



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



Press Release – 1 February 2007

**OHCHR-Nepal calls for urgent dialogue
to prevent further violence and loss of life in the Terai**

OHCHR-Nepal continues to be deeply concerned about the violence in the Terai region and the rising toll of deaths and injuries both in the Central and Eastern Region. It encourages all parties involved to urgently engage in a dialogue in order to prevent further violence and loss of life. OHCHR-Nepal's teams deployed in the Terai are currently investigating 11 deaths, of which seven were allegedly as a result of police action. OHCHR-Nepal is also investigating allegations of excessive use of force in some places, with police reportedly aiming at the heads of demonstrators during *lathi* charges. It reiterates its call for thorough and independent investigations into all killings which have occurred as well as allegations of serious beatings by police. While recognizing the challenges facing the authorities in their efforts to maintain law and order as they are confronted by violence in the Terai, OHCHR-Nepal believes that law enforcement agencies must be given the support to carry out their functions impartially and professionally, and with full respect for human rights.

OHCHR-Nepal also remains concerned about violence on the part of protestors and others with destruction of property reported as well as serious injuries. It is seriously concerned about the brutal attack on a group of police in Rani, Morang District which resulted in the killing of one policeman and a civilian on 31 January. On 30 January, OHCHR-Nepal teams visited several Madheshis in hospital in Biratnagar who had been severely mutilated by khukuri knives wielded by non-Madheshis during a clash.

During its investigations in the Terai OHCHR-Nepal has also been gathering information about threats to journalists trying to exercise their profession. It has documented the vandalism of an FM radio station in Birgunj and has received reports of serious threats, including death threats, to several journalists in Lahan, Inaruwa, Birgunj and Rautahat. A number of journalists told OHCHR-Nepal that they have left their homes and are now afraid to report. Such threats are unacceptable. Freedom of expression is a fundamental human right, and an essential element of democracy in Nepal. OHCHR-Nepal calls on all to respect freedom of expression, and on the authorities to ensure protection of the media.

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OHCHR-Nepal has also noted the arrest and preventive detention of four former government officials, Kamal Thapa and Salim Mia Ansari in Kathmandu, and Badri Prasad Mandal and Ballav Prasad Dahal in Morang District. On 31 January, the respective Chief District Officers (CDOs) issued preventive detention orders under the Public Security Act (PSA). In the case of Badri Prasad Mandal and Ballav Prasad Dahal, the orders refers only to “acts and activities...likely to immediately jeopardize public peace and order” without specifying what those “acts and activities” are. Though more detailed, the detention orders against Kamal Thapa and Salim Mia Ansari also fail to indicate specific actions allegedly taken by them which would constitute “an immediate threat to the sovereignty, integrity or public peace and order of Nepal.” OHCHR-Nepal considers the detention of these four former government officials under the PSA based on such vaguely worded orders to be arbitrary and contrary to international human rights standards.

Nepal has entered a peace process which aims to uphold human rights and democratic principles. It is therefore incumbent on the Government to fulfill its commitment to the rule of law in all its actions. Resorting to arbitrary detention is a backward step in the efforts to re-establish rule of law in Nepal after years of conflict and suppression of human rights. Those responsible for the threats and violence should be brought to justice, but this must be done strictly in accordance with international human rights standards and with respect to due process.

“ The continuing violence and loss of life in the Terai is very worrying. It is essential that a dialogue be established as soon as possible in order to prevent further violence. The protection of civilians, including journalists and human rights defenders, and the restoration of law and order must be an urgent imperative of the Government. The Government must provide full support to local civilian authorities and the police to ensure that the rule of law and law enforcement guarantees public security. But the authorities must use only lawful means to meet these challenges. At the same time I call on community leaders to state publicly that violence will not be tolerated and to do all they can to prevent violent actions,” said Lena Sundh, Representative of the United Nations High Commissioner for Human Rights in Nepal.