



Press Statement

23 August 2020

AF Condemns ill-treatment and Inhumane Behavior Inflicted on Public by Law Enforcement Agencies

Following the massive surge of COVID-19 cases across the country, the local administrative authorities of numerous districts including the Kathmandu valley have recently imposed a prohibitory order to control the increasing spread of the infection. The prohibitory order executed as per the Infectious Disease Act, 1964 temporarily suspends all non-essential businesses except for urgent activities. Advocacy Forum-Nepal (AF) notes that in trying times like these, citizens of the State bears a duty to cooperate and support the Government in fighting the pandemic together. However, AF strongly condemns the ill-treatment and inhumane behaviour inflicted on the people out on streets for emergency works by law enforcement agencies in the name of enforcing the prohibitory order. The more recent activities of unlawfully detaining people under the scorching Sun for hours, forcing them to do sit-ups, frog-jumps, or crawl on the road by security forces is utterly abhorrent and a serious breach of human rights and rule of law.

Since the first lockdown in March, AF has documented several incidents involving security forces resorting to excessive or unnecessary use of force, torture, or ill-treatment (AF's Field Monitoring Report, 2020).¹ The Supreme Court has already pronounced that it is indispensable to protect the right to life, individual integrity, and dignity of people even during the lockdown, as well as no person holding any public position of the Government, should treat people inhumanely and it is very important for all bodies (especially the security forces) of the government to be sensitive concerning the protection of people's rights and refrain from inhumane behavior towards the people on a writ petition jointly filed by AF (AF's legal intervention during COVID-19).²

¹ Advocacy Forum-Nepal, 'Human Rights Impact of COVID-19: Advocacy Forum Nepal's Field Monitoring Report ' Briefing Paper 2020 < <http://advocacyforum.org/downloads/pdf/publications/af-briefing-paper-covid-19-and-human-rights-june-2020.pdf>>

² Advocacy Forum-Nepal, 'Legal intervention to strengthen Criminal Justice System during COVID-19 in Nepal ' Brief 2020 < <http://advocacyforum.org/downloads/pdf/publications/legal-intervention-to-strengthen-criminal-justice-system-during-covid-19-in-nepal.pdf>>



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The ongoing pandemic might call for emergency measures but one should not overlook the fact that the State may opt for emergency measures only ‘to the extent strictly required by the exigencies of the situation’, i.e. clearly proportionate to the crisis, limited in time, strictly necessary, non-discriminatory and in compliance with State’s national laws and its international obligations. Certain rights i.e. right to live with dignity, freedom from torture or cruel, inhuman and degrading treatment or punishment among others, are non-derogable, that is, they cannot be suspended even in a state of emergency.³ Hence, AF urges the Government and concerned authorities to immediately cease such inhumane behavior, implement the Supreme Court’s verdict, respect human rights and uphold the rule of law in the country.

Om Prakash Sen Thakuri

Director

³ Para 7. Human Rights Committee General Comment 29, States of Emergency (article 4), U.N. Doc. CCPR/C/21/Rev.1/Add.11 (2001)

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