

Himalayan Human Rights LifeLine Project

July -December 2008

Summary Project Report

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Final Complied Report

Full Project Title: Rockefeller Lifeline Project
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Geographic Area: Through out the country (Nepal)

Purpose

HimRights LifeLine service center has been established and operating in Kathmandu and Nepalgunj since July 2004. Similarly, Central Regional LifeLine office is operating in Hetauda, from April, 2006. LifeLine provides services to the conflict affected victims to register complaints on human rights violations. Reporting mechanisms include e-mail, telephone, fax and personal contacts of victims, families, friends and related organizations. Psychosocial counseling is also provided to those directly and indirectly affected. A rapid response team also investigates the truth, provides immediate response and counseling, protects the human rights of innocent civilians and prevents the violation of the international convention on human rights. The team includes human rights activists, lawyers, conflict specialists, psychologists and journalists.

Anyone can use this emergency LifeLine at anytime from anywhere. The LifeLine is an **SOS center** for those victims and potential victims of serious human rights violations. Apart from documentation of cases on the violation of human rights and humanitarian laws, the LifeLine will also serve as a **Human Rights Database** at the Central Secretariat of the organization. The **Rapid Response Team** will be able to access this database. They are a group responsible for fact-finding and investigating systematic, massive and gross pattern of human rights violations, along with infringement of individual freedom and liberty. Initially, the LifeLine will focus on the rights as enshrined in the ICCPR and CAT. However, the plan is to broaden the scope of the jurisdiction to CRC, CEDAW, CERD and ICESR. Nepal is the state party to all the above six major international instruments. Additionally, the **Common Article 3 of the Geneva Conventions** will be another significant area of intervention through this unique endeavor.

The main purpose of the LifeLine activities are to strengthen a network of human rights defenders with rapid response mechanisms for collective initiative in addressing the issues relating to right to life and freedom for torture, disappearance and abduction.

Accomplishments

The LifeLine Rapid Response Team responded with immediate intervention, support and mobilization of the concerned agencies when needed. The usage of LifeLine was made accessible to all, regardless of geographical and economic difficulties of the targeted groups. LifeLine has been able to provide immediate response services to all who have filed complaints and others on incidents of human rights violations relating to armed conflict and socio-cultural and economic violations as originally perceived during conception of this campaign.

Complain registration:

Complaints of various natures of cases were recorded in LifeLine. Different armed groups of Terai murdered 100 people in southern districts of central and eastern regions within the last six months. According to information received from different sources, Janatantrik Tarai Mukti Morcha (JTMM) led by Nagendra Paswan cadres murdered altogether 32 persons, Jantantrik Terai Mukti Morch (Rajan group) killed- 14, Madhesi Mukti Tiger -9 , Terai Army killed -4, Jantantrik Terai Mukti Morch (Bisphot

group) - 4, Madhesh virus killer group -3 and other group -13 within this period. Likewise, workers of Akhil Tarai Mukti Morcha led by Jai Krishna Goit killed 21 persons. Within this period, 126 abductions were reported while explosions also occurred in 77 different places in these districts, the underground outfits also threatened to kill 68 persons, of whom 15 are journalists. The complaints were recorded either through an application, filling forms etc. LifeLine had been actively involved in fact finding and monitoring activities of human rights violations on the basis of information on both electronic and print media and also on the information through telephone, facsimile and other means. Regular media monitoring was carried out for incidences of human rights violations and also to observe the human rights trend in the area.

On the basis of the complaints registered by people LifeLine successfully initiated to solve the problems through negotiation with concerned stakeholders. LifeLine facilitated various cases beyond its mandate but was concerned with immediate relief for people i.e. land disputes.

Fact-Finding Mission:

LifeLine had been actively involved in various fact-finding missions based on the complaints registered in the office as well as from the information in media or through the others like telephone calls. Some of the fact-findings were conducted on extra judicial killing, maiming, and domestic violence. Fact- Finding Missions has been carried out in Rautahat, Sunsari, Mahotari, Bara, Makwanpur, Siraha, Saptari, Sindhuli, Sarlahi, Dhanusa, Parsa, and Chitwan.

