

Final Narrative Report

Project title: Initiative to combat against torture and Impunity- December 2008

**Contract no: Contract DDH/2006/126-099
European Initiative for Democracy and Human Rights (EIDHR)**

Project duration: January 2007 to December 2008

Submitted to:

Head of Delegation of the European
Commission to India, Bhutan and Nepal
65, Golf Links, New Delhi-110 003, INDIA

Copy:

Head of Delegation
Delegation of the European Commission to Nepal
PO Box: 6754, Uttardhoka Sadak
Lainchaur, Kathmandu, Nepal



FOHRID

**HUMAN मानव अधिकार तथा प्रजातान्त्रिक मञ्च
RIGHTS AND DEMOCRATIC FORUM**

428 Gyaneshwor Marga, Gyaneshwor, Kathmandu
Postal Address: P.O. Box 19186, Kathmandu, Nepal
Tel: +977-1-44 23 125, Fax: +977-1-44 38 812

E-mail: fohrid@wlink.com.np

Website: www.fohrid.org.np,

www.fohridnetwork.org

Preface

We are pleased to present before the readers this publication containing final project execution and evaluation report of the Initiative to combat against torture and impunity project. This project was accomplished with funding from the European initiative for Democracy and Human Rights (EIDHR) under its micro project programme.

This project was implemented for the two years starting from January 2007 to December 2008. Overall objective of this policy level advocacy based program was "*to combat against torture and impunity for the protection and promotion of human rights, rule of law and democracy*". Implementation of this project would be impossible without funding from the EIDHR. Total budget of this project was EURO 55,222.3, out of which EC provided funding of 90% and FOHRID arranged the rest of 10%. This project was implemented in the Kathmandu valley and headquarters of 4 development regions namely Biratnagar, Pokhara, Nepalganj and Dhangadhi. Activities of this campaign and advocacy based project were public meeting and demonstration, interaction, and lobbying vis-à-vis legislative organs; Prepare resource book on Rome Statute of ICC, Draft legislation, consultation meeting, publication, dissemination, formulate long term intervention strategy plan of action to implement Rome Statute and Optional Protocol of CAT at the domestic level.

It is not an exaggeration to say that this project is innovative and first of its kind implemented in Nepal. The project has addressed 3 issues at different levels. First is torture that has direct relation with criminal justice system. Second issue is impunity which is linked to abuse of authority, serious violation of human rights and political upheavals. Third is ratification of Rome Statute which can connect Nepal with the criminal justice system dealing with serious crimes of international concern.

There is no doubt that the project has attained the objectives and expected results as determined in the project proposal. However, Rome Statute and OP-CAT could not be ratified. Reason behind this is the peace process and fragile political situation in Nepal. High level political consensus and determination is required for ratification of Rome Statute. However, the outcomes of this project shall contribute in the long run for a campaign to combat against impunity and ratification and domestication of Rome Statute. The government agencies, law enforcing agencies, policy makers, campaigners, human rights community, civil society and academicians shall benefit from the project produced publications and outcomes of this project.

We express our gratitude to EIDHR for providing support in this project related to the issue of impunity. Likewise, we thank all stakeholders including government agencies, law enforcing agencies, security agencies, political parties, national and international human rights community for their contribution and valuable expertise extended during project implementation. In fact, this project would have been incomplete without excellent cooperation of the target groups.

We believe that this publication shall be useful to share our learning at the national and international level. We believe that these experiences and learning shall set examples for the future projects to be conducted by any other organization in the similar issues. We request valued readers to share their impression about the activities and outcomes of this project and involve us in their similar programs.

Finally, we hope that the readers shall point out weaknesses in the publication and provide us useful feedback to correct them in our future endeavors.

