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OHCHR-Nepal renews appeal for non-violence by demonstrators and avoidance of excessive use of force by security personnel

On the eve of the major demonstration announced by the Seven-Party Alliance to take place in Kathmandu tomorrow, OHCHR-Nepal renews its appeal for non-violence by demonstrators and strict observance by security forces of international standards regulating the use of force and firearms in law enforcement.

Today is the nineteenth successive day during which OHCHR-Nepal has monitored demonstrations in Kathmandu and elsewhere in Nepal. Through its presence it has consistently urged restraint upon both demonstrators and security forces. The great majority of demonstrators, drawn from all walks of life, have been non-violent, and in some situations the security forces have been observed to exercise considerable restraint. However OHCHR-Nepal has also witnessed grossly excessive use of force, and is deeply concerned by the growing number of instances in which security forces have fired live ammunition as well as rubber bullets. OHCHR-Nepal is investigating the circumstances of each of the resulting deaths, including four confirmed fatalities in Kathmandu on 20 April. OHCHR-Nepal is also concerned about the continued use by police and the Armed Police Force of beatings of demonstrators with *lathis* (long batons), often aiming at the head.

OHCHR-Nepal urges organisers and participants to ensure that demonstrations remain peaceful, and to refrain from throwing rocks, bricks and other projectiles, or destroying public property. In particular, it calls on participants to abstain from attacks on individuals believed to have infiltrated demonstrations or to be associated with the authorities. It shares the concern expressed by UNICEF and child protection organisations at the participation of children and adolescents in demonstrations in which they might be hurt, and urges organisers, parents and others to prevent this. OHCHR-Nepal also shares the concern of the United Nations Population Fund (UNFPA) about the way that women demonstrators have often been manhandled with excessive force by male personnel of the security forces.

OHCHR-Nepal draws the attention of all security forces to the requirements of international standards for law enforcement, which in this context apply to the Royal Nepalese Army as well as to the Nepal Police and the Armed Police Force. These standards require that law enforcement officials, in carrying out their duty, shall as far as possible, apply non-violent means before resorting to the use of force and firearms; and that whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall exercise restraint and minimise injury, and respect and preserve human life. Every effort should be made to exclude the use of firearms. In general, firearms should not be used except when a suspected offender offers armed resistance or otherwise jeopardises the lives of others.

Superior officers are to be held responsible if they know, or should have known, that law enforcement officials under their command are resorting, or have resorted, to the unlawful use of force and firearms, and they did not take all measures in their power to prevent, suppress or report such use. High Commissioner Louise Arbour has stated that she will be advocating strongly for accountability, including prosecution, of those responsible for the indiscriminate use of deadly force.

Law enforcement officials are responsible for ensuring that assistance and medical aid are rendered to any injured persons immediately. OHCHR-Nepal appeals to the authorities to ensure that medical and aid workers are able to carry out their duties without constraint, including by providing sufficient curfew passes. Human rights organisations should be similarly guaranteed the ability to conduct their work unhindered.

OHCHR-Nepal also reiterates its call for the immediate release of the hundreds of political and civil society activists and protestors still detained under the Public Security Act in detention centres around the country.

Ian Martin, Representative of the United Nations High Commissioner for Human Rights in Nepal, said,

“To the security forces, I stress that it is precisely during times of large demonstrations that the observance of international standards requiring minimum necessary force and restrictions on the use of firearms is most essential. I call on the commanders and all members of security forces to fulfil their legal obligations in policing these demonstrations, to prevent injury, and to respect and preserve human life. To the organisers and participants of the demonstrations, I call upon them to make every effort to ensure that demonstrators respect the rights of others, including the right to life and security of person.”