

Final report of campaign on  
ICC WEEK: Demanding accession to the ICC Treaty in Nepal



July 15, 2007

2064 Asar 31

Kathmandu Nepal



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## **Final report of campaign on ICC WEEK: Demanding accession to the ICC Treaty in Nepal**

### **Executive Summary**

The ICC WEEK in Nepal called on the government, political parties and the parliamentarians immediately proceed ahead for the accession to the Rome Statute of the International Criminal Court and end impunity. The Week formally concluded in Kathmandu on 7 July. With human rights groups, political parties and government officials signaling a commitment to embrace the principles of the ICC, attention will now redouble on what the Prime Minister and the Council of Ministers decide.

ICC Week drew attention for an early move for the ICC covering a wider spectrum of the stakeholders in sensitizing for the need of an international option for justice to Nepal. Organizers comprising the National Coalition for the International Criminal Court (NCICC), Informal Sector Service Centre (INSEC), Human Rights and Democratic Forum (FOHRID), Collective Campaign for Peace (COCAP) and more than 50 human rights organizations and defenders of Nepal, used the event to exert pressure on the government to accede to the Rome Statute of the International Criminal Court.

The WEEK provided a common forum for all the important stakeholders to have attention on the need of ICC to be joined by Nepal. A wider sensitization has resulted in a common commitment of ministers, political party leaders and parliamentarians and the members of bureaucracy towards an accession. This commitment has to be translated into reality by making a big step forward for the victims having global access to justice through the ICC.

### **1. Introduction of program**

On the occasion of the fifth anniversary of the establishment of the International Criminal Court (ICC), human rights organizations in Nepal launched a one-week long campaign to urge the government of Nepal for an immediate accession to the ICC Treaty. This campaign was launched from 1 July to 7 July 2007. This weeklong program included number of activities from demonstrations, lobbying the lawmakers, sticker distribution, discussions and interaction programs, signature campaign to sensitizing the public through a street play.

A ICC Week Programme Steering Committee was formed to run this campaign. The Committee held several rounds of meetings to prepare list of activities under the campaign. (See Annex 1 for Decisions and programme schedule of the ICC Week Programme Steering Committee.)

Advocate Govinda Bandi, Convenor of ICC Week Steering Committee declared formally on 8 June 2007 the programmes determined for holding the ICC Week. The declaration was made during a programme entitled "Public Meeting and mass demonstration for accession of Rome Statute 1998 of ICC and Optional Protocol of CAT" held by FOHRID in Kathmandu. (See Annex 2 for Brief report of the ICC Week and Public Meeting and Demonstration held on 8 June.)

More than 50 human rights organizations and defenders, including FOHRID Human Rights and Democratic Forum, Informal Sector Service Centre (INSEC), National Coalition for the ICC (NCICC) and COCAP are actively involved in the programs. (See Annex 3 for List of organizers of the ICC Week programme).

FOHRID was designated Secretariat for the overall activities of the ICC Week. As Secretariat, FOHRID shouldered the responsibility of correspondence, taking appointment with political leaders for lobbying etc. INSEC and COCAP also shared their hands in these responsibilities. They performed the overall coordination and management of the activities fallen in their part.

## **2. Background**

On 25 July 2006, Nepal's House of Representatives issued a unanimous commitment resolution directing the government to accede to the Rome Statute. In August 2006, the Prime Minister, Deputy Prime Minister and Minister for Foreign Affairs, Speaker of the House of Representatives and senior leaders of major political parties affirmed their full commitment to the Court while responding to the visiting Asian delegates.

In October 2006, the government formed an inter-ministerial Task Force to assess the impact on Nepal after becoming a party to the Rome Statute. The Task Force submitted its report to the government in December 2006. While receiving the report, the then Deputy Prime Minister and Minister for Foreign Affairs assured that the government will soon begin the process required to join the ICC.

The government of Nepal in its Common Minimum Programme of April 2007 as well as in the Comprehensive Peace Accord signed between the Government and Communist Party of Nepal (Maoist) in November 2006, affirmed its commitment to end impunity and establish the rule of law. Nepal's Interim Constitution, 2007 has expressed its full commitment to democratic norms and values including human rights, freedom of the press, independence of the judiciary and the rule of law. Earlier, the government of Nepal had formed Inter-ministerial Task Forces in 1999 and 2002 to study the ICC treaty and its impacts in Nepal while ratifying it. However, functioning of those Task Forces and their reports were not shared with the civil society.

As of July 2007, 105 states have become party to the ICC Treaty. Reaching such an accomplishment in nine years is a testament to the will of the international community to ensure that it will not stand by and let the fabric of humanity be torn asunder by those who commit genocide, crimes against humanity and war crimes.

## **3. Objectives**

1. To build a public interest campaign against torture and impunity for the improvement of the state of rule of law, democracy and human rights culture.
2. To initiate public advocacy on the need of improving Nepalese criminal justice system to check torture and impunity.
3. To sensitize target groups on the importance of Rome Statute 1998 and Optional Protocol 2002 of CAT and to create pressure on government for immediate accession to these instruments.

## **4. Activities: Execution summary of the ICC Week programmes (1 to 7 July 2007)**

### **4. 1. ICC WEEK Day One:**

#### **Fifth anniversary of ICC marked with various programmes Inauguration of the ICC WEEK**

The ICC WEEK was inaugurated organizing a demonstration programme at Maitighar Mandala, Kathmandu in the morning of 1 July 2007. Holding banners demanding accession to the ICC Treaty, human rights defenders gathered at the Mandala and drew attention of the concerned stakeholders on the ICC. The ICC drama troupe staged a play carrying a message on the significance of ICC accession and its role in bringing rule of law and accountability in the country.

#### **Delegation to the Prime Minister and submission of request letter on ICC**

After the demonstration, representatives of human rights community submitted a Request Letter to Prime Minister Girija Prasad Koirala at his residence at Baluwatar, Kathmandu. (See Annex 4 for copies of the Request Letters submitted to Prime Minister and Foreign Minister). The letter urges implementation of the unanimous motion adopted by the House of Representatives directing the government immediately accede to the ICC Treaty. The delegation was represented by Kapil Shrestha, Former Member of the National Human Rights Commission, Subodh Raj Pyakurel, Chairperson of Informal Sector Service Centre (INSEC)/Coordinator of the National Coalition for the

ICC (NCICC) in Nepal and Nutan Thapaliya, Chairperson of Human Rights and Democratic Forum (FOHRID) and Gyanu Gautam Luintel representative from Collective Campaign for Peace (COCAP)

### **Interaction on ICC and Its Relevance in Nepal**

On 1 July, an interaction programme on 'International Criminal Court and Its Relevance in Nepal' was held jointly in Kathmandu by the Human Rights Treaty Monitoring Coordination Committee (HRTMCC) and the National Coalition for the International Criminal Court (NCICC) and coordinated by the Informal Sector Service Centre (INSEC). The programme was organized to exert pressure on the government to accede to the ICC Treaty for the end of impunity in Nepal and create a forum for discussion and sensitize various stakeholders towards the Treaty while marking the 5th anniversary of establishment of the Court.



