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FOR HUMAN RIGHTS IN NEPAL



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Anniversary of Supreme Court decision a timely reminder of need to promptly establish Disappearances Commission

On 1 June 2007, the Supreme Court issued its judgment on enforced disappearances. Two years later, a majority of its provisions remain unimplemented. OHCHR-Nepal encourages the new Government to use this occasion to commit itself to fulfilling the promise of that judgment by implementing the Court's ruling, and in doing so addressing the rights of victims of disappearances to truth, justice and reparations.

In its landmark judgment, Nepal's Supreme Court directed the Government to take immediate measures to address the needs of victims and ensure accountability for conflict-related disappearances, including:

- establishing a commission of inquiry consistent with international standards;
- criminalising enforced disappearance;
- investigating and prosecuting persons responsible for disappearances; and
- providing adequate compensation and relief to victims and their families.

The former Government submitted the Disappearances (Crime and Punishment) Ordinance to the Legislature-Parliament, but it needed to be approved within 60 days, and has now lapsed. The Ordinance also required substantial revision to be consistent with international law.

OHCHR-Nepal, the National Human Rights Commission, and national and international civil society organisations have all raised concerns that any law criminalising disappearances and establishing the framework for a commission of inquiry be consistent with the requirements set out in the Supreme Court judgment. In the past, OHCHR has made recommendations to the Government for bringing the Ordinance in line with international standards, including increasing the penalty for disappearances, extending the limitations period, and amending the definition of disappearance to ensure consistency with internationally-accepted definitions. The Office also calls on the Government to ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

“The Supreme Court's landmark 2007 decision established the standard by which to judge initiatives to criminalise and prosecute the crime of disappearances and to provide truth, justice and reparations to the victims,” said OHCHR-Nepal Representative Richard Bennett. “By prioritising the passage of a disappearance law consistent with the Court's judgment, the new Government can clearly show its commitment to ending impunity and addressing the needs of victims of the conflict.”

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