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Urgent Matters of Attention concerning the

**ARMED CONFLICTS AND HUMAN RIGHTS VIOLATIONS IN NEPAL
AND OTHER COUNTRIES**

In Nepal, the popular people's movement of 1990 overthrew the autocratic Panchayat System under the absolute monarchy and restored multi-party democracy and a parliamentary form of government. A new constitution was framed by an agreement between the King, the Nepali Congress and the United Left Front. This is the 13th year since this political change but the country instead of marching towards progress and peace, is heading towards armed conflicts and political instability.

The armed conflict between the government and the rebel Communist Party of Nepal - Maoist (CPN-M) has now lasted for eight years. Conflicts are mostly concentrated in those areas where indigenous peoples are the majority. Indigenous peoples are therefore greatly affected by the conflicts. Nepal is facing a human rights crisis, with reports of widespread arbitrary arrests and detention, hostage-taking, torture, disappearances and unlawful killings, rapes, abductions, militarization, recruitment of child soldiers perpetrated by both the Communist Party and the military. The conflict has adversely affected on the human rights situation of the people, particularly indigenous women and children.

The peace talks and ceasefires between the Government and the CPN-M failed twice. After the failure of PEACE TALKS in August 2003 again, the fighting came to a stalemate with neither side making any headway. This seesaw battle has come at a large human cost. Of the almost 11,000 people killed in violence related to the CPN-M led "People's War" begun in February 13, 1996, the outbreak of fresh fighting since August 2003 accounts for almost a quarter. Nearly 1500 people, ostensibly Maoists, have been killed by the security forces - more than 300 soldiers and policemen have lost their lives and about 300 civilian victims have also died. Hundreds of security forces of the government captured during the Maoist attacks on military camp and police posts were made captives by the Maoists for many months.

According to the human rights group, the rate of killings during this last stage has been a mind-boggling 12.2 per day, an escalation unparalleled in the eight years of fighting. It is estimated that 300 children are killed since 1996 when the People's War began. Villages are deserted, by the migration of a large number of youths to scape from the armed conflicts and it is estimated that 300 youths left the country daily by air ways and there is no record of on land migration and displacement.

After the dismissal of elected government and assumption of executive power by the King in October 2002 and the appointment of his own Prime Ministers, all the political parties who were in dissolved Parliament in May 2002 and supportive of the

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constitution have been launching a series of protests against the King's move and his cabinets calling political regression. A fresh Anti-absolute monarchy and government rallies are routine, and the streets of Kathmandu are full of protesters. The Parliament was dissolved two years ago, in May 2002. There is now no single elected body in the country. The Constitution of the Kingdom of Nepal (1991) is no longer effective.

At present, there are the pro-parliamentary parties, the students, youths and civil society, indigenous peoples, dalits and women are in their peaceful movements.

The Special Rapporteur on torture, Theo van Boven; the Special Rapporteur on the right to freedom of opinion and expression, Ambeyi Ligabo, and the Chairperson-Rapporteur of the Working Group on arbitrary detention, Leila Zerrougui reiterated their concern over the deteriorating human rights situation in Nepal and about reports of increasing indiscriminate attacks against civilians by both sides on March 9, 2004.

The United Nations Human Rights Commission's Chairperson's Statement on 21 April 2004 shows the commission's concerns.

The donor countries, Canada, Denmark, European Commission, Finland, France, Germany, the Netherlands, Norway, Switzerland and United Kingdom, in their joint donor Statement for Nepal Development Forum 2004 put on record that the DEMOCRATIC PROCESS needs to be reactivated beginning with a representative government and a Prime Minister enjoying the confidence of political parties and urged an immediate ceasefire, followed by full negotiations without preconditions.

The Insurgent Party urged the United Nations for mediation to resolve the eight years of armed conflict in the country.

Last month, the Secretary General, Mr. Kofi Anan wished to offer of support to explore ways of peaceful resolution of the conflicts in Nepal. At this moment, I would like to take this opportunity to thank Mr. Kofi Anan, the Secretary General of the United Nations for his offer of support.

I am, with feeling of deep sadness, listening the statements and interventions of Indigenous representatives about the serious problems of human rights violations and abuses and requests for urgent actions upon them particularly, in armed conflict situations all over the world.

