

Remedies and rights revoked: impunity through case withdrawals

23 June, 2011

Kathmandu – The National Human Rights Commission (NHRC) and the United Nations Human Rights Office in Nepal (OHCHR-Nepal) today released a Legal Opinion paper entitled “Remedies and Rights Revoked: Case Withdrawals for Serious Crimes in Nepal”.

Drawing on Nepal’s binding national and international legal obligations, the joint paper outlines the Government’s responsibility to investigate and prosecute human rights violations that constitute serious crimes under national and international law as well as to provide effective remedies for those found to have suffered abuse. However, instead many of these cases have been withdrawn by the Government on the basis of political decisions and calculations.

“The withdrawal of cases involving serious violations of human rights or humanitarian law not only violates the Government’s legal commitments, to ensure criminal accountability, but also undermines its repeated political promises to hold those responsible for major crimes to account and put an end to impunity for past and ongoing violations,” said Jyoti Sanghera, Head of OHCHR-Nepal. “In this regard, our office notes as a positive development Prime Minister Jhala Nath Khanal’s statement highlighted in the media today that the government cannot withdraw these cases without following a due process”.

The joint paper assesses recent legal-reform initiatives and offers recommendations to ensure the compliance of current and future legislative and constitutional proposals with Nepal’s international legal obligations. In finalising its new Constitution – as well as the draft bills on the Truth and Reconciliation Commission and the Criminal Procedure Code – Nepal has the opportunity to bring the national legal framework into line with international standards and best practices.

“These withdrawals have served to shield politically connected individuals from criminal accountability in relation to hundreds of serious crimes”, stated Gauri Pradhan, Commissioner and Spokesperson of NHRC. “The investigation and prosecution of these cases are essential to building a justice system based on accountability and the rule of law, critical foundations for a lasting peace in the country, and to help ensure that similar abuses do not happen again.”

To download the Legal Opinion paper by NHRC and OHCHR-Nepal, “Remedies and Rights Revoked: Case Withdrawals for Serious Crimes in Nepal”, please visit: www.nhrcnepal.org or <http://nepal.ohchr.org>.

A Nepali translated version of this joint paper will also soon be available on the websites.

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