



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



Press Release – 30 April 2007

CPN-M failing to meet commitments to allow safe return of IDPs

OHCHR-Nepal has concluded that in many parts of Nepal, CPN-M local cadres are not complying with the Party's formal commitments to allow displaced persons to return in safety and to give back all their property and land.

Under international and national norms, large numbers of Nepalese who were forced to flee or decided to leave their homes to avoid the negative effects of the past conflict are considered internally displaced persons (IDPs). Since OHCHR was established in Nepal in May 2005, the Office has advocated with the Government and the CPN-M to respect IDPs' rights to voluntarily and safely return or to fully reintegrate where they are currently living. Both parties have repeatedly made that commitment.¹

However, OHCHR's regular monitoring activities in rural areas in recent months indicate a failure to implement such central-level commitments, due to the attitude and activities of village-level CPN-M cadres as well as the failure of district level CPN-M leaders to hold cadres accountable for not allowing or facilitating safe and sustainable return of IDPs.

While welcoming the CPN-M's recent commitment to return land and property, OHCHR underlines that the safe and sustainable return of all IDPs will not be achieved only by the return of property, particularly in mountain and hill districts. On recent field missions to hill districts, OHCHR has noted that many IDPs have not returned home due to fear of CPN-M local cadres. The Office has also received reports of persons trying to return but being chased away, and in some cases, beaten up by local CPN-M cadres.

OHCHR has also observed in many areas an absence of neutral and independent law enforcement, *de facto* CPN-M control of government and society and limited freedom to associate with and campaign for political parties other than the CPN-M. This is not a conducive environment for the return of IDPs.

OHCHR is also concerned that some local CPN-M cadres expect returning IDPs to "account for past wrong-doing" once back in their village, for example by appearing before "people's courts". Such conditions are not part of the November 2006 Comprehensive Peace Agreement and constitute an obvious deterrent to return.

In conversations with CPN-M leaders at different levels, OHCHR has noted a common CPN-M claim that displaced persons are "feudals" and "criminals". When exploring such

¹ November 2005 12-point agreement, 26 May 2006 Ceasefire Code of Conduct, 21 November 2006 Comprehensive Peace Agreement, as well as other formal agreements.

claims further, OHCHR has often found that such individuals are land owners or political leaders from other parties. However, if there are any individuals who are believed to have committed crimes, they should be dealt with by the justice system. Regardless, such persons fall under the internationally recognized definition of an IDP², and as such have a right to safe, dignified and sustainable return.

OHCHR therefore calls on the CPN-M to support the return of IDPs and to ensure that:

- Local CPN-M cadres effectively allow unconditional, dignified and safe return of all persons recognized as IDPs;
- At the village level, returnees can rely on independent, effective law enforcement efforts, freely conduct political activities and express their political views;
- Local cadres return all land and property confiscated from IDPs (while ensuring that “secondary occupants” are not left homeless);
- District-in-Charges hold VDC-level cadres accountable for failing to ensure such return conditions for return;
- As a member of the Interim Government, it actively pursues state support to the livelihoods of returning IDPs while fulfilling their temporary basic needs.

“CPN-M leaders have long pledged to permit displaced people to return to their homes and to also return all of their property to them. Now that they are part of the Interim Government it is time for them to prove that they have the will to ensure that those promises are transformed into action at the local level,” said Lena Sundh, Representative of the United Nations High Commissioner for Human Rights.

² Definition of an internally displaced person in the UN Guiding Principles on Internal Displacement: “...internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.”