



nepal

The ICRC initially worked in Nepal out of its regional delegation in New Delhi, opening a delegation in Kathmandu in 2001. Its primary aim in Nepal is to protect and assist people affected by the struggle between the government and the Communist Party of Nepal-Maoist. It does so by serving as a neutral intermediary between the parties, visiting detainees, strengthening compliance with IHL and improving care of the wounded. It works closely with the Nepal Red Cross Society to assist conflict-affected populations, including displaced people, and to maintain family links.

EXPENDITURE (IN CHF ,000)

Protection	4,983
Assistance	2,013
Prevention	1,068
Cooperation with National Societies	1,188
General	-

► **9,252**

of which: *Overheads* 565

IMPLEMENTATION RATE

Expenditure/yearly budget	94.1%
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PERSONNEL

39 expatriates
89 national staff (daily workers not included)

KEY POINTS

In 2005, the ICRC:

- visited people held by the government in detention facilities around the country, registering 1,492 detainees and improving water quality in 18 prisons; also registered 116 people held by the Communist Party of Nepal-Maoist and facilitated the release/handover of 99 people captured by the Maoist movement;
- monitored the conditions of civilians in conflict-affected areas and made numerous representations to remind both parties of their obligation under IHL to protect civilians;
- rehabilitated the water-supply systems in 17 villages in the Mid-Western Region;
- in cooperation with the Nepal Red Cross Society, provided relief supplies for nearly 8,700 victims of conflict (including displaced people and families whose breadwinners had died, disappeared or been detained);
- with the help of Red Cross volunteers, relayed more than 3,000 RCMs, mainly between detainees and their families.

CONTEXT

On 1 February 2005, His Majesty King Gyanendra dismissed the government and declared a state of emergency. Several hundred party activists were arrested, and the media was restricted. India, the United Kingdom and the United States suspended military aid, and several development agencies cut off support to the government. King Gyanendra lifted the state of emergency after three months, but continued to exercise executive authority and kept some restrictions in place. During the year, the High Commissioner for Human Rights opened offices in Nepal and began to monitor human rights there.

The Communist Party of Nepal-Maoist (CPN-M) called many general strikes (*bandhs*), and there were frequent clashes between government and Maoist forces, especially in western areas. In some places, “village defence committees” were established. In February, in the Kapilbastu district, these vigilante groups were implicated in rampages which ended in the deaths of 30 people. There were attacks on government buildings and acts of retaliation in areas of the east that had not previously been affected by such violence. In response, new army outposts were set up in the Terai, the fertile plain bordering India.

In June, a civilian bus was blown up in Madi/Chitwan, killing and wounding many civilian passengers. Maoist leader Chairman Prachanda apologised for the incident and promised an inquiry, later announcing that those responsible had been detained. However, within a few days of the attack,

another attack took place on a civilian bus in Kavrepalanchok, killing and injuring both soldiers and civilians.

On 3 September, the CPN-M unilaterally declared a three-month ceasefire, and later extended it for another month. During this period, it concluded a 12-point understanding with an alliance of seven political parties, which included a call for the election of a constituent assembly, under international supervision. The CPN-M and the political parties agreed to work to end what they called autocratic monarchy, to accept the result of multiparty elections and to boycott the elections in 2006 and early 2007. The palace did not reciprocate the ceasefire and refused to discuss it. The parties responded by organizing protests in the capital and in the districts.

MAIN FIGURES AND INDICATORS

PEOPLE DEPRIVED OF THEIR FREEDOM (All categories/all statuses)		CIVILIANS AND PEOPLE DEPRIVED OF THEIR FREEDOM		
Detainees visited	8,456	<i>Economic security, water and habitat</i>		
Detainees visited and monitored individually	2,426	Essential household items	Beneficiaries	8,694
Number of visits carried out	408	Water-supply schemes and sanitation systems (completed projects)	Beneficiaries	2,909
Number of places of detention visited	247	Habitat structures	Beneficiaries	52
RESTORING FAMILY LINKS		WOUNDED AND SICK		
<i>Red Cross messages (RCMs) and reunifications</i>		<i>Physical rehabilitation</i>		
RCMs collected	1,670	Hospitals supported	Structures	7
RCMs distributed	1,429	Admissions	Patients	327
<i>Tracing requests, including cases of missing persons</i>		Patients receiving services		
People for whom a tracing request was newly registered	907	Prostheses delivered	Pieces	131
Tracing requests closed positively (persons located)	838	Orthoses delivered	Pieces	13
Tracing requests still being handled at 31 December 2005	792	<i>Unaccompanied minors (UAMs) and separated children (SCs), including unaccompanied demobilized child soldiers</i>		
UAMs/SCs newly registered by the ICRC	21	UAMs/SCs reunited with their families by the ICRC		
UAMs/SCs reunited with their families by the ICRC	1	UAMs/SCs cases still being handled at 31 December 2005		
UAMs/SCs cases still being handled at 31 December 2005	41			

