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Maoist intimidation of Human Rights Defenders must stop. *Threats against human rights lawyers undermine the justice system*

The International Commission of Jurists (ICJ) has urged the Maoist Party immediately to desist from further intimidation against lawyers acting in the case of Arjun Lama, and called on the Government to ensure the protection of human rights defenders acting on behalf of victims of both state and non-state actors.

On 26 June 2010, representatives of the Maoist Party publicly accused lawyers seeking justice in the case of Arjun Lama of conspiring with international human rights organizations to defame the Maoist Party.

The case in Kavre arises from the murder of Arjun Lama, a local social worker. The accused are six Maoist cadres, including Agni Sapkota, a Maoist Politburo member.

The June 26th reaction of the Maoist Party follows the earlier refusal of the US government to issue a visa to Mr. Sapkota on the basis of the seriousness of charges against him.

“Intimidation and threats against lawyers undermines the protection of human rights, a key pillar of Nepal’s peace process,” stated Wilder Tayler, Secretary General of the ICJ. “The Government and the parties to the peace process should affirm their commitment to the protection of human rights defenders so that they are able to carry out their work without interference in support of victims. Indeed, a threat to the human rights defenders in this case is a threat to the justice system as a whole.”

“Any interference in the justice system based on the personal, institutional, or political affiliation of alleged perpetrators violates the fundamental right to a remedy for victims,” added Roger Normand, the ICJ Asia Pacific Director. “Lawyers play a vital role in ensuring access to a remedy for victims. Intimidation of lawyers and other human rights defenders has a chilling effect on work in defence of human rights, weakening the prospects for lasting peace,” he concluded.

The ICJ raised similar concerns recently regarding the risks posed to the peace process by impunity for serious crimes, as in the case of Maina Sunuwar, in which the Nepal Army continues to obstruct justice by failing to surrender Major Basnet to the Kavre District Court, and in the case of Brigadier General Toran Singh, promoted in spite of his alleged involvement in enforced disappearances perpetrated by members of the 10th Brigade in 2003-2004.

Background

On 10 March 2008, the Nepal Supreme Court issued an order to the District Police Office (DPO) and District Administration Office (DAO) of Kavre District to register a First Information Report

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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(FIR) and conduct criminal investigation in relation to a murder case against six Maoist cadres. Earlier the DPO and DAO had refused to register the petitioner's FIR stating that the issue would fall under the jurisdiction of the proposed Truth and Reconciliation Commission.

In the Comprehensive Peace Agreement of November 2006, all parties agreed to create an atmosphere where the Nepali people can enjoy their civil, political, economic, social and cultural rights and are committed to ensuring that such rights are not violated under any circumstances in the future and also expressed their commitment that impartial investigations shall be carried out and lawful action would be taken against individuals responsible for obstructions in the exercise of the rights contained in the agreement and guarantee not to encourage impunity.

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