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European Initiative for Democracy and Human Rights

Final Narrative Report

Project title: Ending unlawful killing and impunity project

Contract no: DDH/2005/112-736

Project duration: January 2006 to December 2007

Duration covered by the report: January 2006 to December 2007

Submitted by:

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Abbreviations

AI Nepal	-	Amnesty International Nepal
DC	-	Drafting Committee
EC	-	European Commission
FGD	-	Focus Group Discussion
FIR	-	First Information Report
FOHRID	-	Human Rights and Democratic Forum
HMG	-	His Majesty's Government of Nepal (Now Government of Nepal)
ICC	-	International Criminal Court
ICJ	-	International Commission of Jurists
ICRC	-	International Committee of Red Cross
INGO	-	International Non-Government Organization
INSEC	-	Information Sector Service Centre
MoH	-	Ministry of Home Affairs
MP	-	Member of Parliament
NBA	-	Nepal Bar Association
NHRC	-	National Human Rights Commission
OHCHR-Nepal	-	Office of the High Commissioner for Human Rights-Nepal
PIL	-	Public Interest Litigation
SC	-	Supreme Court
SPA	-	Seven Party Alliance

European Initiative for Democracy and Human Rights

FINAL NARRATIVE REPORT

(January 2006 to December 2007)

Introduction

- 1. Name of beneficiary of grant agreement and of legal representative:**
FOHRID, Human Rights and Democratic Forum
- 2. Name and title of the person responsible for the project:**
Advocate Raj Kumar Siwakoti, Secretary General of FOHRID
- 3. Title of the project:** Ending Unlawful Killings and Impunity Project
- 4. Reference number of the project:** DDH/2005/112-736
- 5. Start date of the agreement:** January 2006
- 6. End date of the project:** December 2007
- 7. Target country(ies) or region:** Nepal (Kathmandu, Bhaktapur, Lalitpur districts)
- 8. Target beneficiaries &/or target groups (if different) (including numbers of women and men):**
Target groups of this programme: Concerned Ministries, government officials, Office of Attorney General, National Human Rights Commission, Nepal Bar Association, policy makers, law enforcing authority, political parties and their cadres, Nepal Army, Nepal police, Armed Police Force, trade unions, human rights organizations, occupational groups, lawyers, journalists, women, Dalit and ethnic communities at the central level. The target groups have been categorized as follows:
Direct beneficiaries: Representatives from government and civil society (50 NGOs) - 1000; justice and compensation will be ensured to at least 30 victims and their family members through prosecuting public interest litigation cases.
Indirect beneficiaries: Lives of thousands of innocent people will be saved in the long term by the action to draw the attention of the parties in conflict through campaign to end impunity.
- 9. Country (ies) in which the activities take place:** Kathmandu, Nepal

A. Compliance with the Grant Agreement

- 1. Has the project been carried out as foreseen in the terms of reference of the agreement? If not, please explain how and why the original proposal was modified, including the dates that any addenda were requested and received.**

Yes, the project has been carried out as foreseen in the terms of reference of the agreement. The original proposal has not been modified in a significant way.

- 2. Was the provisional budget of the project respected? If not, please explain any changes that occurred.**

The provisional budget of the project has been respected but we have made slight alterations in the budget with the permission of EC.

In the project proposal, we had proposed 5 (five) member implementation team under Human Resources and allocated budget accordingly. But considering burden of work, we have added 2 (two) additional officers to be paid from the amount under the same head. Now the total number of implementation staff is 7 (seven) but the total amount under the head remains same. This alteration has been acknowledged by European Commission through latter's correspondence no. AHoD/SB/N-237/06 dated 23rd March, 2006. Draft

legislation was one of the major components of this project but budget was not allocated for this activity while designing the proposal. This created some difficulty in accomplishing draft legislation. In this regard, budget for this purpose was arranged from Budget head 1.3 Fact Finding Mission and 5.2.3 Field work/information collection. EC was duly communicated about this budget transfer and the need to spend amount for draft legislation through a letter dated 28 May 2007. We have not received acknowledgement of the communication from EC. Similarly, the amount of bank guarantee has also been spent for draft legislation.

B. Project Objectives

Overall objective of the project: To end unlawful killing and impunity for strengthening the rule of law and promotion and protection of human rights.

Specific objectives of the project:

- 1) To develop public interest campaign to draw attention of the target groups to end impunity in the security forces for improving rule of law.
- 2) To draft legislation recommendation for the end of impunity.
- 3) To create pressure against Maoists to respect HR.
- 4) To establish a task force at the national level to combat impunity.
- 5) To study situation of impunity in the country and to prepare a report in this regard.
- 6) To initiate advocacy for improved respect of HR.

C. Project Activities

1. All the activities since the beginning of the project are as follows:

1. Campaign and advocacy:

Campaign and advocacy is a major activity of this project because it directly relates to fight against impunity by sensitizing stakeholders. It stresses the government and Maoist leadership to be accountable especially in the context of increasing incidents of impunity and human rights violations. Three activities have been conducted with specific issues and references under campaign and advocacy. Following activities were conducted as per the calendar from the beginning January 2006 to end December 2007.

1.1 Public hearing and mass demonstration:

Four events public hearing and mass demonstration completed. Public hearings were conducted on the issue of "Collective campaign for ending unlawful killings and impunity".

In the first event, FOHRID organized a press conference and a program for hearing the voices of the family members of victims from Jogimara on the day of mass demonstration. FOHRID brought the victims' family members to Kathmandu from Dhading district.

Second part of this event was held as sit-in protest in front of western gate of Singh Durbar to create pressure targeting the first day meeting of reinstated lower house, the House of Representatives.

In the second event, hearing the voice of family members of victims from Kahule VDC and Bageshwori VDC of Nuwakot district was held. The family members of victims were brought to Kathmandu and similar press conference was held after demonstration on the above issue. The details of Kaule and Bageshwari incidents were brought before press and participants of the hearing program. The family members of the victims of Kaule and Bageshwori VDC demanded justice and proper compensation for the impact they have borne. Hon'ble Mahendra Bahadur Pandey, MP of the concerned constituency of Nuwakot district was present on the occasion. He made his commitment to raise voice in the Parliament for justice.

Similarly, third event was organized in front of Singh Durbar with a view to create pressure to put an end to the prevalent impunity situation. One event of demonstration was held at Maitighar Mandala demanding ratification of the Rome Statute of ICC. In the course of public

hearing and mass demonstration, a sit-in program was organized to urge the government take action against the perpetrators of Gaur incident of Rautahat district where 27 Maoist cadres were killed mercilessly. Background speakers and representatives of victims expressed their views and experiences and demanded immediate justice for victims during the above occasions.

Fourth event was conducted as public hearing and mass demonstration focusing to end overall impunity situation in the country and accession to Rome Statute of ICC. The national and international human rights organizations including visiting mission of Amnesty International and Asian Coalition of International Criminal Court joined this programme. Procession of hundreds of participants marched the street to exert pressure for ending impunity showing strong solidarity for the ratification of the Rome Statute of ICC.

1.2 Focus group discussion

Four events of 'focus group discussion' were held. **In the first event**, it attempted to address following issues at the highest level:

- Draft legislation for ending impunity through new provision.
- The incidents where the security forces were responsible for unlawful killings and the responsible persons escaped justice through impunity.

This event aimed to address issues of draft legislation for ending impunity through new provision and incidents of unlawful killings by security forces and from Maoists side. Background paper on 'the need of law to eradicate impunity' was presented to proceed the discussion. With these issues, the focus group discussion was centralized on the mechanism, process, content and scope of the preliminary draft of Impunity Bill.

In the second event, discussion was held on the preliminary draft of Impunity Bill prepared by Citizen Law Drafting Council. A consultation meeting was held in Kathmandu, where national and international experts actively participated. The participants explored strong and weak aspects of the Bill and suggested measures to make it perfect. The participants also sought further discussions at broader level. Another part of this event was held on "Ending impunity and human rights mechanism in the Interim Constitution". Held during the drafting process of the Interim Constitution, the program focused on the provisions for ending impunity and human rights mechanism to be incorporated in the Constitution. Working papers on the topics of 'Draft legislation against impunity' and 'Impunity and human rights mechanism' were presented to proceed the consultation and parallel sessions respectively in the programs.

In the third event, a FGD program was held on the theme of "Serious violation of human rights, impunity and indifference of State". The discussion aimed to make public the serious incidents of human rights violations and the indifference of State. This event focused national and international provisions regarding prosecution against the human rights violators. General stakeholders were sensitized on the PIL case filing on the incidents of serious violation of human rights and humanitarian law. The programme highly raises the issue of prosecution against perpetrators responsible for the grave violations such as unlawful killings, disappearance, rape, abduction. Working paper entitled 'Serious violations of human rights and impunity situation' was presented in the program.

The fourth event of the focus group discussion was conducted dividing into two parts. This program was conducted on the topic of 'Implementation status of NHRC's recommendations and impunity'. The programme was jointly organized by FOHRID and National Human Rights Commission (NHRC). This program was organized to evaluate the implementation status of the recommendations made by NHRC and to identify measures to improve the situation. Two working papers, one on behalf of FOHRID on the topic of 'Issues of ending Impunity' and another from NHRC on the topic of 'Status of the recommendations made by National Human Rights Commission' were presented in the discussion.

Second part was conducted on one of the major activities of the project, 'the long term strategy plan of action to combat impunity'. In this part, FOHRID prepared a preliminary draft and presented for discussion. After 3 round discussions on it, a concrete document of the action plan was made for long term intervention against impunity. As this 'long term strategy plan of action to combat impunity' was prepared for use by the non-government sector, the participants from different strata of non-government sector were invited in the discussions.

