Open letter to the King of Nepal

Nepal

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- [english] - Region - Asia - Nepal -

Date de mise en ligne : Wednesday 2 February 2005

Description :

State of emergency : a further threat for human rights
Open letter to the King of Nepal

Excellency,

Paris, 2 February 2005 - We are writing you following the announcement that you declared yesterday a state of emergency in Nepal, and dismissed the government. According to various sources, soldiers surrounded the houses of Prime Minister Sher Bahadur Deuba and other government leaders. It is also reported that communication with the outside world has been cut.

The FIDH regrets that this decision has been made just a few days after the UN High Commissioner for Human Rights, Louise Harbour, visited Nepal and called upon the Nepalese government and Maoist insurgents to sign an agreement on human rights as a first step to achieve peace in the country. We fear that the current state of emergency and strengthened power of the Royal Nepal Army (RNA) will result in further human rights violations against the civilian population, and in particular against human rights defenders, peaceful opponents, journalists and all critical voices.

The FIDH reminds that under Article 4 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Nepal, in time of public emergency, States Parties can only take measures derogating from their obligations under the Covenant « to the extent strictly required by the exigencies of the situation » and no derogation are allowed with regard to the right to life or the prohibition of torture or cruel, inhuman or degrading treatment.

In addition, as stressed by the Un Human Rights Committee, « States parties may in no circumstances invoke article 4 of the Covenant as justification for acting in violation of humanitarian law or peremptory norms of international law, for instance ... through arbitrary

deprivations of liberty or by deviating from fundamental principles of fair trial » [1].

During the past months, extrajudicial killings, enforced disappearances and torture have dramatically been on the rise. The FIDH calls upon you to put an end to the climate of impunity which fuels widespread human rights abuses in the country, both by the RNA and the Maoist insurgents.

We also call upon you to lift the current state of emergency, to restore communications with the outside world and to cooperate fully with the National Human Rights Commission of Nepal. The FIDH is fully aware of the extent of the human rights violations perpetrated by the Maoist insurgents and do condemn that, but - as stressed by Louise Harbour - we believe that strict compliance with international human rights and humanitarian law is an obligation of the State under any circumstance.

Sincerely yours,

Sidiki Kaba President