

# Quarterly Newsletter

Peace Brigades International - Nepal



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## Local Perspectives on Security and Human Rights in Siraha and Saptari



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## Editorial

At the end of 2011 and beginning of 2012, PBI undertook three specially funded field trips to Siraha, Saptari and Dhanusha, districts in the Eastern *Terai* of Nepal. The socio-economic structures in the districts have created enduring conditions disposed to conflicts and tension. Within Nepal, the crime rates in these districts are comparatively very high. Looking at the figures makes for startling reading, as do the low rates of prosecution. Poverty, the marginalisation of certain groups, the politicisation of crime and youth exclusion, are some of the key elements mentioned by human rights defenders (HRDs) when describing the underlying and interconnected sources of conflict and unlawful activity impacting on their work in the districts.

The current administration has a long way to go to fulfil their commitments under international human rights treaties. Recent public commitments to honour the Comprehensive Peace Agreement (CPA), to improve the situation of human rights and remove illegal obstacles faced by HRDs have effectively been rolled back. This has caused alarm in the international community and local human rights organisations and HRDs are fearful of the repercussions. The assertion of the weak rule of law in the districts is denied by local authorities, yet the evidence suggests that impunity has become the norm, especially because vocal commitments to improve accountability measures are consistently not reflected in practice.

We know that the security and safety of HRDs is absolutely essential, but retrogressive actions by authorities and political parties at all levels hamper this. Particularly concerning for the majority of HRDs is the level of political interference in all aspects of life in the districts. Also, the prevailing

notion that a 'powerful person can do anything' has an impact on how HRDs think about their own security. Thinking critically about security is paramount for HRDs, and continued local capacity building has proved vital.

In Siraha we saw that a united civil movement has impact and influence, and it was clear from speaking with HRDs and human right organisations (HROs) that membership of functioning networks and alliances gives them confidence in pursuing their work. It is also a valuable but sometimes overlooked protection tool that enhances the security of HRDs.

In recent years young people have faced a life of increasing criminality with fewer opportunities. Ethnic, political and religious factionalism ensure that a common youth identity cannot emerge and their exclusion from decision-making processes breeds discontent. Local organisations are trying to counteract this significant challenge. According to local stakeholders the general security situation has improved since the conflict ended, but a lot more needs to be done in order to ensure the effective promotion and protection of human rights, and the same is true for all other districts across Nepal. Following through on the commitments made during the events covered in this publication is an important first step for authorities to fulfil their public pledge to HRDs and their mandate to protect the people.

This publication will share the main concerns raised by HRDs and other stakeholders in Siraha and Saptari directly with us, along with the commitments made by all to improve the situation for HRDs and to ensure the continued progress towards the realisation of all human rights.



**Peace Brigades International does not take any responsibility for statements made by third parties in this publication.**

Cover image – PBI volunteer listening to WHRDs

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Street scene in Lahan, Siraha

## Siraha and Saptari - an overview

The general security situation in the Eastern *Terai* is seen as one of the most problematic in Nepal. During the conflict from 1996 to 2006 these districts were affected and many human rights cases from the period have still not been addressed effectively. However, the current security and human rights problems experienced by human rights defenders (HRDs) are a combination of long-standing and recent constructs, and HRDs have described Siraha and Saptari as being difficult districts to work in as they face many varied and complex challenges in their work.

A particularly striking characteristic in both Siraha and Saptari is the distinct split of the districts north and south of the East-West highway. The northern area has a mixed ethnic population of *Pahadis*,<sup>1</sup> *Madheshis*<sup>2</sup> and *Tharus*,<sup>3</sup> while the southern area is mainly inhabited by *Madheshis*. During the *Madhesh Andolan*<sup>4</sup> of 2007, the districts witnessed frequent violent clashes between *Madheshi* protesters and local *Pahadis*, as well as state forces, and tension remained high in the following years. This situation has recently improved and violent clashes between ethnic groups are nowadays extremely rare. Local stakeholders pointed out two reasons for this improvement; the first being that many *Pahadis* left the districts for safer locations after the uprising, as well as a result of the lack of local business opportunities and employment. Secondly, after the *Madhesh Andolan*, the *Madheshi* population felt more socially included and the grievances towards *Pahadis* decreased considerably. Even so, there are still some reported communal ten-

sions between and within the two groups, including tensions stemming from caste discrimination, which also feeds into the work and coordination of the mixed human rights community, but they are not on a large scale.