Freedom of expression Freedom of expression:

Attack on Pratik Daily by Women Forum of Madhesi People Right's Forum at Parsa on August 7, 2008 due to the news published with blaming stealing of motorcycle. (Monitoring : August 9, 2008)

Killings:

- Killing of Nagendra Yadav, cadres of Terai Madesh Lokatantrik Party, at Buniyad VDC-8 of Bara on August 19, 2008 was monitored on August 23, 2008.
- Killing of Mahendra Magar, at Parsa on August 22, 2008, was monitored on September 5, 2008.
- Killing of Mr. Jones and his body guard (Mahant Sahahi), at Rangunathpur of Rautahat on August 30, 2008 was monitored on August 30, 2008.

Field Monitoring mission:

- Attacked on Shivanagar Police Station on August 21, 2008 by unidentified group, was monitored on August 22, 2008

Improvised Explosive Device (IED):

- Monitoring of children injured by the left over IED explosion in Seri VDC of Mugu. Makwanpur, and Bara,
- Monitoring of a child injured by IED from Sindhupalchowk
- Monitoring of child injured by IED explosion in Parsa.

Rescue and Handover children in presence of HimRights to CCWB:

On a monitoring of Nepal Women, Children and Human Rights Forum, rescued 13 children from Bal Kalyan Kendra, Swayambhu and handover to Central Child Welfare Committee, Lalitpur in a presence of HimRights, INSEC and CWISH and Press conference was held on August 12, 2008.

Officer of Central Child Welfare Committee said that 13 rescued children will stay in different orphan houses until they will find other settlement for them.

Crisis Support/Response:

Crisis support and response were given as immediate relief to the victims from armed conflicts. As emergency support they were provided with food, clothes, transportation, and medical assistance.

LifeLine has provided medical aid to Suntali Rasaili from Kathmandu. During the conflict, the security forces killed her daughter on February 12, 2004 and her son was killed at Bakunde Besi cross fire between the security forces and Maoists on February 4, 2002. Like wise her niece was killed by security force after the arrest. So she was suffering high blood pressure due to mental disturbance. The doctor suggests her to take medicine continuously. But the poor condition she was unable to take medicine so her husband requested to HimRights for support.

On June 10, 2008, four students and teacher were injured in a bomb blast on the ground of Rupa Nepali Pal Secondary School, Rautahat. The children had brought the bomb in the school and were playing with it after, mistaking it for a toy, from the nearby river bank. The injured were rushed to the nearby hospital where three of the four were treated successfully and one was referred to a hospital in Kathmandu for further treatment. HimRights/PPCC provided the necessary medical and other support, including coordinating with the hospital for their treatment in Parsa district.

After two weeks of treatment in Parsa, the child was brought in Kathmandu where he received further treatment. After a thorough examination in Kathmandu Model Hospital, he was referred to TU Teaching Hospital for more advanced treatment as he had bomb particles in his chest. A doctor eventually decided not to operate on his chest for the time being as he was too young to sustain that operation. He was given medicines to continue for a number of years and upon gaining maturity, the operation will be carried out. He has returned home with the necessary medicines and is consulting the doctors on a regular basis.

In this case the child's parents were unaware of the appropriate facility for the treatment in Kathmandu. Furthermore, even if they had known where to take the child they did not have sufficient funding to pay for the treatment. It is only due to the support and coordination provided by PPCC that the child was able to get treatment in Kathmandu.

Information dissemination:

Various press conferences were conducted to disseminate the report of the fact-finding mission and monitoring. The press conference is to appeal concerned parties on facts of the incidence and also to recommend the concerned stakeholders and parties through media. The journalists from both electronic and print media are invited in the conference. Altogether LifeLine has disseminated 10 reports of grave nature through press conference. Some of the reports disseminated were:

- August 23, 2008, Report on Killing of Nagendra Yadav at Buniyad VDC-8 of Bara.
- August 31, 2008 Report on Death of Kewat Raut in clash between security force and Local people of Chhatapipara of Bara.
- September 12, 2008, Report on Killing of Mahendra Masandi Magar at Gadi VDC-7, Parsa.
- December 11, 2008 Situation report of Human Rights in six month period of the terai region in Makwanpur, Hetauda.

