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FOR HUMAN RIGHTS IN NEPAL**



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OHCHR-Nepal calls on interim government to establish a commission to investigate disappearances during the conflict

OHCHR-Nepal remains concerned about the continuing uncertainty regarding investigations into the allegations of torture and disappearances from the Bhairabnath Battalion barracks in 2003. Almost one year from the date that OHCHR presented its report on these cases to the Government, a full and independent inquiry has yet to be established. The report of the Nepalese Army special investigation has never been published, nor, despite repeated requests, did the Nepalese Army provide OHCHR-Nepal with a copy.

OHCHR-Nepal has noted the unprecedented investigations carried out by the Supreme Court Task Force into the arrest and forced disappearance of Rajendra Dhakal, Bipin Bhandari and Dil Bahadur Rai, and Chakra Bahadur Katuwal in 1999, 2002 and 2001 respectively. The Task Force presented its report to the Supreme Court on 8 April 2007. It concluded that there was a general practice of arbitrary arrest, torture, murder and systematic and widespread enforced disappearances as part of a state counterinsurgency programme during the conflict. It also concluded that members of the security forces were responsible for the arrests, and named individual security force members as responsible for the four disappearances, as well as in one case the death in custody. OHCHR-Nepal hopes that full and independent criminal investigations will be conducted in these and other disappearance cases, and lead to those responsible being held accountable, including those persons who had command responsibility.

In its report, the Task Force also recommended, inter-alia, that the Supreme Court issue a directive to the Government to set up a high level commission of inquiry into disappeared persons. The eight parties had agreed to the formation of a high level commission of inquiry to look into the disappeared in their agreement of 8 November 2006. In its Common Minimum Programme, the Interim Government gave a commitment to investigate the fate of those who disappeared during the conflict.

OHCHR-Nepal is calling on the Interim Government to fulfill this commitment by holding broad consultations with civil society and other stakeholders in order to establish a credible, competent, independent commission to look into those who disappeared after arrest by security forces or abduction by the Communist Party of Nepal (Maoist). Such a commission should have powers to order access to documents and subpoena individuals to appear before them. The outcome of the commission's work should be made public, but should not substitute for prosecutions.

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“Delays in setting up proper, independent inquiries to clarify the fate of all the disappeared is simply prolonging the agony of their families, who do not know the whereabouts of their loved ones or what happened to them, as well as denying them the right to truth and justice,” said Lena Sundh, Representative of the High Commissioner for Human Rights in Nepal.