

# INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

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## COMMUNIQUE DE PRESSE - COMUNICADO DE PRENSA

24 November 2008

IMMEDIATE

### **The ICJ urges human rights amendments to the Disappearances Bill**

Today, the International Commission of Jurists (ICJ) released a letter welcoming the Government of Nepal's initiative in drafting the Bill on Disappearances (Crime and Punishment) Act, 2065, but also urging the Constituent Assembly to adopt a series of amendments to ensure compliance with human rights obligations.

*"The systematic practice of enforced disappearances during Nepal's civil war was one of the darkest chapters in the nation's history,"* said Roger Normand, Director of the ICJ's Asia-Pacific Programme. *"It is enormously important that the Government is willing to address this heinous crime through the rule of law. But to be effective, the law must reflect the highest international standards of justice, and the political system must be prepared to enforce the law".*

The proposed Disappearances Bill would criminalize the act of enforced disappearance, establish a commission to investigate past cases from 1996-2006, and provide for prosecution of perpetrators and reparations for victims. However, these laudable steps could be undermined in practice by weaknesses in certain provisions.

In a landmark ruling on 1<sup>st</sup> June 2007, the Supreme Court of Nepal set forth specific measures required for Nepal to address enforced disappearances in light of international and domestic law. The ICJ's letter highlights nine areas in the proposed Bill that fall short of this standard, including the definition of enforced disappearances; the responsibilities of superior officers and subordinates; the appointment process and the need for effective implementation of the Commission's recommendations.

At this critical juncture in Nepal's political transition to a peaceful, democratic republic, the Constituent Assembly has the historic responsibility of ensuring that the Disappearances Bill fulfils the promise of ending impunity for gross human rights violations and strengthening respect for the rule of law. As the Supreme Court cautioned in its judgment, *"at a time when the nation is making a leap forward with great hope and confidence in the direction of democratization, if the present State does not become serious on matters relating to disappeared persons, the objective underlining the People's Movement will not be realized"*.

The ICJ therefore urges the Constituent Assembly and the Government of Nepal to seriously consider the amendments proposed in the attached letter.

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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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