### **Security Situation**

The open border with India engenders serious problems for security and in turn human rights in the districts. According to local authorities the open border is the key security obstacle and crimes such as abductions, extra-judicial killings and theft are commonplace. The porous border allows armed groups and criminal gangs to operate with relative impunity, and in 2011 Siraha had the highest number of extra-judicial killings while Saptari had the highest number of reported abductions in Nepal.<sup>5</sup> Armed groups such as *Janatantrik Terai Mukti Morcha*, *Jay Krishna Goit outfit*, *Akhil Terai Mukti Morcha*, *Madhesh Mukti Tiger* and *Madheshi Virus Killers* are still active in the region. Local non-governmental organisations (NGOs) and journalists face difficult decisions about whether to report about the activities of such groups, along with criminal gangs, as they report increasing threats from these groups directed at themselves or at their families.

In recent months security incidents have increased in Siraha leading to an outcry from the political establishment aimed at the authorities. However, security forces have recently had better representation in all parts of the districts, and some believe this is helping to improve the general security situation. The authorities attribute this improvement to the Special Security Plan and the Information Desk, both of which were

1 People originating from a distinct geographical area in Nepal. The name comes from the word *pahar*, meaning hill.

2 *Madheshis* are the native people of Nepal who live in the *Terai* region, which is referred to as the Madhesh.

3 An ethnic group indigenous to the *Terai* of Nepal.

4 *Madhesh Uprising*

5 INSEC (2012) *Human Rights Yearbook* <http://www.inseconline.org/index.php?type=publications&lang=en&id=1>

established to tackle the problem of armed groups. Nevertheless, as indicated by HRDs locally, these initiatives have not had much impact on the activities of criminal gangs. When questioned specifically about this claim the police openly state that a lack of resources hinders how far they can tackle these security problems, especially the criminal gangs. However, according to the police, despite the lack of resources they are seriously committed to seek out all perpetrators, 'even those who attempt to hide in India.'

### **HRDs' operational space**

Most HRDs in the districts report that threats or attacks are perpetrated by two key actors: criminal gangs and communities. Women human rights defenders (WHRDs) and lesbian, gay, bisexual, transgender and intersex (LGBTI) HRDs especially face opposition from within their own communities when they take on cases that defy the traditional patriarchal culture. According to one WHRD, 'due to the conservative structure of the society the voices of women are not well respected and widely heard.'

Concerning criminal gangs, their activities seriously impact on the work of HRDs given the blurry borders that exist between the gangs, political parties and security agencies. In the past, criminal gangs have targeted development organisations for extortion, which partly explains why some of these organisations departed from the districts. Further, with the departure of the Office of the High Commissioner for Human Rights (OHCHR) there will be no international actor left to monitor the human rights situation. Human rights monitoring is now the responsibility of local human rights organisations (HROs) and HRDs and, according to the same WHRD, the absence of international presence can make it 'difficult for us [HRDs] to work.'

After conducting several interviews with journalists and other HRDs, PBI heard that the number of attacks against journalists is proportionally high in these districts. However, there is no broad agreement on this. In the first two months of 2012, three journalists have reportedly been victimised by state forces and political parties. This can affirm the claim of some stakeholders that journalists are more at risk than any other category of HRDs in Siraha or Saptari. In these interviews some journalists said that they feel compelled to self-censor their work to avoid incurring threats.

Both were among the five districts with the highest occurrence of extra-judicial killings between 2008 and 2010<sup>6</sup> and HRDs working on human rights violation cases involving authorities usually face strong resistance. There are reported cases where the same police department that allegedly committed a crime is forced to investigate. This puts into question the impartiality of the police investigations in these incidents, as well as their commitment to fully investigate their colleague's

alleged criminal activity. Furthermore, in cases of violence against women, local HROs emphasise that too often the police encourage informal mediation processes within the community rather than initiating a full police investigation and judicial process. Despite these concerns, HRDs in Siraha and Saptari generally do not consider the police as one of the main repressive actors, and currently there are few reported incidences where they have received threats from the authorities.