Long term action plan was proposed to be held under Interaction/round table discussion but it was accomplished under focus group discussion. The reason behind it was FGD required small audience of experts. This could support in the discussion regarding Action Plan. Similarly, the broader issue of FGD was discussed under Interaction/round table discussion. This is not a modification of the activity as such. This was selected to match the subject matter and issue with the nature of program.

1.3 Interaction/round table discussion

Total five events of 'interaction / round table discussion' were held. **First event** of this activity was conducted dividing into 5 parts and following points were focused for the discussion:

- Impunity situation, subject matter and its trend;
- Unlawful killings and the responsibility of the security forces and the Maoists;
- Incidents of unlawful killing, rape, torture, torture in custody, death in custody and issues of action against responsible persons;
- Possibility to initiate collective efforts against impunity;
- Existing policy and draft recommendation to improve them;
- Task Force formation to combat impunity and relevancy, work plan, structure and Secretariat of the Task Force determined.

The discussion stressed need of a collective campaign of NGOs and media mobilization against civilian killings by both conflicting parties. The participant academicians analyzed impunity from their own respective dimensions. They provided an overview of the contemporary situation of the country, in particular, situation of impunity and its recent trend; unlawful killings and responsibility of the security forces and the Maoists; incidents of unlawful killings, rape, torture, torture in custody, death in custody and issues of action against responsible persons; and possibility to initiate collective efforts against impunity.

In the second event, an interaction was held on the issue of "Impunity, ratification and implementation of Rome Statute". The programme organized as a joint initiative of AI Nepal and FOHRID in favour of the ratification and implementation of Rome Statute was appreciated by the stakeholders for being contextual. The programme was conducted to sensitize people on the international practice against impunity and current status of struggle against impunity at the domestic level.

Third event of this activity was held into two parts. First part was held in the initiation of the Task Force. The interaction focused on the existing impunity situation in the judiciary, civil service and Nepalese army on the issue of "Impunity and the present government". Second part was held in the context of historic agreement between Seven Party Alliance (SPA) government and CPN-Maoist on the issue of "Access to justice for conflict victims and impunity" with the initiative of FOHRID. This program raised the issue of access to justice for the conflict victims. A discussion paper on the topic of 'Historic agreement, management of conflict victims and impunity' was presented on the occasion.

In the forth event, an interaction was held on the issue of 'Responsibility of interim parliament against impunity'. It focused the role to be played by the Interim Parliament in relation to the execution of the report of Disappearance Commission, Mallik Commission, Rayamajhi Commission and the need of an effective law with retrospective effect to fight against impunity. The action to avoid existing ex post facto provisions of the draft Interim Constitution dealing with the crimes against humanity were severely criticized in the program. Discussion also covered responsibility of the Interim Parliament to combat impunity.

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Fifth event of this activity was held on the issue of 'Nepalese law, practice and situation of the report of Rayamajhi Commission in the context of impunity'. The provisions of Nepalese laws contributing impunity were explored and attention of the concerned agencies of the government was drawn to the execution of the report of Rayamajhi Commission. A working paper on the topic of 'Nepalese legal framework relating to impunity and practice' was presented on the occasion.

This event was scheduled for Semester IV but discussion on this topic was contextual at the time and ongoing situation as it was related to the prosecution against the perpetrators of People's Movement II held for defying the royal take over.

All these events emphasized intervention at the policy level. FOHRID project team and other experts prepared background documents for discussion on the above-mentioned issues and human rights experts made their oral presentation / comments.

In overall execution of this activity, due attention was paid to select the topics to make the discussions much contextual and to sensitize people about the international practices against impunity. The situation of impunity at the domestic level in the incidents of serious violations of human rights including unlawful killings was highly stressed.

This campaign and advocacy established the need of public interest campaign against impunity. This effort created pressure to the security forces to be accountable. It was successful to make the stakeholders express their commitments to respect human rights and to end impunity. It encouraged the mainstream political parties, law enforcing agencies and occupational organizations to be united to combat impunity.

Table: 1 - Involvement of target groups in the campaign and advocacy

S.N.	Activities	# of events	Total participants		
			M	F	Total
1	Public hearing / Mass demonstration	4events	3882	1271	5153
2	Focus group discussion	4 events	465	105	570
3	Interaction / round table discussion	5 events	490	117	607
Total			4837	1493	6330

Note: Most of the participants represented their respective organizations.

2. Draft legislation:

'**Bill Relating to the Prohibition of Impunity, 2007**' was drafted by involving a wide range of target groups. In drafting the Bill, intensive consultation meetings were held in the initial phase with all stakeholders of different levels and professions. The **Citizen Law Drafting Council for Eradication of Impunity** was formed involving 37 members. The council had the policy to include all interested organizations and individuals in law drafting process.

The Drafting Council designated Advocate Bhimarjun Acharya as the Coordinator of the Law Drafting Committee, a core group responsible to prepare preliminary draft to carry out the process. Advocate Acharya moved forward the Bill drafting process involving experts with long experience in human rights and legal field as well as with the Drafting Council. Consultation discussions were held repeatedly on the preliminary draft prepared by the drafting committee within the Committee itself and then in Drafting Council. Suggestion and feedbacks of the participants in the discussions were incorporated and the preliminary draft was updated accordingly.

Then, the updated preliminary draft was forwarded to government agencies, non government and international organizations to obtain written suggestion in the second phase. Consultation discussions were frequently organized with a number of organizations including NHRC, prominent human rights organizations of Nepal, OHCHR Nepal, International Commission of Jurists (ICJ), AI Nepal collecting suggestions and feedbacks on the Bill. The Bill was updated again on the basis of the feedbacks.

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In the third round, the proposed draft Bill was taken to the major stakeholders for extensive discussion. Kathmandu Consultation Meeting was organized to discuss the proposed bill. Fourth round update on the draft was undertaken after the Kathmandu Consultation Meeting. After that, Experts' Meeting of the core technocrats on legislation drafting was organized to finalize the Bill.

Finally, with the broader participation of all the stakeholders 'Consultation conference to finalize the Impunity Prohibition Bill' was organized to make the draft perfect. Section-wise discussion on the Bill was held in the consultation conference and the 'Impunity Prohibition Bill, 2007' was finalized. The proposed Bill was published, disseminated and submitted to the Ministry of Home (MoH) , Government of Nepal to table it in the Parliament. Phases of Consultation Meetings on draft legislation and list of participants is presented in the table below:

Table: 2 - Phases of Consultation Meetings on Draft Legislation

SN	Steps/ theme of discussion	# of participants			Execution date
		M	F	Total	
1	A consultation discussion on drafting of legislation against impunity	63	10	73	16 May 2006
2	Discussion on preliminary draft of the legislation in Drafting Committee	13	5	18	
3	Discussion on preliminary draft of the legislation in Citizen Law Drafting Council	20	14	34	16 Nov 2006
5	Kathmandu Consultation on Impunity Bill	42	17	59	8 Dec 2006
6	Section-wise consultation with experts on individual basis	4	2	6	
7	Experts' meeting on Bill Relating to the Prohibition of Impunity, 2064	14	3	17	27 Jul 2007
8	Consultation Conference to finalize the Bill	92	20	112	5 Sep 2007
9	Amend and update the bill and submitted to the MoH.	4	1	5	26 Dec 2007

2.1 Recommendation / lobbying:

Implementation of this activity has two facets at different levels:

First, lobbying to pass the Bill from the Parliament after completion of draft legislation and follow up for implementation of the Bill:

In this connection, the 'Bill Relating to Prohibition of Impunity, 2064' prepared under this activity was submitted to the MoH. Lobbying with the Speaker and MPs was conducted. The Bill was distributed to all the MPs. Meetings with the Chairperson and the Members of NHRC and with human rights activists and civil society members were held in this process. An interaction programme with the MPs was organized prior to the submission of the Bill. The MPs expressed their commitment to perform their level best to pass the Bill from the parliament. As per the suggestions of the target groups to introduce the Bill as a public Bill, it was submitted to the concerned government authority.

Second, Lobbying to draw the attention of the stakeholders in the struggle against impunity and present concrete recommendations to the government and non government mechanisms in order to minimize the problems of impunity.

For this, following notable efforts were made:

- a) In the Golden Jubilee Declaration (Kathmandu Declaration, Para. 4) of the 10th All Nepal Lawyers Convention held from 1 – 4 March 2006, the issue of the ratification of Rome Statute, 1998 was mentioned as necessary for ending impunity. Advocates associated with FOHRID lobbied actively to include this issue in the Declaration. FOHRID Chairperson and Secretary General submitted recommendations, in writing, to the Declaration Drafting Committee.

- b) In the context of reinstated lower house of the Parliament (House of Representatives) by popular movement, FOHRID and Joint Forum for Human Rights and Peace jointly organized a discussion program at NBA Hall on April 27, 2006 (14 Baisakh 2063). The topic of the program was "Contents to be immediately addressed by the revived House of Representatives in the forthcoming session". The issue of unlawful killings and impunity as well as promotion of rule of law and protection of human rights was strongly raised by participants in the discussion program and constructive suggestions were recommended. The discussion program passed 7 priority work list put forth by FOHRID. These recommendations were compiled and submitted to the SPA, Prime Minister and Home Minister of Nepal.

