Nepali, Jaggu BK, Sharada Nepali, Kamal Nepali, Dil Bahadur Buda Magar, Prashant Tamata, Lalit Sunar, Saniya Sanjyal, Sampati Rimal, Tek Bahadur Bhandari, Sarune Tamata, Hilkmat BK, Bir Bahadur BK, Man Bahadur BK, Bharata Singh, Santosh Suad, Deukala BK, Prabhu Lal Baral and Dhwoj Bahadur Bk were injured in a police lathi-charge. Policemen from the APO Battalion, Dhangadhi – DSP Tek Bahadur Gurung, SI Jagadish Kunwar, ASI Kalyan Singh Mahar, Police Constables Suite Khadka, Dev Singh Bista, Krishna Rokaya, Rajendra Singh Dhami, Ram Bahadur Dhami, Khemraj Joshi, Harka Pal, Manorat Joshi, Gor Bahadur Mahata, Bhim Bahadur Pal, Mohan Singh Karki, Madan Raj Ojha, Jeep Singh Mahara, Tirtha Bahadur Malla, Bir Bahadur Bista, Bishnu Dhami, Prithvi Bohara, Sher Singh Dhami, Dal Damai, Dhan Singh Saud, Prakash Bhatta, Bhim Bahadur Khati, Sanjiv Gupta, Amba Datta Joshi, Laxman Nath, Janak Bista, Ramesh Bista, Rakam Dabal and Nandan Bohara – were also injured in the clash. The injured were treated at Nepalgunj Medical College, Kohalpur, Lalratna

Type of Events	By Non-State								By State			
	By Others					By UCPN-M						
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Total	No. of Events	Male	Female	Total
Killing	3	5	2		7				1	3		3
Injured	6	44	6		50				2	49	8	57
Arrest & Torture									3	3		3
Beatings	4	4			4	5	20	20	3	3		3
Right to Assembly									3	11	8	19
Racial Discrimination	1	1			1							
Women Rights	8		9		9							
Child Rights	8		7	1	8							
Economic, Social and Cultural Rights	2	1		1	2	2	3	3				
Abduction	4	7			7	1	2	2				
Total	36	62	24	2	88	8	25	25	12	69	16	85

Hospital, Lamki and Seti Zonal Hospital, Dhangadhi. Those who were seriously injured were taken to Kathmandu and Lukhnow, India for further treatment. A fact-finding mission conducted jointly by INSEC, RRN and INHURED International from December 11-14 concluded that the clash ensued after District Forest Office and local administration used unwarranted force to try to evict the encroachers, who had gathered at the forest responding to the call by UCPN-M-affiliated ANLSA.

By Abandoned Bomb

Chakra Bahadur BK, 28 and Kabita Bohara, 14, of Teghari, Malakheti VDC-8 were killed on the spot after an abandoned plastic hand grenade went off in front of Harka Bahadur Mahatara's house on September 6. Manisha Oli, 7, of same place died while undergoing treatment at Padma Hospital, Attariya. Lal Bahadur Bohara, 33, Tek Bahadur Saud, 28, Laxmi Deuba, 28, Sudeep Dueba, 4, Sameer Deuba, 9, Bimala Devi Oli, Sita Mahatara, 14, and Shristi Deuba, 2, of same place

were injured in the explosion. Bimala and Sita were treated at Padma Hospital, while the others who were injured were treated at Nepalgunj Medical College, Kohalpur. Tek Bahadur, Who was seriously injured, underwent treatment at Lukhnow, India and Sudeep was taken to Kanti Children's Hospital, Kathmandu. According to Lal Bahadur, the bomb, held by Manisha, exploded after Chakra Bahadur tampered with it.

INJURED IN SHOOTING/EXPLOSION

By Abandoned Bomb

Khusiram Kumal, 35, his wife, Saraswati Kumal, 30, and son, Prabin Kumal, 9, of Basanta Kumal tol, Sadepani VDC-3 were injured after an abandoned bomb went off on March 22. The bomb, brought home by Prabin from nearby Amkhoiya forest, went off after he was playing with it. Khusiram lost his left hand in the incident. The injured were treated at Bheri Zonal Hospital, Nepalgunj with support from ICRC and INSEC.

JAIL AND DETAINEES

The “C” grade District Jail has 74 male and six female convicts and 89 male and five female detainees by the end of the year. Thus, there are a total of 174 convicted and detained inmates in the Kailali Jail. However, the jail has the capacity to accommodate only 100 inmates. There are three dependent children in the jail. Newspapers and sports equipment are not sufficient for the inmates.

Purna Milasi and Narjang Shahi, who were among the 18 inmates, who were held in District Jail after being suspended for being involved in the mutiny at Riot Control Battalion in Nepalgunj on July 12, 2008, pierced their wrists and made a ‘human chain’ on December 18, saying that they were being illegally detained. The inmates resorted to such a demonstration, after the government failed to address several rounds of protests from December 2. The former policemen also staged a hunger strike from December 15-19. The inmates withdrew their protests on December 19, following a decision by the government to initiate a judicial investigation, by immediately forwarding their case to be reviewed. The injured inmates underwent treatment at Seti Zonal Hospital.

DISAPPEARANCE/ABDUCTION

By UCPN-M

SI Dipendra Pandey of APF Ugratara Battalion, Tikapur and Head Constable, Ram Bahadur Rokaya of APO, Lamki were abducted from Lamki bazaar, by UCPN-M cadres, who were protesting against the police action at Dudgehari forest, on December 5. They were released in the presence of representatives from INSEC, NHRC, OHCHR, CAHURAST on the same evening. Human rights defenders handed over the victims to the APO, Lamki.

By TSRP

UCPN-M District Committee member, Khusiram Chaudhary, 42, of Pahalmanpur VDC-7 was abducted from his home, by leaders of TSRP, Bihari Lal Chaudhary, Pradeshi Chaudhary of Pahalmanpur VDC and Balram Chaudhary of Masuriya VDC-1 on April 30, on charge of defying the Tharu movement and raiding TSRP’s office. YCL cadres handed over the TSRP leaders involved in the incident to Pahalmanpur Police Post the next day. Khusiram filed a complaint against Sunil Chaudhary, Kaliram Chaudhary, Chakra Bahadur Chaudhary, Jung Bahadur Chaudhary of Chaumala VDC-4, Bihari Lal Chaudhary of Pahalmanpur VDC-8, Balram Chaudhary of Masuriya VDC-1 and Pradeshi Chaudhary of Masuriya VDC-8 at the DPO on May 5. The TSRP leaders were later released on bail of five thousand rupees each on May 25.

By ANNFSU

Chief of Raghunath Multiple Campus, Dirgha Raj Bhatt and Lecturers Ram Nath Chaudhary, Dilli Raj Ojha and Nripa Kunwar were abducted from the resident building inside the campus premises by approximately 18 ANNFSU cadres on March 22. The abductees were released from Sangam Hotel, Chisapani that evening after police intensified their search. ANNFSU stated that its cadres were not involved in the incident.

THREATS/BEATINGS

By State

Dhan Bahadur Bohara, 29, of Rajipur, Chaumala VDC-7 was beaten in front of the Attariya-based Padma Hospital by plain clothes policemen of APO Maalakheta on June 13. According to Dhan Bahadur, Inspector and ASI, who were under the influence of alcohol, kicked him in the abdomen and chest, on

charge of thievery. They released him that day, in the presence of his father-in-law. He filed complaints at NHRC and INSEC Regional Office, Dhangadhi on June 15, to seek justice.. When questioned by INSEC, APO Maalakheti said that they had released Dhan Bahadur after a normal inquiry. APO added that they had not beaten him.

By UCPN-M

Santaram Chaudhary, 26, and Kangu Chaudhary, 25, of Gobrela, Pabera VDC-9 were beaten and severely injured by UCPN-M cadres, while they were returning home after tilling their land on November 25. UCPN-M cadres had attacked them with split wood from behind and left them for dead. They sustained broken feet and injuries to the head and chest. The duo, who were brought to Seti Zonal Hospital for treatment by neighbors, were later taken to Kathmandu for further treatment. NC issued a press release demanding action against UCPN-M cadres for attacking its cadres. No action had been taken against anyone by the end of the year. UCPN-M denied involvement of its cadre in the incident.

By YCL

NarBahadurKarki, 38, of Dododhara VDC-4 was beaten by YCL cadres Indra Bahadur BK, Harka Kathayat, Pancha Bahadur Mahatara, Prem Bahadur Karki, Raj Bahadur Shahi of ward no. 4, while he was returning home on September 3. He was beaten on charge of being affiliated with Youth Force. Karki sustained injuries to the head and chest. The victim's family filed a complaint against the YCL cadres at the APO, Bauniya that day. He was treated at Nepalgunj Medical College, Kohalpur. Saying that they were not able to arrest the accused, APO issued warrants against them, with sketches to identify them.

By TSRP

Bijaya Pariyar, 25, and his brother Rani Pariyar, 30, of Kota, Pahalmanpur VDC-7 were beaten and injured by approximately five cadres of TSRP on May 1, on charge of participating in the protest organised by UCPN-M. The brothers were beaten while returning from a protest rally, which UCPN-M had organised against the abduction of its cadre Khusiram Chaudhary on April 30. Both victims were treated at CS Medical in Sukhad.

By Others

Reporter of *Sudoor Sandesh Daily*, Ghana Shyam Paudel, of Masuriya VDC-7 was captured by members of the Consumers Committee of Panchakoti Community Forest from Masuriya bazaar on May 20. He was captured on charge of reporting a false news story regarding the sale of raw trees, which members of the Committee were allegedly involved in. The members beat and locked him up in the Pahalmanpur Area Forest Office. A team of FNJ Kailali President, Dirgha Upadhyaya, Reporter of BBC Nepali Service, Umeed Bagchand, were able to rescue him that evening. The District Forest Office arrested the President of the Consumers Committee Dambar Bogati on May 19, after the news was published. The DFO released him the next day.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom and Free and Impartial Election)

Kumar Sunar, Goma Devi Bhusal, Anil Tiruwa, Bir Bahadur BK, Ram Kumar Sunar, Suntali Sarki, Hari Prasad Chaudhary, Santosh BK, Sita Thapa Magar, Khagisara Sunar, Sunita Chaudhary, Laxmi BK, Sanjita Sunar, Ganga Devi Khatri, Chandra Kala Lama, and Bimal Shrestha of Jadaigaun, Sadepani VDC-7 were injured

after a clash ensued as the police tried to remove them from in front of the DAO on March 13. The landless squatters had been staging a sit-in in front of the DAO since February 19, demanding rehabilitation.

RIGHT TO PROMPT AND FAIR TRIAL

61 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. 11 of these were decided this year, while 50 remained undecided. In addition, 24 new criminal cases, where the individual is plaintiff, were filed this year of these none were decided this year. Among the total 85 criminal cases, where the individual is plaintiff, 74 remained undecided by the end of this year.

45 criminal cases were brought forward from last year in the District Court. Of these 45 cases, eight were decided this year and 37 remained undecided. Additionally, 59 new criminal cases were filed this year. Four of these were decided this year, while 55 remained undecided. Among the total 104 criminal cases, 92 remained undecided by the end of this year.

109 civil cases were brought forward from last year in the District Court. 23 of these were decided this year, while 86 cases remained undecided. Furthermore, 68 new civil cases were filed this year. Of these 68 cases, two were decided this year and 66 remained undecided. Among the total 177 civil cases, 152 remained undecided by the end of this year.

Among the total cases including criminal cases, where the individual is plaintiff, criminal cases and civil cases, 318 cases remained undecided by the end of this year at the District Court.

TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

A police team led by Inspector Ganesh Bam of APO, Maalkheti beat up Dambar Saud, 21, of Sahajpur VDC-9. They broke both his legs and one of his hands, while bringing him to the APO on September 26. Police had arrested him on charge of killing Ek Bahadur Shah of ward no. 9 on September 25. Due to the lack of funds for treatment, he was brought to Seti Zonal Hospital treatment, after the initial treatment at Nepalgunj Medical College, Kohalpur. The District Court gave an order to remand him into custody on December 10. Following the Court's decision, police sent him to the District Jail even though he was undergoing treatment for his injuries at Seti Zonal Hospital.

CHILD RIGHTS

A nine-year-old girl of Dhangadhi Municipality-2 was raped by Samesh KC, 28, of Katan, Dhangadhi Municipality-1 at her house on May 31. The girl was medically examined at Seti Zonal Hospital, Dhangadhi on June 2. Police arrested Samesh after the girl's aunt, Santoshi Nepali, filed a complaint at the DPO on June 2. Samesh was released on bail of 15 thousand rupees following the District Court's order of June 29.

Shubha Pratap Rana, 6, of Tikapur Municipality-9 was abducted by Gagan Dhami, Shamsher Shah, Gyanu Singh, Kopil Bista, Jawarilal Tiwari, Sagar Lama, of same Municipality and Ganesh Koli alias Raju Chhettri of Bauniya VDC-6 from Shree Ganesh Baba Boarding School on June 25, while he was having lunch. The family of the boy filed a case at the APO that day, in order to initiate a search for

him. Police rescued the boy when they found him being handed over to Ram Bilas of Khiri, India on June 27. The boy was handed over to his parents the next day. District Court Kailali remanded the accused into custody on July 28.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

A 20-year-old woman of Chaumala VDC-2 was raped by Karna Bahadur Saud, 32, of same place, while she was sleeping at her house on June 17. The family of the girl filed a complaint at the DPO on June 18. Police Post Chaumala arrested Saud on June 20 and filed a complaint at the District Court on July 8. Saud has been remanded into custody following an order of the District Court that day.

Domestic Violence

Subhagiya Chaudhary, 40, of Janakinagar VDC-8, was killed by her husband, Jokhan Chaudhary, on August 19, following a minor dispute. Jokhan attacked her with a hoe, while tilling the land at Parahipur. Relatives had found her body while searching for her, after they had not returned late into the evening. Jokhan absconded after the incident. Subhagiya's family cremated her body following the post-mortem at the Area Hospital, Tikapur on August 21. The APO, Tikapur arrested Jokhan, after they found him hiding in a neighbor's house on August 21. The accused was sent to District Jail following an order from the District Court on September 10.

Women Trafficking

Cadres of TSRP captured Raj Bahadur Singh, 55, of Dhangadhi Municipality-13 on April 19 on charge of planning to traffic Janaki Chaudhary, 18, of Naulpur, Pathariya VDC-1. Raj

was handed over to the APO Baliya with support from Maiti Nepal. Police filed a case against him at the District Court. Raj was sentenced to a two year jail term by the Court on June 25.

ALL KINDS OF RACIAL DISCRIMINATION

Jiwan Sunar, 5, of Geta VDC-3 was injured after Nirmal Dhanuk of same place attacked him with a lathi on May 10, on charge of entering her house and touching water. Police arrested Nirmala after Sunar's family filed a complaint at the DPO the next day. Both sides reached a compromise in the presence of Dalit Rights activists, after Nirmala admitted her mistake.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property By Tharu Kalyankarini Sabha

Cadres of Tharu Kalyankarini Sabha torched motorcycles, with registration no. Se1Pa 3115 belonging to Om Prakash Agrawal and Se1Pa 3776 belonging to Dil Bahadur Bista on February 8, in front of the Boradandi Barrack of Nepali Army. Their motorbikes were torched because they defied their bandh. TKS organized the bandh demanding the removal of the term 'One Madhes, One Province' incorporated in the Interim Constitution. TKS cadres also vandalized a trolley (Se1Pa 508), truck (Na2Kha 8842) at Campus Road and a motorcycle (Se2Pa 5568) at Chatakpur in Dhangadhi.

By TSSS

Materials and papers inside the offices of Ramshikharjhala, Dododhara, Sadepani, Baliya, Bhajani, Thapapur and Joshipur VDCs were destroyed, after cadres of TSSS torched the VDC offices on April 25, on charge of disobeying the local government announced by them.

By TSRP

Buildings of Masuriya, Durgauli, Bauniya and Basauti VDCs were set on fire by cadres of TSRP on April 28, while they were protesting against the arrest of their central leader, Laxman Chaudhary.

By UCPN-M

UCPN-M cadres torched three motorbikes (Ba1Ba8693, Se1Ba101, Ba1Ba3798) belonging to the Far-West Regional Medical Store, District Development Committee and District Drinking Water Office, Bhimdatta Municipality and two jeeps (Ba1Jha377, Ba1Jha7663) belonging to the Road Division Office Dhangadhi and the DAO Achham on December 4 evening. They were accusing the police of using force against the landless squatters at Dudejhari forest. They also vandalized a police vehicle (Ba1Ba4456).

By Conflict-Affected Security Personnel's Committee

Cadres of conflict-affected security personnel's committee torched three vehicles (Bhe1Jha355, Na2Kha6915 and Ga1Jha3345), which were heading to Dhangadhi from the East, on March 28 at Shripur VDC-6, on charge of defying their bandh. CASPC cadres had called the bandh demanding reinstatement.

By Others

Seven vehicles were torched at the East-West Highway section at Dudejhari Forest of Baliya VDC-8 on December 5 morning, by people who had encroached the forest, in the name of landless squatters. Saying that police had used excessive force against them, they set fire to vehicles with registration numbers Na4Kha164,

Na3Kha1092, Na3Kha2923, Na3Kha5481, Na1Ka1992, Ga1Kha2569 and Be1Ja215. The vehicles were heading west from Chisapani.

Property Capture By UCPN-M

Cadres of UCPN-M affiliated All Nepal Farmers Association (2007) looted harvest from land belonging to Shankar Man Bohara and Khemraj Pandey of Baghmara, Chuha VDC-6 on October 21. ANFA cadres looted the harvest from 2 bigha 10 kattha of land belonging to Bohara and 10 kattha of land belonging to Pandey. District Chairman of ANFA Prem BC said that the harvest from the land belonged to Bishwanath Updhyaya. He added that UCPN-M had been regularly taking the harvest from the land, which they had captured in 2001. APO, Tikapur arrested Ram Bahadur BK, and Asharam Chaudhary of Dododhara VDC-8 in connection with the looting. The District Court gave an order to release the duo on bail of 25 thousand rupees each on November 14.

FOLLOW-UP

The whereabouts of Tejraj Binadi, who was abducted by cadres of UCPN-M seven years ago, still remained unknown by the end of the year. Binadi, 22, of Simthari, Ramshikharjhala VDC-7 was abducted by UCPN-M cadres on December 10, 2002. The family of Binadi said that they did not file any complaint during the conflict due to fear of the Maoists. They have filed a written appeal to find the whereabouts of Binadi at the office of Ramshikharjhala VDC on August 20.