According to the HRDs PBI met, political interference is more problematic and 'threats from political parties are normal.' Direct political pressure, such as insisting on being physically present in meetings to monitor the discussions, has serious implications for HRDs. The impact of political interference was also raised in interviews with the local authorities. Authorities say they fear being transferred to other districts if they do not accommodate certain parties' demands and interests.

One assessment by a HRD is that political parties are not clear on what 'political interference' means and thus, they repeatedly cross the line in their interactions with authorities and HRDs alike. There has been a long history of undue political interference in Nepal, which has developed unchecked, and as a result the security and justice sectors have routinely been influenced. Heavy political interference within the policing system has created many obstacles for the maintenance of law and order, and it has always proved a fundamental block to developing effective and accountable security across Nepal.

Conflicts can arise when political party members are accused of committing human rights violations. According to local HROs, it is not unheard of for political parties, or individuals associated with powerful parties, to use their influence to try to protect the perpetrator and interfere with a HRO, as well as with the police investigation. Concurrently, it is not unusual for some local human rights organisations themselves to be politically affiliated or to use their personal connections to political parties' cadres to get support. Likewise, politically affiliated HRDs have also been known to refrain from pursuing cases that involve perpetrators connected to their party.

Despite positive developments in both districts, many issues remain unresolved. HRDs continue to reiterate their need for additional local protection tools and further training, which explains why so many were interested in participating in the security trainings that PBI supported in January. Furthermore, appeals to the government for safeguards for victims and HRDs alike have not been addressed. Many of the stakeholders that PBI met agreed that, 'government tends to contribute to human rights violations by not fulfilling their legal duty to provide effective protection and redress for victims of crime and human rights violations.'

## Staying safe

**H**uman rights defenders (HRDs) raise their voices against human rights violations and, consequently, knowingly incur risks. In Siraha and Saptari the high level of criminal activity, lack of police cooperation, interference from political parties and from members of the community, raises this level of risk. Furthermore, given the lack of resources and social status, limited or no access to information, and a lack of awareness of protection tools to mitigate such risks, ensures some defenders face high levels of risk and difficulties in developing sustainable security. Capacity building is essential and during these special field trips, PBI coordinated two security trainings given by Protection Desk Nepal (PDN). The trainings included HRDs from Conflict Victims Society for Justice (CVSJ), Blue Diamond Society (BDS), Women's Rehabilitation Centre (WOREC), Women for Human Rights, Local Mediation Community, Advocacy Forum (AF), WHRD Alliance, Human Rights and Public Advocacy Centre (HUPAC), and HimRights. These trainings focused on the needs specifically identified by participants. For example, it is explicit that women human rights defenders (WHRDs) and third gender HRDs face different challenges to other HRDs. Ganga Thapa from PDN said the trainings focused on equipping HRDs with the necessary tools to deal with issues of, '...stigmatisation, intimidation, physical violence, non-recognition, denial of identity, dual responsibility of women, perception of state party and non-state party and how these affect their own security working as WHRDs.'

Foremost, HRDs developed an understanding that their security comes first. Vital information about conducting security assessments, develop-

**BLUE DIAMOND SOCIETY, SAPTARI—SUNIL KUMAR CHAUBHARY, HEALTH WORKER, ABOUT THE IMPORTANCE OF SECURITY TRAINING \*BDS WORKS TO PROMOTE THE RIGHTS OF SEXUAL MINORITIES IN NEPAL.**

*Do you find the tools you learned at the recent security training useful?*

Yes, it was effective for me. I have made a lot of improvements in my work. It helps me know how to make my personal security plan. It also helps us to find different stakeholders and enables us to make effective strategic plans and coordinate better. Every Saturday our organisation organises an internal meeting to enable staff to share their experiences and knowledge. Overall the training was very useful and beneficial as we got the chance to meet with other HRDs, which will make our work easier.

*Along with security training do you think there other tools needed in order to make an effective security plan?*

Organising different programmes and involving media personnel, civil society, political parties and authorities would be useful.

*What kind of follow-up is necessary?*

Refresher trainings are needed and longer trainings too, because many people in the community have not graduated and this would help them learn better. All staff should be given this kind of training so that they can also have knowledge and experience on how to improve their security.

ing risk strategies and existing national and international protection tools was also shared. One defender highlighted the importance of security

trainings for HRDs saying that: 'Before I attended this training, I did not know how to assess the situation when we go to file a case, from whom to seek help, where the threats might be coming from? Now I can assess my own security as well as my colleagues. It really helped me to improve my own security.'



