



**The Law Society
of England and Wales**

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Your Excellency,

Nepal – Threats Against Lawyer Badri Bhusal and Others

The Law Society of England & Wales is the professional body representing more than 180,000 solicitors in England and Wales. It aims to promote and support solicitors while upholding the rule of law, legal independence, ethical values, and the principle of justice for all around the world. The Law Society holds special consultative status with the United Nations Economic and Social Council since 2014.

Lawyers for Lawyers is an independent civil society organization which seeks to promote and protect the independence of the legal profession through the support of lawyers around the world, who face reprisals, improper interferences or restrictions in carrying out their professional functions. Lawyers for Lawyers has special consultative status with the United Nations Economic and Social Council since 2013 .

The Law Society and Lawyers for Lawyers are deeply concerned about the safety of Mr. Badri Bhusal, a Nepalese lawyer, human rights defender, and chair of the Collective Campaign for Peace (COCAP). COCAP is a national network of 43 peace and human rights non-governmental organizations from 29 different districts of Nepal. Mr. Bhusal has legally represented clients in many high-profile cases, has reported on prison conditions, and has advocated against the use of torture by the police and for the inclusion of torture as a crime in domestic legislation. As a consequence of these activities, he has previously faced threats.

Since August 2018, Mr. Bhusal's security situation has worsened due to his legal representation of victims in the Nirmala Panta case. On 26 July 2018, Nirmala - a 14 year old school girl - was raped and murdered in the Kanchanpur District, Nepal. Although the police opened an investigation, there have been serious deficiencies in this investigation, such as tampering with - and destruction of - evidence, wrongful arrests, the torture of a suspect, and forced confessions. With regard to these deficiencies, eight police officers – including two of the most senior officers in the district at the time – have been charged and have since been released on bail. Their case concerns the potential involvement of police officers in the cover-up of facts relating to the crimes committed, including the identity of the perpetrators.

Mr. Bhusal and other lawyers representing the victims, as well as human rights defenders working on the case and family members of Nirmala, have been threatened. The threats against Mr. Bhusal have included public defamation, intimidation and verbal threats. On 20 February 2019, he was contacted by a police superintendent based at the police headquarters in Kathmandu, who accused Mr Bhusal of “continuing to work against the police” and advised him to stop his involvement in the Nirmala Panta case. On 19 April 2019, Mr. Bhusal received a visit at the COCAP offices from someone who told him

The professional body for solicitors

that he was taking risks to his personal security by his continued involvement in the Nirmala Panta case. Mr Bhusal was told that he could be attacked at any time by the police or the perpetrators of the crimes committed against Nirmala, and that no-one would protect him when that time came. Human rights defenders working on the case reported having been followed and monitored by unknown individuals, subjected to anonymous phone calls and online defamation campaigns.

Concerning the threats made against Mr Bhusal and others, Nepal is bound by its international legal obligations, which include the following.

Nepal acceded to the **International Covenant on Civil and Political Rights** on 14 May 1991:

Article 6. 1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment [...].

The **United Nations Basic Principles on the Role of Lawyers**, endorsed by the UN General Assembly, provide guidance to States on their obligation to promote the role of lawyers and ensure that they are free to carry out their professional duties:

16. Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference (...) and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

17. Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

23. Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession.

UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (1999)

Article 12

Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.

The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de

The professional body for solicitors

facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.

In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

In view of the above, we respectfully urge that the relevant authorities in Nepal take the following actions:

- 1) to investigate promptly and effectively all threats and acts of intimidation and harassment against Mr. Bhusal and others involved in the Nirmala Panta case and to bring the perpetrators to justice in proceedings that respect international fair trial standards;
- 2) to take all reasonable measures to guarantee the safety and physical integrity of Mr. Bhusal and his family, including the provision of adequate protection measures, in consultation with him;
- 3) to take all reasonable measures to guarantee the safety and physical integrity of other lawyers representing the victims in the Nirmala Panta case and human rights defenders involved in this case, as well as witnesses and others involved in these proceedings; and
- 4) to provide guarantees that the state and its security forces and other agents will not interfere in the legitimate professional activities of Mr Bhusal and other lawyers and human rights defenders and that they will be allowed to undertake their activities as lawyers and human rights defenders without harassment and improper interference.

The Law Society and Lawyers for Lawyers will continue to monitor the situation of Mr. Bhusal, as well as other lawyers and human rights defenders in Nepal.

Yours sincerely,



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