Raj Kumar Siwakoti, Advocate
Project coordinator
Initiative to combat against torture and impunity project
&
Secretary General
Human Rights and Democratic Forum (FOHRID)

Contents

1. Description	1
2. Assessment of implementation of Action activities	1
2.1. Activities and results	1
Activity 1: Campaign and advocacy	1
1.1 Public meeting and demonstration:	1
1.2 Interaction with target groups:	2
1.3 Lobbying vis a vis legislative organs:.....	3
Activity 2: Preparation of Resource Book on Rome Statute of ICC:	4
Activity 3: Draft legislation / recommendation:	5
3.1 Consultation meeting:	6
Activity 4: Publication & dissemination:	7
4.1 Compilation of impunity related documents:.....	7
4.2. Special Project Bulletin of FOHRID Human Rights Monitor:.....	7
4.3. Resource Book on ICC and Rome Statute:	7
4.4 Leaflet cum parcha:	8
4.5 Draft recommendation (Citizen's Draft Bill Relating to Torture, 2065)	8
Activity 5: Formulate long-term intervention strategy plan of action	8
2.2. Assessment of the results of the Action	8
Quantification of output so far:	10
2.3. Outcome on both the final beneficiaries &/or target group	10
2.4. Publications and ways of communicating	12
2.5. List of all contracts	13
2.6. Continuity, follow up activities and sustainability of the Action	14
2.7. Gender equality and disabilities	14
2.8. Monitor, evaluation and results of the feedback	14
2.9. Learned from the Action and dissemination	15
3. Partners and other Co-operation	15
3.1. Relationship	15
3.2. Continuity of partnership	15
3.3. Relationship between FOHRID and State authorities	15
3.4. Relationship with other organisations	16
3.5. Where applicable, outline any links you have developed with other actions.....	16
3.6. Previous relevant EC grants.	16
3.7. How do you evaluate co-operation with the services of the Contracting Authority? ..	16
4. Visibility	17
Tables:	
Table 1: Issue and Agencies of lobbying	5
Table 2: Consultation meetings on draft legislation	8
Table 3: List of project produced publications.....	16
Annexe:	
Annex 1: Calendar of Year-long Campaign against Impunity.....	23
Annex 2: Final Financial Report	24
Annex 3: Average Exchange Rate	
Annex 4: Project Audit Report	

Abbreviations

BDS	-	Blue Diamond Society
CA	-	Constituent Assembly
CAT	-	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1988
CLS	-	Centre for Legal Studies
COCAP	-	Collective Campaign for Peace
CPA	-	Comprehensive Peace Agreement
CPN	-	Communist Party of Nepal
CVICT	-	Centre for Victims of Torture
DNF	-	Dalit NGO Federation
EC	-	European Commission
EIDHR	-	European Initiative for Democracy and Human Rights
EU	-	European Union
FOHRID	-	Human Rights and Democratic Forum
GoN	-	Government of Nepal
HRTMCC	-	Human Rights Treaty Monitoring Coordination Committee
ICC	-	International Criminal Court
INSEC	-	Informal Sector Service Centre
MP	-	Member of parliament
NBA	-	Nepal Bar Association
NHRC	-	National Human Rights Commission
OHCHR	-	Office of the High Commissioner for Human Rights
OPT-CAT	-	Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
PIL	-	Public interest litigation
SSR	-	Security sector reform
TRC	-	Truth and Reconciliation Commission
VAW	-	Violence against women

FINAL NARRATIVE REPORT

1. Description

1. Name of beneficiary of grant contract: FOHRID Human Rights and Democratic Forum

1.1. Name and title of the Contact person: Advocate Raj Kumar Siwakoti, Secretary General

1.2. Name of partners in the Action: N/A

1.3. Title of the Action: Initiative to combat against torture and impunity

1.4. Contract number: Contract DDH/2006/126-099

1.5. Start date and end date of the reporting period: January 2007 to December 2008

1.6. Target country(ies) or region(s): Nepal, 5 development regions (Biratnagar, Kathmandu, Pokhara, Nepalganj, Dhangadhi)

1.7. Final beneficiaries &/or target groups (if different) (including numbers of women and men):

Political level:

Members of Parliament / Constituent Assembly, political parties including CPN-Maoist and their sister organizations.

