



UNITED NATIONS
OFFICE OF THE HIGH COMMISSIONER
FOR HUMAN RIGHTS IN NEPAL



Press Release – 28 November 2008

UN Human Rights Committee finds Nepal in violation of its obligations in enforced disappearance case

Nepal has been found in violation of its obligations under the International Covenant on Civil and Political Rights (ICCPR) by the United Nations Human Rights Committee in relation to an enforced disappearance case.

The case of the alleged disappearance of Surya Prasad Sharma, disappeared by personnel of the then Royal Nepalese Army in 2002 in Baglung District, was forwarded to the Human Rights Committee by NGO Advocacy Forum on behalf of Mr Sharma's wife.

Nepal challenged the admissibility of the complaint, but made no submission on its merits.

The Office of the High Commissioner for Human Rights (OHCHR) in Nepal welcomes the Human Rights Committee's Views on the case, which were made public on 6 November 2008. The Committee found Nepal in violation of Article 7 of the ICCPR (the right not to be subjected to torture or to cruel, inhuman or degrading treatment) because Mr Sharma was held incommunicado; in violation of Art. 9 (the right to freedom from arbitrary detention) because he was not taken before a judge and given the opportunity to challenge his detention, and in violation of Art. 10 (the right to be treated with humanity and with respect for the inherent dignity of all persons) because he was forcibly disappeared. The Committee also considered Nepal to be in violation of Art. 2 for its failure to properly investigate the case and hold accountable those responsible for the disappearance.

The Committee recognised that such actions violated not only Mr Sharma's rights, but the rights of his family.

The Committee reminded Nepal of its obligation to provide an effective remedy in the case, including: a thorough and effective investigation into the disappearance and fate of Mr Sharma; his immediate release if he is still alive; provision of adequate information from the investigation, and adequate compensation. Nepal has been requested to respond to the Committee within 180 days about the measures it has taken to give effect to the Views.

For more information about enforced disappearance, see the attached *Factsheet*.

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