

कसैलाई पनि यातना दिइनेछैन साथै क्रूर, अमानवीय वा अपमानजनक व्यवहार वा सजाय गरिनेछैन

- संयुक्त राष्ट्रसंघ मानव अधिकारको विश्वव्यापी घोषणा - १९४८



यातनापीडित सरोकार केन्द्र (सिभिक्ट), नेपाल Centre for Victims of Torture (CVICT), Nepal

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STATEMENT ON THE OCCASION OF

UN INTERNATIONAL DAY IN SUPPORT OF VICTIMS OF TORTURE

26TH JUNE 2014

"Fighting Impunity"

On 12 December 1997, the UN General Assembly proclaimed 26 June the United Nations International Day in Support of Victims of Torture with a view to the total eradication of torture. This year marks 27 years since the UN Convention against Torture came into effect. Importantly too, this year marks 23 years since Nepal signed the Convention against Torture but has failed to make its provisions applicable in domestic law. Nepal remains today, one of many states where torture is not fully criminalized by law, a national climate of impunity prevails and where victims of torture are not entitled to redress, including rehabilitation and reparation.

Ministry of peace and reconstruction record shows that at least 4,305 people, including civilians and combatants, emerged from Nepal's conflict disabled, due in large part to the use of torture, severe beatings, and other cruel and inhuman treatment. The parliament of Nepal has recently passed the bill on Truth and Reconciliation Commission (TRC) with some provisions for amnesty that violate international law. Amnesty for gross human rights violations including torture, such as those enumerated in the bill, is prohibited by international law. This deliberately undermines the Nepal judiciary, and raises serious concerns over the government's respect for the rule of law in Nepal. The Supreme Court ruled that any mechanism for transitional justice must conform to international standards, lead to accountability for serious human rights violations, and ensure victims their right to remedy and reparation, which includes the right to truth, justice, and guarantees of non-repetition.

Centre for Victims of Torture Nepal (CVICT), since 1990, has been advocating for the rights of torture survivors, providing tireless holistic support for their rehabilitation and observing this day every year, jointly with various partners, individuals, government agencies including law enforcement officers and other stakeholders such as women and youth groups, in the trust and hope that the eradication of torture in Nepal would become a reality. Since its inception, CVICT has supported over 43,000 torture survivors, of which some of them still continued to get rehabilitation and treatment support.



Lets create violence free society

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In line with the Supreme Court's ruling, on the occasion of International Day in Support of Victims of Torture reiterate its calls to the Nepal government to:

- Establish a "Truth and Reconciliation Commission" and a "Commission of Inquiry on Enforced Disappeared Persons" immediately.
- Ensure that other serious crimes are made criminal under domestic law, including crimes under international law such as crimes against humanity, in a manner that is consistent with international law;
- Prohibit amnesty for gross human rights violations or crimes under international law;
- Ensure there are no time limits on the prosecution of serious crimes, including all crimes under international law such as enforced disappearance, torture, war crimes, and crimes against humanity;
- Ensure that the composition and structure of the commissions comply with international standards. In particular, there should be a fair vetting system that aims to ensure the impartiality of the commission members;
- Require that necessary legal and institutional measures be taken to enable and ensure the establishment, adequate resourcing, and maintenance of effective victim and witness protection mechanisms; and
- Establish and require other necessary legal, administrative, institutional, or other arrangements for an effective reparation program.



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