



INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

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

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ICJ calls for student leader, Gagan Thapa, to be cleared of all charges

The International Commission of Jurists (ICJ) today expressed concern regarding sedition charges filed against student leader Gagan Thapa, and reiterated its call for the amendment or repeal of the law that allows for the imprisonment of peaceful activists who legitimately criticize the monarchy.

“Gagan Thapa should be immediately released and cleared of these charges,” said Nicholas Howen, Secretary-General. “The law under which he has once again been charged should be amended to ensure it cannot be applied in ways that violate Nepal’s obligations under international human rights law.”

Gagan Thapa was detained on 27 July 2005, after police filmed him shouting slogans against the King during a peaceful public demonstration on 25 July. After being remanded for 17 days without charge, Gagan Thapa has now been charged with violating the Offences against the State Act of 1989. Article 4(1) of the Act punishes “anyone causing or attempting to cause hatred, malice or contempt by writing or by words, symbols or signs, by any other means, directly or indirectly” against the King or members of the royal family with up to three years’ imprisonment. Today Gagan Thapa was released on bail.

“This is yet another attempt to stifle peaceful dissent,” said Nicholas Howen. “Since the King took absolute power on 1 February new and existing laws have been arbitrarily and broadly applied to restrict the activities of those engaged in legitimate political and human rights activities.

The Constitution of Nepal guarantees the right to freedom of thought, expression and peaceful assembly. These rights are also enshrined in the International Covenant on Civil and Political Rights (ICCPR) to which Nepal is a state party.

Background

Gagan Thapa was arrested on 26 April 2005 and held under the Public Security Act (PSA) that allows the authorities to detain a person who allegedly threatens the “sovereignty, integrity or public tranquillity” of Nepal for up to 90 days without charge or trial. He was released on 5 May after the Supreme Court ruled that his detention was illegal, but was immediately re-arrested. On 25 May, the Supreme Court again ordered his release, and he was freed from detention.

For further information please contact Susan Appleyard, +4122 979 3800

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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