Sushil Pyakurel, Former Member of the National Human Rights Commission, Dr. Trilochan Upreti, Joint Secretary at the Office of the Prime Minister and Council of Ministers (OPMCM), Advocate Ek Raj Bhandari, Leader of the Communist Party of Nepal (Maoist), Subodh Raj Pyakurel, Chairperson of INSEC and Advocate Hari Phuyal expressed their views on the ICC, its relevance in Nepal, national and international campaign for the ICC and issues of concern at the national level. Shedding light on the activities of the NCICC, INSEC Chairperson Subodh Raj Pyakurel stressed on the need to end impunity in Nepal. He further urged support from all to pressurize the government for the Statute's accession.

Former NHRC commissioner Shushil Pyakurel expressed a need to continue the efforts like this week-long campaign to make the people aware about it and to press government for its accession. He criticised the government for failing to proceed towards ICC accession even after a year of unanimous motion by the legislature parliament.

Dr. Trilochan Upreti, Joint Secretary and Chief of Law Division and Human Rights Division at the OPMCM addressed the programme and highlighted the major aspects such as domestication and revision of law and institution that the government has obligation after acceding to the ICC Treaty. He also stressed on a need of trainings for law enforcement agencies in the country to ensure that human rights principles are followed at all levels.

Representative of CPN (Maoist) and advocate Ekraj Bhandari among others expressed his opinions on the Rome Statute and emphasized on discussions on the issue of ICC in the country. "Ending impunity is a prime concern at this moment," he expressed concern over the state of impunity and in particular the past cases of disappearances.

Advocate Hari Phunyaal briefed about key features of the court and emphasized on the need to accede to the Treaty by the Government of Nepal.

Earlier, INSEC general secretary Kundan Aryal explained the objectives of the interaction. There he informed about the week-long campaign for the ICC accession and release of Nepali translation of the Statute.

Participants of the programme included members of Interim Legislature-Parliament, journalists, human rights activists, academics, lawyers, representatives of the Ministry of Foreign Affairs and the Ministry of Law, Justice and Parliamentary Affairs, Human Rights Cell of Nepal Army, and the National Human Rights Commission.

### **Release of Nepali version of the Rome Statute**

At the interaction programme organized by the HRTMCC and NCICC, Sushil Pyakurel, Former Member of the National Human Rights Commission (NHRC), Nepal released the Nepali translation of the full text of the Rome Statute. The unofficial translation was prepared by INSEC and published

by Bhrikuti Academic Publications, Kathmandu. The book includes a foreword by William R. Pace, of Coalition for the International Criminal Court (CICC)

### **Membership open**

During the interaction, NCICC announced for its wider membership for more effective campaigning for the ICC in Nepal. The membership of the NCICC is open for both organizations and individuals involved in campaigning for or interested on working for the ICC in Nepal. The NCICC is a loose network formed in November 2001 as an outcome of the two-day national consultation programme on the ICC in Nepal. The network comprises human rights NGOs, lawyers, academicians, media professionals and individuals. The coalition has been coordinated by INSEC.

### **Street Drama**

As part of the ICC WEEK, volunteers of the Collective Campaign for Peace (COCAP) performed a street play, entitled "Jivan Samaya" wholly scripted and choreographed by volunteers of COCAP to sensitize public about ICC and also to create pressure to the government to accede to the Rome Statute of the International Criminal Court' before the closing of the interaction programme.



### **T-shirt Printing and stickers distribution for the campaign**

The organizers of the ICC WEEK printed T-shirts and stickers with a slogan "Accede to the ICC Treaty" in Nepali version .. The resources needed for printing of T-shirts and stickers were contributed by NCICC/INSEC, FOHRID and COCAP.

### **Distribution of stickers and leaflets**

The organizers distributed the stickers and leaflet demanding an immediate accession to the ICC Treaty by the Government of Nepal. Sticker and leaflets distribution were implemented widely throughout the ICC week. The leaflet was prepared and published in Nepali language by FOHRID. (See Annex 5 for unofficial translation of the leaflet).

### **Signature Campaign**

The Collective Campaign for peace (COCAP) has started a signature campaign to collect a very large number of signatures of citizens to pressurize the government in signing the Rome Statute. The signatures were collected throughout the week. The signature campaign has been taken outside the valley by the volunteers of COCAP who are touring many places across the country.

## **4.2 ICC WEEK Day Two:**

### **Political leaders affirm commitments for the ICC**

Leaders of major political parties have expressed their commitments for the accession to the ICC Treaty by the Government of Nepal while receiving a request letter made by human rights community on the second day of the ICC WEEK. A delegation of human rights organizations, including the NCICC/INSEC, FOHRID met up with Hon. Ram Chandra Paudel, General Secretary of Nepali Congress and Minister for Peace and Reconstruction, Mr. Madhav Kumar Nepal, General Secretary of Communist Party of Nepal (Unified Marxist-Leninist), and Mr. Gopal Man Shrestha, Acting President and Mr. Bimalendra Nidhi, General Secretary of Nepali Congress (Democratic) on 2 July and handed over request letters to put pressure upon government to accede to the ICC Treaty.

During the meeting at the party headquarters in Kathmandu, Mr. Nepal expressed his support to the ICC and stressed that the Government has to move forward for accession as directed by the House of Representatives last year. He assured the delegation that he would be raising his concerns over non-implementation of parliamentary motion for the accession to the ICC Treaty in the interim legislature-parliament while making comments on policy and programmes of the Government soon. Hon. Minister Paudel expressed his views that the accession to the ICC Treaty is a matter which the HoR had directed for last year. Government cannot overlook this direction, Minister Paudel said, "It

is a moral as well as political commitment of all the political parties." The delegation had a meeting with Hon. Minister Paudel at his office, Ministry of Peace and Reconstruction, Singha Durbar, Kathmandu.

Receiving the letter at the party central office at Baluwatar, Kathmandu, Mr. Nidhi assured that his party – Nepali Congress (Democratic) will seriously take up initiation to proceed forward for joining the ICC and raise concerns at meetings of the Eight Political Parties and the parliament. He also assured that the Ministers, representing his party in the Government, will be discussed to raise this issue in the Council of Ministers.



Members of the delegation of human rights community included Mr. Sushil Pyakurel and Mr. Kapil Shrestha, Former Members of the National Human Rights Commission (NHRC), Mr. Subodh Raj Pyakurel, Chairperson of Informal Sector Service Centre (INSEC)/Coordinator of the National Coalition for the International Criminal Court (NCICC), Advocate Govinda Bandi, Ms. Gyanu Gautam (Luintel), representative of Collective Campaign for Peace (COCAP) and Mr. Birendra Prasad Thapaliya, President of Human Rights and Democratic Forum (FOHRID). (See Annex 6 for copy of the Request Letter submitted to the political parties).

#### **4.3 ICC WEEK Day Three:**

##### **Minister for Foreign Affairs assures forwarding ICC accession issue to the Council of Ministers**

Hon. Sahana Pradhan, Minister for Foreign Affairs has assured that she will discuss with the Prime Minister about the issues of accession to the ICC Treaty and forward it to the Council of Ministers. In a meeting with a delegation of human rights community at her office at Sital Nivas, Kathmandu today, Hon. Minister positively responded to the request made by human rights organizations for an accession to the Treaty. She stated, however, this possibility will increase once it undergoes through an inter-ministerial coordination and that for it Ministry will take up initiation very soon.

