

Thursday, 23 September 2010

UN releases Summary of Concerns and suggests recommendations to address Extra Judicial Killings

Kathmandu - The Office of the United Nations High Commissioner for Human Rights in Nepal (OHCHR-Nepal) released today a Summary of Concerns entitled *Investigating Allegations of Extra-Judicial Killings (EJK) in the Terai*¹ covering the period between January 2008 and June 2010 and documenting thirty-nine incidents resulting in the deaths of fifty-seven persons. In all cases, there were credible allegations of unlawful use of lethal force by security forces.

OHCHR recognizes that since the signing of the Comprehensive Peace Agreement in November 2006, one of the greatest challenges for the Government of Nepal has been to maintain public security. The Office supports government efforts to counter criminal activity, increase public security and enhance respect for the law, but stresses that these initiatives should be consistent with international human rights standards and the Interim Constitution. OHCHR believes that this is an especially important moment in the peace process in Nepal to address the human rights implications of special security operations, and to establish as swiftly as possible an independent mechanism, such as a police complaints commission or special unit, to investigate allegations of wrongdoing committed by State actors.

The Summary of Concerns covers incidents in ten districts of Eastern and Central Terai and reveals that, in at least 16 cases, there are credible allegations that the victims had been arrested prior to their death. The information collected also suggests that in many cases of alleged 'encounter killings', police operations could have led to an apprehension, rather than death. It also shows that, in most cases, no thorough and impartial investigations or criminal prosecutions have been undertaken.

"One of our main concerns is that most of these cases of EJK have not been properly investigated. With this report, our main objective is to provide concrete recommendations to address comprehensively the problem of extra judicial killings and a lack of due process" said Jyoti Sanghera, Acting Head of OHCHR-Nepal. "On the basis of the contacts that the office has maintained throughout the process of this report with the security agencies concerned, I am confident that there will be a genuine willingness by the latter to take concrete steps to improve this situation"

The Summary attempts to identify problems of law, policy and practice that contribute to persistent allegations of extra-judicial killings, and the failure to fully investigate such allegations. The recommendations have been developed in consultation with or building upon the work of partners including the National Human Rights Commission (NHRC), the Office of the Attorney General, members of civil society organizations, and police personnel at the regional and district levels.

PRESS STATEMENT

"The release of this summary of concerns is only the first step in a forward-looking process by which OHCHR-Nepal, together with its national partners and in particular the NHRC, wishes to engage constructively with the security forces" emphasized Jyoti Sanghera. "For that purpose, we will soon work with the security agencies to start a constructive dialogue over the conclusions and recommendations of the summary of concerns".

*The full report has been posted at OHCHR website - <http://nepal.ohchr.org> .
Printed version of EJK report both in English and Nepali language will be available soon.*