Nepal

At the request of the International Committee of the Red Cross (ICRC), EAAF traveled to Kathmandu in December 2009 to give a workshop on the use of forensic archaeology in searching for disappeared individuals.

BACKGROUND

After 1962, Nepal was ruled primarily by a monarchy, with a council (panchayat) system advising the monarch. Nepal had a democratically-elected parliament beginning in 1959, but after disputes between political parties and King Mahendra, the government was dissolved and political parties were repressed, with a series of arrests of politicians and democratic activists involved with the Nepali Congress party-in-exile. Under Mahendra, a series of regional councils were popularly elected, which then served as the electoral college for a national council (panchayat). Ultimate political control remained with King Mahendra though. The political groups opposed to the council system consolidated in...
the 1970s and began a more conciliatory approach with the aim of reform. A series of protests against the council government in the late 1970s led to King Birendra, Mahendra’s successor, approving a referendum over the council system, with democratic reforms promised within the system if it continued. After a vote in 1980, the council system reforms narrowly won, and began universal male voting, and the appointment of a Prime Minister by the national council. Birendra’s government was accused of politically-motivated arrests, disappearances, torture, and extrajudicial executions, among other reported human rights violations.

A dispute in 1989 with India over Nepal purchasing arms from China, led to the Nepali-Indian border being shut almost completely for more than a year. This had a dramatic effect on the Nepalese economy and agitations against the Nepalese government increased, with numerous public street demonstrations. In 1990, an agreement was reached for a parliamentary democracy, and the council system was scrapped. The new parliament was seated in 1991, and led by the Nepali Congress, the party that had long worked for reforms. In 1992, with the economy experiencing further disturbances as the new government attempted to encourage private investment, socialist and Marxist parties began to gather more support. A general strike was called for April 6, and violence broke out around the date as activists tried to enforce the strike, and police forces...
repressed demonstrators, reportedly killing at least 7 demonstrators.\(^7\) Other police abuses, including disappearance, torture, and rape, reportedly occurred over the next few years.\(^8\) Agitation for land reforms in the rural areas was similarly put down by security forces.

The Communist Party of Nepal, which participated in initial elections, splintered after the violence of 1992. A Maoist faction became committed to armed guerilla struggle, and launched an insurgency in rural areas of western Nepal in February 1996. The guerilla movement gained a substantial foothold in Nepal, as the conflict expanded from engagement with Nepalese police forces, to fighting with the Royal Nepalese Army. Forces on both sides were reported to have committed extrajudicial executions, disappearances, and torture.\(^9\) In 2001, Crown Prince Dipendra shot and killed nine members of the royal family, including King Birendra, and then shot himself, reportedly due to conflicts over his choice for wife.\(^10\) King Gyanendra, brother to Birendra, assumed the throne shortly afterwards. Gyanendra began to consolidate power under the throne, dismissing the parliament elected in 2002, and then a series of Prime Ministers. In 2005, King Gyanendra dissolved the constitutional democracy, citing its inability to defeat the Maoist insurgency, and took control of the government. Under Gyanendra, civil and political liberties and freedom of the press were severely curtailed.\(^11\) In April 2006, amid increased demonstrations, Gyanendra declared a national curfew, to be enforced by security forces. Shortly thereafter, with further demonstrations and strikes, Gyanendra proposed a return to constitutional democracy, and then reinstated the parliament. The parliament moved to strip the monarchy of political power, and make the country a federal republic. The Maoists declared a cease-fire and entered into peace talks with the parliament over the country’s civil war. The Maoists and government signed a peace agreement in November 2006, and the Maoists agreed to join an interim government, and then enter as a party in the subsequent general elections for parliament and an assembly to draft a new constitution. According to a Nepalese governmental task force investigating the details of the civil war, there were more than 16,000 deaths from the fighting,\(^12\) with the Nepalese security forces responsible...
for approximately two-thirds and the Maoists for the remaining third. There are approximately 3,500 disappeared individuals (2,088 victims of state security forces and 820 victims of the Maoists) from the violence from 1992 to 2006. To date, there have been no prosecutions or accountability for human rights abuses committed by either security forces or the Maoists during the civil war.

A new election for parliament took place in April 2008, and was seated shortly thereafter. The new parliament abolished the monarchy in May 2008. The political process since has been marked by political struggles between Maoist and Nepali Congress factions, and over the composition and progress of the Constitutional Assembly, which is expected to produce a new constitution in 2010.

**EAAF Participation**

An EAAF member traveled to Kathmandu in December 2009 at the invitation of the International Committee for the Red Cross (ICRC) to help lead the week-long workshop, “Forensic Anthropology Training: Enhancement of Knowledge and Competencies on Best Practices in Exhumations”. The workshop was focusing on investigations of disappeared persons from 1992 to 2006.

The course was hosted by the Teaching Hospital of Kathmandu, in collaboration with the ICRC, and built on a workshop held the previous year. The workshop in 2009 expanded on the information presented in the last workshop focused on forensic archaeology and preliminary investigation of sites, including lessons on logistics, site security, site evaluation, documentary and testimonial sources, survey and mapping. Practical exercises at pre-prepared field sites were undertaken.

Participants came from the National Human Rights Commission of Nepal, the Special Commission on Disappearances, the Supreme Court, and the police, who are all involved in exhumation procedures in Nepal. The two commissions can investigate cases, and request that the Supreme Court open investigations. As of December 2009, there were 31 cases of disappearance being investigated by the National Human Rights Commission and Special Commission on Disappearances. Forensic experts from the morgue and Teaching Hospital also attended the workshop, which was very well received. The ICRC plans to hold one more forensic workshop in 2010.

**ENDNOTES**

1. Riaz, Ali, and Subho Basu. 2007. The State-Society Relationship and Political Conflicts in Nepal (1768-2005). *Journal of Asian and African Studies* 42(2): 123-42 (125). In 1962, India withdrew tolerance of Nepali pro-democracy partisans operating along the border between Nepal and India, after a border dispute led to armed confrontations between India and China in October 1962. India decided to support the absolute monarchy under King Mahendra, in order to solidify its neighbor. Although political parties were banned, they continued to exist with the tacit support of India.
3. Ibid.
11. Ibid. 56
14. According to the Special Commission on Disappearances, part of the National Human Rights Commission of Nepal
17. This mission was supported by the Interchurch Organisation for Development Co-Operation (ICCO), Asia.
18. EAAF member Claudia Bisso.