Besides, recommendations were submitted and lobbying was conducted with Nepal Government on the following issues:

- I. Necessary law should be formed and promulgated to eradicate impunity;
 - II. A high level commission must be formed to investigate and punish the perpetrators involved in the unlawful killings carried out by the security forces in the name of tackling conflict, e.g. killing of 8 farmers at Pandusen of Bajura in October 2002 and killing of 35 labourers at Kalikot on 14 February 2002; and to declare the incidents as crimes against humanity;
 - III. Rome Statute 1998 of International Criminal Court must be ratified immediately;
 - IV. TADO (Terrorist and Destructive Ordinance) should be declared void and the Acts pertaining to Nepalese Army, Nepal Police and Armed Police Force must be amended according to the spirit of democracy;
 - V. Ministers, administrators and security forces responsible to suppress the People's Movement II with excessive use of force must be interrogated through a powerful commission, and punished;
 - VI. Perpetrators involved to suppress the popular movement of 1990 as recorded by the Mallik Commission must be brought into justice;
 - VII. The activities of the Nepalese Army should comply with expectations of people in the new democratic environment.
- c) In the rapidly changing political scenario of Nepal, lobbying was extended to include the provisions to curb impunity in the instruments such as Interim Constitution of Nepal 2063, political agreements between Nepal government and CPN (Maoist) and Comprehensive Peace Accord (CPA). This task was conducted with the collaborative efforts of human rights community.
- D) During the Semester III, FOHRID alongwith other human rights organizations and civil society members submitted a memorandum to the Speaker of the Legislature-Parliament demanding the appointment in the post of NHRC members which is vacant for a long time.
- E) FOHRID and NHRC jointly organized a workshop. The outcome and recommendations of the workshop was submitted to the MoH and the Office of the Prime Minister for the implementation.

Result of this activity was better than expected. Drafting a specific law to address impunity was a great achievement in the Nepalese context. The target groups, including victims, representatives of human rights organizations and civil society have shown overwhelming support to this Bill. The MPs and political leaders present on the consultation programs and lobbying meetings have expressed commitment to help pass the Bill. Even if the Bill is not passed, it will be a useful reference once Nepal becomes state party to the Rome Statute. The process adopted to implement this activity laid pressure to reform other relevant domestic laws. Criminalization of forced disappearance and the amendment to the concerned article of Muluki Ain is an example.

3. Prosecute 4 public interest litigation (PIL) cases on Impunity:

Under this activity, total 4 PIL cases of unlawful killings were filed in the SC through writ petitions. These cases, filed by FOHRID on behalf of 24 families as writ petitioners, are aimed to provide justice to 42 families as direct beneficiaries. Details of the cases and the progress are as follows:

1. Case of Umesh Chandra Thapa:

Umesh Chandra Thapa was shot dead at Dang during the Peoples Movement II, in April 2006. Security force fired indiscriminately at a peaceful rally organized to protest King's direct rule. Late Mr. Thapa is honoured as the first martyr of the April uprising. The killing of Umesh Chandra Thapa was the contemporary incident of project intervention. So, FOHRID brought this case to the court as a public litigation case and writ petition was filed. Following is the brief account of this case.

Petition filed by (plaintiff) Advocate Birendra Prasad Thapaliya, President of FOHRID as authorised (plaintiff) to do so on behalf of Jagadish Thapa, son of late Umesh Chandra Thapa.

Public writ against (Defendant): Office of Prime Minister & Council of Ministers of His Majesty's Government (HMG), Defence Ministry, MoH of HMG, Dang Ghorahi District Administration Office of HMG, Shrinath Barrack, Ghorahi, Dang of Nepal Army, Dang District Police Office, Ghorahi of HMG.

Case Title: To give suitable ruling and order including mandamus according to the Constitution of the Kingdom of Nepal-1990, Article 88 (2).

Type of case: Public interest litigation on unlawful killing and the issue of impunity.

Demand of case:

- Necessary compensation be provided to the petitioner, including his family from the opponent party to compensate the impact of loss.
- Maximum punishment and fine be ordered to the security personnel who fired against an innocent citizen without caring the minimum condition and standard determined by law and the Army Security Officer who ordered this.
- An order be issued to form and implement a law that ensures victim of any illegal and irresponsible action caused by the law enforcing authority to claim compensation of loss by such action. This demand is directly related to form and implement an effective law against impunity.
- One separate commission be formed to conduct fair investigation and determine compensation of the incident and other necessary works in this regard.

Written replies received by the Respondents:

- From Umesh Prasad Mainali, Secretary, on behalf of MoH of the Government of Nepal

Progress of the case:

- SC has issued show cause orders in the name of opponents of the case with prerogative order for further court process on 4 May 2006.
- General dates for presence were given on 7 June and 31 August 2006.
- Due date of hearing was postponed on 17 October 2006.
- Next hearing fixed on 16 January 2007.
- The hearing was postponed and next hearing was designated on 16 April 2007.
- On 16 April 2007, order issued to the opponent to submit the decision if the compensation for the victims were made.
- Then, general dates of presence were given on 24 May, 20 June, 12 August, 7 September, 4 November, 29 November and 17 December.
- Next hearing has been designated on 17 March 2008.

This case was the first court practice from the view point of jurisprudence of impunity. The writ was denied at the first attempt. Application was petitioned against the denial order. Ultimately, the case was registered after the hearing on this application and show cause order was issued to the name of opponents. Following cases filed by FOHRID and other target groups were registered on the ground of this very case of Umesh Chandra Thapa.

2. Case of the killing of 35 labourers in Kotbada Airport Construction site in Kalikot District:

The event of this merciless killing was uncovered only when Amnesty International mentioned in its report. The victims of these killings were from ethnic minority, dalits and backward communities. Severity of the incident was incomparable to other incidents of unlawful killings and with the passage of time this incident had been shadowed. So, FOHRID followed the same event with a view to ensure relief to the needy families of victims and succeeded to contact 17 family members of the victims from Jogimara of Dhading district. FOHRID brought them to Kathmandu and a case was filed following mass demonstration, public hearing and press meet programs. Following is the brief account of the case:

Petition filed by (plaintiff)- Advocate Birendra Prasad Thapaliya, President of FOHRID and authorised (plaintiff) to do so on behalf the victims' families (17 labourers out of 35) of Jogimara whose family members - son/ husband/ father - had been killed at Kotbada, Sunthali Airport Construction Site of Kalikot district.

Public writ against (Defendant): Office of the Prime Minister and Council of Ministers of Nepal, Defence Ministry, Nepal Army Headquarters, Nepal Army Ranadal Barrack of Kalikot, District Police Office of Kalikot, District Administration Office of Kalikot and District Administration Office of Dhading.

Progress of the case:

- The SC has issued show cause orders in the name of opponents of the case with prerogative order for further court process. Written replies have been arrived from all the respondents.
- Next hearing fixed for 16 January 2007.
- The hearing was postponed and next hearing was designated on 16 April 2007.
- On 16 April 2007, order issued to the opponent to submit the decision if the compensation for the victims were made.
- Then, general dates of presence were given on 24 May, 20 June, 12 August, 7 September, 4 November, 29 November and 17 December.
- Next hearing has been designated on 17 March 2008.

3. Case of the killing of 5 youths in Kaule VDC of Nuwakot district:

This case was taken from Nuwakot district. In this incident, a striking force of Bagawati Prasad Gulma was landed in Kaule to counter the Maoist insurgency. When five youths of Tamang tribe were returning from the Ghewa-ritual celebrated in death in their caste- at late evening, army personnel of the striking force gunned down the youths. The victims of the killings belong to poor ethnic community. So, FOHRID decided to bring this case to the court in accordance with the objectives of the project to make the justice accessible to pro-poor marginalized.

Petitioner- Advocate Birendra Prasad Thapaliya, Chairperson of FOHRID and authorised (plaintiff) to do so on behalf of victims' families of Kaule, Nuwakot whose family members had been gunned down on 11 Mangsir 2059.

Public writ against (Defendants): Office of the Prime Minister and Council of Ministers of Nepal, Defense Ministry, Nepal Army Headquarters, Nepal Army Bhagawati Prasad Gulma, Nuwakot, District Police Office of Nuwakot and District Administration Office of Nuwakot.

Progress of the case:

- Case filed on 27 February 2006.

- SC issued show cause order in the name of opponents.
- General date of presence was given on 13 September and 17 October 2006.
- Next date of presence given for December 17, 2006.
- General date of presence was given on 4 March, 18 April, 20 June, 12 August, 7 September, 4 November and 29 November, 2007.
- On 23 November 2007, written replies arrived.
- Next date for hearing has been designated on 17 March 2008.

4. Case of the killing of Khet Prasad Lamichhani (a dumb) in Bageshwari VDC of Nuwakot district:

The victim Khet Prasad Lamichhani was physically challenged person. He was dumb that's why could not hear and speak. The Army of the striking force landed in Nuwakot district was patrolling in Bageshwari VDC and they shot to death Khet Prasad. FOHRID brought this case to the court as PIL case with a view to representing also from incapables and handicapped. Following is the brief description of the case:

Writ petitioner: Advocate Birendra Prasad Thapaliya, Chairperson of FOHRID and authorized (plaintiff) to do so on behalf of victim's family.

Public writ against (Defendants): Office of the Prime Minister and Council of Ministers of Nepal, Defense Ministry, Nepalese Army Headquarters, Nepalese Army Bhagawati Prasad Gulma, Nuwakot, District Police Office of Nuwakot and District Administration Office of Nuwakot.

Progress of the case:

- SC has issued show cause order in the name of opponents on 13 September.
- General date of presence given on 17 October 2006.
- Next date of presence was given for December 17 2006.
- General date of presence was given on 4 March, 18 April, 20 June, 12 August, 7 September, 4 November, 29 November, 2007.
- On 23 November 2007, written replies arrived.
- Next date for hearing has been designated on 17 March 2008.

FOHRID has continued to follow up of all the four cases and regularly attend on the date of presence given by the court. In these cases, the court has issued order for further inquiry to the opponents about the compensation. In the latter two cases, Nepal Army Bhagawati Prasad Gulma, Nuwakot was the striking force and this force is now in Solukhumbu district. The response from this opponent was delayed. But now, all the replies from the opponents have arrived and hopefully in the next date of hearing the court will give its verdict. It is hoped that the court will give landmark decision with clear description to support campaign against impunity.

Decisions on all the cases are yet to come. Though the project ends in December 2007, FOHRID will continue its follow up by mobilizing its internal resources till the cases are decided finally.

