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Nepal: Unlawful killings must be prevented

Amnesty International today called for an independent investigation in response to reports that more than 500 members of the Communist Party of Nepal (Maoist) have been killed by the security forces at Lisne Lek in Rolpa district since 3 May. The organization warned there could be more killings as the security forces' operation is continuing and several hundred Maoists are reportedly being surrounded.

The official figures given are: 548 Maoists, three soldiers and one policeman killed. "So far, no figures have been released with the number of Maoists wounded or arrested. That could be an indication that the security forces went out to deliberately kill rather than arrest, a common practice in Nepal," Amnesty International said.

Amnesty International is urging that the bodies are not immediately disposed of and that the scene of the killings is safeguarded to ensure that an independent investigation can verify the exact circumstances of the killings. It calls upon the authorities to give full cooperation to any inquiry, including by providing prompt and unhindered access to the areas concerned.

An independent investigation team, from the National Human Rights Commission of Nepal or a similar body, should be given powers to ascertain whether international human rights and humanitarian law standards have been respected and to recommend criminal prosecution of anyone found to have been responsible for unlawful killings.

Amnesty International is concerned that the figures of people killed, as provided by the Ministry of Defence, suggest that international standards which require the security forces to respect the right to life and refrain from using lethal force unless absolutely necessary have not been respected. While acknowledging the grave threat to law and order in the country posed by the Maoists, Amnesty International is maintaining that in such circumstances, it is important for the security forces to respect the right to life and uphold international standards on the use of force and treatment of prisoners.

Amnesty International has also expressed concern at rewards for the capture, dead or alive, of senior Maoist leaders issued by the authorities recently. "Such announcements amount to an encouragement by the authorities for the security forces to violate the right to life. They undermine the rule of law and guarantees of due process as laid down in the Constitution."

Background information

In a report *Nepal: A spiralling human rights crisis* issued on 4 April 2002, Amnesty International expressed concern about an escalation of human rights abuses committed by the Maoists and security forces, especially since the declaration of a state of emergency in November 2001.

The right to life is not explicitly guaranteed in the 1990 Constitution of Nepal. Under Article 4 (2) of the International Covenant on Civil and Political Rights, to which Nepal is a party, there can be no derogations from the duty to uphold the right to life even "in time of public emergency which threatens the life of the nation". The Nepal Treaty Act of 1993 stipulated that provisions in international treaties to which Nepal is a party will supercede Nepalese law where there is divergence.

Since the start of the "people's war", there has been increasing concern that the authorities have failed to impose strict limitations on the use of force and firearms by the security forces or to take appropriate actions against abuses. This concern has heightened after the army was called out and the state of emergency imposed in late November 2001. Since then, the number of alleged unlawful killings have increased dramatically. The reported incidents have included killings of civilians in reprisal for the killing of police and army personnel by members of the CPN (Maoist); killings of armed members of the CPN (Maoist) in circumstances where they could have been taken into custody or where they already had been taken prisoner, and the avoidable use of lethal force.

For a copy of the report *Nepal: A spiralling human rights crisis* visit:
<http://web.amnesty.org/ai.nsf/recent/asa310162002>

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