As the Inter-ministerial Task Force for studying impacts of Nepal's accession to the ICC Treaty has already submitted a report to the Minister of Foreign Affairs, the Office of the Prime Minister has to table it in a meeting of Council of Ministers. The Minister for Foreign Affairs expressed her commitment in following it up with the Office of the Prime Minister.

Secretary of the Ministry of the Foreign Affairs was also present at the meeting. Members of the delegation of human rights community included Mr. Kapil Shrestha, Former Member of the National Human Rights Commission (NHRC), Mr. Subodh Raj Pyakurel, Chairperson and Bimal Chandra Sharma of Informal Sector Service Centre (INSEC)/Coordinator of the National Coalition for the International Criminal Court (NCICC), Advocate Govinda Bandi, Mr. Birendra Prasad Thapaliya, President and Mr. Raj Kumar Siwakoti, General Secretary of the Human Rights and Democratic Forum (FOHRID).

#### **4.4 ICC WEEK Day Four:**

##### **Delegation meets with ULF Chairperson**

A delegation of human rights community met Mr. Chandra Prakash Mainali, Chairperson of the United Left Front and handed over a request letter at his party office in Kathmandu today. Receiving the request letter that urges the political leaders push forward the issue of accession to the ICC Treaty by the Government of Nepal, Mr. Mainali assured that he will try his best in support of the ICC and tables this agenda in the eight party meetings.

The delegation members included Mr. Subodh Raj Pyakurel, Chairperson of Informal Sector Service Centre (INSEC)/Coordinator of the National Coalition for the ICC (NCICC) in Nepal, Mr. Birendra Prasad Thapaliya and Mr. Raj Kumar Siwakoti, Chairperson and General Secretary of the Human Rights and Democratic Forum (FOHRID), and Mr. Bijay Kumar Son and Purna Bahadur Shrestha, representative of the Collective Campaign for Peace (COCAP).



#### **4.5 ICC WEEK Day Five:**

##### **NWPP and NSP-A Leaders Express Commitment for the ICC**

Leaders of the two political parties of the Eight Party Alliance expressed their commitments for the ICC during a meeting with a delegation of human rights community today.

While receiving a request letter at the party headquarters in Bhaktapur today, Mr. Narayanman Bijukchhe, Chairman and Mr. Sunil Prajapati, Central Committee leader of the Nepal Workers and Peasants Party (NWPP) said that they support the urge of human rights community for an accession to the ICC Treaty by the Government of Nepal. Stating that the ICC is a mechanism to put an end to impunity, leaders of NWPP assured the delegation to raise the issue at the eight party meetings as well as in the parliament, in particular while delivering speech over the programme and policy of the government soon.



Members of the delegation of human rights community included Mr. Birendra Prasad Thapaliya, President of Human Rights and Democratic Forum (FOHRID), Advocate Govinda Bandi and Purna Bdr. Shrestha representatives of the Collective Campaign for Peace (COCAP).

In a separate meeting with the leaders of the Nepal Sadvawana Party-Anandidevi (NSP-A) today, the delegation handed over a request letter urging the party leaders raise the issue of accession to the ICC Treaty by the Government of Nepal. In response to the request, Mr. Laxman Lal Karna, Senior Vice-chairman and Mr. Anil Kumar Jha, General Secretary of the party reiterated their support for the ICC and assured raising the issue in respective occasions from their front. The meeting was held at the party headquarters in Kathmandu.

The delegation members included Mr. Sushil Pyakurel, Former Member of the National Human Rights Commission (NHRC), Mr. Birendra Prasad Thapaliya, President of Human Rights and Democratic Forum (FOHRID), and Mr. Purna Bahadur Shrestha, representative of the Collective Campaign for Peace (COCAP).

#### **4.6 ICC WEEK Day Six:**

##### **Delegation to PFN leaders**

Delegation of human rights community met with the leaders of the People's Front Nepal (PFN) and handed over a request letter at the party headquarters in Kathmandu on the sixth day of the ICC WEEK today. While receiving the letter, Mr. Ghanshyam Sharma Paudel, General Secretary and Mr. Dil Bahadur Shrestha, Senior Leader of the party assured to raise the issue of accession to the ICC Treaty at the parliament while delivering comments over the government's annual programme and policy by the members of interim legislature-parliament from representing the party. The leaders also said that they will brief about the issue to the party Chairman Mr. Amik Sherchan for pushing the issue forward for more political discussion at a wider range.

Members of the delegation of human rights community included Mr. Sushil Pyakurel, Former Member of the National Human Rights Commission (NHRC), Mr. Birendra Prasad Thapaliya, President of Human Rights and Democratic Forum (FOHRID), Mr. Bishnu Khatri of Youth Action and Mr. Purna Bahadur Shrestha of the Collective Campaign for Peace (COCAP).

#### **4.7 ICC WEEK Closing Day:**

##### **Public Accession of the ICC Treaty**

The weeklong programmes of ICC Week were concluded with a number of activities on the last day, 7 July 2007. The National Coalition for ICC (NCICC), FOHRID and nearly 50 other organizations held a public accession of the ICC Treaty at Maitighar Mandala, Kathmandu on the day. The objective of symbolic accession was to exert pressure on the government on accession of Rome

Statute. Nepali Congress Chief Whip Hon. Ananda Prasad Dhungana, human rights activists among others signed the ICC Treaty extending their full support for the campaign.

Speaking at the programme former member of the National Human Rights Commission (NHRC) Mr. Sushil Pyakurel said such pressure move should continue till the government accede to the ICC Treaty.

Volunteers from Collective Campaign for Peace (COCAP) performed a street play. COCAP will continue its campaign till the time the Government of Nepal ratifies the Rome Statute. To take the campaign outreach, the play troupe is going to many places across the country.



In another programme, the Human Rights and Democratic Forum (FOHRID) organized an interaction programme on 'A Campaign against Impunity: Accession to ICC Treaty' on 7 July.

Hon. Ananda Prasad Dhungana, Chief Whip of Nepali Congress, Hon. Mahendra Pandey, Chief Whip of the Communist Party of Nepal (UML), Prof. Kapil Shrestha, Former Member of the National Human Rights Commission (NHRC), human rights defender Mr. Nutan Thapaliya, Chairperson of FOHRID, Advocate Govind Bandi and Sapana Pradhan Malla among others called on the government to immediately accede to the ICC Treaty.



**See Annex 7 for Brief report on**  
*Interaction program on a Campaign against Impunity: Accession of Rome Statute*

## 5. Conclusion / recommendation

Human rights community in Nepal is exerting pressure to the government for the accession of the Rome Statute of ICC since a long time. The House of Representative adopted a motion unanimously on 25 July 2006 directing the government to accede to the Rome Statute but the government has not implemented this directive till now. More than 50 human rights organizations and defenders organized ICC Week from 1 - 7 July 2007 to create awareness among people and exert pressure to the government. During the ICC Week programmes, Prime Minister, Foreign Minister and leaders of political parties expressed their commitment for immediate accession of the Rome Statute of ICC.

