

RRT RESEARCH RESPONSE

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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

- 1. Can you give an update on circumstances in Nepal since the state of emergency was lifted and as of now?**
- 2. How are the authorities treating people who had association in past with the trade union movement (with particular emphasis on the treatment of lower level members of the Independent Hotel Union or other unions aligned to GEFONT)?**

RESPONSE

- 1. Can you give an update on circumstances in Nepal since the state of emergency was lifted and as of now?**

Nepal's king lifted the "state of emergency" at midnight on 30 April 2005, without relinquishing the "extraordinary powers he seized in February's royal coup" or restoring suspended civil and political liberties. Reports indicate, among other things, that "the king left in place a powerful anti-corruption commission he formed after seizing power that has sweeping arrest and punishment rights"; kept in place draconian press restrictions, and a bar on political activities; and even announced a new ban on political protests and demonstrations, hours after lifting the state of emergency, for inner parts of the capital (Sharma, G. 2005, 'Nepal Emergency Over, King Retains Power', Boston.Com website, sourced from *Reuters*, 30 April

http://www.boston.com/news/world/asia/articles/2005/04/30/nepal_emergency_over_king_retains_power/ - Accessed 24 May 2005 - Attachment 1; 'Nepalese king lifts state of emergency, but protest ban continues', Channel News Asia website, 30 April

http://www.channelnewsasia.com/stories/afp_asiapacific/view/145316/1.html - Accessed 20 May 2005 - Attachment 2; 'Nepal emergency lifted' 2005, *Nav Hind Times* online edition, 1 May http://www.navhindtimes.com/stories.php?part=news&Story_ID=05019 - Accessed 24 May 2005 - Attachment 3).

On the following day, May Day, demonstrations were held in parts Kathmandu and other parts of Nepal calling for the full restoration of "trade union rights, democracy, press freedom and human rights". According to media reports, "Riot police [in Kathmandu] kept strict

watch on the first major anti-king protests since the emergency ended but did not intervene”. Also, that demonstrators in Kathmandu avoided a “direct clash with the heavily deployed police personnel” by steering clear of the “prohibited area in the capital” (‘Nepal parties deride lifting of emergency’ 2005, *The Hindu* online edition, 1 May <http://www.hindu.com/thehindu/holnus/003200505012240.htm> - Accessed 11 May 2005 - Attachment 4; ‘Thousands march in anti-king rallies in Nepal’ 2005, *The Deccan Herald* online edition, 2 May <http://www.deccanherald.com/deccanherald/may22005/foreign17424200551.asp> - Accessed 20 May 2005 - Attachment 5; ‘King’s man killed, student leaders injured in Nepal’ 2005, *The Hindu* online edition, 1 May <http://www.hinduonnet.com/thehindu/holnus/001200505011577.htm> - Accessed 11 May 2005 - Attachment 6).

It may be noted that while the regime has allowed demonstrations to take place since the state of emergency was lifted, most recently on 22 May 2005, reports from Kathmandu indicate that “anti-monarchy rallies have been allowed” to take place “only on the outskirts” of the capital and only if they do not feature “anti-royal slogan-shouting” (Yogi, B. 2005, ‘Opposition protests around Nepal’, *BBC* online, 22 May http://news.bbc.co.uk/1/hi/world/south_asia/4570987.stm - Accessed 24 May 2005 - Attachment 7; ‘Nepal warns parties against ‘anti-royal’ slogans’ 2005, *Agence France-Presse*, 21 May - Attachment 8; ‘Thousands march for restoration of democracy in Nepal 2005, *The Hindustan Times*, 23 May - Attachment 9). Those that contravene these limits have been subject to police intervention, as occurred in Kathmandu on 13 and 15 May 2005 (‘Student protesters arrested in Nepal capital’ 2005, *BBC Monitoring*, sourced from Nepal News.Com website, 15 May - Attachment 10; Sharma, G. 2005, ‘Updated 2--Nepal police break up pro-democracy rally’, *Reuters News*, 15 May - Attachment 11; ‘Nepal police arrest nearly three dozen people displaced by Maoist revolt’ 2005, *Agence France Presse*, 14 May - Attachment 12).

Reports concerning the release of political detainees in Nepal may be viewed with caution, including the recent Supreme Court-ordered release of “30 political activists”, as political parties in Nepal “say hundreds of activists are still in detention”. Further to this, they allege that “the police re-arrest many leaders who had been freed”, as happened in the case of Rajendra Rai and Rup Narayan Shrestha, and Gagan Kumar Thapa (‘Nepal lawyers put up fight for student leaders’ 2005, *The Hindustan Times*, 17 May - Attachment 13; Chapagain, K. 2005, ‘Nepal frees politicians’, 999Today website, 18 May <http://www.999today.com/society/story/1203.html> - Accessed 25 May 2005 - Attachment 14; Sharma, G. 2005, ‘Nepal frees politicians, interrogates journalist’, Reuters Foundation website, 18 May <http://www.alertnet.org/thenews/newsdesk/B199972.htm> - Accessed 20 May 2005 - Attachment 15; ‘Thirty political activists released’, *The Press Trust of India*, 18 May - Attachment 16; ‘Royal government frees 30 political activists’, Islamic Republic News Agency website <http://www.irna.ir/en/news/view/menu-236/0505190826172042.htm> - Accessed 20 May 2005 - Attachment 17; Chapagain, K. 2005, ‘Student leader released in Nepal’, 999Today website <http://www.999today.com/society/story/1224.html> - Accessed 25 May 2005 - Attachment 18).