5.2 Achham



Population : 261,363

Literacy(%) : 45

Women Literacy(%) : 25

Area(Sq. Km.) : 1,680

Number of VDC(s)/Municipality(ies) : 75/0

Number of School(s) : 400/8

Campus(es)/Higher Secondary School(s) : 2/18

Hospital(s)/Health Post(s) : 2/76

Human Development Index : 0.350

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS JAIL AND DETAINEES

The "D" grade District Jail has 15 male and two female convicts and 11 male and four female detainees and one minor dependent girl by the end of the year. Thus, there are a total of 33 convicted and detained inmates in the Achham Jail, however, the jail only has a capacity to accommodate 25 inmates. Inmates in the jail are provided with only one television set for entertainment. The jail is in dilapidated condition. There is a lack of income generating facilities in the jail. The inmates staged a demonstration in the jail on April 14 demanding better facilities.

THREATS/BEATINGS

By State

Tekendra Shah, 27, of Mangalsen VDC-5 was beaten by policemen at the DPO on September 27 on charge of staying with a policewoman inside a bunker at the DPO premises. Police handed him over to his uncle Sunil Bikram Shah the next day.

By UCPN-M

Bhawani Prasad Neupane, 35, of Batulasen VDC-2, Gajendra Bahadur Khatri, 23, Janak Bahadur Bista, 22, Bir Bahadur Bista, Man Bahadur Bista, Nar Bahadur Bista, Heera Bista, Rewanti Bista and Dayaram Saud were beaten by Joint-commander of Nawalparasi-based Maoists PLA Fourth Division Camp, Man Bahadur Rokaya alias Shakti, Maoists PLA combatant of Seventh Division, Talband Hikmat Rokaya alias Chamfa and Nawal Singh Rokaya alias Bijuli on April 8 at Ramaroshan VDC-2. They were beaten on charge of shouting against Maoists PLA team during a volleyball match. The injured were treated at District Hospital Mangalsen. The victims filed a complaint against Man Bahadur Rokaya at the DPO on April 11. The accused were not arrested as they had absconded. A vehicle with registration no. 0001 was taken under control by the DPO but UCPN-M later took back the vehicle.

By YCL

Chhatra Bahadur Rawal, 21, of Toli VDC-5 was beaten by YCL cadres Katak Dhami, Bam Bahadur Dhami, ANNISU-R District Chairman Keshav Neupane and NC cadre Makra Shahi on August 8 on charge of joining UML-affiliated ANNFSU. Seriously injured Rawal was treated at Kathmandu. He can not move his right leg due to the injury by the end of the year. He did not file any complaints regarding the incident.

Type of Events	By Non-State								By State		
	By Others					By UCPN-M					
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Total	No. of Events	Male	Total
Arrest & Torture									1	6	6
Beatings	5	4	1		5	1	9	9	2	2	2
Women Rights	3		3		3						
Child Rights	1			1	1						
Total	9	4	4	1	9	1	9	9	3	8	8

By Others

Reporter of Radio Ramaroshan FM, Tekraj Bhandari of Tesige, Janalibadali VDC-2 was beaten by Ram Bhandari, Puran Bhandari and Bharat Bhandari of ward no. 4 of same VDC at Thulasen bazaar in ward no. 1, on October 16 for some unknown reason. Bhandari, 22, was seriously injured in the incident. Bhandari filed a complaint at the DPO on October 18. Although an agreement was reached on October 21, by which the accused would provide Bhandari, with the cost of treatment for his injuries, they did not provide him with these costs in the end.

RIGHT TO PROMPT AND FAIR TRIAL

Four criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. Eleven new criminal cases, where the individual is plaintiff, were filed this year. Among the total fifteen criminal cases, where the individual is plaintiff, six were decided, while nine remained undecided by the end of this year.

Four criminal cases were brought forward from last year in the District Court. 13 new criminal cases were filed this year. Among the total 17 criminal cases, six were decided and 11 remained undecided by the end of this year.

One civil case was brought forward from last year in the District Court. One new civil case was filed this year. Both

civil cases were decided by the end of this year.

Among the total 34 cases including criminal cases, where the individual is plaintiff, criminal cases and civil cases, 20 cases remained undecided by the end of this year at the District Court.

TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

Six policemen deployed at the DPO, Achham were tortured by three policewomen, including Suntali Dhami of same police office, on charge of gang-raping Suntali on September 27. The policewomen tore off the clothes of ASI, Dan Singh Bhandari, Police Constable, Karbir Thalara, Bira Datta Badu, Birendra Bam, Naribhan Mahatara and Jagadish Pandey, who were held in DPO custody, and tortured them on October 6 and 7. District based human rights defenders, civil society and journalists asked the police administration not to repeat the torture.

CHILD RIGHTS

Magali Nepali, 30, of Dhungachalna VDC-4 killed her child immediately after birth on February 3. Magali, who had separated from her husband some while ago, bore the child after having an illicit relationship. The body of the child was found in the field of Asharam Buda, 54,



of ward no. 7. Magali was arrested after Asharam filed a complaint at the Police Post Turmakhad on March 4.

There are 31 child laborers working in different hotels in the district headquarters, Mangalsen. Out of which, three are girls. The district headquarters had been declared a child laborer free zone. Although the District Council meeting, held in 2009, had decided to rehabilitate all child laborers by mid June 2009, only one of them has been rehabilitated, while the rest are still working in hotels.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

Suntali Dhami, a policewoman deployed at the DPO, Achham filed an appeal at the RPO, Dipayal for a medical examination on September 30, accusing six co-workers of raping her. Suntali, 22, of Dhuligada VDC-1, Darchula accused co-workers SI, Dan Singh Bhandari, Head Constables, Karbir Thalara, Bira Datta Badu, Birendra Bam, Constables Naribhan Mahatara and Jagadish Pandey of gang-raping her, after making her go unconscious on September 27. She alleged that her co-workers had made her eat meat mixed with an intoxicating substance before raping her. Her medical examination was conducted at Seti Zonal Hospital, Dhangadhi on September 30. Suntali, accused the DPO, Achham of turning a blind eye to the incident. She filed a complaint against the six co-workers at the RPO on October 7. A police investigation team suspended the six accused police personnel on October 5. DNA samples of Suntali and all accused were sent to NAST for investigation on October 14. DPO released ASI, Dan Singh Bhandari, Head Constable, Bira Datta Badu and Naribhan Mahatara on October 30 on general date, stating that they were not found to be

involved in the incident. Head Constables Karbir Thalara, Birendra Bam and Jagadish Pandey, who were being tried for the rape in the District Court, were remanded into custody on October 31. Statements from both sides was taken on December 17. A fact finding mission conducted by NHRC Regional Office, Dhangadhi from October 11-16 recommended a fair investigation into the incident. Citing lack of enough evidences for the accused to set free, NHRC also recommended to proceed the case with available evidence.



5.3

Doti



Population : 245,288

Literacy(%) : 50

Women Literacy(%) : 27

Area(Sq. Km.) : 2,025

Number of VDC(s)/Municipality(ies) : 50/1

Number of School(s) : 344/17

Campus(es)/Higher Secondary School(s) : 1/16

Hospital(s)/Health Post(s) : 4/51

Human Development Index : 0.420

Average Household Size : 7

CIVIL AND POLITICAL RIGHTS JAIL AND DETAINEES

The “D” grade District Jail has 10 male convicts and 13 male detainees at the end of the year. The jail has the capacity to accommodate 45 inmates. ICRC has constructed a tank for drinking water and toilet inside the jail. INSEC and ICRC have also provided their monthly, fortnightly and annual publications. DDC has set up a library and provided books and sports equipment inside the jail. Radio, TV set and newspapers are also provided to the inmates.

RIGHT TO PROMPT AND FAIR TRIAL Appellate Court

Five criminal cases, where the individual is plaintiff, were brought forward from last year in the Appellate Court. Of these, four were decided this year, while one remained undecided. In addition, six new criminal cases, where the individual is plaintiff, were filed this year. One of these was decided this year, while five remained undecided. Among the total 11 criminal cases, where the individual is plaintiff, six remained undecided by the end of this year.

39 criminal cases were brought forward from last year in the Appellate Court. Of these, 30 were decided this year and nine remained undecided. Additionally, 50 new criminal cases were filed this year. 16 of these were decided this year, while 34 remained undecided. Among the total 89 criminal cases, 43 remained undecided by the end of this year.

Eight civil cases were brought forward from the last year in the Appellate Court. Of these, four were decided this year, while four remained undecided. Furthermore, 31 new civil cases were filed this year. Of which, Eight of these were decided this year and 23 remained

undecided. Among the total 39 civil cases, 27 remained undecided by the end of this year.

Among the total 139 cases including criminal cases, where the individual is plaintiff, criminal cases and civil cases, 76 cases remained undecided by the end of this year, at the Appellate Court.

District Court

20 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. Eight of these were decided this year, while 12 remained undecided. In addition, 15 new criminal cases, where the individual is plaintiff, were filed this year. Of these 15 cases, one was decided this year and 14 remained undecided. Among the total 35 criminal cases, where the individual is plaintiff, 26 remained undecided by the end of this year.

Eight criminal cases were brought forward from last year in the District Court. Two of these were decided this year, while six remained undecided. Additionally, seven new criminal cases were filed this year. However none of these cases were decided. Among the total 15 criminal cases, 13 remained undecided by the end of this year.

Six civil cases were brought forward from the last year in the District Court. Of which, two cases were decided this year and four cases remained undecided. Furthermore, two new civil cases were filed this year. Of these none of the cases were decided. Among the total eight civil cases, six cases remained undecided by the end of this year.

Among the total 58 cases including criminal cases, where the individual is plaintiff, criminal cases and civil cases, 45 cases remained undecided by the end of this year at the District Court.

Type of Events	By Non-State				By State		
	By Others				No. of Events	Male	Total
	No. of Events	Male	Female	Total			
Killing	1		1	1	1	5	5
Arrest & Torture							
Beatings	2	2	1	3			
Racial Discrimination	5	14	3	17			
Women Rights	8		8	8			
Child Rights	1		1	1			
Inhuman Behaviour	1	1		1			
Total	18	17	14	31	1	5	5

Inhuman and Degrading Behaviour

Central Member of ANNFSU (Sixth), Keshavnath Yogi and Secretary Dambar Air and former president of NSU, Sopan Bohara painted Chief of Seti Technical School Gopal Acharya's, face black inside the school premises on December 11, on charge of irregularities in student admission. Students of the school resorted to vandalism in the afternoon, demanding action against

those involved in inhumanly treating Acharya. An all-party meeting held on December 20 agreed not to repeat such an incident.

TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

Karna Bahadur BK, 24, Heera BK, 34, Kalo Bhool, 32, Arjun BK, 26, and Bhim Bahadur BK, 45, of Gaguda VDC-4 were beaten by policemen, who were led by ASI Mahesh Kunwar at Chabarachautara Police Post on May 1. Police had called them to the police post regarding an incident, in which violence broke out, on April 27, after a marriage procession, coming from Simchaur VDC-2, did not pass through the house of Mukhiya (head of the village). Bhim Bahadur was treated at a local medical centre, after sustaining injuries to his back. Karna Bahadur was treated in India after his treatment was not possible in the district. He also sustained serious injuries to his back. Karna Bahadur's father filed a complaint against ASI Mahesh Kunwar at the DPO, Doti on June 4, stating that the police had tortured them for lodging a complaint against the non-Dalits who had beaten his son. A fact finding mission, conducted by INSEC from July 6-8 concluded that the police were not ensuring the security of civilians, as they did not initiate any action against the police personnel who tortured those 6 civilians.

CHILD RIGHTS

One 11-year-old girl of Barchain VDC-4 accused Bir Bahadur Sarki alias Ramesh, 20, of same place of raping her while herding cows in a nearby jungle on January 5. The girl was treated at District Hospital, Doti. Her medical examination was conducted at the District Health Office, Doti. Representatives of the WDO, Doti, who were conducting training at the site, brought the girl to the district headquarters. The accused was arrested by BP Nagar Police Post and handed over to the DPO, Doti. The District Court remanded the accused into the District Jail on February 5 after WDO lodged a complaint against Sarki on January 12.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

A 35-year-old woman of Mudbhara VDC-4 filed a complaint against Mahendra Mahara, 35, of same place at the DPO on August 3 under the charge of attempted rape. The woman accused Mahara of

trying to rape her on July 28 while she was heading towards her field. DAO, Doti filed the case under the Public Offense Act on August 4. Mahendra was released on August 10 after depositing a bail of 28 thousand rupees.

Domestic Violence

Mahamati Kunwar of Gaajari VDC-2 filed a complaint against her husband, Lal Bahadur Kunwar at the WDO, Doti on November 28, accusing him of repeatedly beating her. WDO made a written request to the DPO, Doti to take action against Lal Bahadur, who had married a second wife. No action was taken against Lal Bahadur.

ALL KINDS OF RACIAL DISCRIMINATION

Harka Bahadur Bk, 45, Piuli Devi BK, 40, Khadka Bahadur BK, 21, Indra BK, 35, Shanti BK, 32, and Arjun BK, 36, of Gaguda VDC-8 were beaten by Birmal Bam, 24, Yogendra Bam, 26, Sher Bahadur Bam, 22, Jitendra Bam, 20, and Bhim Bahadur Bam, 24, of same place on April 27, on charge of not taking the marriage procession of a Dalit couple through the courtyard of *Mukhiya* (Chief of the Village). They also disrupted the marriage procession and resorted to vandalism. The injured were treated at a local health post. A complaint was filed against Moti Singh Bam, Jagat Singh Bam, Birmal Bam, Padam Bam, Bhim Bahadur Bam, Sher Bahadur Bam, Yogendra Bam and Dharma Bam at District Court on June 4. The court had yet to conduct a hearing on the case by the end of the year.

Shyam Od, 40, of Lamikhal VDC-7 was beaten by Pushkar Singh, 38, of same place on July 27, on charge of not greeting him. Shyam lodged a complaint at the DPO, Doti against Pushkar on July 28. A compromise was reached at DPO on August 8 after Pushkar agreed not to repeat the incident.



5.4 Bajura



Population : 124,193

Literacy(%) : 37

Women Literacy(%) : 25

Area(Sq. Km.) : 1,188

Number of VDC(s)/Municipality(ies) : 27/0

Number of School(s) : 209/3

Campus(es)/Higher Secondary School(s) : 1/3

Hospital(s)/Health Post(s) : 1/27

Human Development Index : 0.310

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS JAIL AND DETAINEES

The "D" grade District Jail has 19 male and three female detainees by the end of the year. Therefore, there are a total of 22 convicted and detained inmates in Bajura Jail. The jail has the capacity to accommodate 25 inmates. The jail building is in a dilapidated condition. Although the inmates have the drinking water facilities, it is not properly managed. Inmates in the jail are provided with a television set and Carom-board.

RIGHT TO PROMPT AND FAIR TRIAL

Two criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. One of which was decided this year, while

Type of Events	By Non-State				By State			
	By Others				No. of Events	Male	Female	Total
	No. of Events	Male	Female	Total				
Beatings	1	1		1	1	1		1
Threats					1	1	1	2
Racial Discrimination	3	6		6				
Women Rights	16		16	16				
Child Rights	5		5	5				
Total	25	7	21	28	2	2	1	3

one remained undecided by the end of the year. In addition, three new criminal cases, where the individual is plaintiff, were filed this year. Of these 3 cases, one was decided this year and two cases remained undecided. Among the total five criminal cases, where the individual is plaintiff, three cases remained undecided by the end of this year.

Two criminal cases, which were brought forward from the last year in the District Court, were decided this year. Additionally, four new criminal cases were filed this year, however none of these were decided this year. Among the total six criminal cases, four remained undecided by the end of this year.

Two civil cases, which were brought forward from the last year in the District Court, were decided this year. Furthermore, four new civil cases were filed this year. One of these was decided this year, while three remained undecided. Among the total six civil cases, three remained undecided by the end of this year.

Among the total 17 cases including criminal cases, where the individual is plaintiff, criminal cases and civil cases, 10 cases remained undecided by the end of this year.

CHILD RIGHTS

A 12-year-old girl of Dimargaun, Jagannath VDC-7 was gang-raped by Bal Bahadur Bista, Chappilal Rokaya, Bala Khattri, Gore Bista and Chandra Bir Bista of same place on February 12. The girl was raped while she was heading towards the flour mill near the village. She was treated at the District Hospital. The family of the victim filed a complaint at the DPO on February 16 at the initiation of human rights defenders. Among the accused, Bala Khattri and Gore Bista presented themselves before the court after police issued arrest warrants against them on May 29. They are serving their terms at the District Jail as per the decision of the court on November 5.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Paru Devi Baduwal, 22, of Budiganga VDC-9 was beaten by her husband, Krishna Baduwal on August 17. Krishan had beaten Paru Devi after consuming alcohol. Paru Devi filed a complaint at the Community Police Service Centre that day. The couple failed to reach a compromise after Paru Devi demanded action be taken against Krishna. They reached an agreement on August 21 after

a team from the DPO went to their house to settle the issue.

ALL KINDS OF RACIAL DISCRIMINATION


Harka BK, 45, of Martadi VDC-8 was barred from participating in the *Saraswati Pooja* organised by Martadi-based Badimalika English Boarding School on January 31, by Priest Dharma Dev Upadhyaya, 46, of ward no. 5. The School Management Committee had invited all the guardians of the students to participate in the worship program. BK informed the CDO about the incident with support from human rights defenders including INSEC on February 1. Upadhyaya and Principal of the school Binod Mishra offered an apology to BK that day.

ECONOMIC, SOCIAL AND CULTURAL RIGHT

More than five hundred families of 11 VDCs of the North-eastern part of the district suffered from food insecurity during January and June due to the draught. NFC also failed to supply rice to the following VDCs- Rugin, Badhu, Kolti, Jagannath, Pandusen, Sappata, Jukot, Gotri, Kotila and Bichhaya VDCs – during this period. NFC resumed supply of rice at Kolti region from mid-July, following pressure from district-based rights defenders and civil society.



5.5
Bajhang



Population : 193,103

Literacy(%) : 41

Women Literacy(%) : 22

Area(Sq. Km.) : 3,422

Number of VDC(s)/Municipality(ies) : 47/0

Number of School(s) : 372/9

Campus(es)/Higher Secondary School(s) : 1/24

Hospital(s)/Health Post(s) : 1/46

Human Development Index : 0.343

Average Household Size : 7

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By Abandoned Bomb

Rajan Bohara, 8, of Kafalseri VDC-2 died after an abandoned socket bomb went off on June 2. Second grader at the Mahadev Secondary School, Athpali, Rajan had tampered with the explosive device which he found wrapped in a plastic bag inside the old school building. Mohan Bohara, 10, and Radha Bohara, 8, of ward no. 4 were seriously injured in the explosion. Bal Bahadur Rana, Head Constable of Bugal Police Post said that the bomb might have been kept by Maoists during the conflict period. The injured were treated at Dadeldhura Team

Type of Events	By Non-State							
	By Others					By UCPN-M		
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Total
Killing	3	3			3			
Injured	1	1	1		2			
Beatings						1	1	1
Threats	2	1		135	136			
Racial Discrimination	7	5	1	35	41			
Women Rights	1		1		1			
Child Rights	1		1		1			
Total	15	10	4	170	184	1	1	1

Hospital after primary treatment at Bijgada Health Post.

