

## URGENT APPEAL - THE OBSERVATORY

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**NPL 001 / 0313 / OBS 022**

Physical assault / Threats

**Nepal**

March 6, 2013

The Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), requests your urgent intervention on the following situation in **Nepal**.

### **Brief description of the situation:**

The Observatory has been informed by reliable sources about the physical assault against Mr. **Yadav Prasad Bastola**, Executive Director of Human Rights Alliance<sup>1</sup>, Central Office, Kathmandu, by four alleged Maoists cadres who beat him with iron rods more than 40 times, accusing him of attempting to jail and prosecute Maoists cadres for human rights violations committed during the conflict period (1996 - 2006) by writing articles and organising programmes on human rights violations and impunity in different parts of Nepal, as well as about threats against several members of Accountability Watch Committee (AWC), namely Ms. **Mandira Sharma**, Chairperson of Advocacy Forum-Nepal, Mr. **Subodh Pyakhurel**, Chairperson of the Informal Sector Service Centre (INSEC), Mr. **Kanak Mani Dixit**, a journalist and editor of *Himal* magazine and other publications, Mr. **Sushil Pyakhurel**, Chair of AWC, Mr. **Charan Prasai**, Coordinator of the Joint Forum for Human Rights, and Mr. **Kapil Shrestha**, both members of AWC.

According to the information received, on February 28, 2013, Mr. Yadav Prasad Bastola was returning home from Birendranagar municipality, Surkhet district, where he had organised a workshop on "Impunity and Post-conflict Justice" on behalf of Human Rights Alliance the day before, when he was seriously assaulted by four unidentified persons at around 7.30 pm in the jungle of Srinagar in Vidhyapur Village Development Committee (VDC)-05, 30 minutes away from his home.

Reportedly, two of the men, who had covered their faces with masks and had been following him for some time already, stopped Mr. Yadav Prasad Bastola and asked him if he was a human rights defender. The latter confirmed, and asked them if they needed his support. One of them then said: "*Aren't you the person who is trying to jail the Maoists?*" The men caught his hands and neck, and were joined by two other unidentified persons. The attackers said: "*You write against Maoists and travel different parts of Nepal organising programmes against Maoists. You write accusing us of being involved in human rights violations during the conflict period. You are trying to jail us*". The men hit Mr. Yadav Prasad Bastola four times on his back with iron rods. One also tried to hit him on the head, but Mr. Bastola managed to protect himself with his hands, leaving his left wrist injured. As the men continued beating him with iron rods, he fell on the ground. He tried to protect his head with his hands, bending on his knees and elbows, but the men continued beating him and kicking him with their boots. While beating him they said, "*You write against Maoists party to support the Nepali Congress and CPN-UML Parties. We will kill you here*". Luckily, as two motorcycles suddenly came towards the group, the assaulters ran away towards the jungle, and Mr. Yadav Prasad Bastola managed to run towards a nearby village, where villagers called the police. Some villagers and policemen took him to a local hospital in a stretcher, where he received first aid. At around 10 pm the same day, a police van took him to Deuti Nursing Home, Surkhet district, for further treatment. On March 1, 2013, he was discharged from the hospital.

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<sup>1</sup> The National Alliance for Human Rights and Social Justice - Nepal (Human Rights Alliance) is a Coalition of Nepali non-governmental human rights organisations dedicated to a cause of freedom, human rights, social justice, and peace in Nepal that was established in 1996.

On February 27, 2013, a local newspaper, the *Pahichan Daily*, had published an article written by Mr. Bastola on impunity in an extra-judicial killing of a man from his VDC named Surya Prasad Poudel by Maoists cadres during the conflict period in Nepal. The article had focused on the need to provide compensation to the victim's family members and to investigate thoroughly the conflict era crimes.

On March 1, 2013, Mr. Yadav Prasad Bastola filed a First Information Report (FIR) at the District Police Office of Surkhet. According to the police, an investigation is currently in progress. Moreover, the National Human Rights Commission (NHRC) of Nepal subsequently condemned the serious assault on Mr. Bastola.

Furthermore, the Observatory is also concerned by threats that were issued recently through the media against several members of AWC, a forum of leading human rights defenders fighting against impunity in Nepal, by the Maoist mouthpiece magazine *Lal Rakshak* (Red Defender), the blog *Krishnasenonline*, and various other local Maoist-affiliated papers and FM radio stations.

In the article published in the edition for January-February of *Lal Rakshak*, Ms. Mandira Sharma, Mr. Subodh Pyakhurel, and Mr. Kanak Mani Dixit were accused of “going against the Maoists, Maoist political agenda and change”. Other defenders named were Mr. Sushil Pyakhurel, Mr. Charan Prasai, and Mr. Kapil Shrestha. They were accused of being traitors, enemies of the people, peace spoilers, and dollar mongerers, among other insults, and the article encouraged that “people’s action should be taken against them”<sup>2</sup>.

