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Reference: C.N.170.2005.TREATIES-3 (Depositary Notification)

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS
NEW YORK, 16 DECEMBER 1966

NEPAL: NOTIFICATION UNDER ARTICLE 4 (3)

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

The above action was effected on 16 February 2005.

(Original: English)

“The Permanent Mission of the Kingdom of Nepal to the United Nations presents its compliments to the Secretary-General of the United Nations and, pursuant to Paragraph 3 of Article 4 of the International Covenant on Civil and Political Rights (1966), has the honour to inform him that in view of a grave emergency threatening the sovereignty, integrity and security of the Kingdom of Nepal, His Majesty the King has, in accordance with clause (1) of Article 115 (1) of the Constitution of the Kingdom of Nepal, 1990 (2047), issued an order of a State of Emergency in respect of the whole of the Kingdom of Nepal on 1 February 2005 with immediate effect. As the situation in the country had reached a point where the survival of multiparty democracy and the nation’s sovereignty had been seriously threatened and the people of Nepal had to go through a miserable period of time due to untold sufferings brought about by the rise in terrorist activities throughout the country, and as the governments formed during the past few years had not been serious enough about initiating a dialogue with terrorists, His Majesty as the protector of the Constitution and the symbol of national unity, had no alternative but to declare a state of emergency to meet the exigencies in exercise of His State authority and in keeping with the spirit of the Constitution of the Kingdom of Nepal, 1990 and taking into account Article 27 (3) of the Constitution, to protect and preserve the sovereignty of the Nation. His Majesty the King has also, in accordance with clause (8) of Article 115 of the Constitution, suspended sub-clauses (a) freedom of thought and expression, (b) freedom to assemble peaceably and without arms, and (d) freedom to move and reside in any part of Nepal, of clause (2) of Article 12; clause (1) of Article 13 press and publication right which provides that no news item, article or any other reading material shall be censored; and Article 15: right against private detention; Article 16: right to information; Article 17: right to property; Article 22: right to privacy; and Article 23: and the right to constitutional remedy (with the exception of the right to the remedy of habeus corpus) of the Constitution of the Kingdom of Nepal, 1990 (2047).

The Permanent Mission would further like to inform the Secretary-General that such measures are not inconsistent with Nepal’s other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

The Permanent Mission would also like to inform the Secretary-General that the non-derogable

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rights as set forth in Articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 of the International Covenant on Civil and Political Rights, which are guaranteed by the Constitution of the Kingdom of Nepal, 1990, have been kept intact.”

10 March 2005

A handwritten signature in black ink, appearing to be the initials 'A/W'.