

URGENT APPEAL - THE OBSERVATORY

Nepal: Death threats / Assault / Harassment

Sunday 17 June 2007, by [FIDH](#), [OMCT](#) (Date first published: 11 June 2007).

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NPL 003 / 0607 / OBS 065

June 11, 2007

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 in the following situation in *Nepal*.

Brief description of the situation:

The Observatory has been informed by reliable sources, including the Informal Sector Service Centre (INSEC), about threats and acts of harassment against Ms. Rita Mahato and Ms. Dev Kumari Mahara, two members of the Women's Rehabilitation Centre (WOREC), in Siraha district, Nepal.

According to the information received, Ms. Rita Mahato and Ms. Dev Kumari Mahara have been defending for a couple of years the rights of the women and Dalits, documenting cases of violence against women, and providing various forms of support to victims. While their activities have been regularly obstructed by some members of the Govindapur community (Siraha district), their situation has worsened since April 2007.

As a matter of fact, after documenting two cases of rape victims in April and May 2007 [1], and helping the victims in accessing justice, notably through the registration of their cases with the police and providing legal and medical support to the victims, Ms. Mahato reportedly started receiving threats of death, rape, kidnapping, shooting and beating by Messrs. Binod Balbar Chaudhary, Ramu Yadv, Kishori Raya and Ram Bharosh Yadav, members of the Govindapur community. A man called Mr. Dinesh Yadav further threatened her by saying that "he ha[d] unleashed a man who w[ould] rape any woman". Both Mr. Ram Bharosh Yadav and Mr. Dinesh Yadav were identified as perpetrators of cases of rape.

Subsequent to WOREC denunciations and reports, the Govindapur community blamed Ms. Rita Mahato for calling the police to arrest a perpetrator involved in one of the cases of rape. Indeed, the community had decided that the case was to be settled in the community itself.

Furthermore, on June 2, 2007, around 11:52 pm, WOREC office was attacked by unknown assailants with sharp bricks, while the staff was still working. The attackers could not be identified since it was dark outside. When the staff went out to inspect the situation, they were further volleyed with bricks from all over the area while the attackers fled. The staff was not seriously injured in this attack, but they all felt their lives were being threatened.

Subsequently, WOREC contacted the local police, who replied that they were unable to come to WOREC office due to security reasons, but they assured the staff they would come the next morning. The staff then inspected the area for about ten minutes, but they again had stones thrown at them by the attackers.

Finally, the main gate of WOREC was dismantled and thrown in the middle of the road by unknown assailants, who were later identified by the community as the perpetrators who raped and beat Nepur Devi Yadav. This incident was registered in the local police station, however no investigation has been opened yet.

The Observatory expresses its deep concern about these acts of intimidation and obstacles to the human rights activities of WOREC and urges the Nepalese authorities to guarantee in all circumstances the physical and psychological integrity of its members, in particular of Ms. Rita Mahato and Ms. Dev Kumari Mahara.

Background information:

Siraha is located in the eastern region of the country and shares a border with India. The population of the district encompasses Madhesi communities and is characterised by a strong presence of “feudalism” and social exploitation of marginalised groups. The upper caste/class controls the district by holding the rights to land, and by dominating the marginalised groups such as women and Dalits. WOREC is involved with various activities in empowering the Dalit communities, such as Musahar, Paswan, Ram and Sarki, who are marginalised and socially excluded.

WOREC has been working in Siraha for the past 4 years with a special focus on Dalit rights and women’s rights. WOREC has been active in documenting cases and providing various forms of support, such as legal support, by registering cases with the local police station and other associated government bodies, providing socio-psycho counseling etc.

Actions required:

Please write to the Nepalese authorities urging them to:

- i. Guarantee in all circumstances the physical and psychological integrity of WOREC members, in particular of Ms. Rita Mahato and Ms. Dev Kumari Mahara;
- ii. Order a thorough and impartial investigation into the above-mentioned events, in order to identify all those responsible, bring them before a civil competent and impartial tribunal and apply to them the penal, civil and/or administrative sanctions provided by the law;
- iii. Put an end to any kind of act of harassment and threats against WOREC members as well as against all human rights defenders in the country;
- 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 states 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 :

* Home Minister Mr. Krishna Prasad Sitaula, Government of Nepal, Ministry of Home Affairs, Singha Durbar, Kathmandu, Nepal. Tel: +977 1 4211211 / 4211229, Fax: 97714211232 Email: moha wlink.com.np

* Mr. Girija Prasad Koirala, Prime Minister's office, Singha Durbar, Kathmandu, Nepal, Fax: + 977 142 27286

* Mr. Ram Chandra Poudel, Minister for Peace and Rehabilitation, Peace Secretariat, Singha Durbar, Kathmandu, Nepal. Fax: +977 1 4211186 and 4211173, E-mail: info peace.gov.np

* Mr. Khadga Bahadur Biswokarma, Minister for Women, Children and Social Welfare, Singha Durbar, Kathmandu, Nepal, Fax:

977-1-4241516, E-mail: mowcswnetc.net.np

* Mr. Yagya Murti Banjade, Attorney General, Office of the Attorney General, Ramshahpath, Kathmandu, Nepal, Fax : +97714262582, Email : attorneymos.com.np

* National Human Rights Commission, Pulchowck, Lalitpur, NEPAL, Fax: +977 1 5547973, Email: complaintsnhrcnepal.org / nhrcnhrcnepal.org

* SP Navaraj Silwal, Police Human Rights Cell, Nepal Police Head Quarter, Naxal, Kathmandu, Nepal PO. Box. No.: 407, Tel: +977 1 4 411 618 Fax : 9771415593 E-mail: hrcellnepalpolice.gov.np

* Mr. Om Bikram Rana, Inspector General of Police, Police Head Quarters, Naxal, Kathmandu, NEPAL, Fax: +977 1 4415593, Email: infonepalpolice.gov.np

* Ambassador Acharya, Gyan Chandra, Permanent Mission of Nepal, 81 rue de la Servette, 1201 Geneva, Switzerland, Fax: +4122 7332722, E-mail: missionnepal.ties.itu.int

* Ambassador Thata Yarayan, Embassy of Nepal in Brussels, Brugmannlaan 210, 1180 Brussels, Tel: +32 2 346 26 58 / 2 346 66 38, Fax: +32 2 344 13 61, E-mail: rne.bru.skynet.be

Please also write to the diplomatic representations of Nepal in your respective country.

Geneva - Paris, June 11, 2007

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

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

The Observatory was the winner of the 1998 Human Rights Prize of the French Republic.

To contact the Observatory, call the emergency line:

Email : Appealsfidh-omct.org

Tel et fax FIDH : + 33 1 43 55 55 05 / 33 1 43 55 18 80

Tel et fax OMCT : +41 22 809 49 39 / 41 22 809 49 29

[1] For more information on these two cases, see OMCT Urgent Appeal Case NPL 080607.VAW.CC, issued on June 8, 2007.

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Isabelle Brachet

Desk Officer for Asia

International Federation for Human Rights (FIDH)

17, passage de la Main d'Or

75011 Paris - France

tel : + 33 1 43 55 25 18 / fax : + 33 1 43 55 18 80

www.fidh.org