Major achievement of this activity is the filing of PIL in the incidents of unlawful killings. We feel proud to say that these are the first cases of the kind as such cases were not filed in the court before. After filing of these cases, many victims of similar cases have come to the court for justice. Verdict on these PIL, still awaited, will certainly impart positive impact in the Nepalese justice system.

4. Task Force formation:

While executing this activity, in the initial phase, an ad hoc Task Force was formed on 24 August 2006 during the Semester II. An 11 member Core ad hoc Steering Committee of the Task Force was formed then. Additional 12 members were involved in the ad hoc Task Force. Members of the Task Force represented human rights sector, civil society and

professional groups. In course of the formation, a meeting was convened amongst the stakeholders at the FOHRID office. FOHRID prepared and presented a brief outline concept of proposed Task Force sketching the pattern of problem and context analysis, regarding the Task Force formation, immediate action and focal point for this initiative.

This meeting formed an ad hoc committee of the Task Force and following decisions were made regarding the formation and working area of the Task Force:

Structure of Task Force: A permanent Task Force will be formed with the involvement of the stakeholders from all sectors to launch long term campaign on behalf of non-government sector. One Steering Committee will be formed by involving designated number of members. The Task Force will be headed by senior human rights defender or renowned personality representing from the civil society. This will be forwarded as the beginning of a long term campaign.

Secretariat and Focal Point: Many organizations and individuals were involved in the Task Force in which FOHRID was designated the focal point to facilitate the process and its activities. FOHRID was selected to lead the campaign against impunity in the long run and designated as the permanent Secretariat or focal point of the Task Force.

Scope of the Task Force: The Task Force will basically focus to struggle against increasing trend of impunity in Nepal. It will raise voice for rights of the victims of serious violation of human rights and humanitarian law and will determine its working areas as required in the future.

Work of the Task Force:

- Advocacy and lobbying at the national and international level for protection and promotion of human rights and ending impunity;
- Advocacy on reform in legal and criminal justice system for ending impunity;
- Advocacy for legal action against perpetrators and justice to victims in the incidents of crime against humanity and other serious violation of human rights;
- To work for transitional justice and retrospective justice.

Fund for Task Force:

A separate fund will be arranged for the mobilization of the Task Force. Following type of amount will be collected in the fund:

- Volunteer contribution from the organizations/ individuals involved in the Task Force;
- Amount to be received from the donor community;
- Amount received from other sources.

General Assembly:

The ad hoc committee will hold the General Assembly of the Task Force by mid May 2007. A Steering Committee will be formed by the General Assembly. To ensure wider participation of the stakeholders, all organizations / individuals will be requested to duly fill up the Involvement Form and return it to the Secretariat of the Citizen Task Force.

Accordingly, Involvement Form was developed, disseminated to fill up, collected and prepared a list of those interested in Semester III. On 7 July 2007, General Assembly of the members was convened and a permanent committee was formed under the leadership of senior human rights activist, Nutan Thapaliya. FOHRID is now Permanent Secretariat to work as a focal point for coordination, management and mobilization of the Task Force. Total 113 members from both the individual and organizational basis are involved in the Task Force.

4.1 Task Force Mobilization:

The Task Force is being mobilized through various meetings, discussions and interactions to attain its goal.

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In executing this activity, mobilization of Task Force was initiated since it was formed in the ad hoc basis. A public discussion programme was organized by Task Force on 4 September 2006 at NBA Hall to debate on the inability of the government to take action against the senior government officers (Chief Secretary, Chief of the Army Staff). The theme of discussion was 'Impunity and present government: a review'. The background speakers of the programme alleged the government to be indifferent to control impunity and demanded to punish the perpetrators of human rights violations by making new law, if necessary.

The Task Force initiated a strong campaign against the incidents of serious violation of human rights including unlawful killings and disappearances, especially the case of disappearance of 49 detainees from the Bhairabnath Barrack, Kathmandu. On 5 January 2007, the Task Force convened a meeting at its Secretariat, the office of FOHRID. The meeting discussed agendas in the context of the need of civil society to determine short and long term effective programmes including action, activities and issues with a view to combat against impunity. Besides, mobilization of the Task Force to hold a public rally and public hearing for the publicizing and implementation of the report of Rayamajhi Commission and implementation of Mallik Commission drew the public attention to the campaign. It also drew the attention of the government on the Nepalganj incident where there had been a violent clash between Madheshi and people from hilly region.

In addition to this, Task Force was mobilized to hold public rallies and to submit memoranda on the incidents of impunity, for accession to the Rome Statute as well as pass the proposed Impunity Prohibition Bill from the parliament to the Prime Minister and Home Minister. The Task Force submitted a memorandum to the NHRC including a priority list of action for ending impunity. It also assisted to prepare the long term strategy plan of action in all phases. Themes of the meetings, discussions, interactions and list of participants is given in the table below:

Table: 3 - Task Force mobilization

SN	Theme	# of participants			program date
		M	F	Total	
1	Interaction on impunity and present government	91	19	110	4 September 2006
2	Discussion meeting on preliminary draft of long term civic strategy to combat impunity	12	7	19	2 March 2007
3	lobbying with Prime Minister for the accession to Rome Statute	28	3	31	25 April 2007
4	Finalization of long term action plan to combat impunity	54	16	70	29 November & 11 Dec. 2007
5	Submission of priority list to NHRC for ending impunity including to pass impunity bill	5	1	6	14 Dec. 2007
6	Bill submission to MoH	4	1	5	26 Dec. 2007

This is the first flexible network established to intervene solely on the issue of impunity. This activity has fulfilled the need of such a network being felt by the human rights community and civil society to work against impunity. The Task Force is continuously raising the issues of impunity. Effective system of information exchange has been arranged between the individuals and organizations involved in this network. This facilitates and empowers struggle against impunity.

5. Study and preparation of report on situation of impunity in Nepal:

This activity is a systematic study on the situation of impunity in Nepal. A thorough trend analysis of impunity has been carried out under this action which has, in particular, covered the political and legal dimensions of impunity. On this backdrop, study and preparation of report on situation of impunity in Nepal was chosen to prepare an advocacy document to contribute for a lasting campaign. It has been expected that policy makers will work for ending impunity and will lay positive impact on policy formation of the country.

Method and structure of study:

The study is carried out with the analysis of the secondary data available so far. It is accomplished on the qualitative and quantitative base. Outcome of the study is published with the title "**Impunity: Concept, problem and diagnosis**". The book is 340 pages long and it is divided into following 10 Chapters:

Chapter One: Preliminary

Chapter Two: Impunity: Concept, meaning and context

Chapter Three: Principles against impunity

Chapter Four: Concept of impunity and international context of diagnosis

Chapter Five Principles and standards of action and punishment against human rights violators

Chapter Six: Individual criminal responsibility in the violation of international humanitarian law in the non-international armed conflict

Chapter Seven: Armed conflict, violation against women and ending impunity

Chapter Eight: Impunity in the Nepalese context

Chapter Nine: Problem of impunity in Nepal

Chapter Ten: Measures for ending impunity in Nepal

The outcome of study was published 1500 copies in Nepali language in November 2007. It is being disseminated widely among stakeholders.

6. Publication and dissemination:

In executing this activity, six issues of FOHRID Human Rights Monitor were published comprising the reports of the conducted events under this project and other projects run by FOHRID. National phenomena focusing on the peace process and impunity were incorporated, resolutions adopted to the prohibition of impunity by UN as well as regional organizations including EU were translated into Nepali and published through this publication.

Impunity Bill, 2064 and the study report were published under Activity 2 and Activity 5 respectively. The proposed Bill was published in English and Nepali language with the details including the need and significance, process of the draft Bill reflecting the involvement of all stakeholders. Copies of the Bill, alongwith appeal letters were submitted to the Speaker of Legislative-Parliament, all the MPs and mainstream political parties to pass it from the Parliament.

Final Project Report, comprising all the detail of the conducted activities and Long Term Action Plan are prepared in the format provided by EU. The report was translated into Nepali and was published both in Nepali and English versions.

All the publications determined in the project proposal have been published. The publications have already been disseminated among target groups. (Please see answer to Question no. 2 below and Table 5 for details on the names of publications, numbers of copies and dates of publication.)

7. Formulate long term strategy plan of action to combat impunity:

While formulating strategic plan of action, a form to collect the opinions of stakeholders was developed and disseminated to a wide range of target audiences. On the basis of collected opinions, FOHRID prepared a tentative format identifying the issues and areas and presented in discussions. Consultation meetings and discussions were held up to three phases at the office of FOHRID to prepare this action plan. Propose draft on the theme of 'long term actions to struggle against impunity in Nepal: Civic strategy' was presented in the discussions. Findings and recommendations of the consultation discussions were compiled. One event focus group discussion dividing into to 3 different phases was centralized on this activity and finalized the activity. Phases of discussion and participations in the programs

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held to finalize long term strategy plan of action to combat impunity is presented in the table below:

Table: 4 – Phases and participants of long term strategy plan preparation meetings

SN	Theme	# of participants			Execution date
		M	F	Total	
1 st	Consultation to prepare draft long term action plan	10	2	12	23 Nov 2007
2 nd	Consultation meeting and discussion on long-term civic strategy to combat impunity	12	1	13	29 Nov 2007
3 rd	Finalization of the action plan	32	12	45	11 Dec 2007

Long term action plan document has been finalized. This shall pave way for the human rights community to fight against impunity. Till now there was lack of organized vision and systematic efforts from the civil society against impunity. This document facilitates target groups to combat against impunity in the long run.

2. Please list all materials and publications (and no. of copies) produced during the project.

Following publications were brought out under this action during project implementation:

Table: 5 – List of the publications and number of copies

SN	Publications	# of copies	Published date	Remarks
1	Study report of situation analysis on impunity	1500	25 September 2007	
2	Final Programme Report (Nepali & English)	500	January 2008	
3	Six issues of "FOHRID, Human Rights Monitor"	6000	May 2006, August 2006, December 2006 and June 2007	2 nd /3 rd & 5 th /6 th were double issues
4	Bill relating to the Prohibition of Impunity	1000	October 2007	

Please state how your publications are being distributed and to whom.

