



INTERNATIONAL COMMISSION OF JURISTS

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ICJ mission to Nepal urges human rights measures to ensure stability and long term peace

At the conclusion of a five-day mission to Nepal, the International Commission of Jurists (ICJ) today called on the parties in Nepal's emerging peace process to take human rights measures that will help to bring stability in the lead up to elections for a constituent assembly and ensure lasting peace comes to Nepal.

"After discussions with the Prime Minister, the Maoist leadership, the army chief, political party leaders and civil society, it became clear to us that in the immediate future ensuring respect for human rights will help to bring about the political stability that is so vital for the difficult days ahead", said Nicholas Howen, ICJ Secretary-General.

"A process should also be started now to discuss how to address deeper human rights issues such as ending impunity, ensuring justice and accountability for past human rights violations and removing systematic caste and gender discrimination. Resolving such issues is an essential part of ensuring Nepal is not wracked by such a devastating conflict again", he added.

The ICJ said that putting weapons beyond use ('arms management') and confining the army and Maoist forces are only two of the steps necessary to ensure that people are not fearful and are able fully to discuss and express their views. Such an environment is vital if elections to the constituent assembly are to be free and fair and reflect the will of the people.

Beyond arms management, the Maoists must end their intimidation of people, the Government should urgently order and assist the police to enforce law and order and the parties should commit themselves to a comprehensive Human Rights Agreement.

A significant presence of both international and Nepali monitors should also report on the behaviour of both sides and hold them to account. This will need a strengthened UN Office of the High Commissioner for Human Rights (OHCHR). It will also need a reinvigorated and unquestionably independent National Human Rights Commission (NHRC). In meetings the ICJ urged the Government to ensure that the NHRC is not politicised, as it would be if even informally political parties were allowed to nominate "their" Commissioners. The ICJ also emphasised the importance of maintaining an independent judiciary.

"The visible confidence-building measure of putting weapons under lock and key will need to be combined with these other steps to end continuing fear and violence and to create space for open political debate", commented Nicholas Howen.

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

33, rue des Bains, P.O. Box 216, 1211 Geneva 8, Switzerland
Tel: +41(0) 22 979 2900 Fax: +41(0) 22 979 2901 Website: <http://www.icj.org> E-mail: info@icj.org

“We were particularly concerned to hear reports of continuing Maoist abuses such as political killings, torture and recruitment of children and we urged the Maoist leadership to turn their repeated commitments to respect human rights into commands that are enforced”, said Nicholas Howen.

The ICJ welcomed the progress that has been made towards peace. However, it heard many concerns expressed about the lack of transparency of the political talks and the need to begin a process to address profound human rights and other issues through a dialogue between all Nepali people.

“Lasting peace will only come to Nepal if the parties bring the Nepali people into the process. We urge them to stimulate and encourage a transparent, nationwide reflection on the causes of this conflict and the reforms necessary to prevent future violent conflicts”, said Nicholas Howen.

The ICJ especially urged the parties to begin a discussion about how to address gross human rights violations committed by both sides during the 10-year conflict.

“From our experience of many conflicts, it is clear that addressing past human rights crimes is essential to prevent the same abuses happening again in the future and to help bring about reconciliation in villages torn apart by violence. Providing remedies for violations is also a legal obligation of the state” said Nicholas Howen.

Addressing the past will require that those who committed gross human rights violations are brought to account, that the truth of the past is revealed for victims, families and society and that victims and their families receive adequate reparations.

“International law sets out minimum standards on how to achieve justice, truth and reparations for past human rights crimes. But beyond these standards every country has found a slightly different way of dealing with the past. This is the time to begin a thorough, open and public debate in Nepal about what is the right approach for the Nepali people to address past violations and prevent the past disturbing the future,” said Nicholas Howen.

The ICJ said that even while such discussions take place, investigations and prosecutions of those responsible for serious human rights violations during the 10-year conflict can and should continue. The ICJ welcomed the assurance of the Attorney-General that he has requested the police to take proper action in the case of the disappearance and murder of Maina Sunuwar in Kavre in 2004. In a meeting with the Army Chief of Staff the ICJ welcomed amendments made to the Army Bill, recently adopted by the Parliament, although expressed concern about remaining loopholes and ambiguities. The Chief of Staff assured the ICJ that the army would abide by the law. He acknowledged what he said were mistakes of the army in the past. The ICJ urged the army to clarify that it would not seek to block any prosecution and trial of army personnel for alleged crimes that amounted to human rights violations, such as enforced disappearances, extrajudicial executions and torture.

For further information please contact:

In Nepal: 01 2210413 (Bimal Acharya) or 9851005108 (Reshma Thapa)

In Delhi: +41764382653 (Susan Appleyard)

In Geneva: +41229793811 (Marie-Laure Bazerolle)