ICRC ACTION

Protection activities remained the focus of ICRC operations in Nepal. The organization's 13 field teams worked out of offices in Kathmandu, Nepalganj and Biratnagar; they travelled in all parts of the country and had few problems with security. Making long trips over rough terrain, often on foot, multidisciplinary teams maintained a steady presence in the isolated regions where people were most affected by the conflict. They monitored civilian safety and wellbeing, assessing security conditions, the local economy, and access to clean water and health care. On the basis of their findings, they contacted the authorities and leaders of both sides to urge them to take measures to protect civilians and ensure adequate living conditions. If needed, they also initiated assistance activities. Often implemented in cooperation with the Nepalese Red Cross Society, this assistance helped improve medical care and rehabilitation for the war-wounded, upgrade water supply in remote villages and provide basic necessities to families affected by the conflict.

Both the government and the CPN-M accepted the ICRC's neutrality and role and showed willingness to engage in discussion on concerns raised by the organization and to answer some of the questions posed in its reports.

The ICRC visited people detained in connection with the conflict in jails, police stations and military facilities. The visits went smoothly in jails and police stations run by the Home Ministry. In contrast, ICRC teams encountered problems during visits

to camps and barracks under the authority of the Royal Nepalese Army (RNA). In April, the ICRC suspended its visits to these military facilities. The RNA and the ICRC then created a high-level working group to serve as a forum to discuss solutions to the problems. By the end of the year, the working group had taken measures to address some of the issues raised by the ICRC, and the ICRC hoped that its visits to detainees in army custody could soon be resumed on a sounder basis.

The ICRC met members of the CPN-M leadership at district and regional levels and submitted reports on the conduct of hostilities and the obligation to respect and protect civilians and detainees. It also visited and registered some of the people in the CPN-M's custody and facilitated releases of detainees when they occurred. However, it had difficulty establishing the high-level and sustained dialogue needed to conduct visits or address issues of civilian protection more systematically.

The ICRC and the office of the High Commissioner for Human Rights in Nepal established a sustained dialogue in order to coordinate their activities in the areas of shared concern.

CIVILIANS

Threats to civilian security and livelihood

The Informal Sector Service Centre reported about 1,000 deaths related to the conflict in 2005, a lower figure than in 2004. As in previous years, most of those killed were

civilians; some were caught in crossfire, others targeted. In areas that were contested (in the countryside outside the headquarters of the districts most affected), civilians were trapped between the demands of the opposing sides, frequently forced to cooperate by one and then punished for collaboration by the other. Summary executions and other violations of IHL were commonplace, and many people remained unaccounted for. Several attacks in the Mid-Western Region hit electricity distribution centres, causing power cuts. Trade and travel (including for the temporary labour migration on which many impoverished families relied) were threatened by restrictions on movement imposed by both sides, as well as by violence on the roads. General strikes often interrupted economic and other activities.

ICRC teams travelled to areas in which these problems were reported, collecting allegations of violations of IHL and assessing the impact of the conflict on civilian activity. After discussing the information gathered with those concerned at the local level, it analysed trends and reported them to both parties, making recommendations to address them. Although the rate of incidents reported decreased in the last quarter of the year, even during the period of the ceasefire they were still frequent and serious.

Families displaced or otherwise affected by the conflict

In general, it was still difficult to distinguish those fleeing violence from wage-earners seeking temporary work in India or more wealthy districts of Nepal. In Banke, Surkhet and Dailekh (Mid-Western Region), there

were camps where several hundred displaced families stayed, but often civilians fled when hostilities flared up and returned home when it seemed safe again. After violence broke out in Kapilbastu (Western Region), thousands were reported to have fled, at least temporarily, to India. During the unilateral ceasefire, no new displacements were registered.

Working with the Nepalese Red Cross, the ICRC distributed essential household items to families affected by the conflict. These included displaced people and families who had lost property or whose breadwinners had been killed, disabled or detained. Beneficiaries included 484 families affected by violence in Kapilbastu.

- ▶ 8,694 people affected by conflict received essential household items

Recruitment of minors

In some areas, particularly in Taplejung district (Eastern Region), school-age children were abducted or recruited in connection with CPN-M activities. Those subsequently captured and released by the government often encountered threats to their safety when they returned to their villages, and the government had no reintegration programme for them. The ICRC continued to work closely with NGOs caring for children until they could return home safely. It transferred 17 newly released children to shelters in Kathmandu, helping them keep in touch with their families by means of RCMs and arranging for relatives to visit them. It also checked on released children after they had returned to their villages, to make sure that they were safe.

