



⊕ ICRC delegation    ⊕ ICRC office

# nepal

The delegation in Nepal opened in 2001; before that, the ICRC's work in the country was managed out of the regional delegation in New Delhi. Through field activities in regions affected by the conflict between the government of Nepal and the Communist Party of Nepal-(Maoist) and through contacts with both parties, the ICRC aims to: protect civilians from the effects of the conflict; monitor the living conditions and treatment of security detainees; promote IHL; assist the wounded, displaced people or other civilians affected by the conflict, in cooperation with the Nepal Red Cross Society; and support the National Society's efforts to strengthen its capacities and its credibility as a neutral humanitarian organization.

## EXPENDITURE IN CHF

Protection

**4,230,984**

Assistance

**1,429,594**

Preventive action

**651,434**

Cooperation with National Societies

**1,132,458**

General

-

▶ **7,444,469**

of which: Overheads **454,357**

## PERSONNEL

**30** expatriates

**72** national staff

## KEY POINTS IN 2004

- ▶ Extending their reach to more areas affected by the conflict, ICRC field teams monitored the security and living conditions of civilians in these areas and gave feedback on its findings to the civilian and military authorities and CPN-M leaders.
- ▶ The ICRC visited detainees in many jails, police stations and army camps around the country, as well as some people held by the CPN-M; it sought full access to those held by the army and by the CPN-M.
- ▶ The ICRC started to assist a physical rehabilitation centre at a hospital in Pokhara and assessed the problem of mines and explosive remnants of war.
- ▶ The Nepalese Red Cross adapted its activities so that it could work more effectively in conflict-affected areas.

## CONTEXT

After the ceasefire collapsed in August 2003, fighting between the government and the Communist Party of Nepal-Maoist (CPN-M) resumed. By the beginning of 2004 it had reached its pre-ceasefire intensity, and the violence had spread to new areas of the Eastern Region and the Terai (the fertile plain on the border with India). In March the CPN-M launched two major attacks, one in Beni and the other in Bhojpur. By the end of the year the army had deployed new brigades in areas affected by the insurgency, and the People's Liberation Army of the CPN-M had enlarged its fighting force. Estimates of the total death toll of the eight-year conflict varied, hovering around 10,000. Human rights groups and other non-government sources estimated that over 2,000 people were killed during the year.

Rejecting the government appointed by the king, several of Nepal's leading political parties kept up protests throughout the year. In May Prime Minister Surya Bahadur Thapa stepped down, and in his place King Gyanendra appointed Sher Bahadur Deuba, who had held the position when parliament was dissolved in 2002. There was also widespread unrest in August following the murder of 12 Nepalis in Iraq.

During the year "Autonomous Peoples' Governments" were set up in several CPN-M-controlled areas. Some UN agencies and non-governmental organizations (NGOs) suspended or cancelled projects in these areas when they were faced with demands from these bodies that they register, pay taxes and submit staff for approval. In

August and again at the end of December Maoist forces blockaded Kathmandu for several days. At the end of the year anti-Maoist demonstrations were staged in some districts to protest against forced recruitment.

The continuing rise in the number of persons reported missing gave cause for serious concern, and the government appointed a commission to clarify their fate. In October a new version of the Terrorist and Disruptive Activities Act was adopted, allowing longer periods of preventive detention. The publication of reports by Amnesty International and Human Rights Watch and visits to Nepal by several international commissions drew the world's attention to human rights abuses in the country.

The Lhotsampas refugees, who left Bhutan during disturbances there in the early 1990s, remained in camps in Nepal, as Nepal and Bhutan continued bilateral talks on their future.

## ICRC ACTION

The ICRC worked from offices in Kathmandu, Biratnagar and Nepalganj, expanding its field staff so that it could better cover the remote areas affected by the conflict. Respect for its neutrality enabled the organization to fulfil its traditional role of neutral intermediary and facilitated its access to areas controlled by both sides.

ICRC delegates had access to detainees in jails and police stations around the country and visited some held by the army and by the CPN-M. Through oral and written representations – both locally and at high-level positions of central authority – the delegation endeavoured to gain access to all detainees held by the army and by the CPN-M, to ensure that detainees were respected and to persuade both sides to implement or strengthen measures to protect civilians.

