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To:	< suhaschakma@achrweb.org >, < achr_review@achrweb.org >
Subject:	Objectionable Contents on Your Email and Website
Date:	Fri, 19 Aug 2005 10:30:58 +0545

19 August 2005

Mr. Suhas Chakma
Director
Asian Centre for Human Rights (ACHR)
C-3/441-C, Janakpuri, New Delhi-110058, India
Tel/Fax: +91-11-25620583, 25503626

Re: Objectionable Contents on Your Email and Website

Dear Mr. Chakma,

The National Human Rights Commission (NHRC), Nepal's serious attention has been drawn to the Asian Centre for Human Rights (ACHR) Review (Review/85/2005) titled "The Ugly Case: NHRC of Nepal", which has also been published in the ACHR website (<http://www.mail2web.com/cgi-bin/redir.asp?lid=0&newsite=http://www.achrweb.org/Review/2005/85-05.htm>). In view of the baseless formulations in the review, along with the seriously objectionable contents in an email accompanying the review circulated to your subscribers, NHRC-Nepal deems it necessary to categorically deny the unfounded allegations in the email and the review, which we believe are driven by subjective considerations a malicious intent of your organization to malign the Commission. However, any constructive criticisms based on real fact are always welcomed by NHRC Nepal, no matter where they come from.

In your email circulated to the ACHR Review subscribers, you have mentioned that the Commission "stands as the most discredited National Human Rights Institutions in the Asia Pacific region." Such a sweeping remark without any qualification from an organization that purports to be working for a human rights organization is totally unacceptable. Human rights works is not just working on a computer, browsing newspapers and making serious remarks against any institution without having knowledge of ground reality. Doing this you have discredited your contribution to human rights cause.

You go on to state in your email that NHRC has "turned into another institution supporting King Gyanendra"; that it is "virtually turning into a spook agency" and you go on to allege that "email communications of the international consultants to the National Human Rights Commission are being monitored and forwarded to the NHRC headquarters and to other unconfirmed sources.". NHRC strongly denies these baseless and fictitious allegations and requests you to refer to various press statements of the Commission and

public statements of the Chairman and the Commissioners which clarifies you how boldly the commission has made remarks on all the issues that have affected human rights and democracy.

With regards to your allegation about the monitoring and distribution of communications of international advisers, NHRC considers this to be a very serious allegation and in spite of the slanderous intent that pervades your claim that seems to be purely dramatic and unrealistic, I would like to inform you that the incident never happened in the Commission and is yet another attempt on your organization's part to malign the Commission. It is unfortunate that your organization has resorted to a devious attempt to discredit the Commission without verifying the real fact.

Reverting to the ACHR Review, the Commission seriously objects to the contents of the review which seriously lacks in objectivity and intellectual basis solely relying on contents of online news websites. In one particular instance, your review has even deliberately misquoted the NHRC Chairman. In your review, you have quoted an online source and stated that "NHRC chairman Nayan Bahadur Khatri was quoted as saying, 'It is the duty of all the organs of the state to fulfill the essence of the royal proclamation'." You have intentionally taken out some parts of the statement and distorted it. Actually the Chairperson was referring to the human rights obligation of the government. The exact version of the statement reads "There is no doubt that the organs of the state shoulder full responsibility in acting in a lawful manner and protecting human rights and the lives and properties of the ordinary people at all times. The Royal Address which stated the importance of "the need to for all organs of the state to be fully conscious and aware of protecting human rights" substantiates this point". For your information, the actual text of the Chairman's address in the inauguration of the NHRC Regional Office on February 8, 2005 is available in the NHRC Website: (<http://www.mail2web.com/cgi-bin/redir.asp?lid=0&newsite=http://www.nhrc-nepal.org/docs/speechchairbiratnagar.doc>).

You have referred to "self-censorship" in the Commission, which we strongly deny. Our views and opinions are openly known to the media and the abovementioned examples that highlight our work and speak for themselves. You have stated that "NHRC failed to mention the number of persons killed or identify the culprits" regarding the Kapilvastu incident. This is again an incorrect assumption on your part as NHRC did mention the number of persons killed when it completed its investigation- as a national institution, we have our standard operating procedures and finalized and accurate facts can only be ascertained upon the completion of due process, which it eventually did. As such, your allegation in this aspect seems to be futile and unwarranted. Furthermore, your implied view that NHRC-Nepal might only be highlighting the victims of Maoists is also far fetched. We would like to request you to once again refer to our numerous statements and decisions of the Commission regarding recommendation for compensation for the victims and action against government and security personnel for human rights violations perpetrated by them.

The implied discrepancy you claim between the obstruction faced by NHRC in carrying out its functions and NHRC's claim that it is acting independently is another misguided argument you are providing to your readers. The Commission as an institution to defend the rights of the Nepalese people amidst the challenging situation and difficulties posed by the ongoing armed conflict and changed political scenario after February 1 has no doubt come

across obstructions and obstacles in fulfilling its work. However, this has not deterred the Commission from carrying out its extensive and overwhelming work in the prevailing situation. With regards to the independence and other issues that have come to the fore at the instigation of a few organizations and individuals, we would like to inform you that the Commission has already given its objective and analytical views on this issue to all concerned stakeholders.

The Commission has felt it necessary to respond to you only because of the extreme malicious intent in your review that seeks to tarnish the image of the Commission. Your allegations are without any evidence whatsoever, and it is very disconcerting to note that before leveling these fictitious charges, you could have at least shown the decency of following the international practice of communicating with the Commission to verify your claims. As a Director of a human rights organization, your review and email is simply not befitting the responsibility of a human rights defender when you have resorted to an action without any justification or evidence. It also seems you are unaware of the difficult and complex situation under which a national institution works, as evidenced by your method of publishing reviews based on easy online research that are devoid of any intellectual arguments. I would therefore request you go beyond your biased and unfounded allegations and seek the facts before resorting to such malicious endeavors. In the end, we would like to reiterate that we are always encouraged by constructive criticisms.

Yours Sincerely,

Kedar Prasad Poudyal
Acting Secretary

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