



**Economic and Social  
Council**

Distr.  
GENERAL

E/CN.4/2006/NGO/201  
7 March 2006

ENGLISH ONLY

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COMMISSION ON HUMAN RIGHTS  
Sixty-second session  
Item 17 (b) of the provisional agenda

**PROMOTION AND PROTECTION OF HUMAN RIGHTS, INCLUDING THE  
QUESTION OF HUMAN RIGHTS DEFENDERS**

**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.

[13 February 2006]

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

## **GROWING ATTACKS ON HUMAN RIGHTS DEFENDERS IN NEPAL**

1. Following the royal coup on 1 February 2005, human rights defenders have been keenly targeted by the Government of Nepal in its attempts to suppress opponents. All criticism of and activities against the absolute monarch have been declared illegal. This effectively means that any activity challenging absolute rule or the blatant and excessive human rights abuses permitted under the current regime--of which the Asian Legal Resource Centre has informed the Commission in other statements--is a criminal offence. Those who continue to defend human rights and freedom of expression in Nepal face a real threat of arbitrary detention. With this comes the risk of assault, torture, custodial death and forced disappearance, all of which are systematic and widespread in Nepal--a fact established by various special procedures of the Commission.

2. Human rights organisations providing assistance to victims have been increasingly isolated and targeted by the security forces of Nepal. Human rights organisations are constantly under observation: phones are tapped and vehicles followed. Staff persons are accused of having links with the Maoist opposition: sufficient ground to be taken away and held incommunicado.

3. In late 2005 the Government of Nepal proposed introducing a Code of Conduct to manage the work of international organisations, the purpose of which was to restrict cooperation to bilateral agreements with government agencies alone. After numerous international interventions on the code, including from the United Nations, the Supreme Court of Nepal issued a stay of execution on its adoption. However, the initiative remains in play and is symbolic of the contempt with which the authorities in Nepal hold local civil society organisations--and human rights groups in particular.

4. Throughout 2005 and in to 2006 there were many growing threats to the work of human rights defenders in Nepal. Particularly around the time of the one-year anniversary of the royal coup and staged municipal elections that were held on 8 February 2006 the ALRC observed much more overt targeting of human rights defenders alongside political activists.

5. For example, on International Human Rights Day 2005, December 10, over 130 persons taking part in peaceful demonstrations were arrested and detained for a period without charge. Those arrested included a number of high-profile human rights defenders, including Dr. Devendra Raj Panday, coordinator of the Citizens Movement for Peace and Democracy; Bishnu Nisthuri, president of the Federation of Nepalese Journalists (FNJ); and activists Krishna Pahadi and Malla K Sundar.

6. From 17 January 2006 and into February widespread peaceful demonstrations against the Government of Nepal have been met with mass arrests. A number of persons have been handed 90-day preventive detention orders under the Public Security Act (PSA). The Office of the High Commissioner has noted that the PSA permits detention without trial, initially for up to 90 days, to prevent persons from committing actions that "undermine the sovereignty, integrity or public tranquillity and order of the Kingdom". Orders under this act are now being given at random against any government opponent. On January 19 alone over 100 political leaders and human rights defenders were arrested. Telephones and internet connections throughout Kathmandu and other major cities were cut off. Human rights monitors and activists were especially targeted, in some cases being beaten or

arrested. On January 21, human rights observer Bijay Kumar Son was reportedly kicked while on the sidelines of a demonstration, while activists Bimal Raj Giri and Sabin Nepal were also reportedly beaten with batons by the police. On February 1—the anniversary of the royal coup—some 600 people were arrested. In addition, over 100 lawyers were arrested while participating in events to mark the anniversary in several of the country's districts. While the Office of the High Commissioner in Nepal has denounced the arrests, it has had little definite effect on the actions of the government. In the meantime, at least two renowned human rights organisations have had their offices raided.

7. To address the continued disaster in Nepal, the Commission must apply pressure through all available avenues such that the Government of Nepal desists in its orchestrated campaign against human rights defenders and their organisations, and provides them with the freedom of action and protection that their vital work necessitates. In addition, the Government of Nepal must

- a. At no time introduce the proposed Code of Conduct, either in its original form or some modified version thereof.
- b. Guarantee that the offices and resources of all non-governmental organisations remain inviolate.
- c. Ensure that all persons working in favour of human rights receive due protection from abuse and that their work is allowed to continue unhindered, including by way of access to places of detention.

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