By Unidentified Group

Dipak Dhami, 28, of Dewal, Rithapatha VDC-8 was killed by an unidentified group at Chainpur VDC-1 on September 22. The group killed Dhami at the suspension bridge above Bahuli River and threw his body in the River. Father of the victim Managiri Dhami lodged a complaint at the DPO on September 23. Post-mortem of his body was conducted at District Hospital Simkhet on September 24. DPO informed that search for the culprit was on.

JAIL AND DETAINEES

The "E" grade District Jail has nine male and three female convicts and eight male detainees by the end of the year. There are a total of 20 detained and convicted inmates in the Bajhang Jail. The jail has the capacity to accommodate 25 inmates. Inmates in the jail are provided with facilities of drinking water, toilet, electricity, newspapers, and sports material. The dilapidated jail needs renovation.

THREATS/BEATINGS

By UCPN-M

UML cadre Tribhuwan Khadka was beaten by a group of 20 persons led by UCPN-M cadre Dipak Rokaya at district headquarters Chainpur on December 5 for having different ideology. Khadak, 28, of Chhanna, Paatadewal VDC-5 lodged a complaint at the DPO the same day. No action was taken against the accused.

RIGHT TO PROMPT AND FAIR TRIAL

23 criminal cases, where the individual is plaintiff, were brought forward from the last year at the District Court. Of which, 12 cases were decided this year and 11 cases remained undecided. Similarly, 18 criminal cases, where the individual is plaintiff, were brought forward from the last year. Of which, one case was decided this year and 17 cases remained undecided. Among the total 41 criminal cases, where the individual is plaintiff, 28 cases remained undecided by the end of the year.

Nine criminal cases were brought forward from the previous year at the District Court. Four criminal cases were filed this year. None were decided this year. Among the total 13 criminal cases,

all remained undecided by the end of the year.

47 civil cases were brought forward from the last year at the District Court. Out of which, 14 cases were decided this year and 33 remained undecided. 17 civil cases were filed this year. None of them were decided this year. Among the total 64 cases, 50 cases remained undecided by the end of the year.

Among the total 118 cases including criminal cases, where the individual is plaintiff, criminal cases and civil cases, 91 cases remained undecided by the end of this year.

CHILD RIGHTS

A 14-year-old girl of Bhaarahid, Syadi VDC-8 was gang-raped by Birjeet Bohara and 42, Nar Bahadur Bohara, 40, of same place on November 2 while she was sleeping at her house. The girl's relatives held him and handed him over to the DPO, Bajhang the same day. The accused have been remanded to custody with rape charge. The girl was treated at District Hospital Simkhet.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Bimala Hamal, 26, of Bhopur, Chainpur VDC-8 was beaten and expelled from home by her husband Narayan Hamal, 30, father-in-law Krishna Hamal, 45, and mother-in-law on February 7 on charge of having illicit relationship with another man. No action was taken against them though she filed a complaint at the DAO the next day. Bimala is staying at a cow-shed near her husband's house after the incident.

ALL KINDS OF RACIAL DISCRIMINATION

Hari Aagri, 31, of Naura, Subeda VDC-6 was beaten by Ram Bahadur Singh, 37, of ward no. 4 on charge of touching

his water container. Aagri did not file any complaints out of fear.

Pradeshi BK, 24, of Kadelagaun, Pauwagadhi VDC-9 was severely beaten by Prem Bahadur Air, Min Bahadur Air, Warka Air and Ban Bahadur Air of Khairada of same VDC on December 8 on charge of not washing the class after drinking tea. Seriously injured Pradeshi regained consciousness after two days. The victim filed a complaint at the DPO on December 14. A compromise was reached between the two sides after the accused agreed to bear the treatment cost of Pradeshi. He was undergoing treatment at Simara Hospital, Lukhnow in India till the end of the year.



5.6 Kanchanpur



Population : 510,063

Literacy(%) : 81

Women Literacy(%) : 50

Area(Sq. Km.) : 1,610

Number of VDC(s)/Municipality(ies) : 19/1

Number of School(s) : 327/51

Campus(es)/Higher Secondary School(s) : 8/39

Hospital(s)/Health Post(s) : 3/21

Human Development Index : 0.463

Average Household Size : 8



CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
KILLING/FIRING

By UCPN-M

Bishal Jain, Manager of Prashansha Kaththa Fatory at Lalpur, Suda, VDC-5, was shot dead at the Kanchanpur-Dadeldhura border Puranpani, by UCPN-M cadres on May 16. A UCPN-M cadre abducted the Indian national, Jain from Lalpur, prior to shooting him dead. His body was found on May 20. Police arrested District Members of UCPN-M, Tekraj Joshi of Daiji VDC-1, Dhan Bahadur Chaudhary, 27, of Lxmipur VDC-9 and former UCPN-M cadre Ganesh Dhami, 24. All three were tried for murder and abduction. The accused were remanded in custody following the District Court's order on July 7. UCPN-M expelled the accused district members from the party issuing a press statement to that effect. In a press meet on June 14, Ganesh Dhami said that they had abducted Jain for ransom, but had killed him after suspecting that the police had surrounded them.

By Unidentified Group

NC Regional Vice-Chairperson, Bishnu Prasad Mishra, was beaten and killed by an unidentified group on October 19. Mishra, 42, of Bhimdatta Municipality-8 sustained injuries to his head, and blue marks were found on his body. The DPO arrested Ram Bahadur Singh and Harka Bahadur Singh of Tilachaur the next day in connection with the murder. A District Court order remanded them in custody on November 15. NC issued a press release on October 20 demanding an investigation into the incident. Among the accused, Ram Bahadur Singh was released from jail on November 17 after paying 100,000 rupees.

UCPN-M District Committee Member Ram Swarup Rana, 30, of Dandajai in Dekhatbhuli VDC-2, was

abducted by an unidentified group while heading to Belauri from his home on November 22. His body was found near Dauda River in Shankarpur VDC on December 6. Police said that he was attacked with a sharp weapon, and sustained injuries to his head, neck and back.

INJURED IN SHOOTING/EXPLOSION

By State

Gopal Datta Joshi, 17, Hari Prasad Joshi, 20, Bhandev Bhatta, 16, and Krishna Mahara, 17, of Jhalari VDC-2, were injured after police opened fire at them on September 18, suspecting them to be dacoits. The injured were treated at Nepalgunj Medical College, Kohalpur, after being referred there by Mahakali Zonal Hospital. They accused police of opening fire at them as they were patrolling their village, while the police maintain that they had retaliated after the youths opened fire at them.

JAIL AND DETAINEES

The "C" grade District Jail has 65 male and nine female convicts, and 52 male and one female detainee, by the end of the year. There are a total of 127 convicted and detained inmates, including five foreigners, in the Kanchanpur Jail at the end of the year. However, the jail has the capacity to accommodate only 75 inmates. Inmates in the jail are provided with newspapers, a radio, a TV set and sports equipment.

THREATS/BEATINGS

By State

Dipak Bam, 30, of Hurdaiya, Dodhara VDC-6 was severely beaten by those in charge of Dodhara Police Post, ASI Madanraj Upadhyaya, and Constable Surendra Okheda, on September 19, on charge of not putting on his helmet. Bam sustained injuries to his hand, shoulder

Type of Events	By Non-State							By State		
	By Others				By UCPN-M			No. of Events	Male	Total
	No. of Events	Male	Female	Total	No. of Events	Male	Total			
Killing	7	4	3	7	1	1	1			
Injured								1	4	4
Beatings	5	11		11	4	6	6	7	8	8
Threats					1	1	1			
Women Rights	5		5	5						
Child Rights	2		2	2						
Abduction	1	1		1						
Total	20	16	10	26	6	8	8	8	12	12

and hip, and he had a bite mark on his shoulder. He was beaten while heading towards the funeral procession of one of the locals at ward no. 7. The locals surrounded the Police Post for four hours on September 20 demanding the Immediate transfer of ASI Upadhaya from the police post. The man in charge of Dodhara-Chandani APO, Inspector Mahendra Kalouni, said that departmental action was recommended against Updadhya and Okheda. No information of any such action taken against the duo has been made public.

BY UCPN-M

Lalit Singh, 25, Tara Buda, 27, and Dipak Buda, 28, of Dodhara VDC-8, were beaten and injured by UCPN-M cadres Dambar Shahi, Top Bahadur Basnet, Rana Bahadur Shahi, Lakshman Rawat, Rinku Sunar, Pintu Sunar and Jeetu Khatri of same place on April 13, on the charge of having a dispute with them. The injured were treated at the local health post. Police arrested the UCPN-M cadres after locals shut the Babathan bazaar and surrounded the police post, in protest against the incident. The two sides reached a compromise at the APO Dodhara, the next day.

Raju Giri, 29, and his wife Samjhana Giri, 25, of Dodhara VDC-8 were beaten

and injured by UCPN-M cadres Top Bahadur Basnet, Dambar Shahi and Rana Bahadur Shahi of same place on April 11, on charge of supporting the NC during the CA election. Injured Raju returned home on April 21 after undergoing treatment at Bareli, India.

RIGHT TO PROMPT AND FAIR TRIAL Appellate Court

10 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. Out of these, five cases were decided this year. 10 cases, where the individual is plaintiff, were filed this year in the district court, out of which one case was decided this year while nine remained undecided. A total of 14 criminal cases, where the individual is plaintiff, remained undecided by the end of the year.

26 criminal cases were brought forward from last year in the District Court. 15 of these cases were decided this year and 11 remained undecided. Similarly, 47 cases were filed this year. Five of these cases were decided upon, while 42 remained undecided. A total of 53 criminal cases remained undecided by the end of the year.

14 civil cases were brought forward from the last year in the District

Court. Seven of these cases were decided this year. Similarly, 41 civil cases were filed this year in the District Court. Four cases were decided this year and 37 remained undecided. A total of 44 civil cases remained undecided by the end of the year.

Among the total cases, including criminal cases, where the individual is plaintiff, criminal cases and civil cases, 111 cases remained undecided by the end of this year.

The DPO did not accept a complaint made by Heera Bhandari, of Chamfapur, Daiji VDC-8 on December 10, regarding the murder of her husband by the then Royal Nepali Army during the conflict period. Heera and others had gone to the DPO to file a complaint seeking justice for the murder of Ranganath Bhandari, Dirgha Raj Bhandari, Tek Bahadur Rawal, Sidhha Raj Pandey and Harke Sarki at Chamfapur, by the army, on January 1, 2002. Representatives of INSEC and Advocacy Forum were present at the DPO to monitor the registration process.

District Court

168 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. Out of these, 20 cases were decided this year, while 148 remained undecided. 151 cases, where the individual is plaintiff, were filed this year in the district court, out of which, 30 cases were decided this year and 121 cases remained undecided by the end of the year. A total of 269 criminal cases, where the individual is plaintiff, remained undecided by the end of the year.

20 criminal cases were brought forward from last year in the District Court, out of which, 10 were decided this year. Similarly, 75 cases were filed this year out of which, 20 cases were decided and 55 remained undecided by the end of the year. In total, 65 criminal cases remained undecided by the end of the year.

23 civil cases were brought forward from last year in the District Court out of which, 10 cases were decided this year and 13 cases remained undecided. Similarly, 41 civil cases were filed this year in the District Court, out of which, 21 cases were decided this year and 20 remained undecided. A total of 33 civil cases remained undecided by the end of the year.

Among the total cases, including criminal cases, where the individual is plaintiff, criminal cases and civil cases, 367 cases remained undecided by the end of this year.

CHILD RIGHTS

A 13-year-old girl from Panjab, India was raped by Tikaram Sunar, 21, of Parasan VDC-9 on the night of June 24, while she was visiting her maternal uncle's home. The APO, Tribhuvan Basti arrested Tikaram after the girl's family filed a complaint against him on June 28. The District Court ordered that the perpetrator be remanded in custody on July 10.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

A 19-year-old girl of Bhimdatta Municipality-7, was gang-raped by Mohan Singh Dhami, Lok Bahadur Shahi, Dilip Damai, Manoj Chand, Karan Chand and Prakash Thagunna on March 29. The group raped her after taking her to a stream near her house. The victim hanged herself to death the next day. The accused were arrested on April 23 after family of the girl filed a complaint at the DPO. On May 5, the District Court ordered that Mohan Singh Dhami, Lok Bahadur Shahi and Dilip Damai be remanded in custody, and that Madan Chand and Karan Chand be released on bail of 100,000 rupees each. The Court also gave an order to arrest Prakash Thagunna who had absconded after the incident.

Domestic Violence

Bhagirathi Sunar, 18, of Gobaraiya, Bhimdatta Municipality-18 was set on fire by her husband Karan Sunar, on the night of December 23. Karan, while in an inebriated condition, set her on fire after pouring diesel over her. Seriously injured Bhagirathi was treated at Mahakali Zonal Hospital, and was later taken to Nepalgunj Medical College, Kohalpur. Neighbors rescued her and took her to hospital after seeing smoke coming from her room. The DPO arrested Karan following a complaint from her relatives. Bhagirathi said that the incident was made public much later, as Karan had pressurized her not to reveal the truth. Bhagirathi had given birth to a girl 15 days before the incident.



5.7 Dadeldhura



Population : 146,318

Literacy(%) : 60

Women Literacy(%) : 35

Area(Sq. Km.) : 1,538

Number of VDC(s)/Municipality(ies) : 20/1

Number of School(s) : 232/11

Campus(es)/Higher Secondary School(s) : 1/17

Hospital(s)/Health Post(s) : 2/25

Human Development Index : 0.434

Average Household Size : 7

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By Abandoned Bomb

Mohan Singh Bohara, 54, of Lamigada, Jogbuda VDC-4, died on the spot, on the night of August 11, after abandoned explosive devices, kept in his house, went off. Mohan's wife Sharma Devi Bohara, 45, his sons Govinda Bohara, 16, Madhav Bohara, 13, and Suresh Bohara, 11 were also injured when the gelatin and explosive powder, kept in a container by UCPN-M since the conflict period, combusted. A team from the APO, Jogbuda, recovered a defused socket bomb and explosives from the site. The deceased was cremated on August 12. All four injured were treated at the Sub-health Post at Sadani. A Son, a daughter and a daughter-in-law of the deceased also lost their lives in different incidents during the conflict period, while working as UCPN-M cadres.

JAIL AND DETAINEES

The "D" grade District Jail has 23 male and four female convicts and four male detainees by the end of the year. The jail has the capacity to accommodate 25 inmates. One dependent child is also staying in the jail. Inmates in the jail are provided with a color television set, a radio set, newspapers and carom-boards. Inmates complained that they find it difficult to live in the jail as the rooms are too small to adequately accommodate them all. There are only two toilets in the jail; one for men and the other for women. The inmates have demanded skill trainings inside the jail.

THREATS/BEATINGS

By State

Nain Singh Bista, 33, of Bagalsen, Manilek VDC-9, was beaten by a group of

Type of Events	By Non-State							By State		
	By Others				By UCPN-M					
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Total
Killing	3	3	1	4						
Injured	2	4	1	5						
Arrest & Torture								1	1	1
Beatings	2	4		4				1	1	1
Racial Discrimination	1	1		1						
Women Rights	6		6	6						
Child Rights	1		1	1	1	10	10			
Total	15	12	9	21	1	10	10	2	2	2

around six policemen led by ASI Padam Rana of Pokhara Police Post, at Amargadhi Municipality-7 on July 9. The policemen took Bista to the police post from Pokhara bazaar, on charge of arguing with the police about the parking of his vehicle. He was released the next day. Bista sustained injuries to his face as a result of the beating by the policemen. He was treated at Dadeldhura District Hospital. He lodged a complaint at the DPO Dadeldhura on July 10. In a meeting called by the DPO, ASI Rana agreed to provide Bista with five thousand rupees for the cost of his treatment.

RIGHT TO PROMPT AND FAIR TRIAL District Court

All nine criminal cases, where the individual is plaintiff, brought forward from last year in the District Court, were decided this year. 14 separate criminal cases, where the individual is plaintiff, were filed this year. Out of these, six cases were decided this year, while eight cases remained undecided. Among the total 23 criminal cases, where the individual is plaintiff, eight cases remained undecided by the end of this year.

Eight criminal cases were brought forward from last year in the District Court.

Seven of these cases were decided this year and one remained undecided. Similarly, 20 criminal cases were filed this year, out of which, 12 cases were decided this year and eight cases remained undecided. Among the total 28 criminal cases, nine cases remained undecided by the end of this year.

Three civil cases were brought forward from last year in the District Court. Two of these cases were decided this year and one remained undecided. Similarly, nine civil cases were filed this year, out of which, three cases were decided this year and six cases remained undecided by the end of this year. Among the total 12 civil cases, seven cases remained undecided by the end of this year.

Among the total 63 cases including criminal cases, where the individual is plaintiff, criminal cases and civil cases, 24 cases remained undecided by the end of this year.

CHILD RIGHTS

Heera Mahara, 40, of Sidhreshwar VDC-8, attempted to rape a 12-year-old girl of Bhalmare, Amargadhi, Municipality-6, while she was collecting wood in a nearby jungle on September 27. Mahara stabbed the girl with a knife after she screamed for

help. The family of the girl filed a case of attempted rape against Mahara, at the DPO the following day. The DPO registered a case against Mahara at the District Court on September 29. The accused Mahara absconded after the incident and had yet to be arrested at the end of this year.

More than 10 children below 18 were used by UCPN-M in a mass assembly called by the party at district headquarters on November 8. The children, who had wrapped bands with party signs around their foreheads, were kept at the front of the assembly. Secretariat Members of UCPN-M, Leela Mani Pokharel, Netra Bikram Chand, and Politburo Member Dharmendra Bastola, addressed the program.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

A 35-year-old woman of Belapur VDC-6 was attempted rape by Bhagi Singh Karki, 50, of same place near her home on February 4. The woman filed a complaint against Karki at the DPO Dadeldhura on February 8. Police arrested Karki two days later and filed a case against him under Public Offense Act. He was released on bail of 10 thousand rupees on February 26 following order from CDO Parshu Ram Aryal.

Domestic Violence

Bhanu Dev Bhatta, 32, of Bagunna, Rupal VDC-9, married Maya Bhatta, 25, of same place on August 23 despite having Tulasi Devi Bhatta, 30, as his first wife. Tulasi Devi filed a complaint at the DPO Dadeldhura on October 14, seeking a livelihood guarantee from Bhanu Dev. She filed a complaint at the District Court Dadeldhura on October 31 with support

from police after Bhanu refused to give her a share of his property. Bhanu and his second wife Maya were arrested the next day following an order from the Court. Both were released on November 6 on bail of 20 thousand rupees each.