To cope up with the increasing impunity situation and for the promotion of rule of law, accession of the Rome Statute of ICC has become imperative in Nepal. Considering this situation, more effective campaign is needed for the future to ensure accession of Rome Statute. Awareness campaign, pressure programmes, national and international lobbying in its favour are necessary.

## Annex 1:

### Decisions and programme schedule of the ICC Week Programme Steering Committee

(Updated by FOHRID on 3 July 2007)

#### 1. ICC Week Celebration Steering Committee meetings

The first meeting of the Steering Committee of a week long program for the accession of the Rome Statute of the ICC was held on 7 June 2007 (2064 Jestha) and the second meeting of the Committee on June 15 (2064 Ashad 1) at FOHRID Office, Dillibazar, Kathmandu. The third meeting was held on 25 June 2007 (11 Ashad 2064) at Office of Informal Sector Service Centre (INSEC), Kalanki, Syuchatar, Kathmandu. The Steering Committee constituted for the observance of the ICC Week (1-7 July 2007) held its fourth meeting with wider participation at Lord Buddha Hall, Newplaza, Kathmandu on 29 June 2007 (15 Ashad 2064). All the above programmes were chaired by Advocate Gobinda Bandi, the Convenor of ICC Week. To mark the International Criminal Court day, which falls on July 1<sup>st</sup>, the human rights communities working in Nepal organized a weeklong ICC accession campaign amid different activities to pressurize the government to ratify ICC and to promote rule of law and accountability in the country. This campaign was jointly organized by more than 40 human rights and civil society organizations working in Nepal.

#### 2. ICC Week Celebration Steering Committee

- |   |            |
|---|------------|
| 1. Govinda Bandi                            | – Convener |
| 2. Birendra Prasad Thapaliya, FOHRID        | – Member   |
| 3. Rameshwor Nepal, AI Nepal                | – Member   |
| 4. Prakash Gnyawali, NCICC/INSEC            | – Member   |
| 5. Gyanu Gautam Luintel, COCAP              | – Member   |
| 6. Bishnu Khatri, Youth Action Nepal        | – Member   |
| 7. Sunita Danuwar, Shakti Samuha            | – Member   |
| 8. Benumaya Gurung, AATWIN                  | – Member   |
| 9. Tika Ram Pokhrel, CVICT                  | – Member   |
| 10. Rabin Subedi, CHRHL                     | – Member   |
| 11. Sarita Gautam, HUDEP Nepal              | – Member   |
| 12. Roshan Mahato, BDS                      | – Member   |
| 13. Bhawani Pd. Kharel, HURFON              | – Member   |
| 14. Bishnu Prasad, ICPD                     | – Member   |
| 15. Usha Titikshu, JFHR                     | – Member   |
| 16. Raman Bhattarai                         | – Member   |
| 17. Raj Kumar Siwakoti, FOHRID              | – Member   |
| 18. Bijaya K. San                           | – Member   |
| 19. Baburam Panta                           | – Member   |
| 20. Hari Chandra Bhattarai                  | – Member   |
| 21. Prem Chadra Rai, ICJ                    | – Member   |
| 22. Tirtha Basaula                          |            |
| 23. Narayan Siwakoti                        |            |
| 24. Sindhu Sapkota                          |            |
| 25. Ganesh K.C.                             |            |
| 26. Dhruva Hari Neupane                     |            |
| 27. Kamal Pokhrel, Centre for Legal Studies | – Member   |
| 28. Kundan Aryal, NCICC/INSEC               | – Member   |
| 29. Rabin Subedi, CHRHL                     | – Member   |
| 30. Secretariat - FOHRID                    |            |

### **3. Decisions of the ICC Week Celebration Steering Committee held on 29 June 2007:**

#### **1. Mass demonstration and public meeting:**

Participants of this meeting will work to succeed the mass demonstration and public meeting being organized on behalf of human rights community and coordinated by FOHRID Human Rights and Democratic Forum on 8 June 2007. A weeklong program for accession of the Rome Statute of ICC and proposed lobbying request document will be made public on the occasion.

#### **2. Progress of the activities:**

Participants of the meeting discussed about the progress that has been made based on the decisions of the earlier meetings. The organizations that have taken assigned responsibilities briefed about the progress so far. The schedule of the program was updated as per the information provided by the representatives in the meeting.

#### **3. Appointment with the leaders from the eight parties:**

The organization given the responsibility of fixing an appointment with the parties briefed the meeting the progress that has been made so far, The meeting also decided that the organizations which have so far not been able to fix the time should do it by June 30, and inform the same to all the concerned.

#### **4. Delegation to the political parties:**

Regarding the delegations to visit the leaders of the ruling eight parties, it was decided that the entire coordination responsibility be given to Mr. Birendra Thapaliya. He should arrange to fix the time with the members to represent the delegates' team. In order to make the team inclusive it was also decided to include members from Madhesi community and dalits. The member of the delegates should mandatorily include the following members.

Mr. Sushil Pyakurel  
Mr. Kapil Shrestha  
Mr. Subodh Raj Pyakurel  
Dr. Renu Rajbhandari  
Mr. Bijay Kant Karna  
Dr. Gauri Shankar Lal Das  
Mr. Nutan Thapaliya

The delegates will handover a petition to the said lawmakers. In the meeting, draft of the petition was read out by Mr. Bandi. Incorporating the comments made by members present in the meeting, the petition was finalized.

#### **4. Stickers and T-shirt**

The stickers and T-shirt made for the event will be ready by Sunday 30<sup>th</sup> June afternoon. COCAP that has taken the responsibility for the publication of the same informed in the meeting.

#### **5. T-shirt for volunteers**

The meeting also decided to arrange T-shirts for free to the volunteers who will be actively involved in various activities throughout the week. The three organizations INSEC, FOHRID and COCAP that are bearing the expenses incurred in making of T-Shirts would give 20 T-shirts each out of 50 to their volunteers. INSEC has committed to give 20 T-shirts to volunteers from Youth Action Nepal.

#### **6. Street Play and College campaign**

Regarding the initiatives of COCAO in organizing college campaign and street play, the representative from COCAP apprised the meeting that a special training was arranged for volunteers on June 27, to give them further knowledge on ICC so that they can campaign in colleges by giving orientations to volunteers. Also, about the street play the meeting was informed

the volunteers from COCAP are prepared with a street play that would be shown in different places of Kathmandu.

#### 7. Banner Publication

The meeting decided to entrust the task of bringing out the main banner of the event to FOHRID.

#### 8. Request letter

Govinda Bandi and NCICC/INSEC will finalize the current version of the request letter and send it to FOHRID for printing/arrangement by 27 June 2007.

#### 9. Updating involvement/name of the organizations

FOHRID will update the list of organizations involving in the campaign.

#### 10. Street Play and College campaign

Regarding the initiatives of COCAP in organizing college campaign and street play, the representative from COCAP apprised the meeting that a special training was arranged for volunteers on June 27, to give them further knowledge on ICC so that they can run campaign in colleges by giving orientations to volunteers. Also, about the street play the meeting was informed the volunteers from COCAP are prepared with a street play that would be shown in different places of Kathmandu.

