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Nepal: Draft Truth and Reconciliation Bill risks undermining justice

Victims of Nepal's decade-long conflict may be denied their right to truth, justice and reparation under current proposals for a Truth and Reconciliation Commission, warned Amnesty International today.

In its detailed memorandum on a draft Bill currently under consideration, Amnesty International is particularly critical of provisions that appear to allow the granting of amnesties to perpetrators of crimes under international law, including hundreds of cases of enforced disappearance.

"Without bringing to justice the perpetrators of gross human rights abuses, there is a real danger of Nepal's recent tragic history repeating itself. Anything less would be a gross betrayal of the hundreds of families still anxiously awaiting news of their missing relatives and a recipe for further civilian suffering," said Tim Parritt, Deputy Director of Amnesty International's Asia programme.

The memorandum also highlights a number of other serious deficiencies in the draft Bill, including:

- Absence of any detailed provisions for the protection of witnesses, despite the concerns of many families and other potential witnesses that they could face intimidation if they give evidence;
- Lack of provisions to guarantee the independence of the proposed Commission whose members are to be appointed by the government from political party nominations with no independent vetting of candidates and no involvement of civil society;
- Failure to specify that the Commission's reports must be made public and be presented to Nepal's Parliament within a set period.

Amnesty International has issued today's memorandum as a constructive contribution to continuing discussions on the Bill by government officials, parliamentarians, human rights NGOs and other interested parties in Nepal, as well as the international community.

The organization fears that the present draft Bill may not realize the objectives of its own Preamble, which includes as an aim of the Commission "to bring impunity to an end by bringing the persons involved in gross violation[s] of human rights and crimes against humanity... within the confinements of law and also to make all aware that such acts would be punishable in future too".

Amnesty International urges the Government and Parliament of Nepal to allow sufficient time before the establishment of the Truth and Reconciliation Commission in order to complete a comprehensive process of consultation with all those concerned, including civil society organizations, both Nepalese and international, victims, human rights defenders, persons belonging to minorities and vulnerable groups, and others.

For a full copy of the memorandum *Nepal: Reconciliation does not mean impunity*, please see: <http://web.amnesty.org/library/Index/ENGASA310062007?open&of=ENG-NPL>

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