

**United Nations Human Rights Council
22nd Regular Session, 25 February to 22 March 2013
Agenda Item 3**

ICJ Oral Statement in the General Debate under Item 3, promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

NEPAL: CONTINUING TO COMPROMISE JUSTICE AND PROMOTE IMPUNITY

7 March 2013

Check against delivery

Mr. President,

The International Commission of Jurists (ICJ) welcomes the High Commissioner's report on democracy and the rule of law and its identification of the challenges in the process of transition to democracy, including where the rule of law has been eroded following armed conflict. The ICJ is particularly concerned about the continued erosion of the rule of law in Nepal, including in recent months.

Rather than taking steps to address impunity, accountability and redress, the Government of Nepal has instead taken measures to promote impunity for those responsible for gross human rights violations in order to allow them to escape justice.

An Ordinance of August 2012 will establish a Commission on Disappeared Persons, Truth and Reconciliation, with its members to be appointed by political consensus. It will lack any mandate to recommend prosecutions for crimes committed and will be mandated to grant amnesties, including for gross human rights violations. This violates Nepal's duty to hold perpetrators accountable and to provide effective legal remedies and reparations to victims and their families.

In contravention of Supreme Court rulings and the UN Principles on combating impunity (the UN Updated Set of Principles for the Protection and Promotion of Human Rights Through Action to Combat Impunity), the Government of Nepal has failed to suspend public officials under investigation for crimes under international law, instead promoting them. The Government continues to directly interfere in investigations and prosecutions.

The ICJ therefore calls on this Council to urge the Government of Nepal to:

- Withdraw the Ordinance and conduct wider consultation for the establishment of any transitional justice Commissions and ensure that these mechanism are in accordance with international standards;
- Conduct prompt, independent and thorough investigations into alleged human rights violations;
- Establish and implement vetting guidelines concerning persons holding public office in Nepal; and
- Extend invitations to the Special Procedures, in particular the Special Rapporteur on truth, justice, reparation and guarantees of non-reoccurrence.

I thank you.

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