Government level:

Ministry of Home Affairs, Foreign Ministry, Ministry of Law, Justice and Parliamentary Affairs, Parliament Secretariat, Speaker and their officials, Law Reform Commission, judiciary, Office of the Attorney General, policy makers, National Human Rights Commission, law enforcing agencies, Nepal Army, Nepal Police, Armed Police Force and their human rights cells.

Non-government level:

Nepal Bar Association, lawyers, journalists, organizations of women, dalits and ethnic communities, trade unions, human rights organizations, student leaders and occupational groups.

Final beneficiaries: Nepalese society.

Estimated number:

Representation from political and government level: 500 persons.

Representation from non-government level: 1000 persons (70 organizations).

1.8. Country (ies) in which the activities take place (if different from 1.7):

N/A

2. Assessment of implementation of Action activities

2.1. Activities and results

Activity 1: Campaign and advocacy

Campaign and advocacy is the major component of this project. The activities concluded under this and the result produced is summed up as follows:

1.1 Public meeting and demonstration:

Four events of public meeting and demonstration were conducted. All events of this activity were organized in Kathmandu with stakeholders from human rights community, civil society, media, and general public including representatives of political parties.

The first event was held with the main slogan "Public demonstration demanding ratification of the Rome Statute." This program was jointly organized by 9 organizations including FOHRID and Amnesty International on 1 March 2007 at Maitighar Mandala, Kathmandu. The participating representatives of human rights and civil society demanded with the government to ratify Rome Statute as soon as possible to end impunity widely prevalent in Nepal. Speakers of the program called upon the government to immediately proceed to ratify Rome Statute according to the directive order of the parliament.

Second event was organized with the slogan "Ratification of Rome Statute 1998 of the ICC and Optional Protocol 2002 of CAT" which was organized for a week from 1 July 2007. An intensive coalition of the human rights organizations was formed to carry out this activity. Altogether 41 organizations participated the coalition. In this connection, street drama was performed and discussions were conducted at various campuses to create awareness on the issue of ICC.

Representatives of political parties, senior human rights activists and members from civil society addressed the mass demonstration and public meeting. A weeklong program entitled "ICC Week" was organized from 1 – 7 July 2007. During the weeklong program, activities such as pamphleting, street drama, and submission of memoranda to Prime Minister, Speaker, Foreign Minister, political parties and interaction were conducted in collaboration with different human rights organizations to exert

pressure for the ratification of Rome Statute 1998 of ICC and Optional Protocol of CAT 2002. Overall coordination, preparation of memoranda and Secretariat of 'ICC Week' program was shouldered by FOHRID.

Prime Minister, Minister for Foreign Affairs and senior political leaders expressed their commitment to immediately ratify the Rome Statute of ICC with the separate lobbying delegations who visited their respective offices to submit the memoranda. The delegations reminded the leaders about the motion endorsed unanimously by the House of Representatives on 15 July 2006 directing Nepal government to accede to the Rome Statute immediately.

Third event was organized on 1 June 2008 at Shanti Vatika, Kathmandu with main slogan focused on combating impunity. "Year long campaign against impunity" was announced on the occasion (See Annex - 1). This programme was conducted with the initiative of Citizen's Task Force to Combat Impunity¹. The activity conducted by displaying placards and banners with a message demanding ratification of Rome Statute was participated by human rights activists, victims and representatives of civil society. Street drama on the theme of obligation of government after the ratification of ICC was staged on the occasion.

Fourth event of public meeting was organized with protest and signature campaign demanding accession to the ICC on 1 July 2008 at Maitighar Mandala. The central aim of this event was to create awareness on the people and exert pressure to the government in favour of accession to the Rome Statute of ICC. This program was organized under the banner of Citizen's Task Force to Combat Impunity. The program was participated by various human rights organizations including Amnesty International. Human rights activists addressed the participants shedding light on the need and relevance of ratification of Rome Statute. The speakers pointed out that it is a sheer weakness and unaccountability of the government that it has not ratified Rome Statute even after the directive order of the legislature-parliament.