Dissemination of the publications:

The publications produced under this project were made public in the course of project implementation. For this, FOHRID adopted two strategies of dissemination.

First, outcomes of the program activities have been widely disseminated via electronic medium which has helped to sensitize target groups against impunity.

Second, Hard copy publication based on activity 5 and overall program report has been published. These have been published within the date as specified in the project calendar. Programs organized by FOHRID and other human rights organizations have been used for dissemination of the publications. FOHRID information desk has been distributing publications to the government agencies, security forces, law enforcing agencies, individuals and national and international organizations. The project produced materials are disseminated, focusing especially the identified target groups. (Please see Lesson Learned section below for more information).

3. What problems have arisen and how have these been addressed?

- We faced some problems while starting draft of Impunity Bill; particularly we could not receive expected cooperation from the human right community in the beginning. Nevertheless, we have received cooperation and solidarity after long and persistence exercise. The provision of retrospective effect in the Impunity Bill was a matter of debate for a long time. Then, stakeholders were convinced on this provision. OHCHR Nepal submitted comments and recommendations on disappearance and abduction bill to the

Ministry of Law, Justice and Parliamentary Affairs on 7 May 2007. The recommendation has insisted that such laws can be formulated with retrospective effect. This has strengthened the positive attitude of the stakeholders in the Bill.

- Representative from some INGOs discouraged us by saying that the Impunity Bill does not exist anywhere in the world, but we faced such comments with patience.
- In connection to the project implementation, FOHRID did not face any significant problem during Semester I and II. People's Movement II created some disturbances but its success made more favourable environment.
- As the peace process is ongoing and the whole country is engaged in the political issues such as election of constituent assembly, the involvement of senior leaders could not be arranged as expected in the activities including draft legislation. But, FOHRID has been disseminating information time to time to update them and seek their help in the implementation process.
- Result of the efforts to involve representatives of CPN-Maoist was satisfactory. We have invited them in every programme relevant for them.
- For draft legislation, absence of adequate resource materials and inadequacy of financial and technical resources were felt. Proposals were submitted to the local donor agencies but could not succeed. For draft legislation, we contacted international human rights organizations including OHCHR Nepal and ICJ for technical assistance and resource materials. The Impunity Bill needed further detail discussions and consultation meeting to give it a final shape. For this, more resource was required. Despite suggestions from stakeholders, we could not organize discussion at the regional level due to financial constraint. However, we widely disseminated the draft Impunity Bill via electronic mail and received valuable comments and suggestions. For this, budget adjustment was made remaining under the rule of EC. Technical contribution of OHCHR Nepal in drafting legislation is praiseworthy.
- Maoist insurgency and political instability were regarded as problems while preparing the project proposal but this situation improved after the government and the Maoists agreed to resolve the political problems through peaceful means.
- Changed political situation remained favourable to work against impunity. Political development such as historic agreement between Government of Nepal and the CPN (Maoist), CPA and inking on the tripartite arms management accord made the situation more conducive.
- We faced facing some procedural hassles in case filing hearing procedures. Since adequate legal ground is necessary for case filing in the issues raised by this project, we tried to utilize the grounds of international human rights laws to which Nepal is a State party. In addition to this, due to the technical reason of legal provisions, the case of Madi incident could not be filed. Responsible for this incident were the then Maoist insurgents and public writ could be filed only to public authority.
- In draft legislation process, party representatives and government officials are involved and lobbying continued to ensure participation of CPN-Maoist. After we handed over the proposed Bill to all the Members of Legislature-Parliament, the Maoist MPs participated the consultation discussion organized with the MPs.
- The misunderstanding on truth and reconciliation somehow tried to mislead and contribute to shadow the campaign against impunity, but the transfer of customized knowledge derived from international practice helped to clarify and boost campaign against impunity.

4. Please outline any activities and publications foreseen in the agreement that have not taken place and any other changes to the foreseen activities or timetable, explaining the reasons for these.

All the activities were conducted according to the time table of implementation in each Semester except one event interaction/round table discussion. Fifth event of this activity was

held in Semester III which was scheduled for the Semester IV because the relevancy of the discussion on the topic was contextual at the time. The event was related to the prosecution of the perpetrators of People's Movement II after the royal take over. The very interaction had been organized on the title of 'Nepalese law, practice and situation of the report of Rayamajhi Commission in the context of Impunity'.

Though the long term action plan was planned to be discussed holding interaction / round table discussion, it was actually discussed under focus group discussion. The reason behind this was the FGD were organized involving small number of expert audience as participants. It was relevant to discuss action plan with a small group of technocrats and stakeholders. Similarly, the broader issue of FGD was discussed holding interaction / round table discussion.

This alteration is not a significant change in the activities set forth in the contract. But it was required to match the activity with the subject matter. This alteration has not made any impact in the foreseen activity and time table of the project.

However, some events designated to accomplish in a particular month were conducted dividing into different parts. This is not the calendar change. Reason behind this is to ensure wider participation of the identified stakeholders. This has facilitated to accommodate more target audience in the implementation of the project. So far as the publication of draft Bill is concerned, as the MPs increased in the Legislature-Parliament, the numbers of copies of the Bill was increased from 500 to 1000.

C. Results, Impact, Multiplier Effect and Evaluation

1. What results have been achieved during the reporting period (based on the results anticipated in the terms of reference)? Please quantify these results, where possible.

Following results have been achieved during the reporting period:

Results of the overall project implementation level:

1. The project has been successful to make understand the gravity of the problem of impunity to Campaign and advocacy has formed public opinion to create pressure against impunity and drag the issue of impunity into nationwide debate. Participation of stakeholders was much more encouraging than our prior expectation and the activities of interaction/round table discussion have boosted the campaign. Public interest campaign is heading towards a positive direction to make security forces and Maoist leaders accountable to respect human rights and rule of law. Mass demonstration followed by case filing on the above incidents in the SC expanded the campaign against unlawful killings and impunity across the nation.
2. Target groups were sensitized to raise their voice against draconian laws like TADO. Consequently, the TADO was repealed. A team was formed by the government to assess impact of the Rome Statute 1998 of ICC after its ratification.
3. FOHRID drafted 'Bill Relating to the Prohibition of Impunity, 2064' with the aim to combat impunity in Nepal. Security forces have investigated incidents of human rights violations including unlawful killings and taken action against perpetrators. A consensus has been built up among stakeholders that impunity should be addressed from the policy level by formulating a specific law. Stakeholders of all sectors have started raising strong voices to punish the perpetrators from their level. A wave to include ending impunity as an agenda within the political party has been seen. The decision of the Nepali Congress Parliamentary Party to adopt the issue of impunity as the agenda of the Party can be taken as an example.
4. Media coverage of the mass demonstration and hearing of victims' family members of Kalikot killings and Kaule and Bageshwori incidents helped uncover killings as such and make the campaign nationwide. Newspapers published write ups from a number of

freelancers urging end to impunity. More importantly, FOHRID has started to intervene "impunity" as a single issue through this project, which constitutes solid foundation to fight against impunity in the long run. Unlawful killing is the main focus in the present project and FOHRID has also started to work on the issues of torture and Impunity, which is relevant to the first one. The study report has succeeded to become a comprehensive advocacy toolkit against impunity. Periodic publications are successful to convey the message of latest developments in this campaign.

5. Initiatives were made to find ways out of the entrenched culture of impunity and stakeholders were sensitized on the impunity situation in the country. Adequate foundation has been prepared to establish public interest campaign against impunity. Many human rights organizations of Nepal have included the issue of impunity at their priority. Campaign against impunity has also been initiated by other national and international organizations in the country. Society is being guided towards ending impunity through the activities accomplished and the dissemination of customized knowledge.
6. Four PIL cases were filed in the SC. The cases drew the public attention in the issue of human rights, rule of law and impunity. The case filed by FOHRID on the killing of Umesh Chandra Thapa was the first PIL case of its kind which encouraged stakeholders to fight against impunity. Subsequent cases filed by FOHRID were also recognized in the same way. Writ filing on the incidents of serious violation of human rights has increased significantly. This has encouraged stakeholders to file cases of serious violation of human rights such as killing, disappearance, arbitrary arrest in the court as PIL through writ petition. The case filing of disappearance from Bhairabnath Barrack and the SC's verdict on it is a notable example. These are the first cases of the kind filed in the apex court in relation to unlawful killings and impunity. The decisions to be given in these cases will deserve significant importance in the judicial practice in Nepal.
7. Moreover, immediate relief to the conflict victims of Jogimara was provided by some national and international organizations as an impact of the mass demonstrations, public hearing and the publicity it received. Each family of victims were provided Rs. 11,000 by D2Hawkeye Services (P) Ltd., Kathmandu. Various human rights organizations including FOHRID provided them in kind support including cloths and shoes. Hearing of the voices of the victims initiated healing process to some extent to the direct victims of these killings. Security forces were compelled to face cases in the court and this ultimately helped to exert pressure to make them accountable.
8. Many incidents of serious violation of human rights and severe breach of humanitarian laws were uncovered. Likewise, implementation status of the recommendations made by NHRC was evaluated and possible measures to improve the situation were identified.
9. Draft legislation, "Bill Relating to the Prohibition of Impunity, 2064" was prepared, published and submitted to the MoH and lobbied with the concerned authorities and target groups. Though this Bill is not passed from the parliament till now, it has drawn encouraging acclamation from the target groups. The Bill has come a long way with the wider participation of target groups. In the drafting process, it has tried to adopt the sociological school of legal jurisprudence, the best model of law making theory. Moreover, the Bill has duly considered the human rights law jurisprudence, the latest development to initiate prosecution against perpetrators in human rights violations in the context of ending impunity in international law. In Nepal, there are more than 600 laws; among them most of the crime related laws are based on the traditional criminal jurisprudence in scattered forms with different volumes; but they deal with the conduct of individual to individual only. The law to regulate the offences of state to individuals was lacking which was the major cause of escalation of human rights violations in Nepal. The Bill drafted under this project has fulfilled this gap. It has started discourse in law drafting process and is likely to add a new dimension in criminal justice system and judicial administration in Nepal.