Degradation of water and sanitation facilities in isolated villages

Villagers in areas no longer reached by government services usually did not know how to maintain their water-supply systems, and even if they did, they were often unable to travel to and from the district headquarters to obtain the supplies or spare parts needed.

In an assessment of the water supply in the mountainous district of Jumla (Mid-Western Region), one of the areas worst affected by the conflict, the ICRC found broken pipes and leaking tanks in the systems supplying water in 13 villages. In collaboration with the local Red Cross chapter, the delegation began a project to upgrade the water schemes. Red Cross volunteers were trained and they began to transport materials (such as pipes, cement, fittings and tools) to the villages, train local caretakers and supervise repairs. The road network in the area was so poor

that materials had to be transported first by helicopter and then carried for a day or two by mules and porters. Communities voluntarily dug the trenches and laid pipes. Many more villages applied for such repairs, but because of the harsh weather, the ICRC was only able to begin in four more villages before the end of the year. By that time, it had begun projects aiming to improve the water supply for over 10,000 people. It had also conducted technical assessments and consulted the CPN-M and villagers to plan for a further expansion of the programme, particularly in the Taplejung district (Eastern Region).

Tracing missing persons

Many people remained unaccounted for in connection with the armed conflict. The lack of systematic notification of arrests left many families wondering if their arrested relatives were still alive. The ICRC collected allegations of arrest from families, cross-checked them with records of detainees it had visited and then submitted the names of those who were not found to the authorities/leadership concerned. Lists of such people were submitted at various levels of the RNA and the CPN-M. The Human Rights Cell of the RNA provided answers on the whereabouts of some of the missing persons whose names the ICRC had reported as part of the dialogue with the RNA established through the working group (see *People deprived of their freedom*). They also gave notification of persons arrested, which allowed the ICRC to inform the families. The CPN-M provided few answers concerning people who had gone missing or were alleged to have been arrested.

- ▶ 907 cases of people sought by their families newly registered, of which 93 are women and 53 were minors at the time of their disappearance
- ▶ 838 cases solved and 792 cases still being handled by the end of 2005, of which 69 are women and 72 were minors at the time of their disappearance
- ▶ 726 RCMs collected and 931 distributed to civilians

PEOPLE DEPRIVED OF THEIR FREEDOM

Detainees held in government custody

The ICRC continued to visit people arrested in connection with the conflict and held in jails and police stations. These included some 200 people arrested by the Nepal Police and the Armed Police Force (APF) during the state of emergency, among them several prominent activists and political

leaders. The ICRC followed its standard working procedures when visiting these and most other detainees held by the Home Ministry in jails and police stations.

The ICRC visited detainees in 20 jails located around the country. Most were overcrowded, and the ICRC worked with the penitentiary authorities to make technical assessments and upgrade facilities in 18 jails by improving water supply and access, latrines, showers and kitchen equipment. This enhanced health conditions for all the inmates of these jails, not just those that the ICRC visited individually. The ICRC met the Prison Management Department to gain a broader perspective of the problems in prisons and the challenges facing the authorities and worked with them to find constructive short- and long-term solutions.

In the first months of the year, the ICRC visited detainees held by the RNA. While visiting army facilities, it regularly encountered problems that left it unable to work effectively. These problems were discussed in a meeting with King Gyanendra and the army chief of staff in March. In April, the ICRC suspended visits to army facilities. A joint working group was set up with the RNA to discuss the ICRC's concerns and find practical solutions that would permit the ICRC to resume visits on a sounder basis. By the end of the year, the working group had taken some measures to improve notification of arrest and detention, and the delegation hoped that its visits to detainees in army custody could soon be resumed.

- ▶ 8,298 detainees visited, of whom 2,309 followed individually (including 253 women and 161 minors; 1,492 newly registered)
- ▶ 391 visits carried out to 232 places of detention
- ▶ 942 RCMs collected from and 497 delivered to detainees
- ▶ the families of 72 detainees received help to visit their detained relatives
- ▶ over 2,900 detainees benefited from improved water and sanitation facilities

People held by the CPN-M

The ICRC registered and visited people detained by the CPN-M. The CPN-M released a total of 99 people, and the ICRC mediated their handover to the government and ensured their safe passage home in long journeys by foot, car and/or aircraft.

- ▶ 158 detainees visited, of whom 117 followed individually (including 4 women and 2 minors; 116 newly registered)

- 17 visits carried out to 15 places of detention
- 2 RCMs collected from detainees and 1 delivered to a detainee

WOUNDED AND SICK

Medical care for the war-wounded

In 2005, the ICRC followed cases of war-wounded patients in hospitals in Nepal. To improve the quality of their care, it donated medical supplies to seven hospitals treating the war-wounded, gave bed-side teaching on the care of the war-wounded, conducted emergency first-aid training for paramedical staff in the field and participated in two related professional conferences. It also made care more accessible and affordable for 235 war-wounded patients by covering the cost of their transport to medical facilities or of medical expenses that were not otherwise reimbursed.

