

Assaults on Human Rights Defenders: Actions Speak Louder than Words

By BIPIN ADHIKARI

A human rights defender Mr Chet Prakash Khatri was killed at Sarraogaon of Phattepur VDC-7, at Rapti River, close to the Nepal border to India by an unidentified group on 24 December at 3:30 pm. The dead body of Khatri was recovered on the condition of being noticed a mark of a cord on his broken neck and an injury on his chin. This is the latest incident in Nepal violating the rights of defenders set forth by the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders) in Article 12 (2) which states- "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 arbitrary action as a consequence his or her legitimate exercise of the rights referred to in the present Declaration."

An INSEC press release condemned the government's unwillingness to initiate proper investigation on the murder and asked it to take initiation for punishing the perpetrators fulfilling its accountability under law. It further pointed out that the news that Maoists were responsible for the murder is misleading. It said that the Secretary of the CPN-Maoists for the Area No 8, known as Paban, already issued a press statement on 28 December condemning the news imputing the murder to them as 'baseless'. He also expressed condolence to the family members of the deceased and commended INSEC on its commitment for the protection of human rights. The local units of agitating five political parties- Nepali Congress, CPN (UML), People's Front - Nepal, Nepal Peasants' and Workers' Party and Nepal Sadbhawana Party (Anandi Devi)- at the district level also issued a joint press statement condemning the murder, and questioning the government's reluctance to probe the case. They have demanded action against the perpetrators and asked the government to provide the victims with adequate compensation. There is no result yet. The risk of attacks on human rights defenders is increasing with the ever-deteriorating conflict situation in the country.

This incident reminds of Kofi Annan, Secretary-General of the United Nations, who in his message to mark Human Rights Day 2003, recently pointed out that human rights defenders stand in the front lines of protection, casting the bright light of human rights into the darkest corners of tyranny and abuse. They work to safeguard the rule of law, to reduce violence, poverty and discrimination, and to build structures for freer, more equitable and more democratic societies. It is to them that many victims of human rights violations turn in their hour of need. Most defenders of human rights receive little recognition or appreciation - and many continue to be attacked, harassed, or persecuted for doing their vital work. The defence of human rights is not simply the responsibility of such brave people. It is the responsibility of us all.

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As yet Nepal does not have a common forum of human rights defenders. The National Human Rights Commission, an independent statutory organization, which is aware of the situation, has also not yet established a focal point at its office on human rights defenders. The establishment of such a focal point will be an important first step to begin the full realization of the UN Declaration on Human Rights Defenders in Nepal.

defenders. The National Human Rights Commission, an independent statutory organization, which is aware of the situation, has also not yet established a focal point at its office on human rights defenders. The establishment of such a focal point will be an important first step to begin the full realization of the UN Declaration on Human Rights Defenders in Nepal. Such a focal point should immediately work to stop the harassment, intimidation, torture and even killings of human rights defenders in the country, and ultimately strengthen the protections available to human rights defenders, consistent with internationally recognized standards. The human rights NGOs of the country expect the Commission to move forward in this direction. By appointing a focal point on human rights defenders, the Commission can show a willingness to recognize the significant contribution human rights defenders make to the work of the Commission in its

efforts to carry out its mandates under the Human Rights Act of 1997. It should thereby seize this opportunity to initiate a process aimed at bringing to an end the impunity that now exists regarding violations of the rights of human rights defenders. Such a focal point could be given a mandate to monitor the situation of human rights defenders in Nepal, prepare and make public appropriate reports, and consider individual cases. It could also be given the authority to follow-up these cases, take preventive measures and urgent actions whenever necessary, make authoritative recommendations

of general and specific nature on safeguards and changes in law and practice, and establish effective cooperation with the office of the UN Special Representative on Human Rights Defenders. The Commission should also consider taking all practical measures to make the focal point fully operational so that it can function effectively and efficiently. Support from non-governmental organizations, civil society and the international community will also be essential for the Commission to meet the challenges of the future. They should also provide necessary human and material resources and ensuring the implementation of any recommendations that she may make in the discharge of her mandate.

The UN Special Representative on Human Rights Defenders supports the development of a regional approach to the implementation of the UN Declaration on Human Rights Defenders. In May 2002 in Pretoria South Africa, the Special Representative attended the 31st Ordinary Session of the African Commission and urged the Commission to establish a mechanism for the protection of the rights of human rights defenders. In her most recent report to the 59th session of the UN Commission on Human Rights (E/CN.4/2003/104), the Special Representative expressed that "a regional approach has helped the Special Representative to call upon commitments made by States at the regional level, in addition to their international commitments, for the implementation of her mandate." No doubt, this is a sincere suggestion. ■

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