



## UN: Transitional Justice Process must comply with International Law

Kathmandu, 13 September 2011 – In a joint statement released today the UN Resident and Humanitarian Coordinator and the Head of the UN Human Rights Office in Nepal (OHCHR-Nepal) welcomed the Government's recent commitment to establish the long awaited transitional justice mechanisms and to address abuses of the conflict era. The UN officials urged political parties to facilitate the passage of these bills and to refrain from calling for pardons and the withdrawal of any criminal cases which would be contrary to Nepal's commitments under international human rights law. Such actions send a contradictory message to the country about the real purpose of transitional justice and the need for accountability for past crimes.

"As Nepal moves forward in its peace process and strengthens its democratic institutions to build a strong and stable future, calls for amnesties or for case withdrawals involving serious crimes would be steps in the wrong direction," said Robert Piper, UN Resident and Humanitarian Coordinator in Nepal. "These would deny victims justice at a time when the rule of law should be the foundation of the transitional justice process and of the new Constitutional order that is being built."

As part of its "immediate relief programme" unveiled last week, the Government of Nepal has committed to speed up the adoption of the bills related to the Truth and Reconciliation Commission and the Commission of Inquiry on Disappearances, and to establish these two commissions immediately". This would initiate an historic step forward for human rights in Nepal. At the same time it is essential that these mechanisms are established in accordance with international standards and best practices, as reiterated by the National Human Rights Commission (NHRC), as well as local and international human rights organizations, which have condemned any political agreements to endorse impunity.

"It is vital that the laws establishing the transitional justice mechanisms are drafted to allow the Commissions to effectively respond to the rights of the victims to truth, justice and reparations," stated Jyoti Sanghera, Head of OHCHR-Nepal. "Furthermore, the laws must emphasize the impermissibility of any measures that could provide amnesty for the perpetrators of serious human rights violations and war crimes, including rape, enforced disappearances, torture and summary executions."

### **To read the June 2011 joint legal opinion by NHRC and OHCHR-Nepal, "Remedies and Rights Revoked: Case Withdrawals for Serious Crimes in Nepal," please see:**

- English: [http://nepal.ohchr.org/en/resources/publications/2011/2011\\_06\\_23\\_Case\\_Withdrawals\\_for\\_Serious\\_Crimes\\_in\\_Nepal\\_E.pdf](http://nepal.ohchr.org/en/resources/publications/2011/2011_06_23_Case_Withdrawals_for_Serious_Crimes_in_Nepal_E.pdf)
- Nepali: [http://nepal.ohchr.org/en/resources/publications/2011/2011\\_06\\_23\\_Case\\_Withdrawals\\_for\\_Serious\\_Crimes\\_in\\_Nepal\\_N.pdf](http://nepal.ohchr.org/en/resources/publications/2011/2011_06_23_Case_Withdrawals_for_Serious_Crimes_in_Nepal_N.pdf)

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