This appeal was repeated in a number of local Maoist newspapers, including in *Gandaki Awaj* published from Pokhara on January 21, 2013 under the headline (translated): “Real face of Kanak, Subodh and Mandira”. A newspaper *Taja Khabar* published from Rupandehi on January 22, 2013 repeated the same story with the headline (translated): “Dollar-mongers search murderers”. A similar article was published in an online news portal *Onlinekhabar*. Furthermore, the appeal for “people’s action” was also broadcasted repeatedly on Maoist FM radio stations around the country. On *Krishnasenonline*, the main Maoist news portal, Unified Communist Party of Nepal (Maoist) - UCPN Spokesperson Agni Sapkota commented that “some NGOs supposedly working for human rights are acting against national interest”. He added that these NGOs “prefer dollars to nation and nationalism” and that “for green dollars, some people have called imperialist Britain to have Colonel Kumar Lama arrested”, naming Ms. Sharma and Advocacy Forum as being responsible for Mr. Lama’s arrest.

Those threats indeed come in the context of the arrest of Mr. Kumar Lama, a Nepali army colonel who was charged with torture by the authorities of the United Kingdom on January 4, 2013 under universal jurisdiction law, as well as of five Maoist cadres in Dailekh district, Nepal, who were charged with the torture and murder of Dekendra Raj Thapa, a journalist, in 2004<sup>3</sup>. Members of AWC were instrumental in getting the UK authorities to arrest Mr. Lama as well as in filing the Dailekh case.

### **Actions requested:**

Please write to the authorities in Nepal, urging them to:

- i. Guarantee in all circumstances the physical and psychological integrity of Mr. Yadav Prasad Bastola, Ms. Mandira Sharma, Mr. Subodh Pyakhurel, Mr. Kanak Mani Dixit, Mr. Sushil Pyakhurel, Mr. Charan Prasai and Mr. Kapil Shrestha as well as of their relatives and all human rights defenders in Nepal;

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<sup>2</sup> “People’s action” is a term that was used during the 10-year-long Maoist “people’s war” which ended in 2006. It denotes punishment to be meted out through direct action, i.e. through violent attacks.

<sup>3</sup> For more information on the case, see OMCT Urgent Appeal NPL 140113 issued on January 14, 2013:

- ii. Carry out a thorough, impartial and transparent investigation into the above mentioned facts in order to identify all those responsible, bring them before a competent and impartial tribunal and apply to them the sanctions provided by the law;
- iii. Put an end to any act of harassment against Mr. Yadav Prasad Bastola, Ms. Mandira Sharma, Mr. Subodh Pyakhurel, Mr. Kanak Mani Dixit, Mr. Sushil Pyakhurel, Mr. Charan Prasai and Mr. Kapil Shrestha, and all human rights defenders in Nepal, and ensure in all circumstances that they are able to carry out their legitimate activities without any hindrance and fear of reprisals;
- iv. Conform with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially its Article 1, which states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels”, and Article 12.2, which provides that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”;
- v. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by Nepal.

#### Addresses:

- Prime Minister, Dr. Baburam Bhattarai, Office of the Prime Minister and Council of Nepal, Singha Darbar, Kathmandu, Nepal. Fax: + 977-1-4211286, Email: [info@opmcm.gov.np](mailto:info@opmcm.gov.np)
- Inspector General of Police, Mr. Kuber Singh Rana, Police Head Quarters, Naxal, Kathmandu, Nepal, PO. Box No.: 407. Fax: + 977 1 4 415 593, Email: [info@nepalpolice.gov.np](mailto:info@nepalpolice.gov.np) / [phqigs@nepalpolice.gov.np](mailto:phqigs@nepalpolice.gov.np)
- Attorney General, Mr. Mukti Nath Pradhan, Office of Attorney General Ramshahpath, Kathmandu, Nepal. Fax: + 977 1 4262582 / 4218051, Email: [attorney@mos.com.np](mailto:attorney@mos.com.np), [info@attorneygeneral.gov.np](mailto:info@attorneygeneral.gov.np), [socialjus@gmail.com](mailto:socialjus@gmail.com)
- Chairman of the National Human Rights Commission, Mr. Kedar Nath Uppadhya, Pulchowck, Lalitpur, Nepal. Fax: + 977 1 5547973. Email: [nhrc@nhrcnepal.org](mailto:nhrc@nhrcnepal.org); [complaints@nhrcnepal.org](mailto:complaints@nhrcnepal.org)
- H.E. Mr. Shanker Das Bairagi, Ambassador, Permanent Mission of the Federal Democratic Republic of Nepal to the United Nations Office in Geneva, 81 rue de la Servette, 1201 Geneva, Switzerland, Fax: + 41 22 733 27 22, E-mail: [mission.nepal@bluewin.ch](mailto:mission.nepal@bluewin.ch)
- H.E. Mr Ram Mani Pokharek, Ambassador, Embassy of Nepal in Brussels, Avenue Brugmann 210, 1050 Brussels, Belgium. Fax : + 32 2 344 13 61. E-mail: [embn@skynet.be](mailto:embn@skynet.be)

Please also write to the diplomatic mission or embassy of Nepal in your respective country.

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Geneva-Paris, March 6, 2013

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.



The Observatory, a OMCT and FIDH venture, is dedicated to the protection of Human Rights Defenders and aims to offer them concrete support in their time of need.

To contact the Observatory, call the emergency line:

- E-mail: [Appeals@fidh-omct.org](mailto:Appeals@fidh-omct.org)
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