



INTERNATIONAL COMMISSION OF JURISTS

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COMMUNIQUE DE PRESSE - COMUNICADO DE PRENSA

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ICJ urges Nepal to ratify Convention against Enforced Disappearances

The International Commission of Jurists (ICJ) today urged the future Interim Government of Nepal to reaffirm its commitment to ending and preventing enforced disappearances by signing and ratifying the *International Convention for the Protection of All Persons from Enforced Disappearances* and passing enabling laws giving effect domestically to the provisions of the Convention. The Convention was adopted by the General Assembly of the United Nations on 20 December 2006.

Thousands of individuals reportedly disappeared during Nepal's ten-year conflict. The ICJ welcomes recent commitments by the Seven Party Alliance and the Communist Party of Nepal (Maoist), but urged the future Interim Government of Nepal to take urgent steps to prevent this heinous crime in the future, investigate allegations of past disappearances and, where evidence is available, bring to justice before ordinary criminal courts those responsible for the crime.

"Given the history of enforced disappearances in Nepal, the ratification of the disappearances Convention would be a historic step. It would send a clear political message that this heinous crime is not tolerated by this Government", said Nicholas Howen, ICJ Secretary-General.

Between May 2000 and 13 January 2007, the National Human Rights Commission (NHRC) of Nepal received 2028 cases of disappearance. The whereabouts of people involved in 645 of these cases remains unknown.

In its report in 2005, the United Nations Working Group on enforced or involuntary disappearances stated that Nepal was the source of the largest number of urgent action cases transmitted by the Working Group to one country in 2004. In May 2006, the United Nations Office of the High Commissioner for Human Rights in Nepal (OHCHR) reported that 49 individuals had disappeared at Maharajgunj Royal Nepal Army Barrack between 2003 and 2004. The report also documented arbitrary detention and torture. OHCHR has called on the Government to carry out an independent investigation of enforced disappearances and to prosecute the perpetrators.

The ICJ welcomes several commitments made by the seven political parties and the CPN (Maoist) Party in the recent Comprehensive Peace Agreement (CPA) to prepare and publicize, within 60 days, the details of disappeared persons or those killed in the conflict and inform the family members concerned, and urges the parties to fulfill their commitments. However, the failure to hold accountable even a single perpetrator, perpetuates the culture of impunity in Nepal and could lead to future gross human rights violations.

The ICJ also welcomes the provision in the Interim Constitution recognising past enforced disappearances and requesting relief be provided to the families of victims. The ICJ called for the implementation of this provision and the commitments set out in the CPA.

"Nepal is in transition. Ratification of the Convention is an opportunity for the future Interim Government to demonstrate its commitment to respecting human rights, especially the rights

The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

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of those who have been adversely affected by the ten-year conflict”, concluded Nicholas Howen.

Background

The *International Convention for the Protection of All Persons from Enforced Disappearance* is the result of immense and sustained worldwide efforts by associations of relatives of disappeared persons and non-governmental organizations, since 1981, when the first conference on a United Nations treaty on enforced disappearances took place and in which the ICJ participated.

The Convention states that enforced disappearance constitutes an international crime and establishes an absolute right not to be subjected to enforced disappearance. It sets out State obligations to prevent enforced disappearances, such as a prohibition on secret detentions; a requirement that people be detained only in officially recognized and supervised facilities that maintain records of all detainees; a requirement that the State ensure that all detainees are able to challenge in court the legality of their detention (*habeas corpus*) and the right to obtain information on detainees.

The Convention reaffirms the right to truth and reparation for victims and their relatives as well as the right to form associations and organizations to fight against enforced disappearances.

The Convention provides for the establishment of a Committee on enforced disappearances that, in addition to functions of monitoring and consideration of individual and inter-state complaints, has the power to undertake field inquiries and to alert the United Nations General Assembly of situations of widespread and systematic practices of enforced disappearance.

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