Recalling the Security Council Resolution, 1325 (2000), that invites the Secretary-General to carry out a study on the impact of armed conflict on women and girls, the role of women in peace-building and the gender dimensions of peace processes and conflict resolution,

Noting the Permanent Forum's one of the mandates is to discuss on human rights situation of indigenous peoples and to coordinate and integrate activities of UN system relating to indigenous issues within the UN system and to response on matters of immediate concerns,

I call upon the Special Rapporteur on Human Rights and Fundamental Freedoms of Indigenous Peoples to study and recommend the PF regarding the human rights and fundamental freedoms of indigenous peoples in Nepal and other most troubled areas of the world, as reports submitted by indigenous observers in the third session of the Permanent Forum.

I call upon the Permanent Forum on Indigenous Issues to set a mechanism within the Permanent Forum to make it effective in responding the human rights violence and abuses in time and for initiating reconciliation process through coordination with other available mechanisms within the UN system.

I call upon the Permanent Forum on Indigenous Issues to organise a Workshop in participation of indigenous women, concerned UN agencies, experts and the Permanent Forum members to give input to the Secretary-General on the impact of armed conflict on women and girls, the role of women in peace-building and the gender dimensions of peace processes and conflict resolution, and the feed back to the Beijing plus ten process.

I express my profound concern over the deteriorating human rights situation in Nepal, in the light of reported intensification of the conflict between the Government and the Communist Party of Nepal (Maoist) and the government police forces and the protesters – political parties, and call upon the parties (Government and Maoist) to seriously observe the Article 3 common to the four Geneva Conventions and other human rights international laws for the safeguards concerning the liberty, security and the dignity of the person.

I call upon the Government and the Communist Party of Nepal (Maoist) to an immediate ceasefire, accompanied by a code of conduct and effective independent monitoring and followed by full negotiations without preconditions.

Thank you, Mr. Chair.

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The data of killings during the insurgency reveals that the percentage of killings of Magar (20.7 per cent) by the security forces is about three times more than their percentage of total population (7.14 per cent) (Table 5). The percentages of Chhetri and Kami is a little higher than the percentages of their population. Killings by Maoist is highest among the Chhetris, followed by Bahuns and Magars (Table 1).

Table 1. Persons killed by State/Maoist by ethnicity
[February 13, 1996 - December 31, 2001]

SN	Ethnicity	By State		By Maoist		Total		Census 2002
		N	%	N	%	N	%	% in Total
Dominant Caste								
1	Chhetri	192	16.6	294	33.4	486	23.8	15.80
2	Brahman	114	9.8	161	18.3	275	13.5	12.74
3	Thakuri	26	2.2	61	6.9	87	4.3	1.47
4	Sanyasi	3	0.3	10	1.1	13	0.6	0.88
Indigenous Nationalities								
1	Magar	240	20.7	110	12.5	350	17.2	7.14
2	Tharu	37	3.2	26	3.0	63	3.1	6.75
3	Tamang/ Lama	41	3.5	24	2.7	65	3.2	5.64
4	Newar	20	1.7	35	4.0	55	2.7	5.48
5	Gurung	8	0.7	23	2.6	31	1.5	2.39
6	Rai	4	0.3	16	1.8	20	1.0	2.79
7	Sherpa	4	0.3	2	0.2	6	0.3	0.68
8	Limbu	2	0.2	4	0.5	6	0.3	1.58
9	Kumal	4	0.3	1	0.1	5	0.2	0.44
10	Danjwar	-	-	1	0.1	1	0.0	0.23
Dalit								
1	Kami	55	4.7	17	1.9	72	3.5	3.94
2	Damai	21	1.8	15	1.7	36	1.8	1.72
3	Sunar	3	0.3	6	0.7	9	0.4	0.64
4	Sarki	5	0.4	-	-	5	0.2	1.40
Muslim								
1	Muslim	1	0.1	2	0.2	3	0.1	4.27
Madhesi								
1	Yadav	6	0.5	39	4.4	45	2.2	3.94
2	Teli	2	0.2	-	-	2	0.1	1.34
3	Rajput	-	-	1	0.1	1	0.0	0.21
Other								
	Ethnicity not identified	372	32.1	31	3.5	403	19.8	
	Total	1,160	100.0	879	100.0	2,039	100.0	

Source: Informal Service Centre (INSEC), 2002.