



INTERNATIONAL COMMISSION OF JURISTS

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COMMUNIQUE DE PRESSE - COMUNICADO DE PRENSA

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ICJ CALLS ON DONOR COMMUNITY AND NEPALI GOVERNMENT TO TURN PROMISES INTO URGENT HUMAN RIGHTS CHANGE

On the eve of the Nepal Development Fund in Kathmandu, the International Commission of Jurists today urged the Government of Nepal to turn public human rights commitments it proudly made over the last month into practical action.

"Unless steps are taken now to reverse the escalating human rights abuses in this conflict, development in Nepal will not only be stalled but will sharply decline" said Nicholas Howen, the Secretary General of the International Commission of Jurists (ICJ).

On 26 March 2004 the Government released a 25-point "Commitment" document in which it agreed to protect its people from abuses by the army and the police. Just over a week ago in Geneva, Switzerland, 53 governments who are members of the United Nations Commission on Human Rights witnessed Nepal agreeing to a consensus statement in which it again pledged to respect rights.

"The ink is still wet on these promises, yet only yesterday we saw political opposition leaders being arbitrarily detained, albeit for a few hours", remarked the Secretary General. "This is not a good sign of the Government's resolve or consistency".

"The Commission's statement rightly condemns Maoist violence against civilians. But these abuses must never be used by the Government as an excuse for not fulfilling its own obligations to its people" remarked the Secretary General.

"The international community was the Nepali Government's witness in Geneva. The international donor community is the Government's witness in Nepal" Mr. Howen added.

Donor assistance can make a real difference to human rights in Nepal, but it must be guided by and based on the Government actually implementing the details of the two solemn commitments. Indeed, these documents merely reiterate some of the obligations the Government is already bound by under human rights treaties it has ratified.

"Donors look for benchmarks of change; we have them in these public commitments and they should now be a constant reference point for donors" said the Secretary General. "Assistance should not be given for purely cosmetic initiatives such as the human rights cells set up in the army and police."

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

81A, avenue de Châtelaine, P.O. Box 216, 1219 Châtelaine, Geneva, Switzerland
Tel: +41(0) 22 979 3800 – Fax: +41(0) 22 979 3801 – Website: <http://www.icj.org> - E-mail: info@icj.org

There are many immediate steps the Government could take to signal to its people and the donor community that it is serious about protecting human rights. The Government must ensure the army stops detaining suspects in secret places of detention and that it acts on *habeas corpus* orders given by the courts. Families must be informed without delay that their relative has been detained. Lawyers should no longer be detained or harassed as they try to represent suspects. The National Human Rights Commission of Nepal and human rights organizations must be given full and unhindered access to the districts, without being accompanied or controlled by the security forces.

The Government must also ensure that those responsible for serious human rights violations are prosecuted in public and fair trials, starting with those believed to have carried out, and those who ordered, the extra-judicial executions of suspected Maoists in Doramba in August 2003 and the reported rape of two women in Nepalganj in April 2002.

The Government should also immediately finalize the Memorandum of Understanding (the MOU) with the United Nations to send human rights advisers to help the National Human Rights Commission of Nepal monitor and seek to reduce abuses happening throughout the country.

“This agreement with the UN cannot wait for long deliberations. The OHCHR is ready to move and it should be sending advisers to Nepal now, not in a few months time” said the Secretary General. “The MOU was a central plank of the UN Commission on Human Rights statement. Whether the OHCHR is able to come in quickly and effectively and be present in the countryside will be another measure of the Government’s pledges”.

For further information, please contact: Isabelle Heyer (+41 22 979 38 21 or +41 22 979 38 00)