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**OHCHR's report on conflict-related disappearances in Bardiya, a further step in strengthening the peace process**

The Office of the UN High Commissioner for Human Rights (OHCHR) released a report Friday on its investigations into a series of disappearances\* that occurred in Nepal's Bardiya District during the conflict between government and Maoist forces. The report documents disappearances by both the security forces and by the Communist Party of Nepal-Maoist (CPN-M).

The UN High Commissioner for Human Rights Navi Pillay noted that the Government of Nepal has prepared legislation to establish a commission of inquiry to investigate all disappearances committed during the conflict, including the 170 cases documented in her organisation's report.

"I welcome the Government of Nepal's commitment to investigate the many disappearances, and hope an independent and credible commission of inquiry is established without undue delay," Pillay said, adding that she offered OHCHR's full support and cooperation for the commission during its investigations. "Ensuring justice and redress in these cases would not only provide some relief to the victims, it would also constitute an important step forward in Nepal's peace process – indeed it would be a significant breakthrough in the Government's pledge to end impunity and its effort to build a new Nepal based on rule of law and respect for human rights," said Pillay.

OHCHR received reports of more than 200 disappearances in Bardiya, Mid-Western Nepal, and investigated and documented the cases of 156 people who were allegedly disappeared by State authorities. The majority of cases occurred between December 2001 and January 2003, following the victims' arrest by the former Royal Nepalese Army (RNA). The Nepal Police (NP) and the Armed Police Force (APF) were implicated in a smaller number of cases. These actions took place in the context of counter-insurgency operations directed at combating Maoist activities in the area. OHCHR also investigated 14 similar cases that are attributed to the CPN-M.

The fate of most of those who disappeared at the hands of State authorities in Bardiya remains officially unknown, despite repeated requests for clarification by their families and by human rights organisations, including OHCHR. However, the OHCHR report cites credible witness testimony suggesting that a number of detainees were killed while in custody, or shortly after being removed by members of the security forces. OHCHR also documented the systematic use of torture and cruel, inhuman and degrading treatment in the RNA's Chisapani Barracks.

*\*see attached Factsheet on Disappearances*

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The documented disappearances at the hands of the CPN-M took place between 2002 and 2004 within a pattern of what was known, in CPN-M terminology, as “party action” against individuals considered to be army informants. Most of the victims were abducted from their homes, or close to their villages, by small groups of people dressed in civilian clothes, sometimes including known Maoist cadres.

In July 2008, the CPN-M acknowledged to OHCHR that it had killed 12 of the 14 victims cited in the report, and OHCHR has urged the CPN-M to cooperate fully with the Commission of Inquiry. Where the NA has provided information to government commissions and to this Office, OHCHR believes it has attempted to cover up the fate of some of the disappeared. It urges security forces to carry out prompt internal investigations, as required under international law.

Prior to the report’s release, OHCHR engaged in discussions with the Government, the National Human Rights Commission, civil society organizations and members of the Constituent Assembly.

“During the peace process all parties to the conflict have made significant commitments to human rights. Some activities have been undertaken, such as Thursday’s consultation in the Far-Western region on a truth and reconciliation commission, which I participated in at the invitation of the Ministry of Peace and Reconstruction,” said OHCHR’s Representative in Nepal, Richard Bennett. I encourage the Government to take a further step and use the detailed findings in this report to reveal the truth about what happened in Bardiya and other affected districts during the conflict, including disclosing the fate of the missing, so that justice can be served and their long-suffering families can begin to rebuild their lives.”

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