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Nepal: National Human Rights Commission's findings must be published

It is imperative that the findings of three investigations conducted by the National Human Rights Commission (NHRC) into alleged human rights abuses in Ramechhap, Siraha and Panchthar districts is published as soon as possible, Amnesty International said today.

One investigation team went to Ramechhap district to investigate allegations that one person was shot dead and 19 others were summarily executed after being taken into custody by the army in Doramba village on 17 August. A second team investigated an incident in Dhangadi, Siraha district, in which members of the Maoist Communist Party of Nepal (CPN) allegedly shot dead two unarmed off-duty policemen on 19 August. The third investigation team looked into an incident where a civilian driver and five army personnel were killed and 23 civilians injured when a truck they were travelling in hit a landmine placed by the Maoists in Nagi village in Panchthar district on 5 August.

All three incidents were violations of the cease-fire agreed by the CPN (Maoist) and the government on 29 January 2003.

"The government should implement the NHRC's recommendations to conduct further investigations and bring to justice the security personnel found to be responsible for human rights violations and to compensate relatives of the victims," Amnesty International said. "We also endorse the NHRC's recommendation for the government to take necessary steps to prevent further such human rights violations from taking place."

Amnesty International is particularly urging that in the case of the Doramba incident, those individual members of the security forces believed to be responsible be brought to justice under normal criminal procedures and not before a court martial. This would make the process more just and more transparent. A public trial would also contribute to prevent further such human rights violations and break the cycle of impunity prevailing in Nepal.

It is particularly important that the army is not put in charge of this process as, in its own investigations into the Doramba incident, the results, as published in *The Kathmandu Post* of 28 August, concluded that "the army only retaliated after being attacked first by the rebels". This is now contradicted by the independent investigation conducted by the NHRC. "Disciplinary action should be initiated against the army officers who conducted the internal investigations," the organization urged.

As preventive measures, "the Nepalese government should, as a matter of urgency, prohibit the

use of civilian vehicles by security forces personnel. The leadership of the CPN (Maoist) should issue orders to their cadres not to target vehicles carrying civilians," Amnesty International urged.

Amnesty International is appealing to both the government and the CPN (Maoist) to abide by the principles of international humanitarian law as reflected in Article 3, common to the four Geneva Conventions of 1949.

Background

Following the cease-fire, both sides agreed to observe a 22-point "Code of Conduct" which, among other things, committed the parties to "stop violent and coercive activities and security measures that might ignite fear amongst the general public". Despite this agreement cease-fire violations by both sides were reported on a regular basis.

Three rounds of peace talks ensued - in April, May and August - aimed at finding a solution to the seven-year-old "people's war". The Maoists had listed a roundtable conference, formation of an interim government and elections to a constituent assembly to draft a new Constitution, among their central demands during the peace talks.

On 27 August the CPN (Maoist) pulled out of the cease-fire agreement and fighting between the government and the CPN (Maoist) has resumed.

Amnesty International has been lobbying both sides to the conflict to sign a Human Rights Accord which would give the NHRC a mandate to set up five regional offices to monitor human rights with technical assistance provided by the United Nations.

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