



**Economic and Social  
Council**

Distr.  
GENERAL

E/CN.4/2005/NGO/51  
11 February 2005

ENGLISH ONLY

---

COMMISSION ON HUMAN RIGHTS  
Sixty-first session  
Item 13 of the provisional agenda

**RIGHTS OF THE CHILD**

**Written statement\* submitted by the Asian Legal Resource Centre (ALRC),  
a non-governmental organisation in general consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 January 2005]

---

\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

### **Gross acts of violence against children and zero rule of law in Nepal**

1. In a 124-page report released this January 2005, the Asian Legal Resource Centre (ALRC) and the Kathmandu-based Advocacy Forum have described how the fundamental rights of people in Nepal have been suspended as institutions for the rule of law have ceased to function. In other statements made to the Commission this year, the ALRC has described the zero rule of law in Nepal, and detailed incidents of extrajudicial killing, forced disappearance, torture, and violence against women there. In a number of those it details incidents of killing, forced disappearance and torture of children. In this submission, it adds some further cases of gross acts of violence committed upon Nepalese children speaking to the total collapse of any means for the protection of human rights in the country, in breach of Nepal's commitments under the Convention on the Rights of the Child.

2. As the rule of law in Nepal has all but ceased to exist, children have been subjected to the same torture, killing and forced disappearances as adults in the country. Since 26 November 2001, when the Royal Nepalese Army was unleashed on the population under a one-year-long national state of emergency, it has also systematically violated the rights of all persons throughout the country without regards to other factors. When carrying out operations, the Nepalese security forces do not discriminate between a 12-year-old and a 21-year-old.

3. The brutal torture and murder of 14-year-old Kaliram Tharu and some friends in Bardiya district dramatically illustrates this point. Kaliram and his friends were minding cattle and playing together around 3pm on 25 April 2002 when a group of 50-60 uniformed and armed Joint Security Force personnel approached. The troops asked the boys if they had learnt martial arts. Being children and seeking to impress the soldiers, one of them boastfully replied that they had training and were paid 150 rupees a month. The security officers then accused the boys of being Maoists. Despite them saying that they were just students, the officers started beating them, and took them towards a nursery located on the eastern side of the village. As they were being taken, Kaliram's mother approached the troops and asked them why they had taken the boys. The soldiers replied that the children were Maoists.

4. At the nursery, the boys were beaten and kicked for a further 15 minutes, after which time they were taken to the Vici Barracks, where they were forced to strip to their underwear and lie on the dirt. Then they were taken to the District Police Office, where Kaliram could not eat the food provided due to swelling on his face. At around 7pm, three of the boys, including Kaliram, were taken to the east of the village in a van. They did not come back. Only one person who had been taken to the police station, 27-year-old Bhikhu Tharu, was released. The next day, Radio Nepal routinely covered-up the killings by announcing that three Maoists had been killed in an encounter in Mohamadpur area, and bombs, pistols and other materials had been seized. The news did not give names.

5. Some other acts of torture, rape and killing of children by the security forces in Nepal detailed in the ALRC-Advocacy Forum report include the following:

- a. Bandara (a.k.a.) Ram Prasad Dhobi, a 15-year-old student in grade five, was killed along with four men, Munabber Khan, 25, Mohammad Khan, 30, Rajjab Khan, 25 and Mahendra Barma, 30, by security forces around 6am on 3 April 2004. The group of about 12 personnel from the joint command came on bicycles and captured all five, of Banke district, while they were sleeping on the roof of Ram Janaki Temple of Sonbarsha village. They tied the hands of

the five behind their backs, forced them to lie on the road and beat them with batons and kicked them with their boots. They then told each of the men to run towards the fields in turn, and shot them in the head. Initially they spared Ram Prasad, but an officer from one of two vehicles that arrived later shot him too. After that, they loaded the bodies into one vehicle and drove in the direction of Nepalgunj.

b. Kumar Lama, a 15-year-old seller residing at Lazimpath, Kathmandu was arrested in Taku at 11am on 29 December 2003 and taken to the District Police Office of Hanumandhoka. According to Kumar, he was sitting in the shop where he works when two plain-clothed policemen came and arrested him. He was brought to Hanumandhoka in a van, and taken to the interrogation section, where he was beaten for half an hour. The police beat him with a wooden stick on his back, soles and chest. At 10pm that night he was taken to the interrogation section again and beaten for about two hours. Similar beatings continued over about four days, for half an hour each day. While beating him they told him to admit to committing theft, and to name his friends. His older brother was subjected to similar treatment. Both were presented in court on 14 January 2004 on charges of robbery. The judge did not ask them about torture and nor were they provided any kind of medical treatment.

