



INTERNATIONAL COMMISSION OF JURISTS

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" dedicated since 1952 to the primacy, coherence and implementation of international law and principles that advance human rights "

Royal Coup Plunges Nepal Deeper into Human Rights Crisis ICJ urges united response at United Nations Commission on Human Rights

King Gyanendra has abandoned the rule of law and deepened the conflict in Nepal since assuming direct power and suspending almost all rights under a state of emergency, said the International Commission of Jurists (ICJ) after returning from an emergency mission to Nepal led by the ICJ Secretary-General Nicholas Howen.

The ICJ urged India, the US, the United Kingdom and other states at the UN Commission on Human Rights meeting in Geneva 14 March to 22 April to work together and urgently respond to the human rights crisis. "This is a crucial moment in the history of the struggle for democracy and rights in Nepal," said the Secretary-General. "We heard pleas from Nepalis themselves for the international community to demand a return to the rule of law and respect for human rights; to help restore the democratic space they need to find political solutions to the conflict."

The ICJ launched today a new report *Nepal: The Rule of Law Abandoned*, which sets out nine urgent measures the Maoists and the King's government should take to tackle the long-standing violations committed by the insurgents and the security forces, as well as the new layer of abuses under the state of emergency. The security forces have been guilty of gross and systematic violations of human rights, including torture and extrajudicial killings. The Maoists have been responsible for killings of civilians, and forced recruitment, including of children, and other serious violations of international humanitarian law.

More than 500 political leaders, student activists, human rights defenders, journalists and lawyers have reportedly been detained since 1 February, others forced into exile. Newspapers are censored or closed down; peaceful protestors immediately arrested. The independence of the judiciary is under intense pressure.

"It was clear during our visit that human rights defenders face a suffocating atmosphere of intimidation and control, where criticism is not tolerated," said Nicholas Howen, "Even the National Human Rights Commission – an independent institution of the state – has been paralyzed, with two of its Commissioners prevented from leaving Kathmandu to carry out official investigations. There is a void in human rights monitoring and protection."

The ICJ has concluded that the King's sweeping suspension of fundamental rights is not lawful under Nepali and international law, nor will it help to win the war against the Maoists. On the contrary, peace talks are even further away and the violence is escalating. During the third week of February, hundreds of villagers' homes were looted and burned and more than twenty individuals reportedly killed, in deeply disturbing violence by vigilante groups in Kapilbastu district. Tens of thousands have reportedly fled across the border into India.

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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“There is no neutral space for civilians; they are trapped, between brutal Maoist tactics and an unaccountable army that since 1 February is under increasing pressure to show successes.”

“Every time the ICJ has visited in recent years, the conflict has been deepening and rights abuses escalating” concluded the Secretary-General. “The King now rules beyond the constitution and without legal restraints.”

“It saddens us that there now must be calls for a review of the use of the Royal Nepalese Army in UN peace-keeping operations and for international justice to step in if those who commit serious abuses are not brought to justice in Nepal” added the Secretary-General.

The human rights protection crisis in Nepal requires an urgent response from the international community. The ICJ called on this year’s UN Commission on Human Rights to:

- Strongly condemn the gross and systematic violations of human rights committed by the Nepali security forces and Maoists;
- Set out the urgent measures the Commission expects both sides to take to end these violations;
- Appoint a Special Rapporteur on human rights in Nepal; and
- Work for the establishment of a significant international human rights presence, led by the UN Office of the High Commissioner for Human Rights, to monitor and verify that the urgent measures are being taken by both sides and to encourage human rights measures that will build confidence towards a peace process.

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