Participants at the Saptari security training

## Local networks

### *A protection tool for human rights defenders*

**F**or human rights defenders (HRDs) a local coordinating body is a powerful means of improving both the efficiency of their work and their personal safety. It enables more immediate information sharing and a strong voice when advocating with different stakeholders. It also benefits individuals and organisations when feeling insecure due to their work, as they can immediately alert a number of partners to respond to their concerns.

HUPROC, a local network of human rights organisations (HROs) in Siraha, serves as a prime example of such strategic coordination. During the Maoist insurgency local HROs were severely impeded in their work. In response to such obstacles, in 2005 the Women's Rehabilitation Centre (WOREC) in Siraha foresaw the benefit of a network that combined a range of voices to strengthen individual endeavours and initiated the HUPROC network. Seven years onward, the network has grown to include twenty grassroots organisations and HRDs. These include national organisations such as INSEC, Blue Diamond Society (BDS) and Advocacy Forum (AF), as well as local NGOs such as the All People Development Centre (APEC) and the Dalit Welfare Youth Club

(DJKYC).

HUPROC's organisational strategy has a yearly chairmanship rotation in order for each member to share in the direction of the network, and since the beginning of 2012, DJKYC has assumed this role. This system allows the local human rights community to avoid conflicts based on communal, ethnic or political lines, and also enables a more efficient and balanced working environment between members. HUPROC organises a meeting every three months between all its members, and holds a public hearing with all organisations, including the Superintendent of Police (SP), Chief District Officer (CDO) and the local government Ministers, if they can attend. Such interaction programmes provide a platform for activists to talk about the general security situation, raise pressing human rights cases, and analyse external obstacles that hamper their work, such as political interference and rejections of first information reports,<sup>7</sup> Such regular meetings ensure both quality and continuity to the relationship between HRDs and security officials. Binod Bisunke, DJKYC President, was very positive about the authorities' quick response to one particular letter sent by HUPROC, and credits this

### **ANILA SINGH DANUWAR, COORDINATOR OF THE WOMEN HUMAN RIGHTS DEFENDERS (WHRD) ALLIANCE IN SIRAHA, TELLS US HOW WORKING THROUGH A NETWORK ENHANCES BOTH THEIR WORK AND THEIR SAFETY.**

#### *Why did you set up the Alliance in Siraha?*

Many of us got to know each other at a training on gender rights. After this programme, we decided to build up a network. At first it started in only 4 or 5 VDCs but has now spread to 106 VDCs.<sup>8</sup>

#### *How are WHRDs and organisations getting involved in the Alliance?*

A key aspect of this network is that it unites individual activists rather than NGOs. Thus, we can work together, share information and discuss common challenges. The ability of the network to reach many VDCs integrates all the WHRDs in the district and strengthens the work.

#### *How does the alliance support and encourage local WHRDs?*

When we take on cases related to inter-caste marriage and domestic violence, we face a whole range of challenges from within our communities or from political leaders. Therefore, it is of utmost importance to share information on cases and challenges with the Alliance. We can discuss this among ourselves and then interact in a united way with the police, the authorities or the political leaders. For example, the whole network will support a WHRD when filing a case at the District Police Office (DPO) giving confidence and support to the WHRDs at grassroots level.

<sup>7</sup> A First Information Report (FIR) is a formal written complaint lodged with the police by the victim or someone on their behalf.  
<sup>8</sup> Village Development Committee (VDC) is the lower administrative part of the local development Ministry.



Participants at the Saptari security training

working relationship to the network's unified voice.

Furthermore, a well coordinated network comprising of committed organisations and individuals strengthens the local human rights agenda and enhances the security of individuals. According to Binod, 'before HUPROC's creation, there were many organisations spread across the district with little knowledge of each other's respective activities.' He added that this haphazard arrangement made them more susceptible to threats, which in turn deterred them from continuing to work on cases of human rights violations, but 'since being a member of a network, members feel a lot more secure in working on cases, and threats are reduced significantly.'

The inclusive composition of HUPROC creates an atmosphere where the local human rights community proves to be consistent, united and strengthened. In addition to the authorities, the network is also recognised as an effective actor by other stakeholders, which is evident through their experience of facilitating programmes with the National Human Rights Commission (NHRC) and the Office of the High Commissioner for Hu-

man Rights (OHCHR).

