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OFFICE OF THE HIGH COMMISSIONER  
FOR HUMAN RIGHTS IN NEPAL**



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**OHCHR-Nepal releases report on YCL rights abuses**

OHCHR-Nepal this week met with CPN-Maoist chairman Prachanda and handed over a detailed report on its findings into allegations of abuses by the Young Communist League (YCL) since December 2006. Lena Sundh, Representative of the United Nations High Commissioner for Human Rights in Nepal, delivered the report which documents abuses such as abductions and ill-treatment in captivity, attacks on physical and mental integrity, and the violent disruption of political activities. The report contains recommendations for immediate action to stop these abuses.

Lena Sundh also expressed her concerns about the killings of six CPN-M/YCL cadres during the first two weeks of June, in the Western, Central and Eastern Regions and her concerns that there should be full and independent investigations into the killings to identify and punish those responsible, as well as into the killing of 27 CPN-M cadres in Gaur in March.

Following numerous reports of abuses by the YCL since it was established in December 2006, OHCHR-Nepal carried out extensive monitoring and investigations in the districts. The report is based on the findings of these investigations, which included interviews with a wide range of sources to corroborate information, including: witnesses, victims, CPN-M leadership, YCL representatives, political parties, human rights defenders, members of the Nepal Police (NP), Armed Police Force (APF) and others. OHCHR-Nepal also met with national and local YCL leadership, and listened to their response to allegations of abuse.

OHCHR-Nepal has noted with concern that reports of YCL and other CPN-M abuses have started to increase again particularly since mid-April this year. The level and type of YCL activities and reported abuses vary from district to district. Most of the reports of disruption of political and other activities have been received from the Western Region, though some also in the Central and Eastern Regions. Violence related to land issues has largely been reported in the Far and Mid-Western Regions. The highest number of abductions occurred in the Western and Central Regions.

Many of the abductions recorded in the report occurred within the context of YCL “law enforcement” activities. According to OHCHR-Nepal’s information, some 24 individuals have been abducted since 28 May alone. They were taken to places which were not official detention centres, interrogated, in some cases beaten and threatened before being released or handed over to police after a short period in captivity.

The YCL has justified these actions on the grounds that the police are not taking action against criminals. While there are legitimate concerns regarding the weaknesses of law enforcement agencies and other state institutions, as well as regarding delays in implementing the provisions of the Comprehensive Peace Agreement (CPA), these arguments cannot be used to justify actions which amount to human rights abuses. These abuses violate international human rights law, the CPA and domestic law such as

the Interim Constitution. The human rights abuses committed by the YCL are contributing to a climate of fear and intimidation. They also act as a constraint on legitimate political, journalistic and other activities particularly related to freedom of expression and assembly.

As an integral part of the CPN-M structure, the YCL is responsible ultimately to the CPN-M leadership. The YCL must respect human rights commitments made under the CPA and in other agreements made in the context of the peace process to which the CPN- is a party. Additionally, as part of the Government, the CPN-M has a duty to ensure that the human rights provisions of the Interim Constitution as well as international human rights treaties to which Nepal is a party are met.

Chairman Prachanda told OHCHR-Nepal that the CPN-M understands OHCHR's concerns and stressed that these YCL actions do not conform to the original intended role of the YCL, and that the organisation is also looking at steps to deal with these abuses. A senior YCL official who OHCHR-Nepal also met earlier in the week also told OHCHR-NEPAL that it would look into the allegations and take action against those found to be responsible.

While OHCHR-Nepal understands that the CPN-M leadership has been trying to address YCL abuses, there has so far been little improvement and indeed over the past few weeks allegations of abuses appear to have increased. Confidence in the CPN-M's commitment to human rights in accordance with the CPA provisions will remain seriously undermined if effective action is not taken to address these concerns.

OHCHR-Nepal recommends in the report that the CPN-M and YCL leadership must give clear

directives to the YCL to stop abuses and that they will not be tolerated. In addition to any internal disciplinary measures that may be accountable by the State authorities, police must be instructed to intervene to prevent and investigate any kind of violence or abuse whether by the YCL/CPN-M, by state agents or others, and to arrest and investigate those responsible. Youth wings of political parties are extremely important to give young people a voice in politics, but they must act in accordance with the law and respect the human rights of others.

At the same time, police must also be given the political support by the Government and political parties to do their work, with full respect for human rights. They must be provided with adequate resources to fulfill their duties. A coordinated strategy to address public security with full consultation with and the support of all parties to the CPA remains urgent. Without it, there risks being a further disintegration in law and order with added risks for human rights. The lack of effective law enforcement has created a vacuum which is easily exploited both for political and criminal interests. It has also created the conditions for violence and abuses such as those included in this report and for those responsible to carry them out knowing they will not be held accountable.

CPN-M criticism of police inaction to address crime, corruption and law and order, widely echoed by the general population, must also be addressed. The weakness of the State law enforcement agencies and criminal justice system overall remains a critical challenge both in relation to addressing YCL abuses but also to the broader issue of restoring law and order, maintaining security and protecting the civilian population against acts of violence, threats and intimidation whatever their origins. This weakness is one of the biggest impediments to creating conditions for a free and fair Constituent Assembly election, and to ensuring a successful peace process. Finally, as political activities increase, especially in the context of the electoral process, resolution of political differences through dialogue must be the highest priority and resorting to violence, threats and intimidation are not accepted.

For further information contact Mr. Chun Bahadur Gurung at OHCHR-Nepal:  
Tel.: 428 0164 (Ext. 320) - Mobile: 98510 16937 or Email: [cgurung@ohchr.org](mailto:cgurung@ohchr.org)