



For Immediate Release

Nepal: Cancel Pact for Wartime Amnesty *Withdrawing Criminal Cases Would Violate International Obligations*

(Kathmandu, September 2, 2011) – Prime Minister Baburam Bhattarai of Nepal and his government should honor commitments, both by the government and by the Maoist party, to ensure that perpetrators of human rights abuses during and after the country's armed conflict are held accountable before courts of law, Advocacy Forum, Amnesty International, Human Rights Watch, and the International Commission of Jurists said today in an open letter.

The letter was issued in reaction to the four-point agreement between the Unified Communist Party of Nepal-Maoist, which now leads the government, and the United Democratic Madhesi Front, which represents a constituency from the southern plains. The agreement calls for the withdrawal of criminal cases committed during the country's armed conflict.

"The proposal to withdraw criminal cases and grant amnesty to people accused of human rights abuses would deny victims of these crimes their fundamental rights, including the right to an effective remedy," said Mandira Sharma, director of Advocacy Forum. "This agreement would threaten the principles of constitutional supremacy, judicial independence, and the rule of law."

The letter reminds the government that the proposed withdrawal of criminal cases and grants of amnesty are prohibited under international law and standards, as set out in Article 24 of the UN Updated Set of Principles for the Promotion and Protection of Human Rights through Action to Combat Impunity and the International Covenant on Civil and Political Rights, as affirmed by the UN Human Rights Committee.

Such withdrawals would also conflict with recent Supreme Court jurisprudence in Nepal in cases such as *Rajendra Dhakal v. Ministry of Home Affairs*, *Kajee Karke v. Kavre District Court*, and *Devi Sunuwar v. Kavre District Police Office*.

"We understand the need to forge consensus among the political parties to bring the peace process and constitution writing process to a satisfactory conclusion," said Sam Zarifi, Asia director at Amnesty International. "However, this should not be done at the expense of justice and safeguarding the rights of Nepal's people."

The four organizations called upon the prime minister to issue a clear and unambiguous statement that the Nepali Government will not seek to end investigations prematurely, withdraw charges or issue amnesties in cases involving serious human rights violations. They also called upon the government to put in place an independent legal and institutional framework to ensure that the criminal justice system and transitional justice institutions such as the promised truth and reconciliation commission can work effectively to end impunity.

“To be consistent with Nepal’s international obligations, any withdrawals or other actions affecting the rights of victims must be made as part of an independent and impartial process conducted in accordance with the rules set down by the Supreme Court,” said Brad Adams, Asia director at Human Rights Watch. Under no circumstances should they affect cases involving crimes that could amount to violations of international law such as war crimes, crimes against humanity, enforced disappearances, torture and ill-treatment.”

To read the September 2008 Human Rights Watch and Advocacy Forum report “Waiting for Justice,” please visit:

<http://www.hrw.org/reports/2008/09/11/waiting-justice-0>

To read the October 2009 Human Rights Watch and Advocacy Forum report “Still Waiting for Justice,” please visit:

<http://www.hrw.org/reports/2009/10/15/still-waiting-justice-0>

To read the December 2010 Human Rights Watch and Advocacy Forum report “Indifference to Duty,” please visit:

<http://www.hrw.org/reports/2010/12/14/indifference-duty-0>

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