10. National level Task Force has been formed involving representatives from the human rights community and civil society. It has taken initiation to exert pressure for punishment against perpetrators. Formation of a permanent Task Force at national level with participation of organizational and individual representatives has created feeling of ownership to this body among them. Total 113 members representing leading human rights sector and civil society are involved in the Task Force. Wider involvement of the stakeholders has ensured sustainability of this mechanism. The functioning of the Task Force is found contextual to end impunity. It is mobilized to conduct the activities such as protest, demonstration, lobbying and sit-in programs to meet the goal of intervention to curb impunity in Nepal.
11. This project exerted continuous pressure to the Office of the Attorney General to prosecute in the incidents of serious violation of human rights. Pressure was exerted to prosecute the guilty security force personnel in the general court. As a result of continuous pressure from the Task Force, OHCHR Nepal, Advocacy Forum, FOHRID and other organizations / institutions, the Office of the Public Prosecutor in Kavre district filed a case against the security force involved in the rape and murder of Maina Sunuwar in the district court, Kavre.
12. Senior officials of security forces have expressed their commitments to investigate in the incidents of human rights violation including unlawful killings and take action against responsible security personnel.
13. Target groups have realized necessity of a separate law to address the issue of impunity. Public opinion has been formed in this regard. Consequently, government amended the Country Code (Muluki Ain) to deal with the case of abduction to improve human rights situation.
14. NBA, political parties, civil society, human rights organizations have raised the issue of impunity at different forums. Due to strong pressure of the target groups the provision to deal with impunity has been incorporated in the Interim Constitution of Nepal-2063 and CPA.
15. Publications produced by this project have contributed to transfer the customized knowledge to the target groups in the national language. These publications have fill absence of a reliable resource material in the field of impunity and its recent trend in the context of human rights violations both in the national and international level. It has been acclaimed as a resource book to quench the thirst of knowledge on impunity and even to initiate action in the cases of impunity. This book can be utilized as a comprehensive course for further advocacy. It has helped to establish the agenda 'Ending impunity to foster human rights situation in Nepal' at the level of human rights community as well as the general public. Target groups were benefited by the study report on impunity.
16. Long term strategy plan of action has provided target groups a guideline to proceed further the campaign. A concrete document of action plan for further intervention towards the campaign of ending impunity has been prepared. It has depicted a framework to move the non government sectors ahead. Outcome of this activity has brought the like-minded organizations and individuals together. It has generated a benchmark for FOHRID and identified the priority sectors for concerted efforts of other organizations to launch new programmes. This action plan can also work as a tool of coordination to minus both area-wise and issue-wise gaps, overlaps and duplications for effective intervention in the future.
17. Institutional capacity building of FOHRID has been achieved.

Quantify output and results of the activities implementation level:

- Public hearing/ mass demonstration - 4 events.
- Focus group discussion - 4 events.
- Interaction / round table discussion – 5 events.

- FOHRID Human Rights Monitor (6 issues) - 6000 copies.
- Initiatives were made to determine way out of the entrenched culture of impunity.
- Stakeholders were sensitized about the impunity situation in the country.
- A Bill Relating to the Prohibition of Impunity, 2064 was drafted and published on behalf of civil society in the initiation of FOHRID - 1000 copies.
- Four PIL cases filed.
- A national level Task Force has been formulated and it has started working.
- Study of situation analysis on impunity was carried out and the report was published - 1500 copies.
- Long term strategic plan of action to combat impunity was formulated and published on behalf of civil society.
- Final programme report of this action was published - 500 copies.
- All the specific objectives from 1 to 6 determined under the project were fulfilled at the implementation level. This will contribute to achieve the overall objective in the long run.

2. What is your assessment of the results of the project? Include observations on the extent to which foreseen goals were met and whether the project has had any unforeseen positive or negative results. (refer to Logframe Indicators).

The outputs of the completed activities are successful to meet the anticipated results as stated in the project description. Specific objectives determined by this activity have been achieved. Public interest campaign is heading towards positive way to make security forces and Maoist accountable to respect human rights. Reinstated House of Representatives on 25 July 2006 gave directive order to the government to accede to the Rome Statute. Government formulated a team to assess possible impact of the accession to the Rome Statute of ICC and the team has already submitted its report with positive note.

Though the degree of impunity is not reduced, the target groups are more careful to monitor such cases. It has been felt that security forces and the Maoists are being more accountable than they were in the past. The ratio of killings has significantly decreased compared to the time of armed conflict in the past. The present changed political scenario has contributed a lot for this result. It has boosted the political parties, civil society, NBA, NGOs and other occupational organizations to combat against impunity. Public interest campaign is also in the positive way to make security forces and Maoist leaders accountable to respect human rights.

The activities have been fruitful to draw the attention of all the stakeholders to develop public interest campaign. Mps have expressed their solidarity and given their words to initiate pass the proposed Bill Relating to the Prohibition of Impunity, 2064. Likewise, they have made their commitment to investigate incidents of unlawful killings where the security forces are involved. Positive result is seen at the project implementation level. All the stakeholders including political parties have stressed on the issue of ending impunity.

The reason behind better results is the changed political condition and the downfall of King's direct rule. Furthermore, the political agreement between seven party alliance (SPA) government and the rebel, CPN-Maoist and the CPA for resolving more than a decade long internal armed conflict of Maoist civil war in the country have yielded hope of positive and friendly environment to implement the project.

We believe that increasing trend of escaping justice will definitely decrease in the context of political transformation. The practice of the court martial within Nepalese Army and action against security personnel in the Nepal Police and Armed Police Force shows that the security forces are also found more sincere for the protection of human rights. Before 24 April, 2006 (11 Baishakh, 2063), the risk assumptions stated in logframe existed but now very few risks were seen which might have negative impact for the implementation of the project activities.

The assumptions made while designing the project viz. political situation will be improved; security forces will be sincere for respect of human rights; and the State will end militarization

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were materialized. NHRC's vacant positions were filled and this institution once paralyzed has started investigating on the complaints received.

The Task Force has been formed with involvement of the target groups; attention of the target groups has been drawn towards public campaign against impunity; project has succeeded to launch advocacy and create pressure against impunity; draft legislation has been finalized and submitted to the concerned authority and the MPs; and PIL cases filed by FOHRID on behalf of the victims' families have made the action effective for campaign/advocacy and justice for the victims.

It can be seen that civil society is more encouraged to write and advocate against impunity. The target groups are able to know the national and international provisions regarding punishment to the people responsible for unlawful killings. The reports and the informative and descriptive study documents prepared under this project reveal the weakness of the government and the security forces in ensuring rule of law as well as the trend developed for impunity situation on the basis of legal and political background.

Hence, our observation has found that the project has achieved foreseen goals in the public opinion formation and public interest campaign level, though the overall objective of the project 'to end unlawful killings and impunity for strengthening the rule of law and promotion of human rights' is ambitious in itself. However, all the specific objectives listed from 1 to 6 under the project were fulfilled which will contribute to achieve the overall objective of the project.

Based on the assessment of the project results, following table depicts the attainment of foreseen goals as mentioned in the project proposal:

Attainment of foreseen goals of the project

Objectives	Achievement	Positive / Negative result
<p>1 To develop public interest campaign to draw attention of the target groups to end impunity in the security forces for improving rule of law.</p> <p>2 To create pressure against Maoists to respect HR.</p> <p>3 To initiate advocacy for improved respect of HR.</p>	Satisfactory	Project attained these objectives as foreseen. All the stakeholders are prepared to end impunity. Peace accord and Interim Constitution have addressed the problem of impunity. Nepal Army has accepted the severity of the problem of impunity. Office of the Attorney General has initiated programs on the role of public prosecutors to end impunity taking our publication "International Instruments Developed Against Impunity" as a major resource material. Pressure is increased on the Maoists to respect human rights and end impunity but they have not fully abided by the public sentiment. In this way, we can say that the project has made positive achievements. This is more than what we expected. In fact, success of the Jana Andolan II created a more congenial environment for attainment of the project objectives. We filed four cases as PIL in the court.
<p>4 To draft legislation recommendation for the end of impunity.</p>	Satisfactory	A separate law was drafted to address impunity. Stakeholders were also convinced on the need of specific law against impunity. The Commission formed to draft Interim Constitution had recommended to formulate a new law against impunity. The MPs have expressed their commitment to pass this bill from the Parliament. It is registered in the Ministry of Home to forward it as a public Bill. Sooner or later, the Bill will be passed from the parliament. There is no obstacle found so far in passing the Bill. This Bill will help domestication of the Rome Statute after Nepal accedes to it.
<p>5 To establish a Task Force at the national level to combat impunity.</p>	Satisfactory	A Task Force with the involvement of 113 representatives from the human rights community and civil society has been formed to work in the long term against impunity. The Task Force has been closely monitoring action taken against human rights violators. Nepal Army has taken action in 3 cases after formation of the Task Force. But the Army Headquarters is silent in many other cases of violation. It is reported that the Army personnel found involved in the incidents of human rights violation are pleading for amnesty in the new political environment. It is expected that the peace process may have negative impact in prosecution against the guilty security personnel.
<p>6 To study situation of impunity in the country and to prepare a report in this regard.</p>	Satisfactory	This study has been accomplished by considering impunity from several angles such as conceptualization of impunity in the context of human rights violation, problem of impunity in Nepal and measures to resolve them. This is being utilized by the stakeholders as a resource material for advocacy against impunity.

