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NEPAL: APPEAL TO GOVERNMENT AND PARLIAMENT TO STRENGTHEN PROVISIONS  
IN A BILL TO ESTABLISH HUMAN RIGHTS COMMISSION

The Government of Nepal and all members of the House of Representatives should do all they can to strengthen provisions in a Bill to establish a Human Rights Commission, Amnesty International said today.

“While we welcome the initiative to establish a Commission, we are seriously concerned that the exclusion clause contained in the Bill could jeopardize the independence of the Commission and make its investigations subject to political influence,” Amnesty International said in a letter to the Prime Minister and Minister of Law and Justice today.

“In a climate where a substantial proportion of reported human rights violations take place in the context of political rivalries, it is paramount that investigations are taken out of the political domain and entrusted to a fully independent body with the powers to conduct thorough, prompt, independent and impartial investigations.”

Amnesty International is particularly concerned about a clause in the bill which excludes acts which fall in the jurisdiction of the Military Act from investigation by the Commission. It is also concerned that the clause in the current draft gives the Chief Secretary to the Government and the Attorney General powers to exclude certain widely-formulated issues from being investigated.

Amnesty International is also calling upon the government and parliamentarians to incorporate a provision in the Bill to guarantee pluralist representation of different social groups of civilian society in the Commission. Currently, the Bill only specifies that members of the Commission should be appointed from among certain professional backgrounds.

The organization also expressed concern about the narrow definition of “human rights” used in the Bill. It urges that the Commission would be given “as broad a mandate as possible” in line with United Nations (UN) Principles relating to the status of national institutions adopted by consensus by the UN Commission on Human Rights in March 1992.

In addition, Amnesty International urged that the Commission should be given full and effective powers to compel the attendance of witnesses and the production of documents and that its funding should be adequate.

Amnesty International appealed to the Prime Minister and Minister of Law and Justice that the establishment of the Commission go hand in hand with a thorough review of existing legal remedies available to victims of human rights violations. In this light, it urged that another Bill under consideration providing for compensation to victims of torture be amended to include a provision making torture a criminal offence.

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