c. Reena Rasaili, an 18-year-old grade 7 student, and Subhadra Chaulagain, 17, of Kavrepalanchok district, were shot and killed separately by a group of security personnel after midnight on 13 February 2004. According to Reena's father, around 10 plain-clothed armed security personnel came to his house at midnight and called for him to open the door. He did not open the door because of fear, so they broke it open and entered the house. After searching it, they pulled his daughter out from her bed and took her to the cowshed. The house occupants then did not hear any conversation between Reena and the security personnel, only her painful cries and moaning, which continued for almost five hours. At around 5am the security personnel took Reena 100 metres away from the shed and shot her three or four times. The family found her body totally naked, with bullet injuries to her head, breasts and eyes. She had injuries and scratches on her stomach and chest. A national radio broadcast on February 13 named Reena among three 'terrorists' killed that night in an encounter with security forces.

d. Subhadra Chaulagain, a 17-year-old grade 9 student and resident of Kavrepalanchok district, was detained by the security forces after they gang-raped Reena Rasaili on 13 February 2004. When several personnel came to her house around midnight, a friend who was sleeping upstairs reportedly jumped out and ran away out of fear. The security forces fired on him but could not capture him, so they went and dragged Subhadra from bed and took her outside. She cried, saying that she had not done anything wrong, and begged them to take her to the district headquarters instead of killing her. However, the personnel started to beat her brutally and pulled her along. The family, which was forced back inside, then heard around nine gunshots. After that, four security personnel severely beat up her father, blaming him for supporting the Maoists. He finally lost consciousness from the assault, but could not go to hospital because of threats by the security forces. After the incident, Subhadra's 14-year-old brother, Ram Kumar Chaulagain, went into shock, refusing to eat or drink, and went to offer food to the dead body of his sister instead.

6. The absolute impunity with which the armed forces in Nepal today operate is also evident in the forced disappearance of Pralahad Waiba. Around 11:30am on 1 March 2004 an armed contingent of some 50-60 Royal Nepalese Army soldiers arrived on the road leading up to the

Shri Krishna Secondary School, under the command of the lieutenant in charge of the Farping Check Post. Four of them in civilian dress and carrying bags on their backs sneaked towards the school. One remained at the school gate while the rest, among them the lieutenant, walked into the school office, to the surprise of the headmaster and his staff. The lieutenant unfolded a piece of paper that was in his pocket and after scanning it asked the headmaster for Pralahad Waiba. The headmaster then went to get 18-year-old Pralahad from class 9, and bring him to the office. The soldiers took him some 15 metres away from the room, saying that they needed to talk privately with the boy. Over a quarter of an hour passed, after which the soldiers returned Pralahad's books and class attendance register to the office before taking the boy away from the school before the eyes of all his teachers and friends. When the headmaster asked why they were taking his student, he was told to learn to keep records of his students and staff, and that Pralahad was a Maoist.

7. Pralahad's father, who has been working at the same school as an attendant for the last six years, was shocked that the soldiers could take his son out of the school premises and before the eyes of hundreds of people without any warrant. So too were Pralahad's friends and teachers, who state that Pralahad was a naive, introverted and honest boy who spoke only after his name was called a few times, always helped with chores, and never left his home before his arrest.

8. On 28 April 2004, Pralahad's mother went to the Farping Check Post to meet her son, as he had still not returned to home, and she wanted to give him some clothes. However, she was told that she could not meet him. After two months, his father filed complaints with the National Human Rights Commission and the International Committee of the Red Cross (No. 200847). However, to date there has been no news of his son's whereabouts.

9. As the Asian Legal Resource Centre has stressed in other statements to the sixty-first session of the Commission, the massive violation of all human rights in Nepal, including the rights of the child, is occurring because of a total breakdown in the rule of law there. Under the circumstances, it is very difficult to produce recommendations to counteract such violence. As noted in a separate submission, what is the possibility of making meaningful suggestions to the international community when there are no longer any mechanisms within Nepal through which human rights can be protected? Given these conditions, the many international conventions to which Nepal is a party, including the Convention on the rights of the Child, are of little or no significance. So it is with this caveat that the Asian Legal Resource Centre urges that

- a. The Commission should pay special attention to the gross acts of torture, forced disappearance, killing and other violence committed against children by the security forces in Nepal, including those incidents described above, in particular through the Committee on the Rights of the Child.
- b. The Commission should create an international alert on the human rights situation in Nepal, whereby the situation in the country can be monitored constantly and reported upon to other agencies to permit a rapid response.
- c. Neighbouring states and key international agencies, such as India and the European Union respectively, should raise the deteriorating security situation in the country as a key issue for discussion at the Security Council and in other relevant gatherings, with a view to active and speedy intervention.

d. International humanitarian agencies must reconsider their current activities with a view to keeping abreast of the rapidly worsening conditions in Nepal and concentrating on necessary steps for protection of fundamental rights there.

-----