



UNITED NATIONS
OFFICE OF THE HIGH COMMISSIONER
FOR HUMAN RIGHTS IN NEPAL



Press Release – 27 March 2008

OHCHR-Nepal offers assistance to strengthen respect for human rights in public security institutions following February's Terai protests

Greater respect for human rights and reforms in Nepal's public security system are needed to prevent a repetition of the violence and human rights violations that occurred during February's political protests in the Terai, says a report released Thursday by OHCHR-Nepal.

The report summarizes OHCHR's human rights concerns arising from the protests in the Terai during the period 13-29 February 2008. It is based on the Office's field monitoring during that period, interviews with victims and their families, local authorities and police personnel, human rights defenders and communications with the Government, as well as on OHCHR's monitoring and reporting on respect for human rights by the Nepal Police (NP) and Armed Police Force (APF) over more than two years.

The incidents illustrate the turbulent nature of Nepal's transition and the challenges faced by the agencies responsible for maintaining law and order, which function under difficult conditions and often lack sufficient training, resources or standard operating procedures. OHCHR concluded that during February's protests, NP and APF made greater efforts to engage constructively with demonstrators and exercised more restraint than on previous occasions.

Nonetheless, OHCHR found that the policing of protests in some cases and locations raised serious human rights concerns, particularly relating to excessive use of force.

OHCHR has investigated the deaths of six persons, five of whom died as a result of police fire, and concluded that in all of those cases the use of lethal force was not justified. OHCHR has also investigated numerous cases of injuries sustained by police use of firearms and *lathis*.

Police did not always comply with Nepal's domestic law and international standards in relation to the use of force. International standards require that firearms can only be used as a last resort when there is an imminent threat to life or serious injury, and that any use of force must be limited to that which is necessary and proportionate. Moreover, some of the curfew orders issued by chief district officers (CDOs) appeared to allow police wide discretionary powers in the use of firearms, risking violations of rights, including the right to life.

Police appear not to have fulfilled their legal duty to file First Information Reports (FIRs) in many of the alleged cases of human rights violations. OHCHR is calling for investigations and, where appropriate, prosecution of persons responsible for human rights violations and criminal behavior during the protests. Full accountability for those actions is vital in order to address impunity and to re-establish public confidence in the rule of law.

The report's recommendations address concerns related to accountability and the use of force by police as well as the conduct of *bandhs*, demonstrations and protests. They include:

Immediately

- OHCHR urges the NP to immediately file an FIR and conduct an investigation into any death or serious injury that occurred during the protests. Allegations of ill-treatment of civilians in detention should also be investigated;
- The Government should issue instructions to CDOs and police to closely supervise the use of force and take immediate action if violations are detected;
- OHCHR calls for standard operating procedures to be established governing the use of force by police in accordance with international standards; sufficient training should be provided;
- Journalists should be allowed to report on protests free of intimidation and violence.

Medium term

- The Government is strongly encouraged to implement far-reaching reforms aimed at developing institutional accountability, for example in cases where excessive use of force has been alleged, within agencies responsible for public security, operating under democratic oversight and in accordance with international human rights standards.

For organizers of *bandhs* and protests

- Organizers of *bandhs* and protests, including those with legitimate claims, have a responsibility to ensure that violence is avoided and that the human rights of others are respected at all times. The rights of the child should be fully respected, including that children should not be exposed to potentially violent situations and must never be incited to use violence.

“This report notes that the performance of police during the Terai protests fell short of international human rights standards. However, it also acknowledges that police were working under difficult conditions, including during incidents when protesters attacked them,” said Richard Bennett, Representative of the High Commissioner for Human Rights in Nepal. “OHCHR recognizes that the Government of Nepal, including the police, is making efforts to improve public security. My Office is ready to increase its advice and assistance to the Government on the human rights aspects of public security.”