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2005 UN Commission on Human Rights: (14 March - 22 April 2005) Agenda item 9: Question of the violation of human rights and fundamental freedoms in any part of the world

ORAL STATEMENT

**Delivered by Peter Splinter
24 March 2005**

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Mr Chairman,

There are many situations of grave, massive or widespread violations of human rights that demand the Commission's attention. These include Chechnya, China, Guantánamo Bay, Iraq, Sudan and Zimbabwe. Today, however, Amnesty International will devote our statement to the human rights situation in Nepal, because it is a hidden crisis not fully appreciated by of the international community or this Commission.

For many years the Nepalese people have been suffering grave and widespread human rights abuses in the context of an internal insurgency. Now Nepal is on the brink of a human rights and humanitarian catastrophe.

Over the last year, the human rights situation in Nepal has deteriorated dramatically. "Disappearances" and extrajudicial killings are increasingly committed alongside torture and rape by the security forces in counter-insurgency operations. Maoist insurgents commit illegal killings, abduction, torture and child recruitment. The state of emergency, imposed on 1 February 2005, has resulted in widespread arrests, strict media censorship and the suspension of fundamental rights.

Crucially, Nepal's human rights community, which already faced serious obstruction, has been paralysed by the new restrictions. Neither the National Human Rights Commission, nor Nepalese NGOs, are able to investigate or report on abuses. Some human rights defenders have left Nepal fearing for their lives.

Last year, the Commission adopted a Chairperson's statement that welcomed technical assistance by the Office of the High Commissioner for Human Rights to Nepal's National Human Rights Commission. Also at that time, the government of Nepal published "His Majesty's Government's commitment on the implementation of Human Rights and International Humanitarian Law" outlining 25 measures it would take

to uphold human rights. Subsequently, however, the Nepalese government delayed the implementation of technical assistance by the Office of the High Commissioner and has almost entirely failed to implement the measures outlined in its own human rights statement.

This Commission is in a unique position to take action to prevent a human rights catastrophe in Nepal, by passing a robust resolution that condemns the abuses by the state and the Maoists and provides effective international monitoring. By acting forcefully and decisively, the Commission, on behalf of the international community, can tell the *de facto* authorities in Nepal that it is not prepared to see misguided policies provoke a human rights catastrophe. This is not about so-called "naming and shaming". It is about the protection of victims and about preventive measures that must be taken to arrest the disastrous deterioration of the human rights situation. The Commission must establish without delay both a Special Rapporteur on the human rights situation in Nepal and a country-wide presence of the Office High Commissioner with a mandate to monitor and report on the human rights situation. Anything less will condemn the Nepalese people to further suffering.

Mr. Chairman,

Failure by the Commission to take effective action for Nepal will be yet one more lamentable demonstration of the diminishing effectiveness of the Commission on Human Rights. It will only add to the acknowledged need for fundamental reform if the Commission is to fulfil its mandate of protecting the victims of human rights violations. Failure to act decisively about the situation in Nepal will prove that not only do power politics prevent the consideration of serious human rights violations in influential countries, but that the Commission membership is incapable of acting to prevent a human rights disaster in any country.

Amnesty International welcomes the initiative of the UN Secretary-General to create a more authoritative and effective standing human rights body. His report, "*In Larger Freedom*", makes human rights a key element of United Nations reform. Amnesty International urges all governments to seize this rare opportunity to imbue the United Nations' principal human rights body with greater transparency, objectivity and effectiveness. They must enable it to contribute effectively to the protection of all human rights in all countries at all times. They must also build on the strengths of the Commission, including its system of independent experts and its special relationship with NGOs. Amnesty International looks forward to continuing to contribute our ideas to the reform process.

Thank you, Mr. Chairman