Public Meeting and Demonstration has laid impact on creating awareness and pressure for ratification of Rome Statute. Citizen's Task Force to Combat Impunity played major role for execution of public meeting and demonstration. This helped in the mobilization and continuation of the Task Force. Due to its effective role to combat impunity, involvement of human rights organizations is increasing in the Task Force. This has built public interest campaign against torture and impunity. At the same time, it has been successful to convince the target groups on the importance of ratification of Rome Statute and OPT-CAT. It has exerted pressure for signature and ratification. Ratification of these instruments by the government shall help protect and promote rule of law and establish human rights culture in Nepal. Despite pressure from various corners, the government has not acceded to the Rome Statute till now. Therefore, it is important to continue a campaign for ratification of Rome Statute and the OPT-CAT.

1.2 Interaction with target groups:

Total three event of Interaction were held with target groups.

In the **first event**, an interaction entitled "A campaign against impunity: Ratification of Rome Statute 1998" was held as the first part of the first event of this activity on 7 July 2007 in Kathmandu. The program was conducted at the Nepal Bar Association conference hall with the involvement of 97 participants. Hon'ble MP Mahendra Pande, Chief Whip of CPN-UML and Hon'ble MP Ananda Dhungana, Chief Whip of Nepali Congress expressed their commitment to raise the issue in their respective parties and the parliament. Both of them were of the opinion that the government should ratify the Rome Statute of ICC without any delay to end impunity and guarantee rule of law in the country.

Likewise, an interaction on "Accession to Rome Statute: Need of a law to control torture and impunity" was held as **second part** of the first event on 31 December 2007 at Hotel Pension Vasana, Dillibazar, Kathmandu. This interaction was held with the active involvement of 71 participants including political party leaders, members of the Legislature-Parliament and law enforcing agencies. Speaking to the interaction program, Mr. Yagya Murti Banjade, Attorney General of the Government of Nepal opined that the accession to the Rome Statute will strengthen criminal justice system in Nepal. Hon'ble MP Tara Samyangya, President of Parliamentary Committee for Human Rights said that the government should accede to the Rome Statute to control impunity in the country. Members of the Legislature-Parliament, present on the occasion, expressed their commitment to raise voice in the parliament for immediate accession into the Rome Statute of the ICC. A discussion paper entitled "Accession of Nepal into the Rome Statute of ICC: Why and how much necessary" was presented on the occasion.

¹ Citizen's Task Force to Combat Impunity is a loose coalition formed by FOHRID under the project "Ending Unlawful Killings and Impunity" funded by EIDHR of the European Commission. There are 52 human rights organizations and 113 individual senior human rights defenders and renowned representatives of civil society involved in it.

The Resource Book entitled "An Introduction to the International Criminal Court" was unveiled during the program.

Second event was held on 11 February 2008 at Hotel Orchid, Tripureshwor, Kathmandu. It was entitled "Ending torture and impunity: Prosecution against human rights perpetrators". A discussion paper entitled "Legal provisions regarding investigation and prosecution of incidents of torture: An overview" was presented on the occasion. Altogether 58 participants participated the program. The participants of the program, representing mainly the law enforcing agencies, opined that the issue of impunity related to torture is complex and ratification of the Rome Statute is an effective measure to resolve this. They agreed that the accession into the Rome Statute should not be delayed, to ensure that the war crimes and crimes against humanity are regulated in the future.

The third event of this activity was held into two parts. The first part was organized by Citizen's Task Force to Combat Impunity. Title of this interaction held as a public hearing was "Why delay in ratification of Rome Statute of ICC. The program was organized at Maitighar Mandala, Kathmandu on 18 July 2008. Around 600 people participated the program. Participants of the program asked questions related to the Rome Statute of ICC, directive of the parliament through a resolution to ratify Rome Statute and delay in response of the government towards it to the representatives of the government, NHRC, Human rights community and civil society. Mr. Rudra Kumar Nepal, Under Secretary of the Ministry of Foreign Affairs responded to the queries of the participants. He opined that lack of accountability and sincerity of the government is the main cause behind delay in the ratification process. Speaking on the occasion, Under Secretary Nepal said that the ratification of Rome Statute is a political issue. He further added that at the time when the parliament has already endorsed a directive calling the government to ratify it, Foreign Ministry shall take action in the issue immediately after the government instructs to this effect.

