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Enact law on enforced disappearances: NHRC, OHCHR

Kathmandu - "There is an urgent and genuine need for accountability for serious human rights violations, including cases of enforced disappearance committed during the decade long conflict in Nepal," reads a joint press statement released by the National Human Rights Commission (NHRC) of Nepal and the United Nations Human Rights Office in Nepal.

The 30th of August is commemorated around the world as the International Day of the Disappeared. Thousands of people in Nepal were disappeared during the armed conflict. According to the latest statistics of the NHRC, the whereabouts of 835 persons are still not known.. Their family and friends are still waiting in hope to know what has happened to them.

The Comprehensive Peace Agreement (CPA), signed in November 2006, provides for the situation of the disappeared to be made public within 60 days. Since then, different governments have also expressed commitments time and again to clarify the fate of the disappeared. In addition, a Supreme Court decision, from 1 June 2007, orders the Government to enact a new law to criminalize enforced disappearance and to establish an independent high level Commission of Inquiry on Disappearances, in line with the International Convention for the Protection of all Persons from Enforced Disappearance.

Human rights violations and abuses during the conflict need to be investigated and action taken against the perpetrators to ensure justice. Additionally, transitional justice mechanisms must ensure the right to truth, relief, rehabilitation, compensation and reparation for victim's families.

Now, almost five years since the CPA, the NHRC and UN express their concern over the failure to carry out satisfactory initiatives towards making public the whereabouts of the disappeared and to implement the recommendations of the NHRC and OHCHR that legal action be taken against the perpetrators of disappearances.

This has created a terrible situation of impunity. On the occasion of the International Day of the Disappeared, the NHRC and UN wish to draw the attention of Government of Nepal:

- To immediately make public the status of persons disappeared during the armed conflict.
- To immediately declare the acts of enforced disappearance as a criminal offence and to formulate laws as per the international standards.
- To ratify the international convention regarding the protection of all individuals from enforced disappearance.
- To establish the independent commission to probe into the incidents of enforced disappearance.
- To ensure that persons alleged to have committed disappearances are suspended from office during investigation.
- To immediately implement the Supreme Court's order and recommendations of National Human Rights Commission.

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