

Joint Press Statement

30 August 2021

Kathmandu, Nepal

While commemorating the International Day of the Victims of Enforced Disappearances (30 August 2021), the undersigned groups of victims, national and international organizations, call on the Government of Nepal to undertake immediate steps to address the core concerns of the families of the victims of enforced disappearances.

Today, on this occasion, we pay tribute to the unswerving strength and courage of family members of the disappeared persons. In their persistent quest for truth and justice, we, the undersigned, express our unwavering solidarity with the families.

Regardless of the Comprehensive Peace Agreement of 21 November 2006 signed between the government and the Communist Party of Nepal (CPN-Maoist), the following years have never been easy on the families and victims whose loved ones disappeared during the decade-long armed conflict. Moreover, the State's decision on 15 July 2021, to continue the dysfunctional transitional justice bodies, i.e. the Truth and Reconciliation Commission (TRC) and the Commission of Investigation on Enforced Disappeared Persons (CIEDP), is further victimizing the already victimized victims and family members. The latest extension of the terms of these Commissions has made victims and victim's families skeptical about the State's commitment to justice and effective redress. They suspect that this step is a deceiving ploy by the State to prevent victims' access to justice, delay the process, frustrate victims, and further entrench impunity.

We, the undersigned, have lost count of how many times we have drawn the attention of the concerned stakeholders to the decision of Nepal's Supreme Court (SC) on the Enforced Disappearance Enquiry, Truth and Reconciliation Commission Act 2014 as constitutionally unlawful and ordering the Government to amend the Act in line with international human rights standards making amnesty impermissible for those involved in enforced disappearances. Furthermore, on 27 April 2021, the full bench of the SC rejected a petition filed by the Nepal Government demanding a review of this 2014 order. Even then, the State is indifferent and reluctant to make concrete efforts to implement the judgment and advance the TJ process in a transparent and consultative process.

As the existing TJ mechanisms are already plagued with non-transparency and are incapable of offering justice to victims, we call on the Government to begin an investigation of past violations involving enforced disappearances under the National Penal Code 2017. More than three years have

elapsed since the Penal Code came into effect criminalizing enforced disappearance, making it punishable by a maximum of 15 years' imprisonment. It is not unknown that the victims' groups and civil society organizations have ceased engaging with the TJ Commissions a long time back given they have failed to clarify the fate of a single case of enforced disappearances, let alone hold those responsible to account.

The undersigned organizations, therefore, call upon the Government of Nepal:

- To ensure truth, justice, and effective remedy to victims and families of the disappeared;
- To start fresh consultations to amend the TRC Act in compliance with international human rights law and the SC's directives, including the scrapping of provisions allowing amnesty for perpetrators;
- To revise the Penal Code to bring it in line with international standards including the revision in the penalty for an enforced disappearance to make it proportionate to the gravity of the crime;
- To reconstitute the Commissions, and appoint a new set of commissioners under the revised the TRC Act that respects victims basic right to truth and justice;
- To investigate, prosecute and punish crimes of enforced disappearances under the new Penal Code;
- To ensure effective remedy to the victims and families of enforced disappearance;
- To ratify International Convention for the Protection of All Persons from Enforced Disappearances.

Endorsed by:

National Organizations			
1	Accountability Watch Committee (AWC)	2	Advocacy Forum-Nepal (AF)
3	Alliance for Social Dialogue (ASD)	4	Amnesty International Nepal
5	Blue Diamond Society-Nepal	6	Centre for Legal Studies (CLS)
7	Civil Rights Association Nepal (CIRAN)	8	Collective Campaign for Peace (COCAP)
9	Conflict Victim Women National Network (CVWNN)	10	Conflict Victims' Common Platform (CVCP)
11	Conflict Victims' National Alliance (CVNA)	12	Conflict Victims' Society for Justice (CVSJ)
13	Dalit Network Federation	14	Democratic Freedom and Human Rights Institute (DFHRI)
15	Dignity Media	16	Discharged People's Liberation Army Nepal

			(D-PLAN)
17	Forum for Protection of People's Rights Nepal	18	Forum for Restorative Justice
19	Forum for Women, Law and Development (FWLD)	20	Forum of Women Journalists and Communicators (Sancharika Samuha)
21	Ganesh Ujjan Memorial Foundation	22	Himalayan Human Rights Monitors- HimRights
23	Human Rights and Justice Centre (HRJC)	24	Human Rights for Justice
25	Human Rights Foundation (HURFON)	26	Human Rights Organizations Nepal (HURON)
27	Informal Sector Service Centre (INSEC)	28	International Institute for Human Rights, Environment and Development (INHURED International)
29	Jagaran Media Centre (JMC)	30	Justice and Rights Institute Nepal (JuRI- Nepal)
31	Law and Policy Forum for Social Justice (LAPSOJ)	32	Legal Aid and Consultancy Centre Nepal (LACC)
33	Maina Bal Bikash Samiti	34	Martyr's Disappeared Warrior Children Academy
35	Nagarik Aawaz (NA)	36	National Alliance of Women Human Right Defenders
37	National Network for Safe Migration- NNSN	38	National Network of Disabled Conflict Victims
39	National Network of Families of Disappeared (NEFAD)	40	Nepal Law and Policy Centre
41	Nepal Peacebuilding Initiative	42	Peace Envisioners
43	Public Defender Society of Nepal (PDSN)	44	Sankalpa
45	Tarangini Foundation	46	Terai Human Rights Defenders Alliance (THRD Alliance)
47	The Story Kitchen	48	Transcultural Psychosocial Organization Nepal (TPO)
49	Voices of Women Media (VOW Media)	50	Women for Human Rights (WHR)
51	Women's Rehabilitation Center (WOREC)		
International Organizations			
52	Asian Alliance Against Torture (A3T)	53	Asian Justice and Rights (AJAR)
54	Asian Human Rights Commission (AHRC)	55	International Coalition against Enforced Disappearances (ICAED)
56	International Federation for Human Rights (FIDH)	57	Transitional Justice Asia Network (TJAN)