



Accountability Watch Committee (AWC)

जवाफदेहिता निगरानी समिति

PRESS STATEMENT

June 5, 2020

Do Not Sideline the Transitional Justice Process under the Excuse of Covid-19

Proceed with the Act Amendment Process in a Credible Manner

15 years ago, on 6 June 2005, the then Maoists rebels had bombed a public bus in Badarmude of Chitwan district leaving 35 civilians and 3 security personnel dead and more than 70 civilians injured. Accountability Watch Committee (AWC) also recalls the brutal killing of 17-year-old Krishna Prasad Adhikary by the then Maoists rebels on 7 June 2004 at Bakulahar Chowk in Chitwan. The AWC strongly urges the Government of Nepal to address the demands of truth, justice and reparations being raised by conflict victims for years and to put an end to the deep-rooted culture of impunity, ensuring non-repetition of such crimes in the future.

It has been more than 5 years since the Supreme Court (SC) of Nepal issued a historical ruling on 26 February 2015, ordering the Government to amend *The Enforced Disappearance Enquiry, Truth and Reconciliation Commission Act, 2014*. More than a month has elapsed since 27 April 2020, when the full bench of the SC rejected a petition filed by Nepal Government demanding for review of this SC order. However, the Government has not taken any concrete steps to proceed with the amendment. AWC expresses its serious concern over the continued irresponsibility and insensitivity of the Government in advancing the transitional justice process.

It is well-known fact that conflict victims, the National Human Rights Commission (NHRC), rights-based civil society organisations of Nepal along with the United Nations (UN) and international human rights organizations have continuously rejected the legislation enacted by the parliament in recent times and the ordinance issued in the past with an intent to grant amnesty to those involved in serious crimes contrary to repeated SC orders as well as international standards. They have also been demanding a transparent and consultative process.

The AWC is firm in its conclusion that in this context where the SC on 27 April 2020 has already issued an order not to review its earlier decision, there is no legitimate alternative for the Government of Nepal but to take immediate steps towards upholding international standards of transitional justice and fulfilling its international human rights obligations towards ensuring justice to the victims.

Thus, AWC urges the Government of Nepal to proceed with the law amendment process in a transparent manner in line with the repeated SC rulings, recommendations of the Office of the UN High Commissioner for Human Rights, communications made at various times by UN Special Rapporteurs, suggestions provided by national and international rights-based organizations, the NHRC, conflict victims and human rights activists. Similarly, AWC also hereby clarifies that it stands by its earlier position that without amending the Act, it cannot cooperate with both Commissions formed with vested political interest, to address the stacked-up complaints of serious human rights violations. Thus, AWC puts forward its demand that the Government of Nepal must reappoint victim-friendly, impartial and responsible officials onto the Commission of Investigation of Enforced Disappeared Persons and Truth and Reconciliation Commission, in a reliable environment, only after amending the Act.

The AWC strongly urges the Government to advance the amendment process as early as possible in line with the SC rulings in a transparent manner in order to put an end to impunity, assuring justice and reparations to conflict victims who have been waiting desperately for justice for years, and to ensure non-repetition of such violations in the future.

Furthermore, AWC requests the Government to put conflict victims as a priority for relief distribution during the Covid-19 lockdown and not to commit any sort of discrimination against them.

From Accountability Watch Committee



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