Kanti Devi Bhandari, 34, of Bheulana, Asigram VDC-4 was beaten and then made to disappear by her husband Koshraj Bhandari, 37, on October 7, following domestic dispute. Her body was recovered on October 27 from a crematory two kilometers from her home. A police team from the DPO Dadeldhura recorded descriptions, and told her family to cremate the body without a post-mortem, saying that her decayed body was not fit for a post-mortem. Bhuwan Prasad Paneru, a brother of Kanti, filed a complaint at the DPO against Koshraj, Tekraj Bhandari, and Hemraj Bhandari on October 28, accusing them of killing her. Police arrested the trio on the same day and presented them before the District Court on November 6. They were released by District Court on November on general date.

ALL KINDS OF RACIAL DISCRIMINATION

Mahabir Sarki, Peon at Mahendra Higher Secondary School, was forced by hotel owner Digambar Mishra, of Amargadi Municipality-5, to wash the glass from which he had drunk his tea, on April 2. Sarki, 55, of the same place filed a complaint of caste discrimination at the DAO Dadeldhura the next day. Mishra, who was arrested by the police, was released on bail of 12 thousand rupees on April 6 following an order from District Court. A single division bench of Justice, Ram Krishna Bhatta, gave the decision on November 15, stating that the incident was not a case of caste discrimination.



5.8 Baitadi



Population : 265,113

Literacy(%) : 58

Women Literacy(%) : 37

Area(Sq. Km.) : 1,519

Number of VDC(s)/Municipality(ies) : 62/1

Number of School(s) : 434/11

Campus(es)/Higher Secondary School(s) : 2/27

Hospital(s)/Health Post(s) : 1/70

Human Development Index : 0.391

Average Household Size : 7

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By Abandoned Bomb

Bhimlal Pandey, 4, of Chillepani, Basuling VDC-5, died on the spot after an abandoned mortar shell exploded on May 8. Bhimlal and Hemraj Pandey, 5, of same place, had tampered with the device after bringing it home from a nearby field. Hemraj and Kalasa Pandey, 61, were also injured in the explosion. The injured were initially treated at the District Hospital in Baitadi and received further treatment at Nepalgunj Medical College, Kohalpur with INSEC's support.

By Unidentified Group

Pashupati Pela, 40, of

Dashrathchand Municipality-6, and her nephew Shanti Kumari Pela, 14, were beaten and killed by an unidentified group, at a river near Kaalashali temple at ward no. 11 of the same municipality on January 3. They were killed while returning from Pashupati's maternal home at ward no. 11. The bodies of the deceased were found by their relatives on the same day. The deceased were cremated on January 4 after a post-mortem was carried out at the District Hospital in Baitadi.

JAIL AND DETAINEES

The "D" grade District Jail has 50 inmates, including a child, at the end of the year. There are 25 male and one female convicts and 22 male and one female detainees in Baitadi Jail. The jail however, has the capacity to accommodate only 25 inmates. The jail administration stated that the inmates had problems for sleeping. Drinking water and toilet facilities were inadequate due to excessive number of inmates kept in the jail. They also claimed that the inmates received regular health check-ups.

THREATS/BEATINGS

By UCPN-M

Krishna Bahadur Chand, Manager of the Agriculture Development Bank Branch Office Baitadi, was beaten by UCPN-M cadres on December 20, on charge of opening the bank during the general strike called by them. Chand, 55, of Jiutali, Dashrath Chand Municipality-3 was beaten inside the office premises at Shahilake, ward no. 1.

Mahadev Bhatt, Secretariat Member of the CPN-UML District Committee Baitadi, was beaten by around 20 UCPN-M cadres on December 23 at Dehimandu bazaar, on charge of being involved in anti-Maoists activities. Bhatt, 45, of Gurukhola VDC-2 was treated at District Hospital

Type of Events	By Non-State								By State			
	By Others				By UCPN-M							
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total	No. of Events	Male	N/A	Total
Killing	5	4	2	6								
Injured	1	1	1	2					1	1	7	8
Arrest & Torture									4	7		7
Beatings	2	1	1	2	9	11	2	13	2	2		2
Threats	2	2		2	2	2		2				
Racial Discrimination	5	7	1	8								
Women Rights	1		1	1								
Child Rights	1		1	1								
Economic, Social and Cultural Rights	1	1		1	1	1		1				
Inhuman Behaviour					1	1		1				
Abduction	1	1		1								
Total	19	17	7	24	13	15	2	17	7	10	7	17

Baitadi. The victim filed a complaint at the DPO Baitadi with a murder charge against UCPN-M cadres Ishwari Bhatt and others on December 24. DPO Baitadi said that Uddhav Bohara, of Dehimandu VDC-4, was arrested in connection with the incident, while the accused Ishwari Bhatt and others had absconded.

By YCL

Mahamati BK, 16, of Kotila VDC-1, was beaten and handed over to Purghat Police Post by YCL cadres on November 24, on charge of having an illicit relationship with Sundar Bahadur Dhanuk of Bhatana VDC-3. Police in turn handed Mahamati to her family. She died on December 15. The DPO said that her relatives cremated her without conducting a post-mortem and no complaints were filed.

ARBITRARY ARREST

Mohan Singh Karki, 28, and Karan Singh Karki, 24, of Deulek VDC-5 were arrested by the police without a warrant on October 1, on charge of torching a

party flag of the UCPN-M at the Area Party Office, Khochallek. The two were released on October 4 from the DPO after an investigation.

RIGHT TO PROMPT AND FAIR TRIAL

21 criminal cases, where the individual is plaintiff, were brought forward to the District Court from the previous year, and 13 criminal cases, where the individual is plaintiff, were registered this year. Among the total 34 criminal cases, where the individual is plaintiff, five cases were decided this year and 29 cases remained undecided by the end of the year.

Five criminal cases were brought forward from the previous year, while nine criminal cases were filed this year. Among the total 14 criminal cases at the district court, two cases were decided this year and 12 cases remained undecided by the end of the year.

13 civil cases were brought forward from the previous year and six cases were filed this year. Among the total 19 civil

cases, one case was decided and 18 cases remained undecided by the end of the year.

A total of 59 cases including, criminal cases, where the individual is plaintiff, criminal cases and civil cases, remained undecided by the end of this year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Tarka Raj Bhatta, 24, of Dashrath Chand Municipality-4, married Janaki Bhatta, 19, of Mahadevsthan VDC-4 on April 24, despite having Yasoda Bhatta as his first wife. The couple fled from the village after their marriage. According to the DPO Baitadi, Yasoda and her four-year-old daughter have been staying at her maternal home in Patan VDC-6.

ALL KINDS OF RACIAL DISCRIMINATION

Rabiram Od, 24, of Bagghot, Gokuleshwor VDC-2, was beaten by Dan Singh Kadayat of the same place on December 3, for not washing the glass from which he had drank his tea at Kadayat's shop. Eyewitnesses said that Kadayat beat Od after he objected to the trend of Dalits washing glasses from which they drank tea. Od registered a complaint at the DPO on December 6. The two sides reached a compromise at the DPO on December 9.

ECONOMIC, SOCIAL AND CULTURAL RIGHT

There are around 25 *Deukis*, who are offerings to Gods and Goddess, in the different temples, across the district. Most of them, who are more than 45-years-old, are involved in the task of cleaning the temples. According to these *Deukis*, children born from them have yet to get a proper education and access to health facilities.

Property Capture

By UCPN-M

10 ropanis of land belonging to former Prime Minister Lokendra Bahadur Chand, at Gokuleshwor VDC-3, was captured by UCPN-M affiliated ANFA-R on December 22. The ANFA (R) cadres let the Agriculture and Science School use the land.

5.9 Darchula



Population : 140,932

Literacy(%) : 57

Women Literacy(%) : 38

Area(Sq. Km.) : 2,322

Number of VDC(s)/Municipality(ies) : 41/0

Number of School(s) : 304/4

Campus(es)/Higher Secondary School(s) : 1/17

Hospital(s)/Health Post(s) : 1/41

Human Development Index : 0.411

Average Household Size : 7

CIVIL AND POLITICAL RIGHTS JAIL AND DETAINEES

The "D" grade District Jail has three female and 11 male convicts and nine male detainees at the end of the year. In total there are 23 inmates in Darchula Jail which has the capacity to accommodate

40 inmates. Inmates in the jail are provided with facilities of water, toilet, electricity, newspapers and sports equipment.

Mahesh Bam, 24, of Brahmadev VDC-7 was found dead in the custody of Brahmadev Police Post on January 30. His relatives had handed him over to the police post the previous day for making disturbances while under the influence of alcohol. Family and locals did not allow the police to take the body away from the post. They accused them of killing Mahesh after torturing him. Min Bahadur Bam, the office in-charge of the police post said that Mahesh had died after sustaining injuries when he fell on the floor while trying to flee from custody. Min Bahadur also said that the intake of excessive alcohol was a further reason for his death. The body of Mahesh was cremated on February 1 after a postmortem was carried out at the District Hospital in Khalanga due to the dispute. Rana Bahadur, father of Mahesh said that he had not filed a complaint, as an understanding was reached with DSP Dilliraj Bista and others for compensation.

DISAPPEARANCE/ABDUCTION

By UCPN-M

Amar Singh Mahar, alias Rabin, 34, of Latinath VDC-2 Majera, was abducted by UCPN-M cadres, led by Ganesh Khattri alias Pabel, of the same VDC, from Latinath bazaar on September 24, on charge of killing two UCPN-M combatants. UCPN-M cadres held Mahar for 10 days from September 26 at a Maoists cantonment camp in Talban, Kailali, and later handed him over to the police after filing a complaint against him at the DPO Kailali on October 7. Mahar, who was accused of killing Maoists PLA Battalion Commander, Munilal Sejuwal alias Sangarsh of Ramnakot VDC-5, Kalikot, and Section Commander Birendra Rokaya

alias Parbat of Bajura, Jahanna VDC-8 at Kalon, Chhapari VDC-8 on June 13, admitted to being involved in the murder. DPO Kailali sent Mahar to DPO Darchula on October 14 for further investigation. Inspector Hemraj Bhatt stated that Mahar was remanded in custody in the District Jail on November 9.

By YCL

Darchula in-charge of *Janasamrakshan Party* Umesh Khattri alias Prahar and District Secretary Bahadur Singh Thagunna alias Bisfot were beaten and abducted by YCL cadres led by UCPN-M District Committee Member Kamala Panta alias Anuja from Kotpetara VDC, Ganna of Baitadi district on February 11 on charge of misleading about UCPN-M and troubling the villagers. Khattri, 32, of Tapowan VDC-5 and Thagunna, 36, of ward no. 2 of same VDC had separated from the UCPN-M and formed the *Janasamrakshan Party*. Khattri received six stitches in head while Thagunna sustained injuries in his face. The UCPN-M cadres treated the injured at an undisclosed place in the district headquarters on February 14. The victims, who were made public at the UCPN-M Party Office on February 18 through a press meet, said that they would settle 'their past misunderstandings with the UCPN-M through talks'.

THREATS/BEATINGS

By UCPN-M

Former VDC Vice-secretary and Area Secretary of UML Prem Singh Dhami, of Dhuligada VDC-9, was beaten by UCPN-M cadres led by Krishna Singh Thagunna of same place at Gogune on November 27 on charge of participating in the Area Meeting of UML at Khar VDC, Darchula. Dhami filed a complaint at the DPO on November 28. Inspector Hemraj Bhatt informed that an understanding

Type of Events	By Non-State							By State		
	By Others				By UCPN-M					
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Total
Death in Detention								1	1	1
Beatings	4	3	1	4	1	1	1			
Threats					1	1	1			
Racial Discrimination	2	2		2						
Abduction	1	2		2	1	1	1			
Total	7	7	1	8	3	3	3	1	1	1

was reached between the two sides on December 1 following initiation from the police. UCPN-M District Secretary Jaman Singh Dhimi expressed ignorance about the settlement.

By YCL

Radha Bhatta, 28, of Pilchouri VDC-3, Bin, was beaten by YCL cadre Dipakraj Joshi, 24, of same place, at Koiral Khola on June 21. Joshi beat her accusing her of scolding him. Severely injured Bhatta's right foot due was broken as a result of the beating. Bhatta, a teacher of Bhawani Primary School Bhaganadi, was taken for treatment to Haldwani, India on June 21, as treatment was not possible at the District Hospital in Darchula. She received further treatment at Kathmandu. The victim's husband Hari Datta Bhatta said that Joshi, a former Maoists combatant, tried to kill her due to a personal dispute. Police said that the accused Joshi was arrested from Sunsera VDC on June 23 while he was fleeing. He was remanded in the custody of the District Jail on July 19 on charges of murder.

By Youth Force

UCPN-M cadre Dharmananda Joshi alias Michael, 20, of Boharigaun VDC-5, was beaten by a group led by the Youth Force District Chairman, Bhagat

Singh Aitwal, 36, of Khalanga VDC-4 at Khalanga on March 10. Joshi was treated at the District Hospital in Khalanga. UCPN-M filed a complaint against Aitwal, Charan Singh Budathoki, Sahadev Bohara, Dhan Bahadur Kunwar and Ganesh Datt Joshi at the DPO on March 15. Similarly, a group led by YCL cadre Jiwan Bhatt, 36, of Khalanga VDC-4, beat UML cadre Subendra Singh Kunwar, 22, of Sunsera VDC-5 on March 12, on charge of assisting the Youth Force. The injured Kunwar was treated at the District Hospital Khalanga. The UML filed a complaint against Dhan Singh Khati and Dev Singh Badal at the DPO on March 15. UML and UCPN-M withdrew their cases against each other after reaching an agreement at a meeting held at the DAO on April 2.

By Janasamrakshan Party

Youth Force District Member Madan Singh Dhimi, 22, of Dhuligada VDC-7, was beaten by a group led by Amar Singh Mahar, alias Rabin, of the Janasamrakshan Party, at Kheda of Dhuligada VDC on January 3, on charge of interfering in the party's work. He was treated at the Primary Health Centre, Gokuleshwar.

RIGHT TO PROMPT AND FAIR TRIAL

12 criminal cases, where the individual is plaintiff, were brought

forward from last year in the District Court. All these cases were decided this year. Similarly, 29 criminal cases, where the individual is plaintiff, were filed this year. 16 of these cases were decided this year, while 13 remained undecided. Among the total 41 criminal cases, where the individual is plaintiff, 13 cases remained undecided by the end of this year.

All eight criminal cases, which were brought forward from last year in the District Court, were decided. Similarly, 10 criminal cases were filed this year, out of which, six cases were decided and four cases remained undecided. Among the total 18 criminal cases, four cases remained undecided by the end of this year.

All 11 civil cases, which were brought forward from last year in the District Court, were decided this year. Similarly, 13 civil cases were filed this year, out of which, nine were decided and four remained undecided. Among the total 24 civil cases, four cases were undecided by the end of this year.

Among the total 83 cases, including criminal cases, where the individual is plaintiff, criminal cases and civil cases, 21 cases remained undecided by the end of this year.

CHILD RIGHTS

1800 students from schools around the district headquarters Khalanga, including Mahendra Higher Secondary School, Khalanga Primary School, Darchula Public Boarding School, Mount Api Boarding School, Green Valley Boarding School, Dashrath Nagar Primary School, Kailashpati Pre-primary School, Pashupati Sikhshya Mandia and Chhanna Tinkari Kanya Secondary School,

were affected after UCPN-M cadres led by District member in-charge, Lalit Singh Thagunna, shut the schools on June 15. UCPN-M cadres had shut the schools as part of their protest against President Dr. Ram Baran Yadav's move against the government's decision to sack the Army Chief Rookmangud Katawal.

48,389 students from 323 government and private schools were affected during the three-day nationwide general strike called by UCPN-M from December 20 to 22 demanding what they call civilian supremacy.

ALL KINDS OF RACIAL DISCRIMINATION

The family of Nar Singh Tamata, 55, of Tapowan VDC-9 Bajkot, were displaced from their home on September 19 after his son Puran Tamata, 22, married Radhika Singh, 19, of ward no. 3 of same VDC on September 14. Relatives of Radhika Lal Bahadur Singh and Khadak Bahadur Singh also looted goods from Tamata's house. Nar Singh has taken shelter at his relative's home in Sitola VDC-1 while Puran and Radhika stay at Khalnga. Nar Singh said that Radhika's family had threatened to separate the couple and to kill any member of his family if they met with them. Prem Bahadur Singh, 30, and Gajendra Bahadur Singh, 31, of same place, set the house of Nar Singh on fire on November 16, for marrying a member of their family. The house adjacent to Nar Singh's house, belonging to Kare Tamata, and the goods inside the house were also destroyed in the fire. The victim demanded compensation at the DPO on December 23, saying that the property, which was worth more than 2 million, had to be gutted after the incident.