Similarly, the **second part** of this third event was organized on 29 July 2008 entitled "Ratification of Rome Statute and its Jurisdiction" at Hotel Pension Vasana, Dillibazar Kathmandu. This interaction program was organized focusing the issue of Jurisdiction of ICC and OPT-CAT as the central theme. Two working papers on the issue of "Necessity to Accede into the Rome Statute of ICC and the problem ahead" and "International Criminal Court and its Jurisdiction" were presented on the occasion. The program was conducted with the involvement of 80 participants including representatives of the Office of the Prime Minister and Council of Ministers, Ministry of Law, Justice and Constituent Assembly Affairs, Members of Constituent Assembly, Office of the Attorney General and National Human Rights Commission. Speaking on the occasion, Dr. Trilochan Upreti, Secretary, Law, Justice and Constituent Assembly Affairs said that despite directive from the then legislature-parliament passed two years ago, accession into the Rome Statute could not be prioritized due to political instability, unstable government, and lack of political consensus. Mr. Madhab Paudel, Secretary, Office of Prime Minister and Council of Ministers opined that Nepal should become state party to the Rome Statute because it also helps protection of human rights.

Mr. Yagya Murti Banjade, Attorney General said that there is lack of effective victims oriented law in Nepal. He opined that impunity is prevalent not only in the serious incidents but also in the small incidents that draw public attention. Speaking on the occasion, Advocate Sapana Pradhan Malla, Constituent Assembly Member said that the perpetrators are enjoying impunity due to protection from the state, non-state actors and political parties. Constituent Assembly Members Mr. Nilambar Acharya, Mr. Narahari Acharya, Mr. Lal Babu Pandit and Mr. Jagadish Narasingha K.C. expressed political commitment to take initiative for ratification of Rome Statute on the occasion.

This interaction program was successful to convince the target groups on the need to ratify ICC and formulate and enforce a law against impunity. Through this and other activities, the stakeholders have started to express opinions on the need to ratify Rome Statute and OPT-CAT. Commitment has been expressed from the political level and government and Ministries for ratification of Rome Statute and OPT-CAT. However, the government has not ratified these instruments till now.

1.3 Lobbying vis a vis legislative organs:

During the project period, total 7 rounds lobbying vis a vis legislative organs were concluded. This activity focused ratification of Rome Statute 1998 of ICC and Optional Protocol 2002 of CAT. Details about lobbying vis a vis legislative organs are given below:

Table 1: Issue and Agencies of lobbying

S N	Issue and Agencies	Executio n date
1	A delegation of human rights community met with Mr. Bam Dev Gautam, Deputy Prime Minister and Home Minister and Mr. Dev Gurung Minister for Law, Justice and Constituent Assembly Affairs to request them to pass the civil society draft Bill Relating to Torture, 2065 and ratification of Rome Statute of ICC and OPT-CAT.	14, 15 Nov 2008

