

**United Nations Human Rights Council  
24<sup>th</sup> Regular Session, 9 to 27 September 2013  
Agenda Item 6**

**ICJ Oral Statement in the General Debate on Item 6: Universal Periodic Review**

**LACK OF PROGRESS BY NEPAL ON UPR RECOMMENDATIONS ON ENDING IMPUNITY**

20 September 2013

*Check against delivery*

Mr President,

The failure of Nepal to take concrete action to implement recommendations made to it by the Council during its 2011 Universal Periodic Review (UPR) is now visibly destabilizing the country (see A/HRC/17/5, particularly recommendations 108.12, 108.15, 108.17, 108.19, 108.22 and 108.24). These include recommendations crucial to securing the rule of law (most recommendations on grave violations), establishing effective mechanisms for transitional justice (recommendation 108.24) and ending impunity (recommendations 108.12 et al).

In 2012, the Government adopted a UPR implementation plan. However, the document fails to establish timeframes or provide any means to measure progress. No concrete action has been taken under the plan.

All post-conflict governments of Nepal, as well as the Peace Agreement, have committed to establishing a transitional justice mechanism conforming to international standards, as recommended in the UPR (recommendations 108.24 and 108.17). Yet the 2013 Truth and Reconciliation Commission Ordinance allows for grants of amnesty in all cases, including gross violations of human rights such as torture, enforced disappearance and crimes against humanity. Indeed, such crimes under international law still are not recognised as distinct offences under Nepali criminal law.

Courts continue to instruct the authorities to carry out investigations into human rights violations (see recommendation 108.22). However, the military, the police and the Government, including all of the political parties involved, continue to refuse to cooperate. Victims and human rights defenders continue to face intimidation by these and other actors (recommendations 108.15, 108.16 and 108.28). The Army remains unreformed and wholly outside civilian control

The ICJ calls on Nepal to take urgent measures to begin making progress on the 2011 UPR recommendations, including by:

- Ensuring that the truth and reconciliation commission, and a separate disappearances commission to be established, conform fully with international standards including by precluding amnesty for gross human rights violations.
- Ensuring that human rights violations constituting crimes under international law are recognised as distinct criminal offences under Nepali law.
- Immediately committing to implement relevant Supreme Court rulings within a clearly stipulated time frame.

I thank you.

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