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NEPAL: PROSECUTE ARMY KILLINGS AND END CLIMATE OF IMPUNITY

The ICJ has urged the Government of Nepal to prosecute the Royal Nepal Army personnel responsible for the summary killings on 17 August of at least 19 unarmed persons in Ramechhap District.

Army responsibility for the killings was confirmed by an independent inquiry convened by the Nepal's National Human Rights Commission (NHRC). The inquiry team was headed by former Supreme Court Justice Krishna Jung Rayamajhi.

In a letter addressed to King Gyanendra, the ICJ expressed concern that there has been no police investigation or judicial involvement either in the killings or in numerous other cases of serious human rights abuses allegedly committed in recent years by the RNA. The ICJ reminded the King that summary executions by military personnel violate the right to life and are prohibited under international human rights and humanitarian law.

The ICJ also denounced attacks made against the NHRC by senior officials of the RNA, including its Advocate General.

The RNA initially claimed that the victims died in an armed confrontation, but following the report of the independent inquiry it has decided to open an internal investigation. The RNA has consistently failed to investigate or punish army personnel accused of human rights abuses, which have been increasing alarmingly. Given the RNA's record, it is unlikely that the families of the victims and the Nepali people will have confidence in the present investigation. Moreover, it is a well-established principle that serious human rights crimes must be investigated and prosecuted by civilian, not military, authorities.

The past several days have been the deadliest since the recent collapse of the cease-fire between the Government and Maoist rebels, with more than 90 persons reportedly killed.

"Peace cannot be achieved within a climate of systematic impunity for human rights violators", said Ian Seiderman, ICJ Legal Adviser. "Protection of human rights is an integral element to any solution for ending the armed conflict in the country."

The ICJ urged the King to restore the rule of law by taking measures to ensure that the RNA is brought under effective civilian control. It also called on the Government to investigate and punish serious human rights violations and provide reparation to the victims.

The ICJ requested the Government to implement an NHRC-proposed Human Rights Accord and to mandate systematic human rights monitoring by the NHRC with the assistance of the Office of the United Nations High Commissioner for Human Rights.

For further information, please contact Ian Seiderman (+4122-979-3823) or Hassiba Hadj Sahraoui (+4122-979-3817).

The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

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Background

The ICJ undertook a fact-finding mission to Nepal from 27 January to 3 February 2003 and issued a report on its findings in June 2003. The ICJ concluded that there was near total impunity for officials of the Army who engage in serious human rights violations including torture, unlawful killings and war crimes. The ICJ recommended that the Government, including the Minister of Law and Justice, the Attorney General, prosecutors and police should investigate and prosecute serious violations of human rights, including extrajudicial killings and torture. It also found that the Army was holding a substantial number of persons in prolonged incommunicado detention beyond judicial control and without lawful authority to do so. It recommended that all person detained should be handed over to the civilian authorities and charged with a cognisable crime or released. Since the release of the report, no action has been taken in respect of these and other recommendations.