#### 11. Volunteer Mobilization/Participation

The volunteers from many organizations will be participating in various events throughout the week and volunteers should be mobilized effectively. The meeting decided to form a three-member committee that will be responsible for volunteer mobilization.

The three-member committee includes:

1. Gyanu Gautam Luintel (COCAP)
2. Bishnu Khatri (Youth Action Nepal)
3. Sunita Danuwar (Shakti Samuha)

#### 12. Demonstration

The demonstration will be organized on June 7, the last day of the ICC week. The coordination for organizing the demonstration would be taken by Amnesty International, Nepal.

#### 13. Press Conference

The press conference scheduled for June 30, will be held at 2 PM at COCAP meeting hall. The organizer of press conference, COCAP apprised the meeting that entire arrangements have been made for the same.

#### 14. Media

On the occasion of ICC day, writings, articles from various authors (Govinda Bandi, Prakash Gnyawali, Raj Kumar Siwakoti, Harichandra Bhattarai etc.) will be prepared and published in the print media; and the messages will be disseminated through radio programmes.

#### ICC Week Celebration program calendar

(Activities updated on 3 July 2007 are shown in Blue color)

| S.N. | Date                                  | Program detail  | Coordination / Responsibility   | Venue   | Remarks |
|------|---------------------------------------|---|---|---|---------|
| 1    | Sunday,<br>01.07.2007<br>(17.03.2064) | -Inauguration Program<br>- Meet with the Prime Minister and submit request letter on ICC, | All the organizers<br>NCICC/HRTMCC<br>(Coordinator/Secretariat) INSEC | -Maitighar Mandala<br>- PM's Office / Quarter |         |

|   |                                    |  |   |   |  |
|---|------------------------------------|--|---|---|--|
|   |                                    | <ul style="list-style-type: none"> <li>- Interaction on need to accession of Rome Statute of the ICC and release of Nepali version of Rome Statute</li> <li>- Public awareness, street drama and sensitization program on ICC</li> <li>- Sticker distribution</li> </ul> | <p>INSEC</p> <p>COCAP<br/>COCAP/Shakti Samuha/Nodan Club</p>                                      | <p>- World Trade Centre Conference Hall, Tripureshwor</p> |  |
| 2 | Monday, 02.07.2007 (18.03.2064)    | <ul style="list-style-type: none"> <li>- Appointment NC (Hon. Ram Chandra Paudel)</li> <li>- CPN-UML (Madhav K Nepal) and submit request letter.</li> <li>- Public awareness and sensitization program on ICC</li> </ul>   | <p>Govinda Bandi / Birendra Thapaliya/ FOHRID</p> <p>-do-</p> <p>COCAP + Nodan Club</p>           | <p>Respective party offices</p> <p>-do-</p>               |  |
| 3 | Tuesday, 03.07.2007 (19.03.2064)   | <ul style="list-style-type: none"> <li>- Lobby with Minister for Foreign Affairs and NC-D and submit request letter.</li> <li>- Public awareness and sensitization program on ICC.</li> </ul>  | <p>Govinda Bandi / Birendra Thapaliya/ FOHRID</p> <p>COCAP + Nodan Club</p>                       | <p>Shital Niwas and NC-D party office</p>                 |  |
| 4 | Wednesday, 04.07.2007 (20.03.2064) | <ul style="list-style-type: none"> <li>- Appointment with Samyukta Bam Morcha and submit request letter.</li> <li>- Public awareness and sensitization program on ICC</li> </ul>   | <p>Govinda Bandi (with Birendra Thapaliya for CPN-Maoist)<br/>COCAP</p> <p>COCAP + Nodan Club</p> | <p>Respective party offices</p>                           |  |
| 5 | Thursday, 05.07.2007 (21.03.2064)  | <ul style="list-style-type: none"> <li>- Appointment with Nepal Majdoor Kisan Party, Jana Morcha Nepal, and Nepal Sadbhawana Party and submit request letter.</li> <li>- Public awareness and sensitizing program on ICC</li> </ul>                                      | <p>COCAP / FOHRID</p> <p>COCAP + Nodan Club</p>   | <p>Respective party offices</p>                           |  |
| 6 | Friday, 06.07.2007 (22.03.2064)    | <ul style="list-style-type: none"> <li>- Radio Program</li> <li>- Public awareness and sensitizing program on ICC</li> </ul>   | <p>FM Stations</p> <p>COCAP + Nodan Club</p>  | <p>Ratnapark</p>  |  |
| 7 | Saturday, 07.07.2007 (23.03.2064)  | <ul style="list-style-type: none"> <li>- Discussion program on "Combating against Impunity: A campaign"</li> </ul>   | <p>FOHRID</p>   | <p>Nepal Bar Association</p>                              |  |

|  |  |   |  |              |  |
|--|--|---|--|--------------|--|
|  |  | <ul style="list-style-type: none"> <li>- Briefing by Impunity Task Force</li> <li>- Public Accession of Rome Statute</li> <li>- Public awareness and sensitization program on ICC</li> <li>- Appointment with CPN (Maoist) Chairman Prachanda and submit a request letter</li> <li>- Radio program by Radio Nepal at 7 AM on Saturday, 7 July 2007</li> </ul> | <p>NCICC/INSEC<br/>(Print the text in flex and also arrange it in Nepali paper for signature)<br/>COCAP + Nodan Club</p> <p>Gobinda Bandi/<br/>Birendra Thapaliya/<br/>FOHRID</p> <p>INSEC</p> | Party Office |  |
|--|--|---|--|--------------|--|

**Note:**

1. **Public awareness and sensitization program on ICC:** Public awareness at 25 colleges, street drama and demonstration. COCAP and Nodan club have been jointly organizing / coordinating the demonstrations.
2. **Secretariat and Coordination:** FOHRID is contributing as the Secretariat and coordinator for the ICC Week program. All the organizations are responsible to coordinate, manage and execute respective programs as mentioned against their names in the calendar.

## **Annex 2:**

### **Brief report of public meeting and mass demonstration for accession of Rome Statute 1998 of ICC and Optional Protocol 2002 of CAT**

(8 June 2007, Kathmandu)

#### **Nepali human rights organizations stage demonstration for accession to Rome Statute**

FOHRID Human Rights and Democratic Forum organized a public rally and mass demonstration for accession of Rome Statute 1998 of ICC and Optional Protocol 2002 of CAT in Kathmandu. More than 50 human rights organizations and defenders including INSEC, National Coalition for the ICC (NCICC) actively took part in the program. On the occasion, human rights organizations demanded the state to accede to Rome Statute of the International Criminal Court and the Optional Protocol to the Convention against Torture. Realizing that the accession of these international instruments is the only effective measure to combat against impunity, the program of public rally and mass demonstration was organized to create public pressure to the government.

Background speakers stressed that serious violation of human rights and humanitarian law including torture is increasing in the country. It is high time to control impunity prevalent in the country. In this context, number of programs has been conducted from people's side to create pressure to the government and state authority to control impunity. But the attention of the state authority has not been adequately drawn towards this subject.

