

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

AI Index: ASA 31/2510/2015

23 September 2015

NEPAL: STILL NO JUSTICE FOR VICTIMS OF CONFLICT-RELATED HUMAN RIGHTS ABUSES ONE YEAR ON FROM NANDA PRASAD ADHIKARI'S DEATH

One year on from the tragic death of Nanda Prasad Adhikari, who died following a hunger strike to protest against the lack of investigation into the killing of his son, there remains no justice for victims of conflict-era human rights abuses and their families in Nepal.

Adhikari from Gorkha district carried out a 333-day hunger strike until death, following several unsuccessful years seeking justice for the killing of his son, Krishna Prasad Adhikari, in 2004. His wife Ganga Maya Adhikari also undertook a hunger strike and remains in a fragile condition. Thousands of people in Nepal are in a similar situation to the Adhikari couple, with no recourse to justice for human rights abuses committed during Nepal's armed conflict that ended in 2006.

To date, the Nepalese authorities have failed to conduct prompt, thorough and effective investigations regarding crimes under international law committed during the conflict. No-one has been brought to justice in a civilian court. Furthermore, an Act passed by Nepal's Constituent Assembly in May 2014, establishing a Truth and Reconciliation Commission and a Commission on Investigation of Disappeared Persons, contained provisions that recommend amnesties for crimes under international law, risking further impunity for perpetrators. The Act ignored a January 2014 Supreme Court ruling that such amnesties contravene international law and the spirit of the 2007 Interim Constitution. On 26 February 2015, the Supreme Court struck down the law's amnesty provisions and ordered its amendment, but no action has been taken by the Constituent Assembly to amend the Act.

In the week that the new Constitution is promulgated, the death anniversary of Nanda Prasad Adhikari is an important reminder of the urgent need to address long-term issues of impunity.

The Government of Nepal must take urgent measures to ensure justice for conflict-era

human rights abuses, including the following:

- Investigate all allegations of crimes under international law, both past and present, and, where there is sufficient evidence, prosecute those suspected of committing the crimes before competent, independent and impartial civilian courts, in accordance with international standards;
- Ensure that victims can access effective remedies before the courts, including full and effective reparation;
- Bring the Commission on Investigation of Disappeared Persons, Truth and Reconciliation Act 2014 in line with international law, including by removing time limits that could inhibit the filing of complaints, ensuring witness protection, and removing provisions that could lead to amnesties being granted to persons suspected of committing crimes under international law;
- Promptly adhere to the International Convention for the Protection of All Persons from Enforced Disappearance, without making any reservation and recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or other states parties;
- Reform the vetting process and reassess current members of the Nepal Army, including those participating in UN peacekeeping missions, to ensure that they are not and have not in the past been implicated in serious human rights violations;
- Promptly accede to the Rome Statute of the International Criminal Court, to ensure that crimes under international law can never again be committed with impunity.