Reports concerning the release of political detainees in Nepal may also be viewed alongside others, documenting, among other things, the government’s use of the controversial anti-corruption commission to target political opponents; its continuing suspension of basic freedoms, including those of movement and press; its ongoing crackdown on journalists; and

rumours that the king “is in the process of unravelling civil administration and democratic bodies” (Sharma, G. 2005, ‘Nepal frees politicians, interrogates journalist’, Reuters Foundation website, 18 May <http://www.alertnet.org/thenews/newsdesk/B199972.htm> - Accessed 20 May 2005 - Attachment 15; ‘Nepal parties demand that king scrap anti-corruption body’ 2005, *Dow Jones International News*, 18 May - Attachment 19; ‘Police stop journalists, politicians from leaving Nepal’ 2005, *Associated Press Newswires*, 14 May - Attachment 20; ‘Press caught between a rock and a hard place’ 2005, Reports Without Borders website, 18 May http://www.rsf.org/article.php3?id_article=13824 - Accessed 20 May 2005 - Attachment 21; Mills, E. 2005, ‘Government of Nepal cements position after passing first 100 days in power’, *Global Insight Daily Analysis*, 13 May - Attachment 22).

These reports may also be viewed alongside earlier reports that some political detainees had their gaol terms extended (‘Communist leader freed in Nepal’ 2005, *BBC* online, 2 May http://news.bbc.co.uk/2/hi/south_asia/4504777.stm - Accessed 24 May 2005 - Attachment 23).

It may be noted that the sources consulted suggest that the king deliberately lifted the state of emergency to deflect international criticism and, importantly, “persuade military donors [such as India] to resume shipments to his ill-equipped army” (‘End to emergency rule may be “ploy” for arms’ 2005, *Gulf Times* online edition, 5 May http://www.gulf-times.com/site/topics/article.asp?cu_no=2&item_no=35510&version=1&template_id=44&parent_id=24 - Accessed 20 May 2005 - Attachment 24; Tiwari, C. 2005, ‘India delivers arms to Nepal’, *World Peace Herald* website, sourced from *The Washington Times*, 14 May <http://www.wpherald.com/storyview.php?StoryID=20050514-061633-4396r> - Accessed 20 May 2005 - Attachment 25).

2. How are the authorities treating people who had association in past with the trade union movement (with particular emphasis on the treatment of lower level members of the Independent Hotel Union or other unions aligned to GEFONT)?

The General Federation of Nepalese Trade Unions (GEFONT) is allied with the Communist Party of Nepal (Unified Marxist-Leninist) (CPN-UML). It was founded in 1989 and includes 18 sectoral affiliates; among them, the “Nepal Independent Hotel Workers’ Union” (‘Major Trade Union Federations’ Undated, Nepal Democracy website http://www.nepaldemocracy.org/institutions/trade_unions.htm - Accessed 20 May 2005 - Attachment 26; ‘National Trade Union Federations Affiliations to GEFONT’ Undated, GEFONT website <http://www.gefont.org/affiliates.htm> - Accessed 20 May 2005 - Attachment 27).

Information was not found in the sources consulted on how the authorities are presently treating people who in the past had an association with the trade union movement, including a low-level association with the Nepal Independent Hotel Workers’ Union or some other union affiliated with GEFONT.

However, during the period of the emergency, media reports indicate that the Chairman of Mahakali Zonal Committee of the GEFONT was arrested and subsequently released; that GEFONT was prevented by the government from organising rallies and demonstrations, and that its cadres were threatened by the police. Also, that prominent GEFONT members were forced into hiding at the start of the emergency amid reports that their names were “included

in a list of several hundred persons targeted for arrest or close surveillance” (‘ICFTU leaders in Nepal: Solidarity with Nepalese trade unions’ 2005, *M2 Presswire*, 1 February - Attachment 28; ‘Nepalese demonstrators arrested on Democracy Day’ 2005, *BBC Monitoring*, sourced from *Nepal Samacharpatra*, 19 February - Attachment 29; ‘UNI protests arrest of GEFONT trade union leader in Nepal’ 2005, Union Network website, 31 March <http://www.union-network.org/uniindep.nsf/0/e2e26d5b6f3bd313c1256fd5002ea604?OpenDocument> - Accessed 20 May 2005 - Attachment 30; ‘GEFONT zonal chief finally realised [*sic*]’ 2005, GEFONT website, 7 April http://www.gefont.org/press_release/panta_released.htm - Accessed 26 May 2005 - Attachment 31; ‘Gefont E-News Bulletin’ 2005, GEFONT website, 9 April http://www.gefont.org/e_bulletin/e_news2.htm - Accessed 20 May 2005 - Attachment 32; ‘Nepal official says citizens “free and unaffected” by emergency rule’ 2005, *BBC Monitoring*, sourced from Nepal News.Com website, 9 March - Attachment 33).

Little information was found concerning GEFONT since the end of the emergency, apart from reports that it helped organise May Day celebrations (‘Unions celebrate May Day collectively’ 2005, Gefont website <http://www.gefont.org/events/mayday05.htm> - Accessed 26 May 2005 - Attachment 34).

It may be noted that post-emergency reports indicate that “over two dozen” members of the All Nepal Free Students Union were arrested in a “prohibited area” “while they were carrying out demonstrations” on 15 May 2005. Like GEFONT, the All Nepal Free Students Union is affiliated with the CPN-UML (‘Student protesters arrested in Nepal capital’ 2005, *BBC Monitoring*, sourced from Nepal News.Com website, 15 May - Attachment 10).

List of Sources Consulted

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Google search engine

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DIMIA	<i>BACIS</i>	Country Information
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RRT	<i>ISYS</i>	RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State <i>Country Reports on Human Rights Practices</i> .
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