Rome Statute of the ICC and optional Protocol 2002 of CAT have been acclaimed worldwide as the most effective instruments to control impunity. These international legal instruments are regarded as solid foundation for combating impunity.

Addressing the programme, senior human rights defender and Chairperson of FOHRID Nutan Thapaliya illuminated the importance of the accession of the Rome Statute and Optional Protocol of CAT. He pointed out the continuity of serious crimes despite ban in though the domestic law does not allow it and added that impunity is increasing as the perpetrators responsible for serious human rights crimes are not punished. He thanked all the participating organizations and human rights defenders for being united in the common issue of human rights.

Former NHRC Commissioner Sushil Pyakurel stressed on the need to end impunity and democratize Nepal Army. He criticized the government for failing to accede to the Statute even after the unanimous approval of a commitment proposal by the House of Representatives (HoR) that directed the government immediately accede to the ICC Treaty nearly a year ago.

Human rights defender Krishna Pahadi also demanded accession to Rome Statute to end the rampant impunity in the country.

#### **2. Declaration of programs to celebrate ICC week**

Main objective of the occasion was to declare programs to celebrate ICC week. To celebrate the ICC Week, one Steering Committee was formed in the convenership of Advocate Govinda Bandi. On the occasion, Convener Bandi unveiled the activities determined to celebrate the ICC Week. Following activities were declared under the program:

1. Interaction on the ICC and its relevance in Nepal
2. Delegation to the Prime Minister and Minister for Foreign Affairs and handing over a request letter urging accession to the ICC Treaty
3. Meeting with leaders of eight political parties (namely Nepali Congress, Communist Party of Nepal-Unified Marxist Leninist, Nepali Congress-Democratic, Communist Party of Nepal-Maoist, Nepal Workers and Peasants Party, United Left Front, People's Front Nepal, and Nepal Sadvawana Party-Anandidevi) and handing over a request letter to put pressure upon the government accede to the ICC Treaty
4. Launching Nepali translation of full text of the Rome Statute
5. Development of campaign materials – Stickers, T-shirts, leaflets etc.



6. Awareness and sensitization programmes – Street drama, discussion about the ICC at various colleges of Kathmandu, demonstration at public places etc.
7. Press conference
8. Radio programmes
9. Publication of articles
10. Public accession of the Rome Statute (symbolic accession)

### **3. Outcome/findings of the program**

Rome Statute of the ICC and optional Protocol 2002 of CAT are the complementary instruments to end impunity.

Rome Statute of the ICC and Optional Protocol 2002 of CAT should be ratified immediately for the protection and promotion of human rights.

Particularly the human rights activists should create organized pressure in such issues.

Pressure should be created against political parties, as their commitment is necessary to end impunity.

General public should be sensitized on the Rome Statute and Optional Protocol of CAT.

New Nepal is possible only through ending impunity.

Justice can be guaranteed only through action against perpetrators.

## **Annex: 3**

### **List of organizers of the ICC Week programme**

#### **Organizers of the campaign:**

1. Human Rights and Democratic Forum (FORHID)
2. Amnesty International-Nepal
3. National Coalition for the International Criminal Court (NCICC)
4. Informal Sector Service Centre (INSEC)
5. Forum for Protection of Human Rights (FOPHUR)
6. Centre for Victims of Torture (CVICT)
7. Civic Peace Committee
8. Centre for Child Workers in Nepal (CWIN)
9. Joint Forum for Human Rights
10. Advocacy Forum for Justice and Rights (AJAR-Nepal)
11. National Human Rights Academy (HURFON)
12. Advocacy Forum
13. Women Rehabilitation Centre (WOREC)
14. Shakti Samuha
15. Women Foundation
16. Youth Action Nepal
17. Blue Diamond Society (BDS)
18. Collective Campaign for Peace (COCAP)
19. Institute for Conflict Management, Peace and Development (ICPD)
20. Human Development and Peace Campaign (HUDEP)
21. Institute of Human Rights Communication-Nepal (IHRICON)
22. Legal Aid and Consultancy Centre (LACC)
23. Lawyers National Campaign Against Untouchability (LANCAU)-Nepal
24. Disability Human Rights Centre, Nepal (DHRC)
25. Elders Nepal
26. Conflict Study Centre
27. Environment and Justice Society (ENJUS)
28. Campaign for Human Rights and Humanitarian Law
29. Community Self-Reliance Centre (CSRC)
30. National Land Rights Concern Group (NLRCCG)
31. Alliance Against Trafficking in Women and Children (AATWIN)
32. Campaign for Human Rights and Social Transformation (CAHURAST)

#### **Organizations expressing solidarity to the campaign:**

1. Human Rights Home (HRH)
2. Forum for Protection of Public Interest (Pro-Public)
3. Nepal Chepang Society
4. Forum for Society Development
5. National Dalit Federation-Nepal
6. Gurkha Ex-servicemen's Organization (GESO)
7. Forum for International Law-Nepal
8. Ex-army Council
9. Forum for Human and Natural Resources Development
10. Federation of Drinking Water and Sanitation Consumers (FEDWASAN)
11. Law Associates
12. Independent Living Centre for Persons with Disabilities (CIL)

13. Nepali Society for Victims Study (NESOV)
14. National Human Rights Concern Centre (NHRCC)
15. Forum for Legal Thought
16. Forum for Women, Law and Development (FWLD)
17. Nepal Engineers Association

**Senior Human Rights Defenders expressing solidarity to the campaign:**

1. Sushil Pyakurel, Former Member, National Human Rights Commission (NHRC)
2. Prof. Kapil Shrestha, Former Member, National Human Rights Commission (NHRC)
3. Dr. Gauri Shankar Lal Das, Former Member, National Human Rights Commission (NHRC)
4. Nutan Thapaliya, Senior Human Rights Defender and Chairperson of FOHRID

**Annex 4:  
Request Letters submitted to Prime Minister and Foreign Minister)**

Rt. Hon'ble Girija Prasad Koirala  
Prime Minister  
Office of the Prime Minister and Council of Ministers  
Singha Durbar, Kathmandu

**Subject: Request for accession of the Rome Statute of the ICC**

Rt. Hon'ble Prime Minister,

Rome Statute of the International Criminal Court (ICC) was introduced in 1998 to ensure action against the perpetrators when impunity became widespread due to unwillingness or failure of the countries to take action against perpetrators involved in the crime of genocide, crimes against humanity and war crimes. The court was established after accession by 60 countries in accordance with the provision set forth in the Statute. By ratifying Rome Statute, 104 countries have shown their firm commitment that they are against crime of genocide, war crimes and crimes against humanity; are ready to prosecute against such perpetrators in accordance with the international standards; and wish to end impunity from their country. But Nepal has not ratified the Statute till now.

ICC is the first international judicial body capable to prosecute any person involved in the crime of genocide, crimes against humanity, war crimes and the crime of aggression. This court can take action when the national government is unwilling or unable to take action against the perpetrators involved in the incidents of serious crimes such as crimes against humanity and war crimes. This court is currently investigating the cases of crimes against humanity and war crimes in Uganda, Republic of Congo and Sudan.

