



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



Statement to the Press

**On the release of the OHCHR-Nepal Report
*The April Protests: Democratic Rights and the Excessive Use of Force***

**David Johnson
Officer-in-Charge OHCHR-Nepal**

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Good morning, and welcome to our Office. My name is David Johnson. I am the Officer-in-Charge of OHCHR in Nepal, and I am very pleased to present to you today our Office's report *The April Protests: Democratic Rights and the Excessive Use of Force*. The report covers the events of April 2006. It describes the nature of the demonstrations, the response of the Government and security forces and the types of human rights violations which took place, as well as the question of accountability for these violations. There are 15 detailed case studies, focusing on the deaths which occurred in the context of the demonstrations.

Throughout the 19 days of protests, in spite of many constraints, OHCHR-Nepal monitored the conduct of the security forces and demonstrators to assess whether the response of the Nepal Police (NP), Armed Police Force (APF) and Nepal Army (NA, known at the time as the RNA, Royal Nepalese Army) was necessary and proportionate. OHCHR-Nepal also carried detailed investigations into the use of force in specific cases which occurred during the 19 days of demonstrations.

It was clear from statements in the days leading up to April that the Government of that time was determined to stop the planned Seven-Party Alliance (SPA) strike and protests from going ahead. The ban on all demonstrations and crippling curfews (especially in Kathmandu) imposed by the Home Ministry through Chief District Officers, and the subsequent actions of security forces, demonstrate this determination. OHCHR-Nepal informed the authorities at the time that the blanket bans and curfews were in violation of international principles. These bans served to heighten tensions as demonstrators sought to defy the bans and exercise their right to freedom of assembly. On 3 April, the Representative of the High Commissioner publicly called on the Government to uphold the right to peaceful protest, to ensure that security forces take action only to prevent violence and that they use only the minimum necessary force in maintaining law and order. In the days leading up to the protests, OHCHR-Nepal staff maintained contacts with all actors, and sought to promote dialogue in an attempt to prevent or minimise violence.

The 19-day protest movement organised from 6 April by the SPA and civil society, with CPN-M support, brought hundreds of thousands of protestors onto the streets throughout the country. The protests were overwhelmingly peaceful, though there were incidents of violence at times. OHCHR-Nepal observed many instances of professionalism and restraint on the part of the Nepal Police and the Armed Police Force, including under provocation. However, it also documented – and at times witnessed – widespread excessive use of force by security forces. It found that all three branches of the security forces – the Nepal Police, the Armed Police Force and the Royal Nepalese Army, as it was then known – were responsible for deaths and serious injury of demonstrators and other civilians through the excessive use of force.

During the April protests, OHCHR-Nepal staff themselves witnessed police using *lathi* (long baton) charges into crowds, including peaceful assemblies, often aimed at the head and causing serious injury. They also witnessed police fire teargas directly at crowds and the negligent use of rubber bullets, and documented the inappropriate use of live ammunition - all constituted improper and excessive use of force. Children and young people, as well as medical workers trying to treat the injured were among those targeted.

The new Government is to be commended for the establishment in May of the High Level Commission of Inquiry (known as the Rayamajhi Commission), whose mandate includes investigating the events related to the April demonstrations. OHCHR-Nepal has submitted this report to the Commission. One of the most important steps will be to ensure that members of the security forces found to be responsible for using or ordering excessive force are held accountable for their actions. In this sense, the High Level Commission of Inquiry has an important role to play. But it is not a prosecutorial or judicial body. Internal sanctions and criminal prosecutions, particularly in cases of killings and serious injury, will be important to send a strong message that abusive and excessive use of force and human rights violations will not be tolerated.

OHCHR-Nepal's report concludes with a series of recommendations to ensure that the Government and security forces fulfill their obligations and duties, specifically addressing restrictions on the right to freedom of assembly and freedom of movement; review of the Public Security Act; strengthening the Nepal Police; addressing chain of command issues; accountability; compensation and redress; strict control over use of live ammunition; access for medical services during demonstrations; training of security forces in policing during public demonstrations; protection of children. The recommendations also address the duties and responsibilities of demonstrators.

State authorities and the security forces must fulfill their responsibilities to ensure appropriate policing of the demonstrations with full respect for human rights. OHCHR continues to monitor protests in different parts of the country in order to assess the conduct of the security forces in responding to such demonstrations. At a time when more and more groups are exercising their right to peaceful assembly, the lessons drawn from April are particularly important to prevent further abuses. The fact that OHCHR-Nepal has recently documented a number of instances in Kathmandu where protestors have been beaten and injured on the head and back by police indicates that corrective measures still need to be taken. It is essential that the authorities, including the security forces, recognise that there were serious and repeated instances of excessive use of force during the April protests as an important step towards taking measures to prevent further loss of life or injury during demonstrations in the future.

At the same time, demonstration organisers and demonstrators, for their part, must also ensure that demonstrations are peaceful. They must ensure that those participating are aware of their responsibilities to respect the rights and properties of others and to avoid violence. OHCHR-Nepal has recently raised its concerns with the CPN-Maoist leadership regarding the transporting of children to rallies and demonstrations, often without the consent of guardians. Children should not be enticed to take part in demonstrations and rallies through payments of money or food, and should only participate of their own free will.

In closing, I would like to pay tribute to the vital contribution Nepali human rights defenders and media workers made to the protection and promotion of human rights throughout the April period, often at risk to themselves. I also wish to express OHCHR-Nepal's condolences to the families of those who died and give our commitment to continuing to advocate for the rights to justice and compensation for the victims of excessive use of force.

The restoration of democratic rights which resulted from the April protest movement has created hope of an end to the conflict and to the human rights violations suffered by Nepalis throughout the country. Respect for the rights to freedom of expression, of association and assembly must be a key aspect of the peace process. In the coming months, as the peace process and the political transition develop, there will be many times when Nepalis seek to exercise their democratic rights, including to demonstrate peacefully. At the same time, the security forces are likely to be challenged again by difficult crowd control situations. They need to be given the necessary infrastructure, equipment and training, as well as the political support to enable them to carry out their duties to protect and uphold the rights of citizens, including the right to peaceful assembly. They must be given very clear instructions that abusive and excessive use of force will not be tolerated.

I now welcome your questions, thank you.