From our comparative analysis of the situation in Siraha and Saptari, the importance of a human rights network is clear. The Human Rights Alliance in Saptari is a relatively new branch of the nationwide network. The network is continuing to establish itself in the district and still has to develop a well planned operational and organisational strategy. Many members of the human rights community in Saptari raised the concern that often two or more organisations are involved in one human rights case and they do not coordinate with each other. Such an uncooperative environment is not only an ineffective use of resources but can also adversely affect the handling and outcome of a case.

The discussions arising within the human rights communities in Siraha and Saptari demonstrate the importance of a network as a protection tool, whether it is through encouraging comments in Siraha on how being part of HUPROC makes organisations feel more secure, or from repeated requests in Saptari for a stronger, united network.

# Siraha and Saptari's Youth

## Making their own future

Even as the security situation and living standards in the Eastern *Terai* steadily improve, large numbers of the region's population remain severely neglected by the state. Commentators and specialists on the region have long pointed out that youth, especially young men, fall into this category and are in severe danger of falling by the wayside in Nepal's post-conflict transition. In the current political climate, in which the Maoists and the old party establishment struggle for power, true consensus seems a long way off and young people are largely left out of the discussions that will shape their future. In Siraha and Saptari, as in some other districts of the Eastern *Terai*, local youth, along with HRDs and activists have taken up the important cause of bringing the voice of the youth into the process of building a new Nepal.

### **The issue: a long tradition of neglect**

Nepal's political landscape is dominated by elderly men. Not only are the country's numerous and diverse cultures seemingly united in their commitment to a strong and sometimes crippling principle of respect for seniority, but politicians have also long shown an unhealthy tendency to hold on to power. 'The NC [Nepali Congress party] has no youth leadership. Sushil Koirala is over 80 years old, before there was Girija Prasad Koirala also an older man. Political parties use their sister [youth] wings as backup and second men, [but] they won't include them in the leadership and the decision making process,' tells Sunil Sah, president of the Siraha office of the All Peoples Development Centre (APEC).

During the conflict the Maoists recruited support from rural schools. Now, political forces mobilise youth to give weight to their causes without truly investing in their potential as leaders of the future.<sup>9</sup> The young in the Eastern *Terai* also lack access to the centre of political power in distant Kathmandu and its immediate surroundings, while the fractioning of society along ethnic, political and cultural lines hinders the development

of a common and unifying youth identity.<sup>10</sup> A recurrent theme often heard in the districts in some variation is that of the '4 Ms' – money, mobile phones, motorcycles and Mausers (guns) – being the motivation for youths to seek quick profits and power by joining youth wings, or worse, criminal gangs operating along the Indian border.

### **The change: Siraha and Saptari's youth take up the fight for their future**

Despite the many frustrations with the current state of affairs, momentum is gathering behind a movement of youths who are trying to think outside the box of partisan politics and the '4 Ms.' In Siraha and Saptari, organisations working on the rights of young people have identified the lack of skill development, and therefore the lack of job opportunities, as the most immediate and pressing challenge. According to the Human Rights and Rural Development



Centre (HURC) vice-president, Partha Sarkar, practical approaches are needed. The 151 member strong organisation offers skill development programmes in electrics and agriculture and organises cultural and awareness programmes to engage all elements of society in youth issues. It is hoped that such initiatives will, in the long run, offer true alternatives for young people to engage in constructive dialogue and enable them to resist the lure of criminal organisations. In his peace-building and mediation programmes in Siraha, APEC's Sunil Sah sees such hard won progress, 'I feel that now youths slowly become aware that they won't gain much from armed political and criminal activities. If the state is continually involved in doing programmes, then the situation will further improve.' Broader recognition of the responsibilities along with the positive and negative potential of youth and their right to contribute to shaping today's Nepal will not only benefit the Eastern *Terai's* fragmented society but the country as a whole.

