



BAR HUMAN RIGHTS
COMMITTEE OF
ENGLAND AND WALES

London, 12 March 2013

Rt. Hon'ble Prime Minister of Nepal
Dr. Baburam Bhattarai
Singh Durbar
Kathmandu
Nepal

Dear Prime Minister,

RE: MANDIRA SHARMA AND THREATS TO HUMAN RIGHTS DEFENDERS (HRDs)

I am writing on behalf of the Bar Human Rights Committee of England and Wales (BHRC). The BHRC is the international human rights arm of the Bar of England and Wales. It is an independent body primarily concerned with the protection of the rights of advocates and judges around the world. The Committee is also concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial.

The BHRC is contacting you to express grave concerns about threats and incitement to commit violence against Ms Mandira Sharma, a Human Rights Defender. This has arisen after Ms Sharma made a complaint on behalf of Nepalese individuals, to the Police in the United Kingdom in respect of Colonel Lama, a Nepalese Army Colonel. Colonel Lama is accused of war crimes and human rights abuses perpetrated in 2005 during the Maoist conflict. This complaint led to Colonel Lama's arrest in January 2013.

Ms Sharma is the founder of Advocacy Forum in Kathmandu, an organisation set up to provide legal assistance to the victims of human rights violations in Nepal. The complaint made by Ms Sharma related to allegations of torture committed during the 2005 Maoist conflict. Advocacy Forum has been providing legal assistance in this matter since 2005 but no action has yet been taken by the Nepalese authorities. This is despite the obligations placed upon Nepal to investigate allegations of torture, arising from the UN Convention against Torture to which Nepal has been a party since 14 May 1991.

As a result of this inaction, Ms Sharma took the complaint to the United Kingdom authorities at a time when Colonel Lama was present in the United Kingdom. Acting under universal jurisdiction, the police investigated the complaint and arrested Colonel Lama. The Crown Prosecution Service advised that there was sufficient evidence to charge Colonel Lama and that it was in the public interest to do

so. As a result, Colonel Lama faces trial in England. The United Kingdom, has acted in line with its own international obligations to investigate allegations of torture.

The BHRC is extremely concerned to learn that since the arrest of Colonel Lama, Ms Sharma has been subjected to unacceptable threats to her safety and unfounded insinuations of corruption which appear to be politically motivated.

Lal Rakshak, a Nepalese publication affiliated with the Maoist party, has accused Ms Sharma of ‘going against the Maoists, Maoist political agenda and change’. Within the same article, the author reports the view of a reader responding to a survey conducted by the newspaper, calling for ‘people’s action’, as opposed to action through the courts, against Ms Sharma, and other named HDRs. As set out by Accountability Watch Committee (AWC) in its recent letter to Mrs Margaret Sekaggya (UN Special Rapporteur on the situation of human rights defenders), ‘people’s action’ was a common by-word for violence in usage during the civil conflict. The article published by Lal Rakshak is a poorly disguised call for the commission of violent attacks on Ms Sharma and her associates.

UCPN spokesperson, Agni Sapkota, has commented that ‘some NGOs’ are acting against Nepalese national interest in return for money and specific reference is made in this context to ‘some people called imperialist Britain to have Colonel Kumar Lama arrested’. This reference is clearly to Ms Sharma.

On 14 February 2013, Ms Sharma was warned by a senior government official that the Nepal Army intended to obstruct the work of Advocacy Forum. Shortly thereafter, the District Administration Office initiated an investigation into the activities of the Advocacy Forum.

Political Parties in Nepal have accused Ms Sharma of acting to derail the peace process.

The BHRC strongly urges the authorities of Nepal to:

- Condemn and investigate any attempts made to threaten the safety of Ms Sharma and other HRDs;
- Condemn and investigate any politically motivated actions designed to hamper the operation of Advocacy Forum and any other such organisations;
- Condemn the disingenuous attempts made to describe Ms Sharma’s actions as motivated by the payment of money. It is clear that Ms Sharma’s actions were proper and lawful.

I look forward to hearing from you and thank you in advance for your assistance in this important matter.

Yours sincerely

Kirsty Brimelow QC
Chairman, Bar Human Rights Committee of England and Wales

Chair: Kirsty Brimelow QC | Vice-Chair: Sudanshu Swaroop

Cc: Nepal Embassy in the UK

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For further information, please contact:

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