3. What has been the impact on both the beneficiaries &/or target group (if different) and the situation in the target country or target region which the project addressed?

Impact on beneficiaries &/or target groups:

Impunity is supported especially by the law enforcing authority and the politicians. All the target groups expressed their desire to end impunity but civil society had not conducted effective and organized campaign on this issue. One of the major objectives of the project

was to raise the attention of the stakeholders in the campaign and to ensure their involvement so that it would help strengthen and empower the voice of the target groups.

The campaign and advocacy conducted under this project has bridged the gap between absence of impunity specific campaign and the desire of target groups to abolish impunity. This action has empowered and strengthened the voice of target groups to end impunity. As a result, the incidents of Kotwada, Kahule, Dang, Madi, Shivapuri and so on are being raised strongly. The stakeholders have taken this initiative positively and come up to join their hands in the campaign. Target groups are attentive because they have been involved in implementation of this campaign.

A Task Force has been established at national level during this campaign. It is working to create pressure to investigate the incidents of human rights violations, prosecute and punish the perpetrators. The information they gained from the execution of the project has empowered the target groups. Policy makers, representatives of political parties, Ministries and law enforcing agencies were invited in the programs. They have admitted that the situation of impunity is rampant in the country and have made their oral commitments to work for ending impunity. Now, after the formation of a national level Task Force under this project, these efforts are converted as a movement under this mechanism. Situation of target groups is improved and they are united to face the common problems.

Involvement of the authority of security forces such as Nepali Army, Armed Police Force and Nepal Police and their human rights cells has helped to interact to work for ending impunity while making them accountable to the cases of impunity. They shared their problems and ground reality on the situation. Political parties, one of the major target groups of the campaign, were invited and urged to end political impunity. They were requested that ending impunity be an agenda within their respective parties. Representatives of the invitees expressed their solidarity on this issue. Target groups were sensitized to raise their voice against draconian laws like TADO. Consequently, TADO does not exist now.

Target groups were eager to end impunity but they believe that impunity is simply a culture. If we perform our duties from our own level and people are sensitized, then impunity can be controlled. Impunity is a result of inaction and wrong action of the state. Impunity was understood and seen in a vague term linking with either general crimes of traditional nature or the practice of state's repressive power for the betterment of society. After implementation of this project, target groups have comprehended that impunity can be termed as a criminal offence of which one party will be the state; and it can be regulated framing a specific law as such pursuant to the modules and principles developed against impunity in the international level.

Victims of the incidents of which FOHRID has filed the cases on their behalf under this project were unaware of the case filing process. Human rights organizations and civil society members were limited to First Information Report (FIR) process to initiate prosecution on such violations. As the country was almost militarized, there was no check and balance to the power of security forces and law implementation agencies. General public, occupational groups, ethnic communities, trade unions used to take this trend linking with the political crisis. Government was totally indifferent. FOHRID tried to seek the remedy through the existing measures and filed the cases in unlawful killings utilizing extra-ordinary jurisdiction of SC. This measure of seeking justice is a new practice in Nepal because initiation of trail on unlawful killings was invoked through FIR before. Now, the case filing has motivated the target groups to follow this practice. Law implementing agencies and security forces have been brought before the court to face the court procedure for their wrong deeds. This practice has made the government feel responsive, security forces liable, human rights community encouraged and victims hopeful for justice and appropriate compensation.

Target groups were convinced on the fact that impunity has been supported by law enforcing authority and the politicians and they also used to raise their voice to end impunity. But, in the meantime, they were not familiarized about the national and international practices as to the problem of impunity and its possible solution. Now, through the publication made under

this project, target groups are aware that the guilty in the serious violations of human rights including unlawful killings can be prosecuted in the International Criminal Court. Target groups gained/will gain knowledge and information to utilize and raise voices from their respective areas. Moreover, the major cause of human rights violations in Nepal is due to the existing impunity situation. This study report published under this project has contributed to pave the way to address impunity and improved culture of human rights. This publication has revealed the knowledge and information by analyzing the apparent contradiction between criminal prosecution and amnesty for reconciliation and justice.

Target groups used to protest and raise voices against the situation of impunity but they themselves were unaware about the meaning, sociology and contents inherent within this terminology. The periodic publication of FOHRID Human Rights Monitor and other publications brought out by this project have clarified the meaning and gravity of impunity in terms of human rights violations. Target groups are sensitized about the international movement against impunity, national scenario, present needs and challenge as well as prospects. Publications updated the national campaign against impunity in the country. This has contributed to promote the technical and management capacities of the target groups for further interventions to end impunity.

Impact on situation in the target country:

The target groups have taken this initiative positively and come up to join hands in the campaign. Voices are arisen to address the impunity and serious HR crimes. The impact of public opinion formation has opened room for nationwide replication. Provisions to combat impunity have been incorporated in the Interim Constitution of Nepal, 2063. Many cases are being filed as PIL, on the basis of the cases filed under this project, demanding the past atrocities including disappearance to declare crime against humanity and punish the perpetrators.

The publication and dissemination of information has substantial impact in the situation of the country. Policy makers of the country are also involved in this initiative, which has made them understand the gravity of the problem. They have realized that an effective national policy is necessary to combat impunity. Victims have started to raise voice to file more PIL case on the incidents of human rights violation to bring the perpetrators to justice system. Target groups are equipped with the theoretical and pragmatic knowledge to struggle against impunity. They are sensitized to conduct advocacy, policy dialogue, debate and campaign against impunity. Civil society is more encouraged to write and advocate against impunity which has strengthened the struggle against impunity.

During these two years, the project has been successful towards establishing a foundation for struggle against impunity. Public opinion has been formulated against impunity due to impact of campaign and advocacy. This action has encouraged and united the general public to stand against impunity. Pressure has been exerted on the government and CPN-Maoist to respect human rights and be accountable in the cases of unlawful killings and impunity. Draft legislation has been prepared to assist amendment of government policies and enact a new specific law to curb impunity.

This will have policy level impact in long run. The government and the security forces will be compelled to adopt effective policies and laws against impunity. Human rights organizations, journalists and the civil society are prepared to monitor the formation of new policies and create pressure for the same. The amended and new laws and policies will contribute to strengthen justice system and rule of law ultimately supporting human rights of all Nepalese people and democratic system in the country in a positive direction.

4. How has the project promoted gender equality?

The project is sincere on gender issue from the very beginning of its implementation. As mentioned in the project description, two positions were ensured for women as the staffs of the project. Due attention was paid for women participation in the conducted programmes to

promote gender equality. Representation of women as panellists was made compulsory in each public programmes. Due care was maintained while bringing the victim girls/women/widows to Kathmandu in course of case filing and mass demonstrations as well as during their stay in the capital and return to their homes. Their voices were carefully heard and prioritized in disseminations. Orientation to claim their rights was made in disclosing their grievances before media and in the public programmes. In distributing relief and providing skill trainings, they were put in the first priority.

5. How has the project advanced the rights of children?

This project had not selected children as target groups. However, as children were most affected in the past conflict, issues of their basic rights were duly raised while conducting campaign and advocacy. The project raised voice to declare children as zone of peace, linking it to the issue of impunity. Voice was raised to ensure rights of conflict affected children who were victimized by unlawful killings of their parents. Lobbying with respective NGOs were made to help provide due care, education and counselling for the affected children. As a result, a 7 years old girl, who had lost her father in Kalikot killing received assurance for basic education and hostel stay free of cost in Kathmandu by Women Foundation.

6. How and by whom have the activities been monitored /evaluated? Please summarise the results of the feedback received, including from the beneficiaries.

Internal monitoring and evaluation of the project activities:

The activities of the project was monitored / evaluated by Project Implementation Team. Each month, meeting of the Project Team prepared progress notes of project action. Project Coordinator coordinated the overall monitoring and evaluation. This monitoring was centred on the output level of the indicators of Logical Framework. Taking feedbacks of the monitoring, the Project Team furthered next steps. Administrative Officer tabled the report on the monitoring of all the details of monthly expenses to Project Team and FOHRID Executive Committee.

Feedbacks from the Beneficiaries

- Campaign against impunity becomes more effective, if we create public opinion in favour of prosecution. Therefore, advocacy to end impunity and prosecution against perpetrators should be taken together which will contribute to ensure meaningful transitional justice.
- FOHRID should continue its advocacy and lobbying to pass the "**Bill Relating to Impunity, 2064**," if needed, under a new project. Such activity will compel the government to accede to the Rome Statute and its domestication even if the government does not pass the Bill.
- Campaign against impunity should be forwarded with long term strategy. A network of human rights defenders and organizations should be established to fight against risks being faced by them and to spread campaign against impunity throughout the country.
- Campaign against impunity should be taken to the local level. Grass root people should be sensitized widely in this issue. Posters and awareness creation materials should be produced and disseminated adequately for this purpose.
- Campaign against impunity should focus political parties, policy makers, bureaucracy, human rights community, civil society, business people and general public.
- Ending impunity is impossible until we bring the security forces and insurgents within the framework of justice system as impunity situation has reached its climax during armed conflict.
- Effective law should be enacted for the abolishment of impunity and the existing security related laws should be reviewed and amended.

