



For Immediate Release

Nepal: Protect Judicial Independence and Integrity ***Crisis in Supreme Court as Judges Demand Resignation of Chief Justice***

(Geneva/New York/Kathmandu, 12 November 2021) - The independence and integrity of the judiciary in Nepal is being jeopardized by the crisis at its Supreme Court, the International Commission of Jurists (ICJ), Human Rights Watch (HRW) and Amnesty International (AI) said today. To uphold human rights and the rule of law, it is essential to resolve the crisis in a way that maintains and enhances the court's credibility and independence.

In an unprecedented move, 18 out of 19 justices have refused to sit on Supreme Court benches unless Chief Justice Cholendra Shumsher Rana steps down.

Boycotting a full court [meeting](#) called by Chief Justice Rana on 25 October 2021, the justices demanded Rana's resignation for allegedly undermining the integrity and independence of the judiciary. The justices pointed specifically to allegations of a relationship between Rana and the executive branch. They also cited allegations concerning the allocation of cases for hearing to specific justices, and the failure to list for hearing a number of writs against constitutional appointments that he had participated in making.

"The Supreme Court has a crucial role in upholding human rights and the rule of law in Nepal, which makes this crisis extremely worrisome for the justice process," said Meenakshi Ganguly, South Asia director at Human Rights Watch.

Following the boycott by the Supreme Court justices, the Nepal Bar Association (NBA) also [called](#) for the chief justice's resignation. The NBA said it would call a nationwide protest if the chief justice does not resign. On 11 November, some members of the NBA were [reportedly](#) injured when police prevented them from staging a protest within the Supreme Court premises. In response to this incident, the NBA on 12 November staged a [sit-in](#) at the gate of the Supreme Court.

The current crisis comes amid increasing calls for judicial reform. In July, a committee established by the Supreme Court and led by Justice Hari Krishna Karki submitted a report identifying a number of problems in the judiciary. However, the Supreme Court is yet to make the full version of the report public, or to present a plan to carry out its recommendations.

"Without judicial integrity and independence, the role of the Supreme Court will be weakened significantly, making it unable to uphold its constitutional obligation to protect human rights and the rule of law," said Mandira Sharma, ICJ senior international legal adviser. "The allegations against the Chief Justice must be investigated and address through fair process consistent with the rule of law."

Under Article 101 of the constitution, if one quarter of the House of Representatives files a motion for impeachment, an 11-member impeachment recommendation committee of House members will investigate whether grounds exist for moving forward with the impeachment.

"An independent judiciary is the foundation of a rule of law-based system and respect for human rights," said Nirajan Thapaliya, director of Amnesty International Nepal. "As envisioned by the constitution, the parliament should ensure a robust, transparent, and effective investigation on the allegations faced by the chief justice to protect the integrity of the Supreme Court and to ensure public trust in the judiciary."

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