

Joint Press Statement

For Immediate Release

26 June 2021

Kathmandu, Nepal

Nepal: Continued denial of justice for crimes relating to torture and ill-treatment – An independent mechanism needed to ensure prompt, thorough and effective investigations

On the occasion of the International Day in Support of Victims of Torture (26 June), victims' groups and associations and national and international human rights organizations call upon the Government of Nepal to immediately establish an independent mechanism to effectively investigate and prosecute all acts of torture and other cruel, inhuman or degrading treatment or punishment. International human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), to which Nepal is a party, oblige Nepal to investigate, prosecute, punish and provide effective remedies and reparations to victims of torture and other acts of ill-treatment. However, Nepal has failed to comply with these obligations.

Moreover, the impact of the ongoing COVID-19 pandemic on vulnerable groups, including detainees as well the victims of torture, has been enormous. Human rights organisations have documented increased cases of illegal detention because of the limited capacity of courts to scrutinize the legality of detention and lack of access for detainees to family members and lawyers. As a result of limited access to regular health care, the dire financial situation and rising uncertainty, the psychosocial health and well-being of victims of torture have further deteriorated.

The 1996 Torture Compensation Act (TCA), the first ever law relating to torture in Nepal, falls far short of international standards. Victims who resorted to this Act have not obtained justice due to its highly restrictive and flawed provisions. The criminalization of torture through the Penal Code, 2017 was a welcome step that raised some hopes for justice. However the fact that not a single case of torture has been successfully prosecuted under this Penal Code continues to cast doubt on Nepal's commitment to end torture and impunity in relation to torture. Prosecuting authorities often refuse to register First Information Reports (FIRs) on the allegations of torture or other ill-treatment against police officials in an attempt to protect their own colleagues.

As the past several decades have shown, the Nepal police refuse to self-police. Cognisant of the impunity for human rights violations committed by the security forces, the Supreme Court has recently ordered the Government to establish an independent mechanism to investigate and prosecute violations committed by the police. Thus, undersigned organisations call on the authorities to:

- Establish an independent mechanisms to ensure investigation and prosecution of all acts of torture;
- Ensure victims' right to an effective remedy;
- Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and
- Stop using Covid-19 as a justification to illegally detain, inflict torture or ill-treat people.

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	Democratic Freedom and Human Rights Institute (DFHRI)	14	Dignity Media
15	Discharged People's Liberation Army Nepal (D-PLAN)	16	Forum for Protection of People's Rights Nepal
17	Forum for Restorative Justice	18	Forum for Women, Law and Development (FWLD)
19	Forum of Women Journalists and Communicators (Sancharika Samuha)	20	Ganesh Ujjan Memorial Foundation
21	Human Rights and Justice Centre (HRJC)	22	Human Rights for Justice
23	Human Rights Foundation (HURFON)	24	Human Rights Organizations Nepal (HURON)
25	Informal Sector Service Centre (INSEC)	26	International Institute for Human Rights, Environment and Development (INHURED International)

27	Jagaran Media Centre (JMC)	28	Justice and Rights Institute Nepal (JuRI-Nepal)
29	Law and Policy Forum for Social Justice (LAPSOJ)	30	Legal Aid and Consultancy Centre Nepal (LACC)
31	Maina Bal Bikash Samiti	32	Martyr's Disappeared Warrior Children Academy
33	Nagarik Aawaz (NA)	34	National Alliance of Women Human Right Defenders
35	National Network of Disabled Conflict Victims	36	National Network of Families of Disappeared (NEFAD)
37	Nepal Law and Policy Centre	38	Nepal Peacebuilding Initiative
39	Peace Envisioners	40	Public Defender Society of Nepal (PDSN)
41	Sankalpa	42	Tarangini Foundation
43	Terai Human Rights Defenders Alliance (THRD Alliance)	44	The Story Kitchen
45	Transcultural Psychosocial Organization Nepal (TPO)	46	Voices of Women Media (VOW Media)
47	Women for Human Rights (WHR)	48	Women's Rehabilitation Center (WOREC)
International Organizations			
50	Asian Alliance Against Torture (AT)	51	Asian Justice and Rights (AJAR)
52	Asian Human Rights Commission (AHRC)	53	International Commission of Jurists (ICJ)
54	International Federation for Human Rights (FIDH)	55	TRIAL International
56	Transitional Justice Asia Network (TJAN)		