ICRC teams made frequent field trips, often over isolated, difficult terrain and passing through different areas of control. Through multidisciplinary assessments, they gained a comprehensive picture of economic and security conditions in conflict-affected communities. The delegation worked with the Nepalese Red Cross to meet the needs arising from the conflict and built up a capacity to respond on a larger scale, if necessary.

## CIVILIANS

### Monitoring civilian security and living conditions

Both parties took measures to protect civilians and those no longer participating in combat, and showed a willingness to consider others. Even so, reports of serious IHL violations remained frequent and widespread. Civilians often told of how they were forced to cooperate by one side, then punished for collaboration by the other. The ICRC's 11 field teams collected such allegations, analysed them, and through face-to-face discussions and written reports, relayed their findings to leaders from both sides.

The ICRC worked with NGOs caring for children captured by the Nepalese army and then released, to ensure that they would not be returned home if they risked being re-recruited or accused of collaboration.

In July and August the ICRC and the NRCS carried out an assessment of the impact of mines and other explosive remnants of war

(ERW) on civilians, and began planning mine action.

Pressure from both sides made it difficult for civilians to travel from one area to another. In zones with low agricultural output, these constraints disrupted the trade and temporary migration that families have always relied on to make ends meet. In very remote areas, restrictions on movement also interfered with the upkeep of water-supply systems and health services.

During field trips, ICRC teams assessed living conditions in isolated areas. They found no immediate need for large-scale assistance, but supplied Nepalese Red Cross branches with stocks of household necessities, which it distributed to families who had been displaced, had lost property or had had a family member killed, wounded, disabled or detained in connection with the conflict (see *National Society*).

Plans to improve water supply in 13 remote villages in Jumla district were delayed by weather and logistic problems, but by the end of the year ICRC engineering staff had delivered four tonnes of materials needed for the work under way in nine villages.

### Tracing the missing

To help families locate relatives who had disappeared, the ICRC cross-checked allegations of arrest with its own records of detainees visited. It submitted to the army a report detailing procedures for identifying people killed in fighting and for notifying their families, and listed several hundred names of persons who had neither been seen in prison nor reported released. In December it submitted a similar list of alleged arrests to the CPN-M.

### Restoring family links

The ICRC and Nepalese Red Cross worked together to deliver Red Cross messages (RCMs) sent between detainees and their families and offered the same service to others who had lost contact with family members because of the conflict.

- ▶ 862 RCMs delivered
- ▶ 732 people whose families had filed tracing requests located

## PEOPLE DEPRIVED OF THEIR FREEDOM

### Detainees held by the government

The ICRC visited detainees held by the government in jails, police stations and army barracks.

It also visited several high-level CPN-M members in government custody. Its teams monitored living conditions and treatment of the detainees, improved water and sanitation facilities in jails, trained prison health-care staff, helped detainees keep in contact with their families through RCMs and, when needed, provided them with clothing or hygiene products. Its assistance and renovations improved living conditions for all inmates in the prisons concerned, not just those registered for ICRC follow-up. Both orally and in written reports, the delegation shared findings from these visits with all the authorities concerned at local and central levels.

- ▶ 1,652 detainees visited (including 1,310 newly registered) in 344 places of detention
- ▶ 310 RCMs delivered to detainees
- ▶ improved water and sanitation for over 2,000 detainees in 5 prisons

### Detainees held by the CPN-M

In two separate operations in April, the ICRC facilitated the release of 76 people captured during CPN-M attacks in March and April. It conducted private interviews with all of the captives before their release. It also visited several people still held by the CPN-M.

## WOUNDED AND SICK

### Medical care for the wounded

Although the government subsidizes health care in Nepal, only a few hospitals outside Kathmandu can perform war surgery. Ambulance transport is costly and is not covered by the government. The ICRC therefore reimbursed the surgical or transport expenses of over 100 people injured in fighting and provided medical supplies to hospitals treating the wounded in Nepalganj and Kathmandu. It also organized seminars for health professionals on medical care for the war-wounded. This included sponsoring a symposium on war surgery attended by 150 surgeons at the VIIth International Conference of the Society of Surgeons of Nepal.

The ICRC sent a specialist to assess the national blood bank (run by the National Society) and to offer input on a national blood policy. It also helped fund Nepalese Red Cross ambulance services and first-aid training and distributed first-aid kits to soldiers and fighters in the field (see *National Society*).