**Facts on
Human Rights
Violations and
Abuses in 2009**

Annex

1

Annex 2.1 Number of Incidents and Victims

Type of Events	By Non-State										By State					
	By Others					UCPN-M										
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Female	N/A	Total	
Killing																
Beaten to Death	73	45	30		75						1	1			1	
Beheaded	3	3			3											
By Bomb Blast	7	16	6		22						2	1	1		2	
By Giving Poison	9	4	6		10											
By Hanging	2	1	1		2											
By Own Bomb Blast	3	5			5											
By Using Sharp Weapons	88	75	29		104											
Crushing with Stone	4	4			4											
Hacked to Death	5	1	4		5											
Killed After Rape	7		10		10											
Killed by Firing	69	67	9		76	1	1			1	20	34			34	
Killed in Clash	1	1			1											
Killed in Cross-fire	2	1	2		3						4	4			4	
Nature of Killing Unexposed	37	22	15		37											
Pushing Down from the Landscape/Hill	2	2			2											
Setting Fire	4	2	3		5											
Slitting Throat to Death	11	11	2		13											
Squeezed to Death	12	3	9		12											
Striking Hammer	3	2	1		3											
Striking Khukuri	21	17	5		22											
Striking Lathi	17	12	5		17											
Total	380	294	137		431	1	1			1	27	40	1		41	
Injured																
Injured by Blank Firing	7	8	2		10						1		1		1	
Injured by Bomb Blast	50	114	57		171						1		1		1	
Injured by Firing	42	46	6		52						13	54	5		59	
Injured by Own Bomb Blast	4	6			6											
Injured by Using Sharp Weapons	50	56	11		67						1	1			1	
Injured by Setting fire	1	2			2											
Injured in Clash	23	162	8	10	180	3	16			16	22	111	16	7	134	
Injured in Cross firing	1	1			1											
Total	178	395	84	10	489	3	16			16	38	166	23	7	196	
Death in Detention											1	1			1	
Arrest & Torture											89	204	4	7	215	
Beatings																
Beatings	384	638	108	44	790	124	258	29	5	292	105	214	26	3	243	
Broken Hand	2	2			2											
Total	386	640	108	44	792	124	258	29	5	292	105	214	26	3	243	
Threats																
Life Threat	42	63	14	23	100	14	21	1		22	2	2			2	
Threat	72	81	12	255	348	45	64	5	10	79	10	14	2		16	
Threats for Donation	21	21	1	44	66	2	3			3						
Total	135	165	27	322	514	61	88	6	10	104	12	16	2		18	
Right to Assembly																
Lathi Charge											39	176	66	68	310	
Right to Assembly	6	13	4		17	12	44	2		46	26	133	23	24	180	
Total	6	13	4		17	12	44	2		46	65	309	89	92	490	

Type of Events	By Non-State										By State				
	By Others					UCPN-M									
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Female	N/A	Total
Racial Discrimination															
Deprived from Various Opportunities	13	15	3		18										
Intercaste Marriage	18	18	13		31										
Untouchability	43	55	20	93	168										
Total	74	88	36	93	217										
Women Rights															
Abortion	4		4		4										
Attempt to Traffic	9		20		20										
Domestic Violence	344		349		349										
For Practicing Witchcraft	50		59		59										
Polygamy	78		79		79										
Rape	59		62		62										
Rape Attempt	18		19		19										
Sexual Abuse	25		28		28	1		1		1					
Torture on charge of Being Woman	6		6		6										
Women Trafficking	20		37		37			1		1					
Total	613		663		663	1		1		1					
Child Rights															
Child Marriage	9		9		9										
Child Trafficking	25	7	35		42										
Deprived From Education	22	25	10	1	36	1			340	340	1			205	205
Killing of Newborn Baby	17	3	6	10	19										
Rape	163		167		167										
Sexual Abuse	42	3	41		44										
Use of Children in Political Activities	4	1		146	147	2	10		200	210					
Total	282	39	268	157	464	3	10		540	550	1			205	205
Economic, Social Rights and Cultural Rights															
Denied Wages	3		2	50	52						1	1			1
Expel from the Job	2	2			2										
Others	2	2			2	1	1			1	1	1			1
Religious Freedom	1	1			1										
Right to Own Property	42	43	3	11	57	36	66	4	4	74	3	6	1		7
Trade Union Rights	2	2			2										
Total	52	50	5	61	116	37	67	4	4	75	5	8	1		9
Inhuman Behaviour															
On Charge of Practicing Witchcraft	2	2			2										
Head Shaved	3	2	1		3										
N/A	1	1			1	1	1			1					
Others	12	34	5		39	2	3			3					
Rubbing Soot on the Face	11	11	6		17	1	2			2					
Total	29	50	12		62	4	6			6					
Abduction	200	228	18		246	20	34	1		35					
Death in Jail											2	2			2
Grand Total	2335	1962	1362	687	4011	266	524	43	559	1126	345	960	146	314	1420
Destruction															
Ambulance	2				3	1				1					
Bank	1				1	1				1					
Communication Sector						1				1					
District Education Office						1				1					
Government Offices	2				2	2				2					
Government Vehicles	2				4										
Health Post	1				1										
Political Party Office	7				7	6				7					
Post Office						1				1					
Private Home	11				11	3				3					
Private Offices	1				1										
Private Property	8				37	2				3					
Private Vehicle	64				111	12				50					
School	9				9	2				2					
University	1				1	1				1					
VDC	5				24										
Total	114				212	33				73					

Annex 2.2 Number of Killings by Occupation

Type of Events	By Non-State							By State			
	By Others				By UCPN-M						
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Female	Total
Agriculture	180	133	72	205				8	11	1	12
Armed Police	1	1		1							
Business	23	23	1	24				2	2		2
Civil/Private Service	14	12	3	15	1	1	1	1	1		1
Housewife	10		10	10							
Human Rights Activist	1		1	1							
Indian Civilian	3	2	2	4							
Journalist	1		1	1							
Labour	27	26	2	28				5	6		6
Military	2	2		2							
Police	3	3		3							
Political Worker	16	16	2	18				6	7		7
Priest	1	2		2							
Prisoner	1	1		1							
Refugee	2	2		2							
Student	25	26	11	37				2	5		5
Teacher	4	4	1	5							
Unavailable	67	41	31	72				5	8		8
Total	381	294	137	431	1	1	1	29	40	1	41

Annex 2.3 Number of Victims by Month

Type of Events	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Killing	30	28	38	63	48	50	34	27	47	33	31	44	473
Injured	63	20	121	52	69	96	26	31	36	8	25	154	701
Death in Detention	1												1
Arrest & Torture	31	8	16	43	6	15	30	34	7	20	2	3	215
Beatings	89	103	277	123	115	176	62	59	60	84	72	107	1327
Threats	73	47	200	17	76	91	62	15	17	6	16	16	636
Right to Assembly	5	37	82	96	49	33	93	13	16	12	74	43	553
Racial Discrimination	8	28	90	18	11	12	9	2	7	13	8	11	217
Women Rights	51	54	61	88	72	64	48	62	45	43	54	22	664
Child Rights	390	39	43	17	53	454	24	106	12	36	28	17	1219
Economic, Social and Cultural Rights	9	53	6	8	10	35	7	4	1	13	27	27	200
Inhuman Behaviour	6	4	13	4	8	19	1	4	3		5	1	68
Abduction	36	25	52	18	21	28	10	20	9	20	20	22	281
Death in Jail	1	1											2
Total	793	447	999	547	538	1073	406	377	260	288	362	467	6557

Annex 2.4 Eastern: Number of Incidents and Victims

Type of Events	By Non-State										By State				
	By Others					By UCPN-M									
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Female	N/A	Total
Killing	114	84	39		123						6	8			8
Injured	35	59	4		63						15	49	4		53
Arrest & Torture											23	40	1	7	48
Beatings	93	113	24	9	146	25	40	1		41	29	51			51
Threats	81	89	10	187	286	11	18	1		19	7	12			12
Right to Assembly	1	3	2		5	1	1			1	14	58	30	42	130
Racial Discrimination	17	15	9	39	63										
Women Rights	114		130		130	1		1		1					
Child Rights	83	10	77	126	213	1			340	340	1			205	205
Economic, Social and Cultural Rights	27	19	2	9	30	9	7		3	10	2	1	1		2
Inhuman Behaviour	4	5			5										
Abduction	77	90	3		93	6	10	1		11					
Death in Jail											1	1			1
Total	646	487	300	370	1157	54	76	4	343	423	98	220	36	254	510

Annex 2.5 Mid: Number of Incidents and Victims

Type of Events	By Non-State										By State				
	By Others					By UCPN-M									
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Female	N/A	Total
Killing	166	123	64		187						13	20			20
Injured	83	158	57		215	3	16			16	12	38	7		45
Arrest & Torture											19	29	1		30
Beatings	104	167	24	35	226	25	41	4	5	50	31	61	18	3	82
Threats	13	14	3		17	22	31	1	10	42					
Right to Assembly	4	5			5	9	23	2		25	35	184	36	30	250
Racial Discrimination	15	12	9	19	40										
Women Rights	214		228		228										
Child Rights	86	6	91	24	121	1			200	200					
Economic, Social and Cultural Rights	10	15	1	50	66	8	12			12					
Inhuman Behaviour	6	14	1		15	2	3			3					
Abduction	87	95	8		103	6	7			7					
Death in Jail											1	1			1
Total	788	609	486	128	1223	76	133	7	215	355	111	333	62	33	428

Annex 2.6 Western: Number of Incidents and Victims

Type of Events	By Non-State									By State			
	By Others				By UCPN-M								
	No. of Events	Male	Female	Total	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Female	Total
Killing	40	33	19	52						3	4		4
Injured	32	88	8	96						2	5	1	6
Arrest & Torture										17	64		64
Beatings	85	178	31	209	27	70	13		83	15	58	3	61
Threats	13	32	1	33	8	9	3		12	1	1		1
Right to Assembly					2	20			20	7	18	10	28
Racial Discrimination	7	3	7	10									
Women Rights	65		82	82									
Child Rights	37	1	37	38									
Economic, Social and Cultural Rights	5	6		6	12	40	2	1	43	2	7		7
Inhuman Behaviour	11	26	4	30	1	2			2				
Abduction	12	13	4	17	2	2			2				
Total	307	380	193	573	52	143	18	1	162	47	157	14	171

Annex 2.7 Mid Western: Number of Incidents and Victims

Type of Events	By Non-State									By State				
	By Others					By UCPN-M								
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Female	Total	No. of Events	Male	Female	N/A	Total
Killing	38	35	6		41					5	5	1		6
Injured	19	40	6	10	56					4	20	3		23
Arrest & Torture										20	49	2		51
Beatings	80	152	25		177	28	59	9	68	15	27	5		32
Threats	23	27	13		40	16	26	1	27	3	2	1		3
Right to Assembly	1	5	2		7					8	38	5	20	63
Racial Discrimination	11	22	6		28									
Women Rights	171		174		174									
Child Rights	56	24	43	5	72									
Economic, Social and Cultural Rights	7	8	2	1	11	5	4	2	6					
Inhuman Behaviour	7	4	7		11									
Abduction	17	19	3		22	4	12		12					
Total	430	336	287	16	639	53	101	12	113	55	141	17	20	178

Annex 2.8 Far Western: Number of Incidents and Victims

Type of Events	By Non-State									By State				
	By Others					By UCPN-M								
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Female	Total	No. of Events	Male	Female	N/A	Total
Killing	20	19	9		28	1	1		1	1	3			3
Injured	9	50	9		59					4	54	8	7	69
Death in Detention										1	1			1
Arrest & Torture										10	22			22
Beatings	25	30	4		34	20	48	2	50	16	17			17
Threats	4	3		135	138	4	4		4	1	1	1		2
Right to Assembly										3	11	8		19
Racial Discrimination	24	36	5	35	76									
Women Rights	48		49		49									
Child Rights	20		18	2	20	1	10		10					
Economic, Social and Cultural Rights	3	2		1	3	3	4		4					
Inhuman Behaviour	1	1			1	1	1		1					
Abduction	7	11			11	2	3		3					
Total	161	152	94	173	419	32	71	2	73	36	109	17	7	133

Annex 2.9 Number of Victims (Children)

Event Types	No of Events	Boys	Girls	Total
Abduction	48	46	8	54
Arrest & Torture	15	24		24
Beatings	54	65	39	104
Injured	26	47	16	63
Killing	44	38	23	61
Threats	6	4	5	9
Total	193	224	91	315

Annex 2.10 Number of Inmates in Jail at the end of 2009

S.No	District	Detainees	Convicts	Male	Female	Child		Total
						Boys	Girls	
1.1	Jhapa	223	179	380	22	2		404
1.2	Ilam	No inmates						
1.3	Panchthar	17	53	62	8		2	72
1.4	Taplejung	22	22	44				44
1.5	Morang	247	228	437	38	2	3	480
1.6	Sunsari	150	106	256				256
1.7	Dhankuta	13	23	32	4	1		37
1.8	Terhathum		40	33	7		1	41
1.9	Bhojpur	11	38	45	4	1		50
1.1	Sankhuwasabha	25	21	40	6			46
1.11	Saptari	124	49	170	3			173
1.12	Siraha	76	33	106	3			109
1.13	Udaypur	29	37	62	4			66
1.14	Khotang	No inmates						
1.15	Okhaldhunga	15	24	35	4			39
1.16	Solukhumbu	44	6	44	6			50
2.1	Dhanusha	No Jail						
2.2	Mahottari	208	89	280	17	3	2	302
2.3	Sarlahi	94	40	131	3			134
2.4	Sindhuli	37	33	64	6		2	72
2.5	Ramechhap	10	39	44	5			49
2.6	Dolakha	14	17	28	3			31
2.7	Rautahat	62	38	97	3	2		102
2.8	Bara	No Jail						
2.9	Parsa	390	458	800	48	2	5	855
2.1	Chitwan	155	136	267	24	2	2	295
2.11	Makawanpur	32	31	63				63
2.12	Lalitpur	191	249	440				440
2.13	Kavre	81	27	108				108
2.14	Bhaktapur	No Jail for Adults				66	7	73
2.15	Kathmandu	1220	776	1827	169			1996
2.16	Dhading	35	40	67	8			75
2.17	Sindhupalchowk	62	25	84	3			87
2.18	Nuwakot	35	44	71	8	1		80
2.19	Rasuwa	1	11	12				12

S.No	District	Detainees	Convicts	Male	Female	Child		Total
						Boys	Girls	
3.1	Tanahu	40	42	82				82
3.2	Gorakha	15	40	50	5	1		56
3.3	Lamjung	4	21	23	2			25
3.4	Syangja	21	21	35	7			42
3.5	Kaski	105	111	186	30	2	1	219
3.6	Manang	32		32				32
3.7	Nawalparasi	71	21	92				92
3.8	Rupandehi	138	91	228	1			229
3.9	Palpa	42	163	175	30			205
3.1	Kapilbastu	73	63	136				136
3.11	Arghakhanchi	No Jail						
3.12	Gulmi	7	30	34	3			37
3.13	Baglung	13	28	34	7			41
3.14	Parvat	11	19	26	4			30
3.15	Myagdi	9	34	40	3			43
3.16	Mustang		3	3				3
4.1	Dang	60	132	185	7	3		195
4.2	Pyuthan	15	34	46	3			49
4.3	Rolpa	40	27	62	5			67
4.4	Salyan	18	14	29	3			32
4.5	Rukum	36	4	33	7		1	41
4.6	Banke	114	95	191	18			209
4.7	Bardiya	37	59	88	8			96
4.8	Surkhet	33	29	61	1			62
4.9	Jajarkot	13	7	18	2		2	22
4.1	Dailekh	10	13	19	4	1	1	25
4.11	Dolpa	3	3	6				6
4.12	Jumla	11	10	17	4		1	22
4.13	Kalikot	7	7	13	1			14
4.14	Mugu	No inmates						
4.15	Humla	No inmates						
5.1	Kailali	94	80	163	11	3		177
5.2	Achham	15	17	26	6		1	33
5.3	Doti	13	10	23				23
5.4	Bajura	3	19	22				22
5.5	Bajhang	8	12	17	3			20
5.6	Kanchanpur	53	74	117	10			127
5.7	Dadeldhura	4	27	27	4			31
5.8	Baitadi	23	26	47	2		1	50
5.9	Darchula	9	14	20	3			23
Total		4823	4312	8535	600	92	32	9259

Views of Political
Parties on
Human Rights
Situation in 2009

Annex

3

UCPN-M

In the aspects of political change as well as in social transformation the year 2009 in the history of Nepal has been especially remarkable. The CA election, abolishment of 250-year-long monarchy, announcement of republic and conversion of Narayanhiti Palace to a museum are important events of the year. Similarly, systematic commencement of making new constitution and institutionalizing republic are also the important event in people's rights perspective.

The time has been important for people's rights protection than human rights as CA members reached out to the people for their opinion as a campaign and enthusiasm for that depicted from people's level. The historic step was taken by the first republican government during implementation of budget and to protect the economic, social and cultural rights of the people.

In the context of human rights perceived only as political and civil rights, it is not to be forgotten that the work for guiding human rights by the plan of guaranteeing economic, social and cultural rights was commenced during this time. But economic, social and cultural rights are not perceived as human rights by some. This time has also been successful in giving lesson to white collar guild who perceive economic, social and cultural rights as human rights of the communist. But it was obvious that this fact will not be digested by the non-communists.

As a consequence, issues of social rights and human rights were overshadowed and continued to be so. People mandated government was dismantled and puppet government was formed by the coalition of existentialist and interference of foreign power center. People's rights were not expected to be safeguarded by the government's shadow

formed to bar the hope of transformation. In this condition, economic social and cultural rights were not protected, civil and political rights remained unprotected too. Transformation of Nepali society, improving life standard of the people and protecting people's right are the main responsibilities of the state. For this, without vision of people oriented state mechanism human rights cannot be protected. Human rights protection can be measured on the basis of state accountability to people and people oriented state mechanism.

The Government's activities have cleared that the government is not approved by people and formed in guidance of the external power center can only run the state on the basis of anarchy. It cannot be committed to economic, social and cultural rights or either to civil and political rights. The formation and mobilization of Youth Force which is a mob, mainly responsible for human rights violation. There are series of criminal activities conducted by this group comprising even of those who were unaware of agitation against monarchy and fight for republic.

Country-wide series of murder occurred due to the role of government in protecting the criminals. The killing of political cadres motivated by politics is their plan of action as verified by the developments. Assassinations in Bara, Parsa, Taplejung, Dhading, Salayan, Kalikot, Kailali and Kanchanpur can be portrayed as example. The involvement of Youth Force in domestic conflict, desperation of Youth Force on tender matters, killing and the use of weapons for it are the main series of events of the time. The administration was busy protecting them.

From state's side, suppression of landless in Dundejhari of Kailali, killings, abuses and grave human rights violations during three-day shutdown and picketing of Singhdurbar are only a few examples.

It was the responsibility of the state to punish the human rights violators of people's war, people's movement and Madhesh movement. From the fact that promotion of army and police officers identified as human rights violators, those individuals sent back from UN mission, extending their tenure, and not presenting the marked alleged by UN to the civilian court proves that government is unwilling to protect human rights.

Peace and constitution are main responsibilities of the time. Human rights can be protected by being committed to peace. But the current government is incessantly working to break up the peace. It is clear from expression of veteran minister and leaders of the coalition against peace process and constitution. The Government has been safeguarding this. The Government wants to breed peace opposing strata. This should be enlisted as severe crime from the human rights perspective.

Similarly, Constitution making is another major responsibility. Constitution should necessarily be able for of protecting people's rights. The pessimism seen towards the constitution drafting process is pessimism towards human rights. Although people's rights are to be implemented foremost, instead the commitment of human rights can be calibrated by the situation of denial of people's empowerment.

Actually civil and political rights can only be protected by the protection of economic, social and cultural rights. With this conclusion, this year human rights could not be protected due to the trends of pessimism for the protection of human rights of the people by not prioritizing economic, social and cultural rights. Civil and political rights could not be protected because government was functioning anarchically in spite of the people's mandate. Human rights situation could be

improved by learning from these aspects, otherwise it will remain a simple flatter.

UCPN-M

Central Office

Parisdanda, Kathmandu

Nepali Congress

Like in the previous years, killing, violence, extortion, abduction and attacks continued in 2009 as well. The incidents of attack were especially targeted against leaders and cadres of Nepali congress. Media sector was victimized and even journalists were killed. Attempts were also made to thwart the program in Jhapa, where President of Nepali Congress Girija Prasad Koirala was attending as the chief guest. Such activities carried out by UCPN-M undermined the human rights situation of the country. The commitments expressed by chairperson of UCPN-M Pushpa Kamal Dahal 'Prachanda' in the Constituent Assembly not to repeat such incidents, were not implemented. The Human Rights situation of Tarai and Madhes also remained weak. Attacks against NC cadres continued in some hilly districts as well in the name of ethnicity.