Rehabilitation for the disabled

In a programme that began in 2004 in Pokhara, the ICRC continued to help the Green Pastures Hospital further develop its rehabilitation services for amputees. As part of an outreach programme, branches of the Nepal Red Cross Society registered amputees in 41 districts. People injured in the conflict accounted for 17% of those registered. To avoid disrupting the centre's cost-recovery mechanisms, the ICRC revised its policy of providing all prostheses free of charge: it continued to reimburse the full cost of fitting amputees wounded in the conflict, but for others it based its reimbursement on financial need.

- 953 people received rehabilitation services, of whom 258 amputees
- 123 new patients fitted with prostheses and 13 with orthoses
- 131 prostheses, 13 orthoses and 57 crutches delivered

AUTHORITIES

The ICRC's efforts to encourage the ratification and implementation of IHL instruments were slowed down by changes in the government. Legal officers from the Ministry of Law and Justice attended the regional IHL teaching session organized by the ICRC, the UNHCR and India University in Bangalore, and two senior government officials participated in the regional conference to launch the ICRC study on customary international humanitarian law in New Delhi (see *New Delhi*).

ARMED FORCES AND OTHER BEARERS OF WEAPONS

Army

The Royal Nepalese Army had issued a directive in 2004 that IHL be included in all formal training. In 2005, the ICRC worked with the new director of military training to identify the steps and approaches needed for implementation and to garner the top-level support needed for the process. They made plans to work together to develop IHL manuals and materials, and the RNA considered the formation of an IHL training cell within its Human Rights Cell. The ICRC taught the basics of IHL to nearly 4,400 soldiers in 40 presentations held in barracks, and gave a three-day course on IHL at the RNA Command and Staff College at Shivapuri.

Police forces

In 2005, personnel from the Nepal Police and the Armed Police Force were deployed to combat the Maoist insurgency under the operational command of the RNA. Recognizing the need for a solid grounding in their obligations under IHL and human rights law, both forces progressed in integrating the subjects into their standard training programmes, but they were constrained by a shortage of qualified instructors and a lack of teaching tools. The ICRC trained IHL/human rights law instructors from the Nepal Police, and conducted IHL courses for personnel from both forces.

The People's Liberation Army

Although the People's Liberation Army (PLA) indicated an interest in learning more about IHL/human rights law, the ICRC had difficulty maintaining the direct contact with its leadership needed for the planning and organization of a formal and systematic programme of instruction. Delegates did, however, meet PLA groups in the field and organized sessions with them on IHL and human rights when they had the chance.

CIVIL SOCIETY

The ICRC helped the Kathmandu School of Law develop a one-year postgraduate course on IHL/human rights law and conflict management, donated a collection of IHL books to the law library and conducted a one-day training seminar on IHL for teachers and students. It also cooperated with the School of Law to organize an IHL moot-court competition at national level, and then sponsored the winning team's participation in the regional competition in New Delhi.

The ICRC cooperated with the Nepal Bar Association to organize IHL courses around the country for over 300 lawyers. It also worked with the Federation of Nepalese Journalists to introduce IHL to the media and made presentations on the subject to nearly 200 representatives of non-government and human rights organizations.

The delegation issued press releases and produced publications and radio spots to inform the public about humanitarian issues and ICRC activities.

RED CROSS AND RED CRESCENT MOVEMENT

Strengthening neutrality and independence

Since the onset of the conflict, attacks on Nepalese Red Cross staff, volunteers and property have limited the National Society's ability to work in the areas most affected by fighting. The Nepalese Red Cross worked closely with the ICRC to raise its membership's awareness of the conflict's implications for the National Society's image and effectiveness, and attacks decreased in 2005. With advice and support from the ICRC, the National Society continued its efforts to reinforce a growing confidence in its neutrality and independence: these included adopting a Conflict Preparedness and Response Policy, adapting its Code of Conduct to the conflict environment and distributing identity cards.

First-aid training

The National Society, with ICRC support, trained some 500 volunteers to help it better respond to the needs of communities affected by the conflict. Volunteers administered first aid in over 2,000 cases.

Family links and IHL promotion

With support from the ICRC, Red Cross branches distributed RCMs in all 75 districts of the country. Promotion by the National Society of IHL and the Fundamental Principles reached some 11,000 people in 35 districts. The ICRC trained 15 dissemination officers and gave presentations on IHL to Red Cross volunteers.

Mine action

With technical and financial assistance from the ICRC, Nepalese Red Cross youth volunteers conducted mine-risk education for more than 4,200 people, mostly students.