FINAL NARRATIVE REPORT

	Likewise, Bill Relating to Torture 2065 was disseminated to the Members of Constituent Assembly along with request letter to pass it from the Legislature-Parliament.	
2	A memorandum was submitted to the government requesting amendment of the incomplete provisions of the Truth and Reconciliation Commission (TRC). This was held to make the campaign against impunity effective.	14 Jul 2008
3	Lobbying with CA Members for collaboration to ensure "Impunity Free New Nepal". Request letters were submitted to each of the existing 596 CA Members. An interaction with the media on the status of the campaign for ratification of the Rome Statute of the ICC was held.	1 Jun 2008
4	Lobbying vis a vis discussion was conducted with office bearers of National Human Rights Commission to end impunity and Action Plan was submitted to take necessary measures and build pressure for ratification of Rome Statute of ICC and OPT-CAT. An agenda against impunity was handed over to the NHRC under lobbying. On the occasion, a list of issues to be incorporated to combat impunity was suggested to the NHRC. ²	14 Dec 2007
5	Submission of request with the 8 ruling political parties on the issue of ratification of the Rome Statute: Submission of separate request letters to Nepali Congress (Hon'ble Ram Chandra Paudel, Vice-President of Nepali Congress and Minister for Peace and Reconstruction), Nepali Congress-Democratic (Vice-President Gopal Man Shrestha, General Secretary Bimalendra Nidhi) CPN-UML (General Secretary Madhab Kumar Nepal), C.P. Mainali, Chairman of Bam Morcha, leaders of Nepal Sadbhawana Party (Anandidevi) and Nepal Majdoor Kisan Party to draw attention of their parties to ratify the ICC and OPT-CAT. Lobbying was also conducted with the Members of the Legislature-Parliament.	2-7 Jul 2007
6	Request letter submitted to Rt. Hon'ble Prime Minister and Foreign Minister and Civic lobbying on the issue of ratification of Rome Statute of ICC. (Information disseminated through sticker, street drama, interaction, pamphlet, banner, placard, radio program, article, write up etc.)	1 and 3 Jul 2007
7	Request letter submitted to Rt. Hon'ble Speaker Subhas Chandra Nembang for ratification of the Rome Statute of ICC.	29 Feb 2007

Prime Minister, Speaker, Foreign Minister and the leaders of political parties expressed their commitment with the lobbying delegations that they will make their best efforts to ratify Rome Statute of ICC and Optional Protocol of CAT. During separate lobbying meetings, the Deputy Prime Minister and Home Minister and Minister for Law Justice and Constituent Assembly Affairs expressed their commitment to help pass the Bill Relating to Torture 2065 from the legislature parliament. Despite these positive signals, the issue of passing the Bill Relating to Torture 2065 and ratification of Rome Statute of ICC and OPT-CAT may not get priority in the near future because formulation of new constitution is the main priority of the Constituent Assembly now.

Activity 2: Preparation of Resource Book on Rome Statute of ICC:

A Resource Book on the International Criminal Court has been prepared and printed in Nepali language taking "An Introduction to the International Criminal Court" authored by William A. Schabas as major reference. Formal consent was received from the author and the publisher Cambridge University, UK for citation and translation from the book. Other relevant publications were also consulted. Total 2500 copies of the book have been printed and being disseminated among stakeholders. The Resource Book is divided into following sections:

² The issues suggested to the NHRC were development of political system and will power to end impunity, repeal of domestic laws contributing to impunity, formulation of new law against impunity and legal provision, ensuring fast and empowered judicial administration, stop devaluation of rule of law and judiciary, revelation of truth and guarantee of justice to the victims, prosecution against those convicted of human rights violation, ending torture and inhuman activities occurring with impunity, creating environment to take responsibility in the serious violation of human rights caused by non state actors, ratification and accession to the international instruments against impunity (Rome Statute of the ICC, OPT-CAT, Disappearance Convention, Convention on the non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, other conventions regarding corruption and other issues), extension of Citizen's Task Force to Combat Impunity and expansion of action against impunity.

1. **Introduction:** Law of war: Regulation of offence, International justice: Responsibility and expectation of justice
2. **Creation of the Court:** Including The Nuremberg and Tokyo trials, International Law Commission, The ad hoc tribunals, Drafting of the ICC Statute
3. **Crimes prosecuted by the Court:** Including Genocide, Crimes against humanity, War crimes, other offences
4. **Jurisdiction and admissibility:** Subject matter (ratione materiae) jurisdiction, Temporal (ratione temporis) Jurisdiction, Bases of jurisdiction, Territorial (ratione loci) jurisdiction, Personal (ratione personae) jurisdiction, Security Council veto of prosecution, Admissibility
5. **General principle of criminal law:** Source of law, Interpreting the Rome Statute, Presumption of innocence, Rights of the accused, Individual criminal responsibility, Responsibility of commercial and other superiors, Mens rea or mental element, Defences, Statutory limitation
6. **Investigation and pre-trial procedure:** Initiation of prosecution, Rulings on jurisdiction and admissibility, Investigation, Arrest and surrender, Appearance before the Court and interim release, Confirmation hearing
7. **Trial and appeal:** Evidence, Sentencing procedure, Appeal and revision,
8. **Punishment and the rights of victims:** Available penalties, Enforcement, Victims of crimes and their concerns
9. **Structure and administration of the court:** The judges of the court, Office of the prosecutor, The Registry, Ethical matters, Defence bar, Languages, Assembly of states Parties, Funding, Settlement of disputes, Reservations, Amendment, Signature, ratification, approval and accession