9 Eck, Kristine (2007) *Recruiting Rebels: Indoctrination and Political Education in Nepal*

10 International Alert (2008) *Youth Perspectives on Community Security in the Eastern Terai*



# Open dialogue

## Authorities and political parties pledge support to HRDs

### Creating a platform for dialogue

In order for human rights defenders (HRDs) to work on human rights issues in a safe environment, support from authorities and political parties is essential. HRDs in Siraha and Saptari have not always had such a supportive environment. Thus, they raised the need for such a platform to communicate their concerns with authorities and other relevant stakeholders in order to find a way to improve the human rights situation and to tackle criminal activities.

In February 2012, PBI provided support to the organisation of two roundtables, one in Siraha organised by HUPROC and one in Saptari organised by the Human Rights Alliance. There were approximately 65-70 participants at each of the roundtables, which were attended by various HRDs, journalists, political parties, authorities, including the Chief District Officer (CDO), Deputy District Officer (DDO), Armed Police Force (APF), police, youth leaders and representatives of the Dalit and disabled communities. According to the organisers the main objective of the roundtables was to create a space for dialogue, to identify the roles and responsibilities of all the stakeholders, and to obtain a commitment to promote and protect human rights.

### The present situation

In each of the roundtables a concept note, which outlined the current human rights situation, challenges, roles and responsibilities, was presented for the participants to discuss and raise their concerns on the issues contained therein. Although the degree of serious human rights violations has decreased significantly in the recent past, incidents of rape, domestic violence, multiple marriage, child labour, caste discrimination and untouchability have not decreased. For example, according to the data that Women's Rehabilitation Centre (WOREC) presented in the Siraha concept paper, there were 118 violations of women's rights recorded in 2011. Dalit Welfare Youth Club (DJKYC) also reported 3 recent incidents of caste discrimination in the paper. This situation has been exacerbated by the in-

creasing rate of criminal activities, along with armed group activity. The INSEC representative at the Siraha roundtable reported 17 murder and 10 abduction cases in Siraha alone in 2011. Their most recent information indicates that there have been six abductions and three murder cases in January to mid-February 2012. This alarming rate of criminal activity not only demonstrates the ineffectiveness of law enforcement, but also creates an environment of insecurity, particularly for HRDs.



The Siraha roundtable

### Stating the case

Participants in the roundtable were able to raise their concerns openly. Along with the main issue of criminal activity, they pointed to the authorities' failure, particularly the District Police Office (DPO) and the District Administration Office (DAO) to provide support and cooperation when HRDs go to file cases on behalf of the victims.

The strongest accusations came mostly from the participants representing women rights groups, Dalit groups, and the disabled and third gender community respectively. In Saptari, Sijendra Sada of the Dalit NGO Federation said that:

'There is still a big problem with caste discrimination and Dalits have no access to VDC (Village Development Committee) facilities, such as health posts. I have doubts over the DPO/DAO's willingness to implement [state policies].'

For Binod Bisunke of DJKYC, the problems experienced by Dalit people are not only limited to getting the bare minimum facilities from the government. They also face problems when filing cases related to caste discrimination and gender-based violence. They contend that these issues are not taken seriously by the police, and are

often not filed because the police think these issues should be solved by mediation alone. Political interference in cases was another major concern raised. Dev Anand of Blue Diamond Society (BDS) Saptari pointed this out by asserting that, 'there is a lot of political interference and BDS is unable to get protection. Why do the security forces protect criminals?' Abha Setu of *Setu Samudaik Bikash Tatha Manav Adhikar Manch* in Saptari raised the issue of irregularities and corruption in the operations of the safe house and requested authorities to monitor and investigate.

### Reaching understandings

Leaders of political parties also criticised authorities for not investigating criminal cases independently, and accused them of arresting innocent people instead of the real perpetrators. In Siraha, a Unified Marxist-Leninist (UML) party leader pointed to three recent cases and he strongly criticised police for what he called their failure to investigate properly, and for their alleged involvement with criminal groups. The UML leader also promised not to provide shelter to criminals under the banner of his party, and apologised for forcing

the closure of schools during their protests against the police in the handling of those three cases.

Authorities present in both roundtables admitted government failure to implement human rights policy effectively. However, they expressed their commitment to cooperate with, and support the work of HRDs, with the new CDO of Siraha saying that, 'there are many problems. We may be



Participants at the roundtable in Siraha

able to minimise them if everyone cooperates well. As a CDO I am always committed to promoting and protecting human rights.' The CDO's commitment was further displayed by his proposal to HUPROC to jointly hold monthly hearings on service delivery. The Superintendent of Police (SP) of the APF in Siraha also declared his commitment to help and support HRDs. He asked

that, 'if HRDs have difficulties visiting villages please let us know, even if there is a problem of transportation to collect information and evidence related to human rights violations cases.'