- 2 hospitals assisted
- 201 war-wounded patients treated in ICRC-assisted hospitals

### Rehabilitation services for the disabled

The government did not reimburse the costs of fitting prostheses, and most rehabilitation services were expensive and far from the areas where most war injuries occurred. To strengthen the sustainability of rehabilitation services, and to make them more accessible to the war-wounded, the ICRC began in April to assist a physical rehabilitation centre at the Green Pastures Hospital in Pokhara (Western Region). It provided the centre with materials and equipment and sent a technician to train staff in the ICRC's polypropylene technology developed to maximize cost effectiveness and patient mobility. By mid-year, the centre was producing polypropylene prostheses on its own.

The Nepalese Red Cross ran an outreach programme which identified and registered amputees (of whom some 15% were war-wounded) and took charge of transporting them to the centre.

- 66 prostheses/orthoses manufactured
- 64 new patients fitted with prostheses and 1 with an orthosis
- 88 crutches and 1 wheelchair distributed

### AUTHORITIES

In January 2004 the Supreme Court issued a directive to the government to enact legislation to punish war crimes and protect the emblem. The ICRC drafted a comprehensive Geneva Conventions Act, which included provisions for the protection of the emblem, and submitted it to the Ministry of Foreign Affairs for consideration.

The dissolution of parliament and a high turnover in government posts left few avenues for the ICRC to promote the ratification or implementation of IHL instruments.

### ARMED FORCES AND OTHER BEARERS OF WEAPONS

The Royal Nepalese Army (RNA) retained responsibility for combating the Maoist rebellion, with the Armed Police Force (APF) and the Nepal Police often participating in operations under its command. The RNA had announced that it would

develop IHL training in 2002, following which the ICRC had worked with it to train IHL instructors. By 2004 the army had enough qualified trainers to conduct its own instruction in IHL, and it issued a directive that the subject be included in all formal training.

The ICRC continued to provide technical support to the RNA for training and the development of teaching materials. It also organized IHL seminars for APF brigades, with the aim of encouraging the force to introduce a similar programme of IHL training. The ICRC sponsored the participation of two officers, one from the RNA and one from the APF, in IHL courses at the International Institute of Humanitarian Law in San Remo, Italy.

### CIVIL SOCIETY

Working with journalists, with the many national and international NGOs present in the country and with professional groups, the ICRC raised public awareness of humanitarian issues and IHL. This involved organizing presentations, participating in events organized by others and producing and distributing printed materials.

The ICRC also worked with Nepal's leading law faculty at Tribhuvan University to make IHL an integral part of its curriculum. It helped qualify instructors to teach IHL by sending four Nepali participants to India for the South Asia Teaching Session on IHL and Refugee Law. At the request of the Red Cross youth section, it also gave presentations on IHL to university students and teachers.

### NATIONAL SOCIETY

The ICRC retained its lead role for the International Red Cross and Red Crescent Movement in Nepal, coordinating support to the Nepalese Red Cross from a number of Movement components active in the country. In August 2004 the International Federation of Red Cross and Red Crescent Societies, the Nepalese Red Cross and the ICRC jointly prepared the International Federation's appeal for flood relief and cooperated in delivering assistance.

With the joint support of the ICRC and the International Federation, the Nepalese Red Cross hosted the yearly South Asian Regional Partnership meeting held in March/April and a meeting of the secretary

generals of the South Asian National Societies in November.

Attacks on its ambulances, offices and volunteers continued to seriously limit the National Society's activities in conflict-affected areas. The Nepalese Red Cross officially adopted the Safer Access approach (see *Glossary*). By applying the approach with input from the ICRC, more National Society branches were able to work in conflict-affected areas once they had made contact with both sides.

With funding and/or technical support from the ICRC, the Nepalese Red Cross expanded its first-aid services and enhanced their sustainability, improved the quality and reach of its ambulance service, evaluated its blood bank, began planning involvement in mine action, enlarged the RCM network, distributed household items and hygiene products to victims of fighting, ran an outreach programme identifying amputees and transporting them to rehabilitation services, and maintained activities promoting the Movement, its Fundamental Principles and IHL. The National Society ran a campaign to reduce misuse of the emblem that had added to security risks for Red Cross staff or volunteers assisting people affected by internal violence, and by the end of the year reported that more than half of the country's districts were free of emblem misuse.

- 2,173 families affected by conflict assisted through the National Society
- 112 people trained in first aid so as to set up new services in 5 districts
- 200 amputees registered, nearly half of whom transported to Pokhara for assessment