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COMMUNIQUE DE PRESSE – COMUNICADO DE PRENSA

Nepal – ICJ calls for amendments to Ordinance on Disappearances to Ensure Human Rights

Geneva, 9th March 2009

In a briefing paper released today at the Human Rights Council, the International Commission of Jurists (ICJ) urged the Government of Nepal to strengthen the Ordinance on Crime and Punishment of Disappearances to bring it in line with human rights standards, the directives of the Supreme Court of Nepal, and international best practices.

"The systematic practice of enforced disappearances in Nepal during the ten year conflict was among the worst anywhere in the world. This law is a crucial step in national healing based on principles of justice and accountability to prevent a return to the violence of the past," said Roger Normand, Director of the ICJ's Asia-Pacific Programme. *"The Government has taken a crucial step in addressing this issue but should not stop half way towards the goal of ensuring human rights protection for all the people of Nepal."*

The ICJ welcomes the Government's commitment to seriously address the problem of enforced disappearances. The Ordinance, promulgated by the President on 12 February 2009, criminalizes the act of enforced disappearance, establishes a commission to investigate past cases from 1996 to 2006, and provides for prosecution of perpetrators and reparations for victims. However, these positive steps could be undermined by the failure of certain provisions to meet international human rights standards.

The ICJ paper reviews international law and best practices on enforced disappearances and makes a number of recommendations to improve specific provisions of the Nepali law in key areas and to strengthen the independence and effectiveness of the Commission on Disappearances. *"These steps would put Nepal at the forefront of global efforts to deter human rights violations and end impunity through reliance on rule of law,"* said Roger Normand.

The ICJ urges the Government to table the Ordinance before the next session of the Constituent Assembly so that it may be amended and improved according to the democratic process.

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The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

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