Considering the widespread impunity in Nepal, the directive resolution passed by the parliament on 2063 Shrawan 9 (25 July 2006) to ratify the Statute of the ICC is a positive and welcome step. On this occasion, we would like to bring to your kind notice that the Rt. Hon'ble Prime Minister, Rt. Hon'ble Speaker of the then HoR, the then Hon'ble Deputy Prime Minister and Foreign Minister and leaders of political parties had expressed their commitment in favour of ICC during a program organized by CICC, Forum Asia, ANICC, Adhikar-Bangladesh, and NCICC-Nepal, INSEC on Bhadra 2063 in Kathmandu.

The Task Force formed to study the obligations arising from the accession of the Statute and its effects submitted its report on 2063 Mangsir 8 (24 November 2006) to the then Deputy Prime Minister and Foreign Minister. Despite this, neither the Statute is ratified nor discussion organized on the report with stakeholders from the civil society.

Nepal's current situation shows that the state should take special initiative to guarantee transitional justice, end to impunity and sustainable peace in the country. Accession of the Rome Statute will pave way to take action against the perpetrators involved in the crime of genocide, crimes against humanity and war crimes. It will also contribute to make the national judicial bodies more responsible and effective. ICC can play significant role in the protection of the rights of victims and provision of redressal. Accession of the Rome Statute will provide important judicial alternative for the implementation of international commitment made by Nepal pertaining to human rights and humanitarian law.

As the Rome Statute of the ICC applies in the incidents occurring after its accession, it does not address the incidents of the past. It will rather create an environment for non-recurrence of such incidents and wipe out the possibilities of emancipation of the perpetrators.

Therefore, through Rt. Hon'ble Prime Minister, we appeal the Nepal Government to initiate process for immediate accession of the Rome Statute of the ICC.

***Note: Letter with the similar content was submitted to the Foreign Minister. Nepali version of the request letter attached herewith***

**Annex 5:  
Unofficial translation of the leaflet.**

**Lets be united against impunity ! Lets punish violators of human rights !  
Joint campaign for accession of the Rome Statute of the ICC and the Optional Protocol of  
CAT to end impunity**

**1. What is Rome Statute?**

Rome Statute is the statute of the International Criminal Court (ICC) established to prosecute against perpetrators involved in the serious crimes that draw the attention of the international community. Rome Statute was prepared and enforced to end the situation of impunity and punish in the cases of genocide, crime against humanity, war crimes and crime of aggression. Rome Statute opens way for making the perpetrators accountable for their atrocities and to end the culture of impunity.

**2. What is International Criminal Court?**

International Criminal Court (ICC) is an international mechanism to prosecute and punish the perpetrators involved in the serious crimes of international concern. This is the first permanent independent court established at the international level to end impunity and ensure rule of law. This was established according to the Rome Statute 1998.

**3. Why is signature and accession of the Rome Statute necessary?**

Signature and accession of the Rome Statute is necessary to ensure rule of law by ending impunity, to control genocide, crime against humanity, war crimes and impunity. This is also required to ensure that the crimes defined by the international community as most serious will not repeat in Nepal and those involved in such incidents will be punished. This helps to maintain understanding with the international community and to transform the commitments made at the international forums into reality.

**4. What is the Optional Protocol of CAT?**

This is an international instrument that allows regular monitoring of the international and national independent bodies to the prison and detention centres for control of cruel and other forms of degrading treatments. This was adopted by the United Nations as Optional Protocol of CAT 1984 on 18 December 2002.

**5. Why should Nepal sign and ratify the Optional Protocol of CAT?**

Though law has prohibited torture and other forms of degrading treatments in Nepal, such incidents are still recurring. Particularly, those denied freedom are more vulnerable to this. They are kept detached from the outside world. They have to depend upon the controlling authority and agency for their basic needs. Such people are most affected by torture. This situation is at an alarming stage in Nepal. The Optional Protocol of CAT works to prevent torture related degrading behaviours in the detention centres. Therefore, signature and accession of this instrument is necessary to stop torture and other forms of degrading treatments in the detention centres.

**6. What is impunity?**

Failure to bring the perpetrators involved in the serious crimes of international concern into justice system and a situation where such violators enjoy emancipation is the situation of impunity. In general terms, impunity is a state when the violators of human rights are not punished or they do not have to bear any accountability for their crimes against humanity. Impunity is regarded as structural violence from the perspective of protection and promotion of human rights. It allows emancipation to the perpetrator from the risk of legal and social accountability leaving negative impact in the protection of human rights. Using impunity as a shield, a person holding political power or government authority commits crimes and continues serious violation of human rights. He is not prosecuted in the civil, criminal, administrative or any other courts and does not worry about any

punishment. This encourages the perpetrator to be more active in violations. This ultimately destroys the rule of law.

### **7. How does impunity affect the victims?**

Victims of human rights violations are the people most affected by impunity. They face various types of physical, mental and social hazards due to human rights violation and atrocities. They get angry when they fail to receive justice. Feeling of injustice and atrocities in the society leads to the explosion of violent insurgency and conflict. Society and the country get inflicted with conflict, uncertainty and anarchy.

### **8. Can we take action against violators of human rights and humanitarian law after Rome Statute is ratified?**

Rome Statute of the ICC comes into effect in the cases that occur after its accession. But after accession into this Statute, we can enforce domestic law to file cases against the violators of human rights. Limitation of period is not applicable to prosecute against those involved in gross violation of human rights and serious violation of humanitarian law. This is clearly mentioned in the UN Convention on the Non-Applicability of Statutory Limitations to War Crimes and crimes against Humanity, 26 November 1968.

### **9. What can we do?**

We can be united to create pressure to compel the government not to allow emancipation to those involved in the violation of human rights and humanitarian law. We can encourage the Members of Parliament, government officials, judicial authorities, whom we might know personally, to be active against impunity. We can carefully observe the activities of the political leaders and activists and raise questions whenever we find fault. We can create awareness in the general public and unite them to peacefully protest such activities. Lets create pressure for the accession of the Rome Statute to discourage and end impunity. Lets be together and work together.

### **10. Our common demands**

- a. Immediately sign and ratify Rome Statute of the ICC and Optional Protocol of CAT.
- b. Immediately establish Truth, Justice and Reconciliation Commission to ensure justice to the victims.
- c. Immediately ratify Convention on the Non-Applicability of Statutory Limitations to War Crimes and crimes against Humanity, 26 November 1968. and Disappearance Convention 2006.
- d. Prepare and promulgate an effective domestic law to end impunity.
- e. Repeal the Torture Compensation Act 2053 and enforce a new law to effectively ensure compensation and justice to the victims of torture.

