

Universal Periodic Review of Nepal: adoption of outcome report

16 March 2016

Mr. President

As detailed in our written statement, the ICJ is concerned that the Government of Nepal has yet to implement many of the recommendations it accepted during the first UPR cycle, including several that reflect its international legal obligations regarding the new Constitution, investigation and prosecution of serious crimes, and establishment of credible transitional justice mechanisms.

The police continue to refuse to investigate conflict-era cases even when explicitly ordered by courts to do so. The transitional justice commissions do not enjoy the support of the victims and human right organizations, a year into their two-year mandate. Victims' rights to truth, justice and reparation are not being respected, protected and fulfilled.

More than 59 persons, including 10 police personnel, were killed during recent protests, but as yet we are not aware of any impartial and effective investigation of the killings.

Many serious crimes under international law, including torture and enforced disappearance, still are not recognised as crimes under the Nepali penal code.

The ICJ therefore calls upon the Government to reconsider its position, and to accept and implement the UPR recommendations arising from this cycle, relevant to:

- Strengthening the constitutional protection of human rights;
- Amending the Truth and Reconciliation Commission Act, 2014, in line with international standards and Supreme Court orders;
- Establishing a credible transitional justice process;
- Preventing, investigating, and responding effectively to any use of excessive force by security forces;
- Ensuring prompt, independent and impartial investigations and, prosecution in cases of unlawful killings, whether the perpetrators are security forces or protesters;
- Amending the Penal Code to explicitly incorporate serious crimes under international law; and
- Ratifying relevant treaties, and accepting requests for visits of the Working Group on Enforced Disappearances, and Special Rapporteur on the right to truth.

Thank you, Mr. President.

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