In both districts the oral and written commitments from the authorities, and political parties especially, were welcomed by the human rights community, and if implemented as agreed will be a constructive and encouraging move forward.



Participants at the roundtable in Saptari

# STAKEHOLDER COMMITMENTS

## SIRAHA

- We are committed to our roles and responsibilities, according to our positions, on the issues of human rights, peace and security in the district.
- A civilian complaints box (*wadapatra*) is to be kept in all government offices.
- We agree that coordination and collaboration is necessary for peace and security.
- All types of support and security will be given to HRDs against all the threats they face.
- We will support action against incidents of killing, violence, threats, extortion, rape and caste untouchability.
- We will discourage the dowry system, violence against women, sexual violence against women and all other types of inhuman activities.
- We will support taking action if our cadres are found to be involved in criminal activities.
- We will implement past commitments.
- We will not force school closures.
- We will take action using the necessary legal process against officials in local bodies who are accused of corruption.
- We will coordinate and collaborate to ensure peace, security and human rights protection in the district.
- We will publicise the truth on criminal incidents.
- We will take action if corruption is found in the establishment of the Child Development Centre.
- We will make efforts to protect civil rights, peace and security.

## SAPTARI

- We are committed to maintaining peace and security and to guaranteeing the protection of the people.
- We are honestly working to end impunity and to maintain law and order.
- We will not provide protection to criminals.
- We will maintain social courtesy to ensure good relations.
- We will work to end all kinds of discrimination against women and to bring violators of women's rights inside the legal framework.
- We are committed to end caste discrimination.
- We will work to stop corruption and irregularities in development work.
- We appeal to political groups who are involved in armed activities in the *Terai* to open dialogue and start peaceful politics.

## Interview with Jiwachh Sah - Advocacy Forum



Jiwachh Sah with PBI

Since 2001, Advocacy Forum (AF) has been working to uphold international human rights standards in Nepal and to combat the deeply rooted culture of impunity. In an interview with Jiwachh Sah, an advocate with AF, he explained the particular challenges and threats he faces as a human rights defender (HRD) and lawyer working on the promotion of justice and rule of law in Siraha.

*How do you feel about the general situation for HRDs in Siraha?*

Since I have been working in this field, I have two types of feelings; happiness and apprehension. I feel happy because HRDs can make the government accountable by using different tools such as advocacy, lobbying and publicising information. However, it is also a high risk job as authorities try to obstruct the work of HRDs by exerting pressure to either deter me from filing a case or to withdraw a case altogether. Similar pressure also comes from political parties, security forces and armed groups. If HRDs move ahead with cases that involve party activists or security personnel they are likely to receive threats. Armed groups also pressure HRDs to mediate with the police on kidnapping cases, and to publish their agendas. Most HRDs do not share such threats owing to fear of reprisals.

*How are the police involved in human rights violations?*

There is a nexus between police and criminal groups as the former take commission on a crime such as kidnapping, extortion or smuggling. Criminal groups operate close to the police station or in the surrounding areas where the police have set up check posts. In a recent case where a government employee was abducted and held for fifteen days then released, the police inquired with the victim's family to whom

they gave a ransom. However, such an inquiry did not happen during the period the person was disappeared. New types of threats are also emerging in the form of motorcyclists cutting across the paths of HRDs or following them. When HRDs share such threats with the CDO, he recommends that they step back from their work until the threats have decreased.

*What kind of human rights violation cases happen in this area?*

Mainly abduction cases where people are taken to India and the perpetrators extort money from the victim's family. However, recently there has been tension between the (Unified Marxist-Leninist) UML and District Police Office (DPO) regarding two different cases.

In one case, a robbery took place just a hundred meters from the DPO. A five year old boy was killed by the perpetrators as they were fleeing, and a girl was also raped. The UML accused the police of having links to criminal groups as they did not react fast enough.