### **Partner organizations of the initiatives**

1. Human Rights and Democratic Forum (FOHRID)
2. Informal Sector Service Centre (INSEC)
3. National Coalition for ICC
4. Forum for Human Rights Protection
5. Centre for Victims of Torture (CVICT)
6. Child Labour Concern Centre (CWIN)
7. Joint Forum for Human Rights
8. AJAR Nepal
9. National Human Rights Foundation (HURFON)
10. Women Foundation
11. Advocacy Forum
12. WOREC
13. Shakti Samuha
14. Youth Action Samuha
15. Blue Diamond Society (BDS)

16. COCAP
17. ICPD
18. Campaign for Human Development and Peace (HUDEP)
19. IHRICON
20. Legal Aid and Counseling Centre (LACC)
21. LANCAW-Nepal
22. Disabled Human Rights Centre (DHRC)
23. Elders Nepal
24. Conflict Study Centre
25. Environment and Justice Society (ENJUS)
26. Human Rights and Humanitarian Law Campaign
27. Rural Self-reliance Service Centre
28. National Land Rights Concern Group

**Partner organizations expressing solidarity**

1. Human Rights Home (HRH)
2. Pro-Public
3. Nepal Chepang Association
4. Social Development Forum
5. National Dalit Federation – Nepal
6. GAESO
7. International Law Forum – Nepal
8. Ex-Army Council
9. Human and National Resources Development Forum
10. Drinking Water and Sanitation User's Federation
11. Law Associates
12. Swatantra Jeevan Kendra
13. Nepalese Society of Victimology (NESOV)
14. National Human Rights Concern Center (NHRCC)
15. Forum for Women, Law and Development (FWLD)
16. Civil Peace Committee

***Note: Nepali version of the leaflet attached herewith***

## **Annex 6:**

### **Unofficial translation of the Request Letter submitted to the political parties**

Hon'ble Madhav Kumar Nepal  
Secretary General  
Communist Party of Nepal (United Marxist Leninist)  
Party Office, Madan Nagar, Balkhu

### **Subject: Request for accession of the Rome Statute of the ICC**

Dear Secretary General,

Rome Statute of the International Criminal Court (ICC) was passed in 1998 to ensure action against the perpetrators when impunity became widespread due to unwillingness or failure of the countries to take action against perpetrators involved in the crime of genocide, crimes against humanity and war crimes. The court was established after accession by 60 countries in accordance with the provision set forth in the Statute. By ratifying Rome Statute, 104 countries have shown their firm commitment that they are against crime of genocide, war crimes and crimes against humanity; are ready to prosecute against such perpetrators in accordance with the international standards; and wish to end impunity from their country. But Nepal has not ratified the Statute till now.

ICC is the first international judicial body capable to prosecute any person involved in the crime of genocide, crimes against humanity, war crimes and the crime of aggression. This court can take action when the national government is unwilling or unable to take action against the perpetrators involved in the incidents of serious crimes such as crimes against humanity and war crimes. This court is currently investigating the cases of crimes against humanity and war crimes in Uganda, Republic of Congo and Sudan.

Considering the widespread impunity in Nepal, the directive resolution passed by the parliament on 2063 Shrawan 9 (25 July 2006) to ratify the Statute of the ICC is a positive and welcome step. On this occasion, we would like to bring to your kind notice that the Rt. Hon'ble Prime Minister, Rt. Hon'ble Speaker of the then HoR, the then Hon'ble Deputy Prime Minister and Foreign Minister and leaders of political parties had expressed their commitment in favour of ICC during a program organized by CICC, Forum Asia, ANICC, Adhikar-Bangladesh, and NCICC-Nepal, INSEC on Bhadra 2063 in Kathmandu.

The Task Force formed to study the obligations arising from the accession of the Statute and its effects submitted its report on 2063 Mangsir 8 (24 November 2006) to the then Deputy Prime Minister and Foreign Minister. Despite this, neither the Statute is ratified nor discussion organized on the report with stakeholders from the civil society.

Nepal's current situation shows that the state should take special initiative to guarantee transitional justice, end to impunity and sustainable peace in the country. Accession of the Rome Statute will pave way to take action against the perpetrators involved in the crime of genocide, crimes against humanity and war crimes. It will also contribute to make the national judicial bodies more responsible and effective. ICC can play significant role in the protection of the rights of victims and provision of redressal. Accession of the Rome Statute will provide important judicial alternative for the implementation of international commitment made by Nepal pertaining to human rights and humanitarian law.

As the Rome Statute of the ICC applies in the incidents occurring after its accession, it does not address the incidents of the past. It will rather create an environment for non-recurrence of such incidents and wipe out the possibilities of emancipation of the perpetrators.

Therefore, we request your party to play decisive role to initiate process for immediate accession of the Rome Statute of the ICC.

***Note: Letter with same content was submitted to all the 8 political parties. Nepali version of the request letter attached herewith***



## Annex 7:

### Brief report of Interaction program on a Campaign against Impunity: Accession of Rome Statute 7 July 2007, Kathmandu

#### 1. Context / concern

Culture of impunity is increasing widely throughout world. The issues of protection of human rights, guarantee of rule of law, sustainable peace and democracy are becoming more complex and challenging. State mechanism has not become serious to the issue of impunity. The democratic government has put forth the process to go ahead with agreement and reconciliation.

Present government does not seem ready to accede to the Rome Statute of the ICC. The Parliament had passed a resolution on 2063 Shrawan 9 directing the government to ratify the Statute. But the government has not done anything in the last year.

Impunity being enjoyed by the violators of human rights during the people's movement of 1990, People's Movement II, 2006, King's active rule and 11 years of armed conflict are the biggest hurdles in the human rights protection and promotion and guarantee of rule of law in Nepal.

The International Criminal Court (ICC) was established according to the Rome Statute five years ago. Considering that the accession into the Rome Statute of the ICC is the first condition to end impunity, more than 50 human rights organizations and defenders organized the ICC Week from July 1 to 7, 2007. In this context, FOHRID Human Rights and Democratic Forum organized an interaction program entitled "A struggle against Impunity: Accession of Rome Statute".

#### 2. Objectives

To exert pressure to the government for accession of the Rome Statute of the ICC by organizing all stakeholders.

To create awareness on the importance of the Rome Statute of the ICC.

#### 3. Program modality

The program was held with the activities such as speech, question, answer and collection of suggestion.

#### 4. Participation

Chief Whip of Nepali Congress Parliamentary Party Hon. Ananda Dhungana, Chief Whip of CPN-UML Hon. Mahendra Bahadur Pande, MPs, representatives of political parties, former member of National Human Rights Commission, senior human rights activists and representatives of different human rights organizations, occupational groups, institutions, media and journalists participated the interaction program.

#### 5. Conclusion

Nepal should immediately ratify the Rome Statute of ICC.

Strong pressure should be created from the people for the accession of the Rome Statute of ICC.

General people should be sensitized to create strong pressure for the accession of the Rome Statute.

Those involved in politics with impunity should be marginalized.

The government should ratify the Rome Statute before the election to the Constituent Assembly.

Continuous pressure from the public, human rights community and civil society to the government, parliament and political parties is necessary for the accession of Rome Statute.

We must go forward in the campaign for accession of Rome Statute with one permanent Task Force against impunity.

*This report is jointly prepared by Advocate Raj Kumar Siwakoti,  
Secretary General - FOHRID, Tulsi Bahadur Karki - FOHRID,  
Advocate Govinda Bandi, Prakash Gnyawali - NCICC/INSEC,  
Gyanu Gautam Luintel - COCAP*