Problems Encountered and Identified Solutions:

Due to the emergence of a new armed group in Terai, LifeLine offices faced challenges while conducting its activities in the area. Initially it had developed a mechanism to address issues related to high voltage conflict such as life saving of people directly affected from both sides of conflict. Based on new developments of the human rights situation LifeLine addressed both grave civil and political rights as well as socio-cultural and economic rights too especially on domestic and social violence, along with reintegration of IDPs. LifeLine had been functioning as the monitoring body and hosting district Shanti Samjhauta Anugaman Samiti (Peace Agreement Monitoring Committee) which has been monitoring activities of both State and Maoists. Furthermore, mediation, rescue, reintegration of IDPs were addressed, legal and psychosocial counselling were provided to victims. Based on the incidents and changing political reality at the grassroots level LifeLine modified its activities; monitoring cantonments, release of forcefully recruited children, sexual violence by army to name a few. Advocacy and lobby was carried on based on the needs and reality of the region. Taking advantage of peaceful times and to prevent further human rights violations trainings on 'Human Rights and Conflict' were given to those directly or indirectly involved in conflict, including civil society and local political leaders. Although the project was initially set to address the human rights violations specific to the high voltage conflict it later had to transform to address the consequences of the conflict which eventually was a great challenge in itself.

- Linguistic limitations,
- Initial mistrust by the victims towards the fact-finding team as part of perpetrators,
- Intervention from the perpetrators during the interaction with the victim,
- Diverse and difficult landscapes and inadequate knowledge of the place,
- Inaccessibility of vehicle,
- Threats by the perpetrators to the victims and terrified to talk against them due to lack of security,
- Threat for human rights community,
- Lack of coordination by the stakeholders and the concerned parties in incidents related to them,
- Threat by perpetrators to the rapid response team,
- Difficulties in collecting facts from the site of incident in unfavorable conditions,
- Due to lack of security in border area , difficulties to conduct fact finding in those areas ,
- Lack of resources for follow ups,
- Many organizations visit problem sites but do not keep up their promises and assurances which creates mistrust to other human rights people,
- Threats due to the communal feelings during the fact-finding.

Security Risk Analysis:

- Interception/threats by the parties in conflict during fact-finding missions,
- Non-cooperation and lack of trust by both warring parties in conflict,
- People in conflict areas suspicious of new faces,
- Limitation in mobility,
- Lack of Security Code of Conduct for fact finding teams by Terai armed group.

Mitigation Measures:

- HimRights has been widely trusted for its impartiality and neutrality for mediation and negotiation to release people captivated by the armed group.
- Network was established and further expanded with human right organizations and community for better communication and coordination for documentation of human rights violations and fact finding missions.
- Succeeded to minimize human rights violation like killings, tortures, abductions in joint efforts with other organizations by creating a pressure on the both warring parties.
- Able to establish contacts in various districts of Nepal.

Lessons Learned:

- Need to have better technical knowledge in fact-findings process
- Coordination is very crucial for effective fact-finding
- Skills to interact, relation and rapport building with locals are necessary
- Preparation on the facts and figures of the place and case should be made as far as possible
- Inclusion of local people in the team with the adequate knowledge, networking, language, culture and case is essential
- Female team members need to be included specially if cases are related with women
- Follow ups are required after fact findings
- Do not promise people further programs if they cannot be delivered
- Need to maintain good relationship with the stake holders and the political parties for effective completion of work
- Need to have good connection with local and national media for better coverage of LifeLine activities and for dissemination.

Success Stories

HimRights has got success in protection and promotion of human rights. It has got significant achievements during this project period,

- Identification of the facts of human rights violation incidents,
- Abductees were rescued,
- Shared feelings of relief by victims after interaction with human right activists,
- Reopening of closed/ locked school, petrol pumps,
- Assurance by the security force of not repeating the mistakes, sexual harassments, beatings, alcohol consumptions etc,
- Good relation and coordination built with the political parties, human rights organization, civil society, media, and security forces,
- People are made aware of the legal provisions for further directions,
- Concerned parties were made alert on the issues of impunity,
- People trusted LifeLine for its prompt services and has been approaching through various means,
- LifeLine has worked as a platform for hearing the woes of victims and marginalized. It has strongly advocated for victims with the state and others for justice,

