

International Media Mission to Nepal

Rt. Honourable Prime Minister of Nepal Dr Baburam Bhattarai
Office of the Prime Minister and Council of Ministers
Singh Durbar
Kathmandu, Nepal
P.O. Box: 23312

11 January 2013

Dear Mr Prime Minister,

We are writing to you as members of the International Media Mission which has been engaged with journalists and civil society groups in Nepal over the last six years, to express our concern over your recent intervention in the case against the alleged murderers of journalist Dekendra Thapa.

At our meeting with you in February 2012, we discussed certain very serious challenges journalists face, identified in consultation with our local partners in the country. Among the urgent priorities mentioned was the need to address the prevailing climate of impunity for attacks against journalists and others exercising their right to freedom of expression.

At that time, we focused on a number of cases of journalists who had been killed after the Comprehensive Peace Agreement (CPA) of 2006 and identified specific areas where we had reason to believe that investigation and prosecution had been inadequate. At the same time, the problem of impunity has roots in a time from before the CPA and includes journalists who were killed during the decade-long conflict which ended with the informal ceasefire that followed the Jana Andolan of 2005.

As a result, we were greatly encouraged to hear that police in Dailekh district in the far-western region of Nepal had arrested five suspects between 3 and 5 January 2013 in connection with the August 2004 murder of Dekendra Thapa. Unfortunately, this was short-lived since we learnt soon afterwards of your personal instruction to the police to halt the investigation, on the grounds that a murder which occurred during the conflict should not be subject to ordinary criminal jurisdiction.

We recognise that there is a political consensus in Nepal on the need for a Truth Commission to deal with abuses which occurred during the conflict period. However, we note that there is still no agreement, after all these years, on the constitution of such a body, or on its mandate or the modalities it would follow.

According to the confessions made by the men arrested in Dailekh, Thapa was abducted in June 2004 and tortured for over a month before being killed. The outrage that followed his murder led a senior Maoist functionary to issue a public apology and to disclaim any link between the murder and party policy.

In this context, halting a process initiated under prevailing criminal law would send all the wrong signals and deeply erode the confidence of Nepal's journalistic community. As our partner, the Federation of Nepali Journalists (FNJ), has repeatedly emphasised, the media community is in need of positive assurances that their safety will not be jeopardised. This is one among many steps needed to advance the transition to a political order in which freedom of expression and a free press are basic democratic entitlements. Nothing could be more calculated to undermine the confidence of the media community in this regard than halting legal proceedings against the alleged murderers of a journalist.

We are therefore of the view that a valuable public purpose would be served by allowing the criminal prosecution in Thapa's murder to proceed and ask that you withdraw your instruction to halt the case. We also ask that you give your personal attention to other cases

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of journalists who have been killed, in particular those that our partner, the FNJ, has been tracking actively.

Thank you for your attention to this important matter.

Yours sincerely,

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