*What does AF do in these types of cases?*

In abduction cases, the perpetrators call the family of the victim and, instead of going to the police, they come to me. We do not call the perpetrator directly but ask to talk to the leader of the group to inquire if they are involved. We also issue press releases, which puts pressure on the authorities. As a member of the Human Rights and Development Centre (HUDEC), I recently acted as a mediator during a meeting at the Chief District Officer's (CDO) office between the CDO, Superintendent of Police (SP), Armed Police Force (APF), UML leaders and other political parties and civil society representatives. In the meeting UML demanded the formation of a high level team to investigate the aforementioned case but the authorities decided to form a team led by the Deputy Superintendent of Police (DSP). The UML protested against this decision because they believe the DSP is associated with criminal groups.

*How does the Human Rights Alliance help the security of HRDs?*

We all feel secure when we go together. When we go to monitor cases, we go in a group.

*Given that the Office of the High Commissioner for Human Rights (OHCHR) is leaving Nepal soon, do you think more international presence would be beneficial in the area?*

The development of a new constitution will not improve the situation immediately. Therefore, at the moment, international presence is really necessary.

# Conflict Victims' Society for Justice (CVSJ)

## Seeking transitional justice in a climate of impunity

Nearly six years after the end of Nepal's decade-long civil war, the pursuit of justice and the realisation of universal human rights continue to challenge Nepal's human rights defenders (HRDs). Rather than establishing transitional justice institutions that would strengthen rule-of-law and provide accountability for the grave human rights violations committed during the conflict, the government of Nepal is instead attempting to pass a Truth and Reconciliation Commission Bill that would limit justice and provide an avenue to impunity. If passed, the bill will allow amnesty to perpetrators of gross international human rights and humanitarian law violations, including the murder of captives and unarmed civilians, torture, rape and kidnapping, should the victims agree to reconciliation on reparation. As drafted, the bill essentially places the burden on victims to delineate between justice and compensation. Furthermore, it makes them vulnerable to threats and intimidation from their abusers to opt for reconciliation.

Despite such efforts to further entrench impunity in Nepal, the Conflict Victims' Society for Justice (CVSJ) continues its work to unite conflict victims and safeguard their rights. However, realising this mission in Siraha - a district plagued with weak rule-of-law, poverty, political interference and criminal and armed group activity - is particularly problematic for CVSJ's Siraha representatives. Conflict victims and/or their families are often reluctant to pursue justice, and are unwilling to speak out against perpetrators owing to fear of reprisals. CVSJ's district president, Bodhnargan Yadav Udguayiguo, shared that between 200 to 250 people in Siraha have brought their cases to CVSJ, but he suspects there are close to 2000 victims living in the district. CVSJ's difficulties are further exacerbated by their limited resources, which restricts them from offering local truth and reconciliation programmes as provided in other districts, and from conducting fact-finding investigations in all cases.

According to CVSJ's Siraha district coordinator, Ranu Karna, victims prefer to seek redress through Nepal's Victims Compensation Act because the district's security situation is too poor to pursue legal justice.

Ranu, therefore, assists victims in pursuing compensation, a particularly difficult process for families whose loved ones were disappeared in the conflict. Although she has had some success in this pursuit she admittedly has reservations regarding what may be a government tactic to ap-

pease victims with compensation and perpetuate a climate of impunity. 'The government's responsibility to provide justice is lacking; they use compensation to deter victims from seeking justice,' stated Ranu.

Ranu is also concerned over the many disputes that have sparked within victim's families over the distribution of compensation; sometimes resulting in victims being further victimised by members of their own family. Still, she laments, unless she continues to provide her assistance free of charge, victims will go to others for support and will be forced to give a portion of their compensation to them.

Ranu's own brother-in-law was disappeared during the conflict a few months after he left the Maoist Party. In February 2012, his wife received compensation from the government for his disappearance. Although Ranu would like to register the case and receive justice on his behalf, she too fears that doing so may cause her to be killed by his abductors. Currently, her brother-in-law's children live with Ranu; she hopes that one day the security situation will improve enough to register the case, as well as others, thereby demonstrating to her niece and nephew that truth and justice will not be denied in Nepal.

Bodhnargan Yadav Udguayiguo is also hopeful the human rights and security situation will improve in Siraha. He noted that over the past few years many international and national organisations have been providing human rights trainings, so the community is more aware of their rights. He added:

'Now there are more human rights defenders, like me, to advocate on behalf of others. Authorities violate human rights less than before because human rights defenders know their rights and hold them to account.'



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