General Assembly member of Nepali congress Umakanta Hamal was killed following abduction in Jumla. The secretary of Nepali Congress Village Unit in Dailekh had his eyes plucked out and strangled to death. We have the incident still afresh in the memory of Nepal Tarun Dal member in Taplejung Rama Hangram who was abducted from Maipokhari in Ilam and murdered. The lands, houses and properties of General Secretary of Nepali Congress K B Gurung and Central Committee Members Khum Bahadur Khadka and Binaya Dhoj Chand, among many other leaders and cadres captured and confiscated unlawfully, haven't been returned yet. UCPN-M cadres are giving continuity to capture of land in large scale.

There has been no respite in the incidents of using Maoist combatants in criminal activities after taking them out of the cantonment. It has been revealed that combatants of Shaktikhor Cantonment were used for criminal activities. Many incidents like creating obstacle in the movements of Ministers, intervention in religious institutions including Pashupatinath Temple and dragging the Nepal Army into controversy by removing then Chief of Army Staffs during the term of UCPN-M led government took place during the period in breach of the CPA. Some incidents like attack and murder of school children and the State Minister slapping the CDO also took place in the year. Nepali Congress had raised the issue of rehabilitation of IDPs to their place of origin in the Year 2008 as well. Some rehabilitated IDPs were also displaced again as they did not have proper living place. As per the statistics collected by Nepali Congress, not a concrete step was taken for 40,000 displaced families. Not only the rehabilitation halted in 2009, some of the victims were even deprived from the meager relief assistance being provided by the state.

The human rights situation deteriorated and rule of law couldn't be maintained in 2009. The UCPN-M, which led the government following the election of the Constituent Assembly, did not pay heed to the agendas like taking the peace process to the conclusion and preparing the federal democratic constitution. Quiet contrary to the mandate, the government misused the state power and made mockery of the rule of law interfering in various sectors like civil service, industries, media, sports, judiciary, security agencies and religious institutions. Rather than working in collaboration with other coalition partners, the government led by UCPN-M tried to establish monopoly and one-party dictatorship. UCPN-M provided protection to culprits involved in the acts

of abduction, killing, and creating terror, extorting and capture of land.

A video tape of Maoist chairperson Prachanda addressing Maoist combatants in Shaktikhor of Chitwan and the unconstitutional move of Maoist led government to remove the then CoAS from the post exhibited that the main objective of Maoist was using the peace process and constituent assembly as a strategy for accumulating power and weapons. These incidents also revealed that Maoists do not believe in Rule of Law. The act of UCPN-M led government to intervene in the Judiciary, National Army and intervention at the religious harmony through appointment of priests in the Pashupatinath Temple are against the democratic norm and culture.

Impunity is at the extreme in the country. UCPN-M and other criminal groups have been promoting impunity by weakening the Rule of Law breaching the Interim Constitution, CPA and other agreements reached in the past. These acts deteriorate the human rights situation of the country. All people have Right to Life and the state should protect it but it is uncertain when a person gets murdered, abducted or will be forced to pay ransom. Such incidents are increasing day by day and the situation should be a matter of concern for all. The human rights situation of the country passed through critical stage due to such incidents.

Most of the incidents of human rights violations were carried out by UCPN-M, its youth wing YCL and ANNISU-R. Similarly, youth wing of CPN-UML Youth Force was also involved in human rights violations. Nepali Congress has raised the issue of Maoist's act of breaching CPA at the Constituent Assembly with NHRC, UNMIN and other concerned agencies. Activities carried out against CPA should be immediately stopped and priority should be given to the issue of taking the peace process to the conclusion, drafting

of new constitution and restructuring of the state. To meet these issues incidents of human rights, violations should be immediately stopped and the government should prioritize these issues.

Ram Chandra Pokharel

Chief Secretary, Nepali Congress
Central Office

CPM-UML

The year 2009 can be portrayed as year of improvement in the perspective of human rights. In the context of formation of CA and taking steps of constitution making, the skepticism over timely drafting of constitution is prevailing due to prolonged political stalemate. The current government was not formed as per the interest of CPN-UML. The party is of the view that all should move ahead keeping the national consensus in the centre and took the issue strongly among the political parties, but the government of this nature failed to be formed. The issue created adverse impact in the constitution making process and progressive transformation.

This year has observed the killing, abduction and rowdiness upon innocent people, civil servants and political cadres by various groups of Tarai. UML cadres were victimized by attacks from UCPN-M cadres and YCL. Killing of Prachanda Thaiba, a UML cadre of Butwal, the attempted murder upon UML General Secretary Ishwar Pokharel, the leg amputation of Bibek Devkota, attack on journalist Tika Bista, the repeated attacks on UML cadres in Taplung and Dhankuta, killing of Youth Force cadre Budda KC in Dang, attack on cadres in Sankhuwasabha among other killings and abductions of cadres of various political parties are incidents of grave human rights violations.

The people displaced during armed conflict have not yet been rehabilitated. The environment to return to one's village

has still not been created. The TRC could not be formed until the end of the year to investigate the grave human rights violations and crime against humanity. The High-Level Commission for Disappeared is still under discussion. Our party has strong conviction to form such commission and take action against perpetrator. For this the government should take the initiation without any delay.

CPN-UML has given much importance to making of new constitution in the process of forwarding the revolution of Nepali democracy by successfully passing through the ongoing historical transition. As time frame to draft the constitution is narrowing, one should be able to move forward to draft the constitution and root out all forms of feudalism with it.

It is a necessity today to simplify the situation by integration of political force active in Tarai to the mainstream politics with the means of peaceful talks. Nationwide violence and terror staged by cadres of Maoist affiliated YCL have adversely affected the situation of peace and security. The time has come for the state to be prepared in order to not only discourage but also to eradicate incidents like killings, abduction and torture inside the cantonments. Wide and pro-active role of NHRC, human rights organizations and civil society is expected in a situation where the right to life of the people is still endangered.

Our party wants to see complete establishment of human rights in the country. Our party is ready to co-work and move forward in the issues of human rights with all the stakeholders. As the country is moving forward for drafting the new constitution our party will be trying to include fundamental bases of human rights while drafting the new constitution.

Jhala Nath Khanal

Chairperson, CPN-UML

Rastriya Jana Morcha

The peace process started in the country after the end of the Maoists' armed conflict. Nepali people had high hopes that the murder, violence, anarchy and impunity would end in the country following the 12-point Understanding between the Maoists and the Seven Political Parties. Despite the decrease in incidents of killings compared to conflict-period owing to the Comprehensive Peace Accord, 12-point Understanding and other agreements, incidents of killing, violence, abduction, beating, looting, intimidation continued unabated. As previous years were not free from human rights violations, this year also saw plenty of incidents of human rights violations.

Many armed groups have emerged in the country following the CPA. The groups are still carrying out their armed activities after the government's attempts to bring them to peace process became ineffective. Some of them, who do not have any political mission, are even criminal in nature. In the context of incidents of extortion, intimidation, abduction, beating and loot by these groups repeatedly being published in newspapers, it can be said that the people in that area are yet to feel secure. Though killings of industrialists, businessmen, employees, political activists and social workers have continued, only some of the culprits are arrested and sentenced.

After the Maoists brought forward the concept of federalism based on ethnicity, the pro-Maoists ethnic organizations and other ethnic organizations started attacking cadres of Rastriya Jana Morcha which has been protesting against the federalism. In this context, as RJM's office was vandalized last year in Dharan, RJM was compelled to remove its office from Dharan this year owing to the threat to behead RJM's Central Member Surendra Bhandari and

torched the office during the Eastern Region bandh. The Maoist-affiliated and other ethnic organizations threatened RJM cadres in Udaypur during the Eastern Region bandh and also torched RJM's party flag. Cadres of Newa Organization led by YCL attacked Surya Bahadur Nepali with a knife in the face during the Valley bandh on January 10. Likewise, Newa organization attacked Central Chairman of Farmers' Association Girdhari Lal Neupane even in police custody. Similarly, Workers Union's leaders Narayan Sapkota, Kabiraj Khatri and Bipin Paudel among other cadres were also attacked.

Resham Aale, Member of CPN (Masal) and RJM-affiliated Youth Organization and actor of Raktim Family, was attacked by bamboo stick and killed by six persons including one, who was identified as a local NC cadre, at Khilji of Arghakhanchi on October 11. District Member of RJM Hutnath Neupane was killed in Sindhupalchok on mid-January. His body was found in a nearby forest 22 days after he was abducted by an unidentified group.

Despite the Maoists joining the peace process, the hangover of the conflict is still in place. The killing of UML cadre Prachanda Thaiba in Butwal on April following the killing of Ram Hari Shrestha of Koteswor confirms that their attitude towards killing has not changed. Members of Raktim Cultural Family Prem Yonjan, Bharat Shrestha, Raju Giri and former VDC Chairman Tel Kumar Yonjan were attacked and injured by Maoists at Lisanku, Sindhupalchok on January 18 for singing anti-federalism songs. Maoists attacked RJM District Member of Rukum Ram Prakash Puri while speaking at a program on March 1 organized by the team of CA member who had come for opinion collection. RJM District Member Jagat Prasad Joshi was severely injured in an attack by Maoists at Sukkhad, Kailali

on April 3. Erstwhile Central Treasurer of ANNFSU (Sixth) Lachhiram Acharya was severely injured in the Maoist attack on March 24.

The Maoists have not only attacked our cadres, but also citizens on different pretexts. The Maoist combatants, after coming out from their cantonment, beat up 36 villagers in Shantipur of Kailali on August 13. Incidents of Maoists attack against media persons who write against them also got maximum highlight this year.

The current government is also responsible for human rights violations. Incidents of gang-rape of a police woman by her colleagues in Achham, police beating against men participating in funeral procession in Sunsari, killing of four men in police firing against the landless people who tried to stay at the Dudejhari forest of Kailali clearly demonstrate that the government, instead of defending human rights of the citizens, is suppressing them.

Incidents of killing, beating, intimidation, abduction have been taking place nationwide. To sum up, there is no guarantee of citizen's life.

The repression against Dalit has to be considered as the most sensitive issue in the field of human rights. The dalits have been discriminated, beaten in incidents of caste-discrimination though the country was declared free from caste-discrimination. Among these, incident of Kalli Kumari BK of Lalitpur being fed human excreta by principal of a local school Bimal Thapa on charge of practicing witchcraft is one which needs mention here. Despite committing such grave crime, she did not face any legal action. The government has to be responsible to end such repressions.

The government was responsible for most of the human rights violations in the past. The killing of Maina Sunar, Doramba incident of Ramechhap and killing in Shivapuri jungle are some of

them. The country has already been transformed into republic. In this situation, if we can stop the oppression against oppressed people by the government and other forces, then only human rights will be defended. It is important that concern of human rights defenders should be focused in this direction.

Lastly, the way in which anarchy, impunity and violence have afflicted the people in the country, it is widely known that the government has failed to provide security. The incidents where the government has provided political protection to criminals and released convicts after commutation have added to the worsening human rights situation. Firstly, our party holds the government more responsible for human rights violations. Secondly, there should be extensive understanding between all political parties in order to strengthen the peace and security situation. Thirdly, it is essential to extensively improve the current security mechanism. If we fail to end killing, violence, oppression, and fail to defend human rights and remain a mute spectator, it is obvious that the violence will give rise to counter-violence and this will bring larger anarchy in the country. And, it will be very difficult to control this.

Santa Bahadur Nepali
Central Vice-Secretary

Rastriya Prajatantra Party

2009 was not satisfactory in human rights perspective. The commitments expressed in the Comprehensive Peace Accord have not been implemented. Instead of captured properties being returned, the trend of capturing properties has increased. Series of harvest loot, abduction, murder and fatal attack have increased. Not only clashes, but incidents of killings have also taken place for ideological differences. News of threats

and intimidations to curb the freedom of thought has been coming. Instead of impunity coming to an end, the criminals are enjoying freedom. The government officials have not only been insulted, but also assaulted by the representatives of the people. The series of killing of VDC Secretaries, who provide direct service to the people at local level, have increased. Security of other government staffs has also not been ensured.

The main essence of *Loktantra* is rule of law, but interventions in the role of independent judiciary have increased in recent years. The eastern region has been affected to the maximum by the demand of a special class or party. The people have to suffer the most due to the general strike called by different parties and their sister organizations. The industrial sector is highly affected and the class which has to depend on daily labor for their living is in great trouble due to these strikes. The educational sector has been made chaotic and school children have been used to carry party flags to fulfill demands of certain party. So, on the whole this year was not positive for human rights.

Analyzing one year will not be enough in defining human rights situation. We believe that immediate formation of Truth and Reconciliation Commission, Peace and Rehabilitation Commission, Commission to Investigate Disappearances, State Restructuring Commission by involving representatives of parties and experts on the issues according to the past agreements would establish human rights of Nepal.

INSEC should be thanked for actively working for social justice up to its capacity for each of human rights. And the effort it has taken, deserves praise. Though, it can not be enough.

Parshu Ram Khapung
General Secretary, RPP

CPN-M

First of all, I would like to express thanks for asking us for our perspective on human rights situation for forthcoming publication of Nepal Human Rights Yearbook 2010. There has been not much improvement in the human rights situation as anticipated by people after the decade long people's war and joint agitation. It is a well-known fact that people's life is getting more miserable day by day. In our understanding, human rights situation can be called good only in the condition where no form of suppression and exploitation persists. It is considered to be human rights violation where the suppression and exploitation persist. Our party has clear perspective that human rights situation in Nepal is deteriorated due to the terror created by the state and other criminal groups, impunity, sky rocketing corruption, black marketing, smuggling and artificial price hikes among others. And this is the reality as well.

On this occasion, I would like to express sincere gratitude to INSEC and other human rights organizations for highlighting human rights violations of the country. I have myself also experienced their support during my repeated abduction, torturous life in custody and jail during the period of Panchyat era or the multi-party system. In some occasions, people have also expressed their aggression and hatred towards the some organizations and individuals. For this, INSEC should publish this book on the basis of truth and facts. Our best wishes to the organisation.

Matrika Prasad Yadav
Coordinator, CPN-M



**Views of
Institutions on
Human Rights
Situation in 2009**

Annex

4

Office of the Prime Minister and Council of Ministers

As per the duty of the government to protect and promote human rights, Law and Human Rights Department of the Office of the Prime Minister and Council of Ministers has been carrying out its task in coordination with national and international organizations and different government agencies. The Office is making all efforts possible to develop the culture of human rights and carry out its international obligations according to the 21 treaties Nepal has ratified and the Universal Declaration of Human Rights (1948).

Nepal prepared and implemented the first three-year Human Rights Work-Plan in the fiscal year 2005/2006 according to the call for state parties by the world conference on Human Rights held in Vienna, Austria in 1993 to develop the culture of human rights and protect and promote human rights by preparing a work-plan. Currently, second three-year Human Rights National Work-plan has been implemented since fiscal year 2008/2009 after necessary revisions. Moreover, the Office, as per the decision of the Nepal Government to celebrate 2010 as the year against violence against women, has started its implementation by making a national work-plan against gender violence with consultation from the concerned organizations as well. According to the work-plan, a Management and Monitoring Unit for complaints filed against gender violence has been set up at this Office to receive complaints from the victims and manage and monitor them in case other agencies refuse to receive the complaints or fail to deliver justice.

As in the past, the Office has been writing to the concerned agencies to implement the recommendations made by NHRC regarding incidents of human rights violation. Among the recommendations made by NHRC from 2001 to August 4, 2009 to compensate 65,424,689 rupees to victims of human rights violations, 19,945,000 rupees has been allotted while the cabinet has already decided on December 1 that Finance Ministry would provide the remaining 45.5 million rupees to the victims after necessary investigation by Peace and Reconstruction Ministry and Home Ministry. Moreover, 100,000 rupees per person has been distributed to 171 persons among those recommended by the Peace and Reconstruction Ministry and more than 1.43 billion rupees has been distributed as compensation.

The Office has been timely responding and providing details when asked by International Human Rights Organizations regarding incidents of human rights violations and sending reports/comments under the government's obligation with involvement of concerned agencies.

The office has been actively preparing report for the submission of third report to United Nations under International Covenant on Economic, Social and Cultural Rights. Additionally, it has formed a Report Preparing Committee for the timely submission of Universal Periodic Report (UPR) within February 2011.

Peace and Security in the country has improved after the signing of Comprehensive Peace Accord of November 21, 2006 and the situation of human rights is also improving accordingly.

Lastly, this Directorate is confident that the Yearbook that INSEC is going to publish will be very useful for the protection and promotion of human rights

and we express best wishes that INSEC would always be able to strive ahead in achieving its aim.

Dr Trilochan Upreti
Secretary

Ministry of Foreign Affairs

Government of Nepal is fully committed to the protection and promotion of human rights as per the existing laws in the country and international commitments and obligations. Undoubtedly, Interim Constitution of Nepal has given top most importance to the human rights and individual freedoms of Nepali people.

In the present world milieu, human rights keep significance in the field of foreign relations. Being the state party to the core Treaties and Covenants, Nepal has already internationally established the fact that it is committed towards human rights. In this connection, Legislature-Parliament ratified the Convention on the Rights of Persons with Disabilities 2006.

To fulfill the obligations required under the major International Treaties and Conventions to which Nepal is a state party and to fulfill the commitments provisioned in the Interim Constitution of Nepal, the second three-year Human rights Action Plan is underway.

Human Rights Promotion Department under the Office of the Prime Minister and the Council of Ministers has been working as the focal point in the field of human rights. It has given special attention to the coordination, cooperation and collaboration among the governmental bodies so as to make the responsibility of effective protection and promotion of human rights.

Government of Nepal has been

clarifying its standpoint regarding the queries raised by the Special Rapporteur of the UN Human Rights Council through the individual complaint procedures with special importance. Minister of Foreign Affairs attended the high level meeting of the session of the UN Human Rights Council last year. The minister briefed the international communities the periodic status of Nepal regarding its national commitments, views, and the attempts regarding the protection and promotion of human rights. UN High Commissioner for Human Rights Navi Pillay visited Nepal from March 18 to 22 to assess the human rights situation. OHCHR-Nepal is contributing to the national capacity enhancement by providing the required support in protection, promotion and follow-up areas of human rights. Government has the commitment to empower National Human Rights Commission and to develop it as the leading component for the protection and promotion of human rights in the country.

As per the obligation required by being state party to different Treaties and Conventions, Nepal has been submitting different periodic reports to the related UN bodies. Nepal has already submitted Fourth and Fifth Combined Report on CEDAW and also the Initial Report on the Optional Protocol to the Convention on the Rights of Child on Sale of Children, Child Prostitution and Child Pornography. As overall human rights situation of Nepal is being reviewed in 2011 as the part of Universal Periodic Review by UN Human Rights Council, a committee, formed for the purpose under the coordination of the Secretary of the Office of the Prime Minister and the Council of Ministers, has already begun its job of preparing national report.

