

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

AI Index: ASA 31/004/2011
7 June 2011

Nepal: Amnesty International calls for effective investigation into conflict-era violations and the prompt establishment of the Truth and Reconciliation Commission and the Disappearances Commission

Human Rights Council adopts Universal Periodic Review outcome on Nepal

During the review, more than 10 states recommended that Nepal establish accountability for human rights violations and abuses committed during the conflict in the country, including through the establishment of the Truth and Reconciliation Commission and the Disappearance Commission, as stipulated in the 2006 Comprehensive Peace Agreement, and ensuring that there is no amnesty for grave human rights violations.¹ Amnesty International welcomes Nepal's support of these recommendations.

Impunity continues to prevail in Nepal for the widespread human rights violations and abuses that were committed by all sides to the conflict; to date, not a single case has been prosecuted in a civilian court. According to victims, the police are extremely reluctant or even refuse to file their complaints and investigations are almost non-existent. There are also reports of victims being intimidated by politicians or members of the police and army, to discourage them from seeking justice for the harm they have suffered.

Amnesty International is deeply concerned by recent comments by Deputy Prime Minister Mahara that the government intends to withdraw more than 300 conflict-era criminal cases currently before the courts, allegedly on the ground that these cases are "political" in nature. Cases similarly withdrawn in 2008 included murders, rapes and other serious crimes; their withdrawal was condemned by the National Human Rights Commission and the Supreme Court of Nepal has ruled that any decisions to withdraw must be subject to independent review by the courts. Among these cases is that of Arjun Lama, a resident of Kavre District allegedly abducted and killed by Maoists in 2005, and Maina Sunuwar, a 14 year old girl tortured to death by army personnel in 2004.

Six persons are under investigation by the police for their involvement in the killing of Arjun Lama, including Agni Sapkota, a member of the politburo of the Unified Communist Party of Nepal-Maoist (UCPN-M). His recent appointment as a Cabinet Minister, while under police investigation, goes against international norms stipulating that those potentially implicated in violations of human rights should be removed from any position of direct or indirect control over victims, witnesses or their families. Amnesty International is deeply concerned that his appointment reinforces the culture of impunity in Nepal.

¹ A/HRC/17/5, paragraphs 106.33-106.38

We urge Nepal to act swiftly on the recommendations made during the review to end impunity for human rights violations and abuses, and to ensure accountability for those committed during the conflict and access for victims to justice and reparations. We further urge Nepal to investigate and prosecute alleged perpetrators of violations or abuses of human rights or violations of humanitarian law in proceedings that meet international standards of fair trial. The Truth and Reconciliation Commission and the Disappearances Commission must be established promptly and operate independently and without granting amnesties for serious human rights violations.

Background

The UN Human Rights Council adopted the outcome of the Universal Periodic Review of Australia on 8 June 2011 its 17th session. Prior to the adoption of the report of the review Amnesty International delivered the oral statement above. Amnesty International also contributed to the information basis of the review through its submission on Nepal:

<http://www.amnesty.org/en/library/asset/ASA31/001/2010/en/05c5907c-6f13-48d2-9ee3-4838efd363ef/asa310012010en.pdf>

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