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FOR HUMAN RIGHTS IN NEPAL



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OHCHR-Nepal marks International Day of the Disappeared

The International Day of the Disappeared, 30 August, was launched to draw attention to the fate of many thousands of individuals who disappeared after arrest or abduction, and to highlight the continuing anguish of relatives searching to find out what happened to their loved ones. In Nepal itself, hundreds of individuals disappeared during the decade-long conflict, including after secret detention and torture in army barracks. Others disappeared after being abducted by the CPN-M. Their families continue to seek clarification of their whereabouts and demand justice and redress.

OHCHR-Nepal has continually urged the Government of Nepal to establish a commission to investigate the whereabouts of the disappeared and to prosecute individuals from both parties to the conflict who are found responsible for those acts. A historic 1 June 2007 Supreme Court ruling ordered the Government to take a series of measures to resolve the question of disappearances, including establishing a commission of inquiry based on international human rights standards. This decision raised hopes that steps would finally be taken to meet the families' demands for truth, justice and reparations. However, three months later the Supreme Court ruling has yet to be implemented.

The Government recently announced that it was establishing a commission of inquiry, but civil society, relatives of the disappeared and others have expressed serious concerns about the credibility and independence of the commission. OHCHR-Nepal shares these concerns and urges that any commission should reflect international standards as to composition, terms of reference, procedures and funding. In particular:

- Members of the commission should be chosen for their competence, including expertise in human rights, and should include women and representatives of other historically marginalized groups. Members, investigators and other staff of the commission must also be independent and impartial.
- The terms of reference must be clearly defined so as to ensure the commission can investigate all persons alleged to have been responsible for human rights violations and abuses.
- The commission of inquiry must ensure the safety and security of victims and witnesses.
- In order to ensure effective and credible investigations, the commission of inquiry should be provided with adequate resources (financial, material and staffing).

- Hearings of the commission of inquiry should be conducted in public and its report widely disseminated.

The International Convention for the Protection of all Persons from Enforced Disappearances, which the Government of Nepal has yet to sign, notes “the extreme seriousness of enforced disappearance” and sets out the obligations of states to promptly and impartially investigate disappearances. OHCHR-Nepal reiterates its readiness to support efforts to clarify the fate of the disappeared, including the establishment of an independent commission of inquiry.

“The relatives of those who disappeared have a right to know the full truth about what happened to their loved ones and to seek justice and reparations. Fully implementing the 1 June Supreme Court ruling on disappearance cases and setting up an independent and credible commission of inquiry on disappearances are essential steps towards addressing these rights. These measures would also show that the eight-party Government is seriously tackling the issue of past disappearances and taking steps to prevent them from recurring in Nepal,” said OHCHR-Nepal Acting Representative Sandra Beidas.