Owing to the positive attempts of the dynamic and enthusiastic civil

society involved in the field of human rights, in addition to the attempts of the National Human Rights Commission, Nepal government is inspired to remain circumspect and sensitive in the field of human rights. Hence, it is clear that Nepal government was responsively committed to the protection, promotion and implementation of human rights in 2009. In the mean time, it has been realized that overall human rights situation in the country is getting better gradually.

Home Ministry

Home Ministry and security agencies under it are always active for protection of life and property of citizens by utilizing resources available to its maximum. The Acts have been formulated and amended and has been implemented as per the various international commitments made by Nepal for human rights. The work is on progress to prepare updated report on CAT and ICCPR for the submission to UN.

For effectiveness of peace and security, end of impunity and protection of human rights, the special program 2066 and code of conduct for the employees have already been implemented. The Ministry made the provision of prompt investigation of human rights violations, monitoring and promotion of human rights by establishing human rights units in Home Ministry and agencies under it. The effort has been made to make security personnel capable and alert by organizing various trainings and seminars.

Necessary steps have been taken with priority to the incidents of human rights violation as pointed out by national and international human rights organizations. The Home Ministry has been continuously making report and disseminating it to provide compensation

to the victims of conflict and victims' families and to punish the perpetrators as per the recommendations of NHRC.

Home ministry is committed to protect human rights of the inmates by taking forward the efforts to improve the jails. In this context, the report of Prison Improvement Suggestion Committee is being implemented for the welfare of the inmates.

The initiation has been taken to hold talks with different groups in Tarai to resolve the ongoing problems of violent activities and to prevent human rights violation by them. Though the peace and good governance are improving, some armed groups active in tarai have been giving continuity to violent activities. It is necessary to internalize the values that while using one's right one should not forget about the others.

Believing that by the end of 2009 human rights situation has improved, Home Ministry is always committed to move forward with coordination among all national and international human rights organizations.

Jaya Mukunda Khanal
Joint Secretary

Nepal Police

Nepal Police is always committed to quality police service to people being guided by values of democracy and rule of law and by internalizing welfare of the citizens and protection of rights and public peace. Human Rights Unit of Nepal police has implemented activities such as human rights monitoring, investigation and protection at central, regional, zonal and district level.

Nepal police has been working in coordination with national and international human rights organizations for protection and promotion of human

rights. It has been regularly conducting interaction and discussion with NRHC. As a result, coordination has increased and concrete and effective decision is facilitated. Human Rights Unit of Nepal police has been registering cases against human rights violations and has been disseminating facts to various organizations after the investigation.

Nepal police has set its working direction by internalizing wholesome value of human rights. Nepal police has been pioneering and executing tasks by internalizing human rights when working at UN mission in other countries.

Nepal police is very serious for respect, protection and promotion of human rights. The institution has implemented zero tolerance policy for police employee involved in human rights violation. Nepal police has been taking action against police personnel after investigation whenever and wherever the complaint is received for human rights violation by its member. After the establishment of necessary internal mechanism, Nepal Police has been barring police personnel from participating in UN mission if accused of human rights violation. Nepal Police would like to request people and various organizations to provide it with reliable information related to the institution on human rights violation for effective investigation and prompt action.

At last, Nepal Police is committed to provide quality service and make the working methodology of police respectful and well-cultured for implementing Interim Constitution of Nepal and laws. The limitation of resources for implementing law persists but the service provided by Nepal police is very effective. We would like to express our best wishes for the publication of Human Rights Yearbook 2010 and to INSEC for

awakening organizations, making all state mechanisms accountable for protection and promotion of human rights and for implementation of democratic values as to establish rule of law.

Human Rights Unit
Police Headquarter, Naxal

Armed Police Force

We extend INSEC, which has always been working for Human Rights and Social Justice, best wishes and success for publication of the 17th Human Rights Yearbook and continuing its work of establishing environment of justice and co-existence by documenting and disseminating facts.

Human freedom and values will only be safe and certain if internal security mechanisms are sound. Human freedom is ultimately vested upon human dignity and inherent rights, and since protection and defense of these rights, undoubtedly, is the prime responsibility of personnel employed in security bodies. The APF is always committed to avoid such situation where APF personnel in all posts are held responsible for suppressing human rights and international humanitarian laws while carrying out the duties assigned by the government. Likewise, APF has aimed not only to protect and promote human rights in theory, but to institutionalize this in practice.

In the changed context, protection and promotion of human rights has become a very sensitive issue. As per its commitment to continuously strive according to the seriousness and sensitiveness of the issue, the APF, with its aim to establish Human Rights Cell in all five regions to monitor human rights activities and incidents of violations and to inform and aware all APF personnel about protection and respect of human

rights, has compulsorily included contents concerning human rights in basic and higher trainings of all levels at APF since 2005. Similarly, the curriculum has been revised through a training meeting on 2007 with the aim of modifying it in course of time. The APF has set an objective to include human rights with more prominence in future trainings.

APF, while carrying out its all duties within legal parameters, has occasionally been involved in incidents of human rights violations of minor nature due to human error. To correct these human errors and with an aim to deter human rights violations by APF personnel during their institutional and personal duties in coming days by increasing professional knowledge, capacity of all personnel, APF has been conducting trainings for APF personnel at national and international level in coordination with different human rights organizations. APF has been inviting experts from these organizations to impart knowledge on human rights and international humanitarian law from central to regional level at the training classes.

APF has managed to distribute publications regarding human rights through its internal mechanism so that each personnel respects and protects human dignity, commits himself to defend and protect human rights of all persons and adopt the values and theories. In this course, 'APF Human Rights Manual-2006' has been published and distributed with joint effort from APF and UN OHCHR-Nepal to all personnel with an aim to add dimension for respect, protection and promotion of human rights by reminding them their duties and responsibilities and collecting and informing them values and theories of human rights.

In incidents of human rights

violations by APF personnel while carrying out their duties, fair and detailed investigations have been carried out by clearly imparting and acknowledging the importance of transparency, responsibility and accountability even to APF personnel at lower posts of the APF Chain-of-command. APF has adopted the fair strategy of addressing and making public the procedures of registration and investigation of the complaints filed by people against any APF personnel.

To support investigation process in incidents of human rights violations, protection of evidence and witnesses and secrecy has been ensured. Likewise, the APF is always active and committed to provide information, facts when asked by government bodies, human rights organizations and other stakeholders regarding human rights issues.

Special instructions by Commanders of the organization and occasional directives by APF Chief during the formal and informal briefings, including all directions for mobilization, theoretical, practical learning regarding direction and trainings to all APF personnel to adopt principle of minimum use of force and the concept of respect, protection and promotion of Human Rights as an integral part of APF's duty, have made the APF more committed.

Lastly, APF expresses thank and gratitude to INSEC for the support and good wishes it has rendered to APF's aim, efforts and commitments of making it an organization absent of human rights violations by continuous initiatives and efforts, and creating an environment where human rights are respected and promoted by being alert towards human rights.

Suraj Kumar Shrestha
SSP, APF

Nepal Army

There is provision of training and education to military personnel on Human rights and IHL as per the Interim Constitution 2063 and Clause 30 (1) of Military Act 2063. As per this IHL, integration order was implemented in Nepal Army. The Nepal Army has taken aim of establishing itself as human rights and IHL violations free institution by immediately offering theoretical knowledge on human rights and IHL for its protection and training the soldiers about it.

Nepal army has always been playing effective role for implementing the Zero Tolerance Policy after making the officers, who are in the command responsibility, aware and also making all the NA personnel aware about the policy. Nepal Army has acknowledged children and school as zone of peace discontinued to use school for military purpose. These days, human rights have been seriously analyzed and being compared with fundamental inherent rights of the people. Human rights have not only been commented by security organs, positive impression has increased in the state organs about the implementation of human rights in the year 2009.

As Nepal had ratified various Convention and Treaties, it is accountable and committed towards human rights and humanitarian laws. The possibilities of image of peace-loving Nepal will be enhanced, if responsible individuals, political parties and different organizations abide by the commitments and views expressed by them for the protection of human rights. At last, Nepal Army would like to express its best wishes for publication of Human Rights Yearbook 2010 by INSEC.

National Human Rights Commission

Human rights have become burning issues of today's world. NGOs are also playing worthy role in protection and promotion of and in developing culture of human rights. INSEC is one of the institutions playing the role, which has been doing partnership with government as well as watching the government. Similarly, INSEC has been prioritizing cooperation with other organizations as well.

In various occasions INSEC is working with NHRC, which is mandated for respect, protection and promotion of human rights as per the need, gravity and importance. INSEC representatives are always coordinating by referring victims to NHRC central, regional and sub-regional offices. The efforts of INSEC representatives to send victims and their relatives to NHRC, to express concern over the issue, to send complaint to central office and its nearest office where Commission is not located can be taken positively. The co-monitoring in various issues with Commission is also inspiring aspect.

In the context except the mandates given by Interim Constitution 2063 of Nepal and Human Rights Act 2053, the Commission is also mandated to monitor human rights as per CPA 2063 which is inclusive of political, economic, social transformation, conflict management, military and weapons management, simplifying the situation and end of war. Similarly, there are subjects as human rights, fundamental rights, adherence to humanitarian law, reconciliation, implementing mechanism and monitoring are included. This is also regularly monitored by Commission.

This year the Commission carried out 184 monitoring out of which 182 were solo monitoring and two were joint monitoring. Among the total monitoring, 34 monitoring missions were for human rights situation in totality and 150 are for thematic issues. This year, 255 complaints were investigated and 628 complaints including old and new were decided. Among these, 546 complaints were terminated. Similarly 82 complaints were decided, 41 perpetrators were identified, 63 victims are recommended for compensation and 21 are recommended to Nepal government for relief. Commission has also recommended five policies to the government which include to access Rome statute, abolishment of haliya system, formation of Commission for land, guarantee of right to own land, abolishment of kamalari system, to protect rights of all the followers of any religion and to create religious harmony and mutual feelings.

The Commission is continuously proactive in protection of human rights too. This year it conducted 126 meetings, discussions and interactions, 57 trainings on the issues like food crisis, peace and security, child rights, rights on IDPs, and disaster borne by Kosi. 81 press releases were issued prioritizing food crisis, implementation of Commission's recommendation, child rights, domestic violence, witch scandal, freeing of kamallahri, Kosi flood victim and Shivapuri incident.

The Commission is providing legal counseling service. The Commission had recommended for accession to Rome Statute as well as recommended to give legal status to Human Rights Act and Disappearance Act 2065 by checking out flaws after holding discussions with concerned stakeholders. Commission expressed its view on accession to Rome

Statute and 17th and 18th periodic report of CERD and fourth and fifth periodic report of CEDAW. The Commission has been publishing various reports on thematic issues, human rights situation and activities of the Commission. Total 16 publications were published by Commission this year including 10 thematic reports/QA series and six other six. Besides that, human rights monthly newsletter is being published.

Documentation of incidents of human rights violation is difficult work in both favorable and adverse situation. This is not only the important but also the necessary for conflict-hit country like ours which is accomplished by INSEC in an impressive way. The work of analyzing the work performed in favor or against human rights and including yearly event to its maximum is appreciable work. At last I would like to wish continuity of Human Rights Yearbook published each year.

Gauri Pradhan

Commissioner, NHRC

National Dalit Commission

We congratulate Informal Sector Service Centre (INSEC) for preparing the publication of Nepal Human Rights Yearbook 2010, which draws attention of concerned bodies by collecting incidents of human rights violations in Nepal, and creates pressure to ensure rule of law by disseminating facts and information through human rights perspective.

The incidents of 2009 remind that the human rights condition of Dalit community, who have been victim of inhuman behavior like untouchability and marginalized in social, economic, political, educational and cultural sectors since ages, has not improved as expected. Untouchability between Dalit

and Non-dalit, inequality based on caste discrimination, gender inequality of different forms appeared as main problems in Nepali society in 2009 too.

The incidents of 2009 show that human rights condition of Dalit community, which has been compelled to be victim of caste-based inhuman behaviors like deprival of public services, health education, rejection of inter-caste marriage, denial from participation, non-recognition of traditional skill, low-wage work, compulsion to eat and throw carcass, conversation using derogatory language, Dalit being considered as misfortune, eviction of inter-caste couple from village, extracting fine in the name of compensation, victimization in incidents of rape, sexual violence, false charge, forcing human excreta on charge of practicing witchcraft, and preventing from contending in higher political posts, has not improved.

Despite some improvement in the field of Dalit Human Rights, year 2009 was challenging for Dalits as shown by the complaints filed at the Commission and the regular monitoring, investigation carried out by the Commission. A total of 57 complaints and incidents were filed at the Commission this year. The Commission believes that immediate endorsement of the act drafted by National Dalit Commission to eradicate crimes regarding caste discrimination and untouchability and the Bill regarding the establishment of National Dalit Right Commission would minimize these incidents.

Wishing that this book would contribute to protection and promotion of Dalit Right and create pressure to minimize grave crime such as untouchability in national and international level,

Jeevan Pariyar

Member Secretary, National Dalit
Commission

Nepal Bar Association

Since its inception, NBA is committed to human rights, independent judiciary and rule of law. NBA has been directly and indirectly opposing persisting human rights violations in the country by any means possible. There is a symptom of improvement in the human rights situation in the context of ongoing peace process and historical constitution drafting but this is not satisfactory.

The state is passing through transitional period. Although transition is uncomfortable NBA has taken incidents of human rights violation and prevailing impunity as grave violation.

Peace and security in the country is in extremely fragile state. People have not experienced security so far. Though the government has expressed full commitment to human rights, it is not observed clearly in the behavior. Status of Citizens disappeared during the period of armed conflict by state and non-state is still unknown. Government could not form Disappeared Commission despite voices raised by human rights organizations, national and international organizations, NHRC, NBA and pioneers of civil society. As the status of disappeared remained unknown, the victim's family could not get justice. Similarly, the government failed to form the TRC. It is sad fact that Commission for Disappeared and TRC could not be formed despite the aim of the Interim Constitution to establish it without any delay. NBA is ready to help in drafting Acts pending in the parliament as well as demands promulgation of Acts without delay.

State failed in bringing human rights violators into the periphery of law and killing, abduction, rape, property capture, torture, and assault towards human rights activists could not be checked as expected.

People skeptically feared of establishment of culture of impunity in the country. It is felt that state and its machineries are weakening day by day and non-state groups are over shadowing.

Judiciary itself could not become a center of trust and belief as per the expectation of the people. The decision, order and verdicts could not be implemented by the weak and depressed government. Nepal is turning out as a criminal paradise. For sometime, substantial improvement has been achieved in judiciary in terms of technology and in the justice delivery system, which is praise worthy. But judiciary has not achieved a position where it can be fully trusted.

NBA would like to appeal to concerned parties for giving way out to current situation of the country by drafting new constitution on time and by establishing rule of law. For this, we are ready to work in solidarity with various civil societies, good political cadres and government officials.

Bishow Kant Mainaili

Senior Advocate, Chairperson NBA

National Women's Commission

National Women's Commission was established with the objective to incorporate Nepali women into the mainstream of development by protecting and promoting their rights and to maintain gender justice through their overall development. As per its objective the Commission has been working to formulate and implement national policies and programs concerning women's rights, to maintain gender justice by reforming existing laws, to follow up and recommend the government

on implementation of international treaties and conventions to which Nepal is a state party. The Commission is also making decisions on the complaints filed of the Commission regarding violation of women's rights and violence against women.

Though the complaints filed at the Commission and the follow up undertaken by it shows comparatively improved human rights situation in the country on the whole, but the success is not as expected. Violence against women such as killing, rape at working places, trafficking of women, dowry related violence, domestic violence, and inflicting torture and behaving inhumanly on charge of practicing witchcraft haven't reduced. One policewoman was gang raped by her male colleagues however state hasn't initiated effective investigation of the incident. Though high level government officials reiterated their commitments to bring the culprit to justice, the perpetrators haven't been punished by the end of the year. This incident could make people negative towards police organization. Question has been raised about the investigation of such incidents. The state couldn't initiate effective efforts to punish the perpetrators involved in the heinous crimes against women like rape and killing due to pressure from some political parties and other groups.

Incidents of violence of expelling women from the village by inflicting torture and behaving inhumanely on charge of practicing witchcraft also took place this year in the capital city itself. Similarly, record shows that even a 102-year- old woman was raped. However, the victims have not been treated justly due to absence of effective laws, socio-economic composition and norms and values. Such incidents might give rise to criminal incidents.

Nepal is already a state party to different international treaties and conventions but the country is yet to form domestic laws in line with these international treaties and conventions. It has been found that some periodic reports have not been submitted to the concerned UN bodies on time. Nepal has been the state party to different conventions but implementation level is weak. Although National Woman's Commission recommended the government to formulate new laws recommendations of the commission were implemented. Human rights situation in the country is improving but there still exists discrimination between male and female vis-à-vis the protection of human rights.

137 complaints of violence against women were filed at the National Women's Commission in 2009. Among the complaints, most of the complaints are related with domestic violence and other cases include inflicting torture and inhuman behavior on charge of practicing witchcraft, child marriage, torture at work, including killings. National Women's Commission has assisted to reach into an agreement with consensus between both the sides and also provided legal assistance and psycho-social counseling to the victims.

Prakash Chandra Adhikari

Under Secretary (Law), National
Women's Commission



Report

Annex

5

ERW: Threats and Challenges

Three years have already passed since the formal conclusion of the armed conflict by the signing of the Comprehensive Peace Agreement between the Nepal Government and the then CPN-M on November 21, 2006. INSEC Surveillance System on Victim-activated Explosions shows that there were 252 casualties, including 33 deaths, in such explosions post-CPA. Among the total casualties in this period, 135 were children, including 19 deaths.¹ A trend of reduction in incidents of victim-activated explosions is observed during past three years (2006-2009), but increasing use of explosives for criminal purposes especially by armed groups based in Tarai-Madhesh has surfaced as a serious problem.

Point 5.1.4 of the CPA states “Both sides shall assist each other to mark landmines and booby-traps used during the time of armed conflict by providing necessary information within 30 days and defuse and excavate the same within

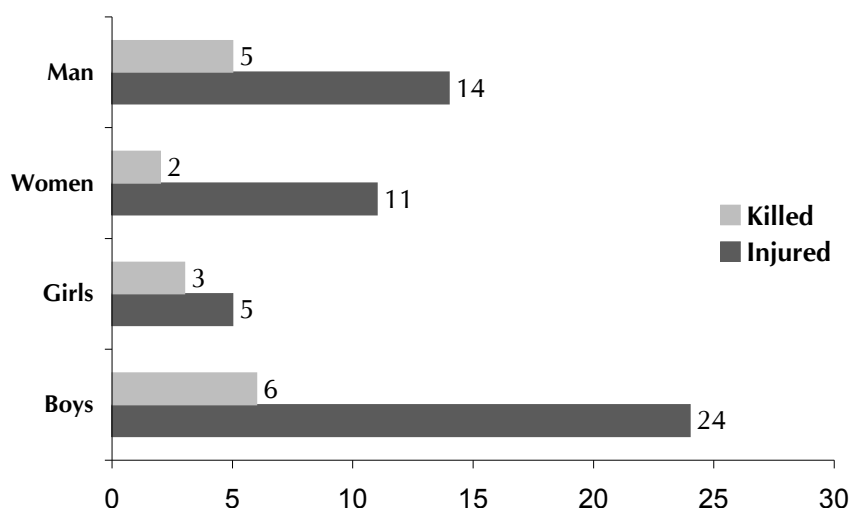
60 days.” This point was included in the CPA to exterminate the threats of explosive remnants of war by mitigating the effects of victim-activated explosions. However, its implementation was weak.