- Society is to be sensitized on impunity. For this, resource materials should be prepared in simple language targeting the general public and disseminated widely. Such publications should be available at every nooks and corner across the country for strong civic campaign for ending impunity.
- It is appreciated that FOHRID has started to intervene specifying the issue of impunity. It needs to be continued and FOHRID should lead this campaign with long term strategy and action plan. Priority for the immediate, short term and long term action should be carefully determined for further intervention.
- Police Act 2012, State Case Act 1992, Torture Compensation Act 2053, Public Offences and Punishment Act 2027, Public Security Act 2046 need to be amended according to human rights standards.
- Perpetrators of human rights violations in Nepal can be prosecuted by framing a law having retrospective effect because the ICCPR, to which Nepal is a state party, has this provision.
- The provision to initiate prosecution with the law having retroactive effect to those responsible for crimes against humanity committed during the Peoples' Movement II has been exempted when it came into effect. So, campaign should be initiated to restore the provision to put an end to impunity in Nepal.
- Impunity is not a political issue rather it is a legal question. If impunity is considered as a political question, perpetrators will always enjoy impunity. It should be brought into the ambit of law and serious crimes under international laws should be incorporated in impunity.
- Justice has been shadowed in course of present compromise politics and whim of reconciliation. So, all the past atrocities including mass killings in different parts of the country during past internal armed conflict should be unearthed and issue of justice is to be brought before justice for a lasting peace.
- PIL cases need to be increased in the days to come, if the justice is made victim-oriented.
- The concept of Task Force formation to combat impunity at national level is an effective measure to combat against impunity. So, this needs to be sustained and mobilized for the long run. The Task Force should move with proper strategy and plan and focus to follow up its activities in the human rights movement.
- The publications FOHRID prepared on the issue of impunity are informative and updated. The information about international movement against impunity has paved the way for national campaign of zero tolerance of impunity in the country.

7. What impact has the project had on your organisation (and on your partners, if applicable)?

The relationship between FOHRID and the target groups has been stronger during these two years of this project. The formation of Task Force is an institutional structure in itself for a long term intervention. Institutional capacity building of FOHRID has been an important outcome of this project. Study on the situation of impunity, documentation, publications and Task Force formation have been creative endeavours of FOHRID to contribute the organization established at national level. It has encouraged us to continue the campaign. Other Human rights organizations and civil society members, community based organizations are encouraged on this issue and strongly conducting their programmes after the initiation of this campaign from FOHRID.

FOHRID had not selected any partner to implement this project.

8. How is your organisation ensuring that the results obtained / the lessons learned from the project, are being made public?

The results obtained / lessons learned from the project were made public in the course of project implementation. For this, FOHRID adopted two strategies of dissemination; one by

circulating immediately through email as well as updating FOHRID website with information; and another by printing hard copies to make available where the internet service is not available. Accordingly, following methods were used to disseminate the publications:

1. Outputs obtained from the programs, while implementing the project, were disseminated immediately via e-mail among the target groups.
2. Total 6000 copies, 1500 copies in each issue, of FOHRID Human Rights Monitor were published and widely disseminated among stakeholders, participants of the project activities and visitors in the FOHRID office. These publications were also disseminated in the programs of other organizations and the places visited by office bearers of FOHRID. In addition to this, we also updated our website with the latest information.
3. The Bill drafted under this activity was disseminated to the target groups by organizing a public programme. One copy each was provided to all the MPs through the office of the Parliamentary Secretariat.
4. Study report of activity 5 and the Final Programme Report were also disseminated through public programs organized by FOHRID and other organizations and from Information Desk of FOHRID.
5. Dissemination was focused to the key stakeholders including Office of the Attorney General, political parties, security forces, MPs, lawyers, journalists.

9. The success of the project depended on various assumptions (see Logframe). Have these influenced the results?

The assumptions stated in the logframe did not have negative impact in the outcome of the project. As foreseen, political situation improved, security forces showed sincerity to respect human rights and the stakeholders were motivated for a campaign to strengthen rule of law and promotion of human rights. However, the transitional period was lengthy and the political issue shadowed the human rights issues. Target groups joined the campaign with more enthusiasm than expected. A congenial environment was created for broader collaboration among the stakeholders. Political parties and front liner human rights organizations made their commitment for collaborative strives to struggle against impunity.

Now, there is a changed political scenario. This situation remained favourable for implementation of activities more than the situation when we made the assumptions. Clear improvement is seen in the mentality of the target groups. Under these circumstances, attention of all the stakeholders was centralized to the deeply rooted culture of impunity in the country. These represent the positive influences to the results of the project which led towards success.

Nepal is going through peace process and political transformation. Issue of holding elections for constituent assembly is in the limelight. At the political level, we are facing a situation of transitional justice that has created some discomfort in the project execution. This has made the role of state less accountable than expected on the issue of impunity.

10. Describe how the impact of this project will continue after the support from the European Commission has ended. Are there any follow up activities envisaged?

This project has prepared firm ground for continuation of the activities even after the end of EU grant. It is identified that we have to work against impunity from several dimensions. For instance, we have to carry out study of domestic laws that contribute impunity, prepare measures to overcome such a situation, conduct advocacy for security sector reform, conduct advocacy for action against perpetrators, develop resource materials for advocacy against impunity. With the identification of these issues, we have been sending proposals to donors including EU for funding to work in the future. Likewise, we have linked the relevance of Task Force with other activities of FOHRID. We have drafted and recommended Bill Relating to Prohibition of Impunity, 2007 for legislation reform. Additional lobbying is felt necessary to continue pressure to pass it from the Parliament. We have also identified areas of operation after it is passed. It will help in the domestication of Rome Statute after Nepal

accedes to it. On the basis of these, the activities commenced under this project shall continue after end of this support from the European Commission. The institutional capacity building and project produced materials are valuable assets for FOHRID to continue its activities in the future.

Follow up of the activities will be conducted by mobilizing local resources and by seeking additional funding. The knowledge and documents produced through this project can be utilized to work in the areas such as reducing risks of human rights defenders, torture and impunity, disappearance and impunity, transitional justice, reparation, justice to conflict victims etc. Certain activities that need follow up and remarkable achievement in the project implementation have helped to approach local donors for further financial assistance. This action has created a opportunity to look for potential alternative resources and approach donors to sustain the campaign.

E. Partners and other Co-operation

Each partner organisation should write a one-page assessment on its role and co-operation in the project. This is not limited to the questions in this section and can use its own format.

FOHRID has no formal partners, and no division of responsibilities.

1. How do you assess the relationship between the formal partners of this project (i.e. those partners which have signed a partnership statement)? Give details about the division of responsibilities, transfer of expertise, and overall co-ordination of the partnership(s).

FOHRID has no formal partner, and no division of responsibility.

2. Is the partnership to continue? If so, how? If not, why?

N/A

3. How would you assess the relationship between your organisation and state authorities in the project countries? How has this relationship affected the project?

A good relationship has been established between FOHRID and State authorities during the project implementation and thereafter. State agencies are seen positive towards this project. Before 24 April 2006, this possibility was fragile. Now, State agencies including Ministry of Law, Justice and Parliamentary Affairs, Law Reform Commission, Office of the Attorney General, law enforcing authority, political parties have assured assistance to pass the legislation against impunity and attainment of other objectives.

This relationship with the government agencies has imparted a positive impact in running our activities. It will facilitate for the draft legislation and other project activities. While implementing the activities, we received positive response from government institutions including Nepal Army when we used the letter pad with the logo of EU and FOHRID together in our correspondence.

The relationship of FOHRID with state authorities and other organizations / institutions did not have any negative effect in the project implementation. Rather it contributed to bring them together to work collectively in the issue of impunity. Encouraging intervention against impunity, it helped to create synergy for collaboration.

4. If your organisation has received previous EC grants in view of strengthening the same target group, in how far has this project been able to build upon/complement the previous one(s)? (List all previous relevant EC grants).

This is the first grant received by FOHRID from the EC. So, this action is not built upon / complement the previous EC grants.

5. How do you evaluate co-operation with the European Commission services?

The cooperation of European Commission is neutral, transparent, practical and result-oriented. Payment process is easy. We found EU very conscious in providing financial assistance and taking initiation in program implementation

F. Other

1. How was the visibility of the EU contribution ensured in the project?

To ensure the visibility of the EU contribution in the project, FOHRID has adopted following strategies:

The logo of European Union and "A project funded through the European Initiative for Democracy and Human Rights" have been stated suitably in the letterheads and publications of the project.

A separate project letter head has been prepared in which the logo of EU and FOHRID has been displayed. This letter head is used in all correspondences related to the project implementation.

"Financial support by European Union" has been written in the banner used for public programs including focus group discussions, interaction and consultation meetings. Logo of European Union was displayed on the front cover page of the issues of FOHRID Human Rights Monitor and every publications supported by EU.

2. Did the grant help secure new sources of funding for your organisation or your partner, if applicable? Please give details.

This grant has provided a ground to seek new sources of funding to work on the issue of impunity but we have not secured any additional fund on this specific issue till now. However, FOHRID was able to receive small token funds from other donors on the theme of democracy strengthening and conflict management. This EU funded project played significant role for these small programmes. The second project "Initiative to combat torture and impunity" funded by EU for the period of 2007-2008 has utilized the experience of this project. Similarly, the knowledge and experience gained through implementation of this project has helped us to conduct advocacy on impunity and TRC for transitional justice. We have been working in this issue with funding from the Action Aid. Lesson learned from this project is that fund can be raised on this issue from donor agencies including EIDHR. We believe that successful completion of this project will help secure funding from the donors in the future also.

3. Please add any further information that would help the Commission to make a balanced assessment of the project.

We would like to mention two types of sources of information for a balanced assessment of the project. **First**, the documents of activities prepared under the project, separate reports of project activities, activities of Task Force, documents pertaining to the cases filed under this project, Impunity Bill, press statements, news clippings from the newspapers and the publications of the project etc. Likewise, electronic press release, email messages will help further for the assessment. **Second**, information can be collected from representatives of target groups who participated in the program activities and from their organizations through opinion survey.

4. The Commission wishes to publicise the results of projects. Do you have any objection to this report being published on the EIDHR website? If so, please state your objections here.

We have no objection to this report being published on the EIDHR website. Rather we would like to make special request to paste this report in the EIDHR website.

FINAL NARRATIVE REPORT

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