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## **Nepal: 15 Years On, Act on Peace Agreement Pledges**

*Justice Mechanisms Should Be Credible, Independent to Win Victims' Trust.*

(Geneva/New York/London, 20 November 2021) -- Nepal has made no progress on justice for crimes under international law in the 15 years since the signing of the Comprehensive Peace Agreement, Amnesty International, International Commission of Jurists, Human Rights Watch and TRIAL International said today. The 2006 agreement ended a decade of armed conflict in Nepal. To enable a credible transitional justice process, the Nepali government should put the needs of victims front and center and set out a clear timeline for holding meaningful consultations and upholding its legal obligations.

Successive Nepali governments have pledged to deliver truth, justice and reparations to victims, including by implementing a 2015 [Supreme Court ruling](#) to amend the transitional justice law to disallow amnesties for serious crimes. Nevertheless, they have repeatedly failed to do so. Instead, the two transitional justice commissions have become inactive, while successive governments have [used their theoretical existence as a pretext](#) to prevent cases from proceeding through the regular courts.

“Nepali authorities’ reluctance to meet their obligation to investigate and prosecute grave crimes has deepened the suffering of victims, undermined the rule of law, and increased the risk of future violations,” said Meenakshi Ganguly, South Asia director at Human Rights Watch. “As long as justice is denied in Nepal, those allegedly responsible for international crimes committed during the conflict remain vulnerable to prosecution abroad under the principle of universal jurisdiction.”

The [Comprehensive Peace Agreement](#) (CPA) signed on 21 November 2006, between the then government and former Maoist rebels contained a commitment “to investigate [the] truth about people seriously violating human rights and involved in crimes against humanity.” The government established a [Truth and Reconciliation Commission](#) and a [Commission of Investigation on Enforced Disappeared Persons](#) in 2015. The two commissions have received over 60,000 complaints but have not completed any investigations. Over [2,500 people](#) remain victims of likely enforced “disappearance,” their situation or whereabouts unknown.

“Nepal’s transitional justice commissions have achieved nothing in six years, and effectively function only to block progress on accountability,” said Mandira Sharma, senior international legal adviser at ICJ. “These commissions have long since lost the trust of victims.”

In 2015, the [Supreme Court](#) struck down parts of the 2014 Transitional Justice Act, which governs the two commissions, for failing to meet Nepali and international legal standards. The court ordered the government to amend the law, in particular to remove provisions providing amnesty for grave violations, but the ruling has been ignored. In May 2020, the government lost [an appeal](#) against the Supreme Court’s 2015 ruling.

The UN Office of the High Commissioner for Human Rights has issued [guidance](#) on Nepal's international legal obligations in relation to justice and accountability, which should set the standard for future action.

“Nepal’s transitional justice process needs to provide truth, justice and reparation to victims and their families, as well as accountability for perpetrators and guarantees of non-recurrence,” said Cristina Cariello, head of the Nepal program at TRIAL International. “Despite threats and intimidation, and seemingly endless delays, victims’ groups have been steadfast in demanding justice - to be credible this process must win their trust.”

Victims’ groups have repeatedly made their position clear, including in a joint letter on 31 September 2021, to UN Secretary-General António Guterres. They called for amending the Transitional Justice Act following wide consultations; a comprehensive roadmap with a timeline for consultations and amending the law; and for the “international community including the UN to provide technical assistance to ensure the impartiality and independence . . . of any new transitional justice bodies set up after the amendment of the Act.”

During Nepal’s recent [Universal Periodic Review](#) (UPR) of its human rights performance at the Human Rights Council in Geneva, numerous UN member states expressed concern over the delays and weaknesses in the transitional justice process and said that the government should ensure that an independent and rights respecting process is promptly made operational.

“Nepal’s international partners should press the government to fulfill its legal obligations and fulfill its commitments on justice and accountability, and stand ready to support a credible justice process,” said Nirajan Thapaliya, director of Amnesty International Nepal. “To be credible and successful, it is vital that any transitional justice process upholds victims’ rights to truth, justice and reparations and other human rights standards of Nepali and international law.”

## Contact

- Meenakshi Ganguly (English, Bengali, Hindi), +91 98200 36032, Email: [gangulm@hrw.org](mailto:gangulm@hrw.org)
- Mandira Sharma (English, Nepali), Tel: +977 9851048475, Email: [mandira.sharma@icj.org](mailto:mandira.sharma@icj.org)
- Christina Cariello (English, French, Italian), +41 22 519 04 99, [c.cariello@trialinternational.org](mailto:c.cariello@trialinternational.org)
- Nirajan Thapaliya (English, Nepali) +977 9851014452, [nirajan@amnestynepal.org](mailto:nirajan@amnestynepal.org)