The government has been indifferent in acceding to the major international instruments that address the issue of explosive devices [Convention on Certain Conventional Weapons and Ottawa Treaty]. The clearance of only 15 minefields out of 53 in three years demonstrates the government’s indifference. Incidents from the explosive remnants of war – abandoned and unexploded ordnance – still remain a serious problem. However, the government, which needed to be sensitive to solve this issue, failed to prove its seriousness by its deeds.

1. INCIDENTS AND CASUALTIES

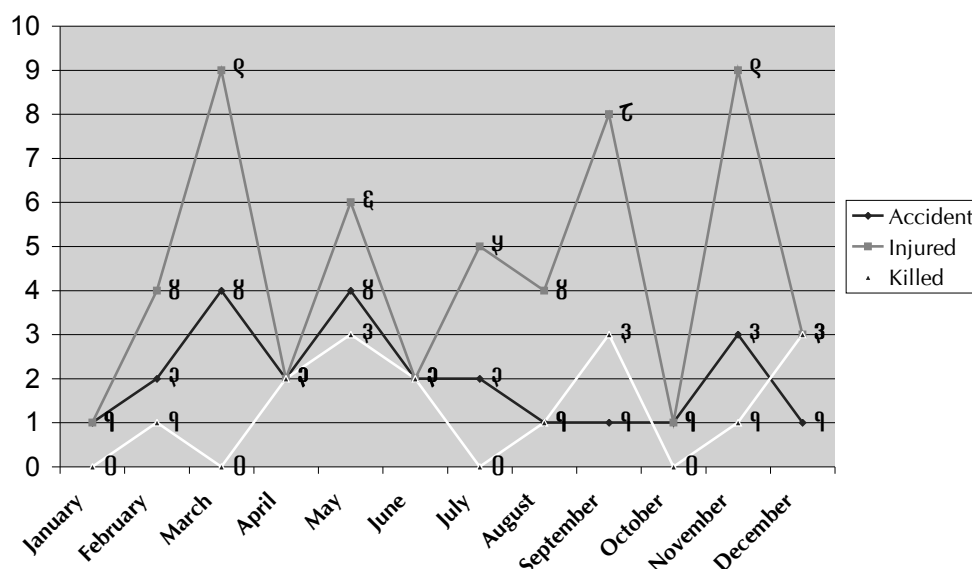
Despite the decrease seen in incidents and casualties of victim-activated explosions in last four years, its effects cannot be overlooked.

Figure : 1 Incidents and Casualties from 2006 to 2009



1. INSEC Active Surveillance System, 2009

Figure : 2 Number of Injured and Killed Persons in 2009



In 2006, there were 169 casualties in 98 incidents of victim-activated explosions. The number of casualties decreased to 104 in 42 incidents, 73 in 38 incidents and 70 in 24 incidents in 2007, 2008 and 2009 respectively. (see fig. 1 for details). The number of deaths in victim-activated explosions subsequently decreased from 2006 to 2008 but it increased in 2009. In 2006, 29 persons had died in victim-activated explosions while there were 13 deaths in 2007. Similarly, there were four deaths in victim-activated explosion in 2008. In 2009, this number increased to 16.

24 incidents of victim-activated explosions were recorded in 2009. In average, there were 5.83 casualties in two incidents per month. March and May saw the maximum number of incidents (four each with 11 casualties) followed by November (three with 10 casualties). September and December had three deaths each. It is to be noted that all months of this year had at least an incident. (see fig. 2 for details).

2. TARAI-MADHES MORE AFFECTED

According to the INSEC Surveillance System on Victim-activated Explosions and Small Arms, 24 incidents of victim-activated explosions occurred in 18 districts in 2009. 14 of them occurred in eight districts of Tarai. Kailali district had the most number of incidents (four) in which 16 casualties occurred. Sarlahi with seven casualties in three incidents and Banke with five casualties in two incidents were two other districts following Kailali.

14 incidents out of 24 this year were caused by Improvised Explosive Devices. 37 persons (53%) out of 70 accounted for casualties by IEDs.

Nine persons out of 16 were killed in victim-activated explosions which occurred in five Tarai districts (Kailali, Chitwan, Dang, Sarlahi and Parsa) while the remaining seven were killed in incidents which occurred in Hilly districts (Gulmi, Baitadi, Bajhang, Dadeldhura, Gulmi, Phythan and Rolpa). There were three deaths each in Kailali and Chitwan and two

deaths in Gulmi in the incidents of victim-activated explosions.

3. CHILDREN MOST VULNERABLE

Among the 70 casualties in 24 victim-activated explosions in 2009, children accounted for 54% (39). In 2008, the number of child casualties was 46 out of 72 (64%) while in 2007, the 47% of the casualties were children. Out of 16 deaths this year, nine were children (six boys, three girls) and seven were adults (five men, two women). More than IEDs, the detonation of Unexploded (UXO) and Abandoned Ordnance (AO) was responsible for these deaths.

The 5-9 age group had maximum casualties and 10-14 age group had the next highest. These two age groups accounted for 77% of the total child casualties.

Children had brought home and tampered UXO/AO in incidents in Kailali on September 6 and in Chitwan on December 28. Six persons lost their lives in those two incidents.

4. MOST INCIDENTS AT HOME

Most incidents of victim-activated explosions have occurred at home. 41% of the total incidents in 2009 occurred at home and its vicinity while 10% occurred in field. These incidents occurred mostly due to the children bringing abandoned explosive devices home and tampering with them.

5. PERSISTING THREAT

Despite the clearance of IEDs and mine fields by Nepal Army and Armed Police Force with support from Nepal Government and UNMIN, achievements have not been met according to the objectives. Five minefields were cleared out of 53 in 2008. Nepal Army cleared 10 minefields out of the remaining 48 in 2009. Only 15 minefields have been cleared in three years following CPA. With this, still 33 minefields are remained to be cleared.

Table : 1

District-wise Casualties in 2009

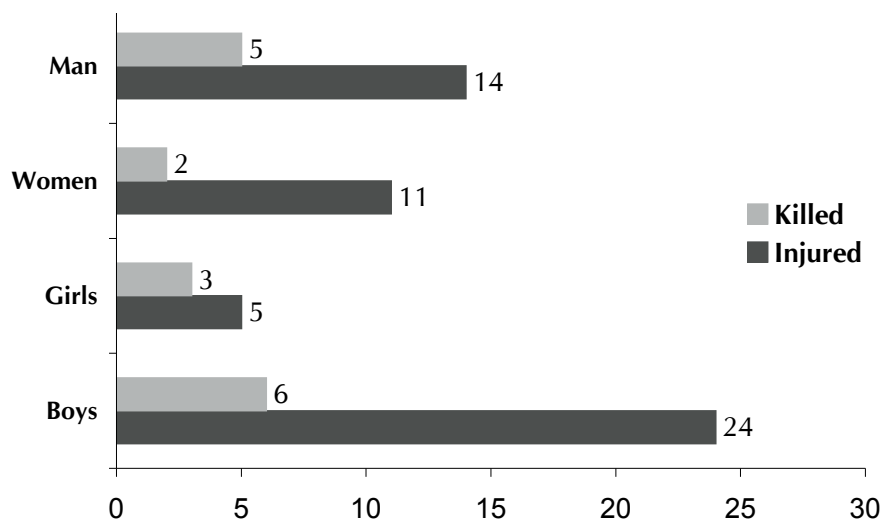
Tarai Districts	Incidents	Casualties	Killed
Kailali	4	16	3
Sarlahi	3	7	1
Banke	2	5	0
Dang	1	1	1
Saptari	1	2	0
Mahottari	1	1	0
Parsa	1	5	1
Chitwan	1	6	3
Total	14	43	9
Hilly Districts	Incidents	Casualties	
Dadeldhura	1	5	1
Kalikot	1	4	0
Bajhang	1	3	1
Baitadi	1	3	1
Arghakhanchi	1	2	0
Rolpa	1	2	1
Pyuthan	1	2	1
Gulmi	1	2	2
Bhojpur	1	1	0
Lamjung	1	3	0
Total	9	27	7

Likewise, Nepal Army has cleared 105 of the 275 IED fields till the end of the year.²

6. NEGLIGENCE OF THE REBEL GROUP

The UCPN-M is yet to provide information about the places where they had stored explosive devices during the conflict. Mohan Singh Bohara of Jogbuda VDC-4, Dadeldhura died when explosive devices stored in his house went off on August 11. Four others were injured in the same incident. Incident like this makes clear that provisions in the CPA to provide information about explosive devices used

2. ¹<http://www.unmin.org.np/downloads/pressreleases/Press.Release.Final%20Demolition%20of%20Explosives%20at%20MCS.24.12.09.NEP.pdf>

Figure : 3**Casualties by Age and Sex**

during conflict and defuse them have not been implemented.

7. CONCLUSION

The incidents of victim-activated explosions of 2009 prove that the effects of explosive remnants of war, UXO, AOs are still posing problems. Mostly, the children playing with these abandoned explosive devices after bringing them home has resulted in such incidents.

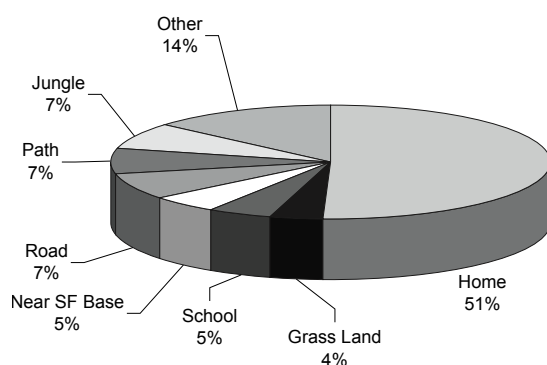
With this, the need to extensive

MRE campaign has been felt. 62 of the 70 casualties of 2009 had no information of MRE. To mitigate this problem, MRE should be conducted in national scale.

8. RECOMMENDATIONS

The following steps should be undertaken for the reduction in the casualty rate and rehabilitation of the victims:

- Accede (Convention on Certain Conventional Weapons and Ottawa Treaty) to main international instruments that address the issue of explosive devices
- Expedite the demining process
- Conduct mapping of houses captured by Maoists during the conflict period and conduct clearance if found contaminated by IEDs
- Improve security condition in Tarai districts
- Urge armed Tarai outfits to forego the use of IEDs
- Ensure effective implementation of Mine Risk Education (MRE)
- Provide support for victims of explosions

Figure : 4**Place of Incidents**

Annex 6

Name of Contributors in Course of Preparation of Yearbook 2010

Contributors to Chapters

Chapter 2 : Hurdles of Peace Process

Writer : Prekshya Ojha
Reviewer : Yogish Kharel

Chapter 3 : State and Human Rights

3.1 Judiciary and Human Rights

Writer : Bidhya Chapagain
Reviewer : Tika Ram Bhattarai

3.2 Executive and Human Rights

Writer : Jeevant Wagle
Reviewer : Prekshya Ojha

3.3 Legislature and Human Rights

Writer : Madan Paudel
Reviewer : Bijay Raj Gautam

Annex 4 : ERW: Threats and Challenges (Report)

Writer : Krishna Prasad Subedi
Reviewer : Nir Lama

Chronology Compilation

1. Raju Pasawan
2. Gopi Krishna Bhattarai

District Representatives

Eastern Region

- 1.1 Jhapa - Arjun Kumar Basnet
- 1.2 Ilam - Asok Kumar Rai
- 1.3 Panchthar - Krishna Ojha
- 1.4 Taplejung - Chandra Prakash Bhattarai
- 1.5 Morang - Deepen Neupane
- 1.6 Sunsari - Shukdev Chaudhary
- 1.7 Dhankuta - Gita Adhikari
- 1.8 Tehrathum - Chhatra Rimal
- 1.9 Bhojpur - Gyanendra Khadka
- 1.10 Sankhuwasabha - Leela Prasad Shrestha
- 1.11 Saptari - Prakash Khatiwada
- 1.12 Siraha - Dev Raj Pokhrel
- 1.13 Udaypur - Kushal Babu Basnet
- 1.14 Khotang - Lok Nath Ghimire
- 1.15 Okhaldhunga - Guru Bahadur Basnet
- 1.16 Solukhumbu - Bed Prasad Rai

Mid Region

- 2.1 Dhanusha - Roshandip Dhakal
- 2.2 Mahottari - Ishwari Kaphle
- 2.3 Sarlahi - Bidur Pyakurel
- 2.4 Sindhuli - Anand Prasad Dahal
- 2.5 Ramechhap - Nava Raj Pathik
- 2.6 Dolakha - Uddhav Pokhrel
- 2.7 Rautahat - Bipin Gautam
- 2.8 Bara - Roshan Raj Aryal
- 2.9 Parsa - Prem Karki
- 2.10 Chitwan - Mukunda Dahal
- 2.11 Makawanpur - Pratap Bista
- 2.12 Lalitpur - Gopi Krishna Bhattarai
- 2.13 Kavrepalanchowk - Bhoj Raj Timalsina
- 2.14 Bhaktapur - Akur Neupane
- 2.15 Kathmandu - Raju Paswan
- 2.16 Dhading - Sita Ram Adhikari
- 2.17 Sindhupalchowk - Natibabu Dhital
- 2.18 Nuwakot - Keshav Mishra
- 2.19 Rasuwa - Hem Nath Khatiwada

Western Region

- 3.1 Tanahun - Prakash Chandra Bhattarai
- 3.2 Gorkha - Bhim Lal Shrestha
- 3.3 Lamjung - Krishna Prasad Adhikari
- 3.4 Syanja - Nirmala Tiwari
- 3.5 Kaski - Tanka Khanal
- 3.6 Manang - Kaman Bahadur Gurung
- 3.7 Nawalparasi - Narayan Parajuli
- 3.8 Rupandehi - Bhisma Raj Panthi/Amrit Giri
- 3.9 Palpa - Durga Neupane
- 3.10 Kapilbastu - Nanda Ram Poudel
- 3.11 Arghakhanchi - Khim Prasad Marasini
- 3.12 Gulmi - Dilsova Pun/Hira Kunwar
- 3.13 Baglung - Ram Bahadur G.C.
- 3.14 Parvat - Madhav Raj Pandey
- 3.15 Myagdi - Ghanashyam Khadka
- 3.16 Mustang - Chandra Bahadur Gurung

Mid-western Region

- 4.1 Dang - Bimal Kumar Adhikari
- 4.2 Pyuthan - Mahendra Prasad Shrestha

4.3 Rolpa	- Ghanashyam Acharya	5.8 Baitadi	- Sher Bahadur Chand
4.4 Salyan	- Rom Prakash Thapa	5.9 Darchula	- Madan Singh Dhimi
4.5 Rukum	- Jivan Khadka		
4.6 Banke	- Narayan Subedi		
4.7 Bardiya	- Man Bahadur Chaudary		
4.8 Surkhet	- Durga Thapa		
4.9 Jajarkot	- Raju Kumar Shakya		
4.10 Dailekh	- Naman Kumar Shahi		
4.11 Dolpa	- Bishnu Lal Budha/ Bishnu Datta Devkota		
4.12 Jumla	- Rajendra Neupane/ Man Datta Rawal		
4.13 Kalikot	- Kali Bahadur Malla		
4.14 Mugu	- Kali Bahadur Nepali		
4.15 Humla	- Ramesh Aidi		
Far-western Region			
5.1 Kailali	- Krishna Bahadur B.K.		
5.2 Achham	- Ratan Bahadur Rawal		
5.3 Doti	- Lav Dev Bhatta		
5.4 Bajura	- Arjun Shah		
5.5 Bajhang	- Prakash B.K.		
5.6 Kanchanpur	- Yubaraj Ghimire/ Komal Niranjana Bhat		
5.7 Dadeldhura	- Keshav Bohora		
INSEC Regional Offices			
Eastern Region			
1. Som Raj Thapa			
2. Bhuwan Adhikari			
Mid Region			
1. Krishna Gautam			
2. Ganesh Bhandari			
Western Region			
1. Madan Paudel/Bidur Bastola/Shiva Khakurel			
2. Tanka Khanal			
Mid-western Region			
1. Bhola Mahat			
2. Bal Krishna Basnet			
Far-western Region			
1. Khadak Raj Joshi			
2. Nir Lama			
Resource Centre: INSEC Library			

Photo Source : Bimal Chandra Sharma, www.madhavnepal.com

Best District Representatives

As in the last year, we have selected the following representatives as the 'excellent representative' (one) and other five as 'best representatives'.

EXCELLENT REPRESENTATIVE

Durga Thapa
Surkhet

BEST REPRESENTATIVES

Prakash Khatiwada
Saptari, Eastern Region

Nawa Raj Pathik
Ramechhap, Mid Region

Bhim Lal Shrestha
Gorkha, Western Region

Kali Bahadur Malla
Kalikot, Mid-western Region

Madan Singh Dhimi
Darchula, Far-western Region





Bashu Kshrij

The political stalemate lasted throughout the year 2009 though the logical conclusion was termed as the second in the list after the Constituent Assembly elections. The political parties were not able to meet three mandates requisite for the conclusion of the peace process which were (a) Constitution drafting, (b) Reintegration and rehabilitation of the Maoist combatants and (c) Management of the transitional justice. There were ample debates regarding all three topics but no tangible step was taken.

Prime job for the parties was finalizing new constitution but differences among them affected all spheres in the country. The political tension persisting untill the end of the year created hurdles in taking the peace process to logical conclusion and also gave rise to fear about whether the constitution would be promulgated by the deadline. Same situation also shadowed the issue of justice for the victims.

Political instability, disorder, crime, political protection to the criminals, impunity, lawlessness and insecurity dominated the political developments this year. The misunderstandings among the political parties created instability. It created hindrance for constitution making process and also created uncertainty about meeting the deadline for new constitution.



For Human Rights & Social Justice

Informal Sector Service Centre (INSEC)

Syuchatar, Kalanki, P.O.Box : 2726, Kathmandu, Nepal

Tel : +977-1-4278770, Fax: +977-1-4270551

E-mail : insec@insec.org.np

Web site : www.insec.org.np