

Nepal: Pillay warns against new attempt to grant amnesties for serious human rights violations

GENEVA – UN High Commissioner for Human Rights Navi Pillay on Monday expressed grave concern at a bill presented to the Nepalese Parliament which could lead to amnesties for serious human rights violations.

Under the bill, which is aimed at creating a Truth and Reconciliation Commission and a Commission on Disappearances, these two bodies will be granted the powers to recommend amnesties, including for serious human rights violations, or to excuse perpetrators of such violations from prosecution.

“While I welcome steps taken by the Government of Nepal to take the Transitional Justice process forward, I am extremely concerned by its new attempt to introduce amnesties for serious human rights violations. Such amnesties not only violate core principles under international law but would also weaken the foundation for a genuine and lasting peace in Nepal,” Pillay said.

The amnesty provisions in the bill to be reviewed by the Nepalese Parliament this week replicate those in the Ordinance passed in March 2013, but struck down by the Supreme Court of Nepal on 2 January as unconstitutional and in violation of international standards.

According to international law, amnesties are not permitted for gross violations of human rights nor are other measures that block criminal investigation and prosecution for such violations or violate the right of victims to an effective remedy. In this regard, articles 25 and 26 of the Bill are inconsistent with international law and should be revised. Article 29, which may delay or prevent criminal investigation and prosecution, also needs to be reviewed.

“I call on the Government to respect international law and to fully implement the decision of the Supreme Court, which clearly stated that Commissions should not be used to prevent, replace or delay criminal investigations and prosecution for serious human rights violations,” Pillay said.

“The people of Nepal have the right to know the truth about what happened during the internal armed conflict which affected their country, through a genuine truth process. This process should be victim centred, depoliticised and should respect the right to a remedy and accountability through criminal prosecution,” said the High Commissioner.

During the second periodic review of Nepal three weeks ago, the Human Rights Committee, which monitors the implementation of the International Covenant on Civil and Political Rights, also expressed its concerns at the prevailing culture of impunity for gross violations

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of international human rights law during the 1996-2006 conflict. The Committee specifically highlighted the lack of investigations and prosecution of perpetrators, and the denial of effective remedies to victims.

At least 13,000 people were killed during the 1996-2006 conflict in Nepal, with a further 1,300 still missing. To date, not a single person has faced criminal prosecution for serious human rights violations committed during the conflict.

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For further information and media requests, please contact Cécile Pouilly (+41 22 917 9310 / cpouilly@ohchr.org) or Liz Throssell (+41 22 917 9434 / ethrossell@ohchr.org)

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