Though earlier estimated to be around 400 pages long, the Resource Book is now 220 pages long. Length of the book was reduced because the Nepali translation of the Rome Statute was separately published in another book entitled "International Instruments Developed against Impunity" published under the same project.

Activity 3: Draft legislation / recommendation:

This activity, aimed to replace existing Torture Compensation Act, 2053 and the process to draft Bill Relating to Torture, 2065 was started from January 2007. There was a significant participation of the representatives of government, law enforcing agencies, legal experts, lawyers, journalists and human rights community, civil society, victims, experts and international organizations and institutions contributed from the very beginning to the final stage in the draft process. Consultation meetings, revision of draft and closed meetings with the experts were held in different phases to accomplish this process.

In the beginning, an alternative draft was prepared by assessing the weaknesses of the Torture Compensation Act, 2053. Consultation meetings were held in three phases at the central level and the draft was revised in all the three phases. The draft was revised for the fourth time after collecting written suggestions from the government agencies, NGOs, international agencies and individual levels.

After that, consultations and collection of suggestions on the draft were held at the regional level. It was forwarded to the international community for their suggestion and feedback after its translation into English language in January 2008. A closed meeting was held with the experts on 19 February 2008 to give final touch to the Bill Relating to Torture, 2065. The meeting was participated by legal experts and government officials including Advocate Rabindra Bhattarai, Tikaram Pande, Section Officer, Ministry of Law, Justice and Parliamentary Affairs, Narendra Pathak, Deputy Attorney General, Office of the Attorney General, Dr. Harihar Osti, Dr. Bidur Osti. Likewise, two round meetings with separate legal expert teams of the OHCHR Nepal was held on 29 April 2008 and 12 May 2008.

Finally, with the broader participation of all the stakeholders, a consultation conference to finalize the Bill Relating to Torture 2065 was organized in September 2008. Section-wise discussion on the Bill was held in the consultation conference and the Bill Relating to Torture, 2065 was finalized after a national level consultation with the representatives of government, judiciary, law enforcing agencies, Members of Constituent Assembly, political parties, victims and human rights and civil society representatives. The proposed Bill was published and disseminated among the stakeholders. With signature of participants of the discussion programs, the Bill was submitted to the Ministry of Home (MoH), Government of Nepal to table it in the legislature-parliament.

The draft legislation is based on the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 1985 and CAT. After a long process, the draft Bill was prepared as a common

document of the human rights and civil society. In this way, this Bill Relating to Torture, 2065 was completed with active involvement, consultation and written suggestions of the general stakeholders. Intensive efforts of the key stakeholders and concerned groups to make torture free new Nepal will be meaningful only when the alternative draft Bill is passed and enforced by the parliament. FOHRID has expected continuous cooperation, collaboration and solidarity of all concerned and key stakeholders to make this effort meaningful and to ensure zero tolerance to torture in new Nepal.

3.1 Consultation meeting:

This activity was complementary to the draft legislation process, i.e., drafting the Bill Relating to Torture 2065. This activity was selected to make the process participatory and to establish ownership of the target groups in the draft. This activity contributed to accomplish the draft legislation process successfully. Finally, the activity to draft legislation relating to the rights and compensation for the victims of torture based on the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 1985 and CAT was accomplished successfully. Total 4 round consultation meetings at the national level and 4 round consultation meetings at the regional level were conducted. The topics of these meetings were as follows:

- Consultation meeting on Torture Compensation Act 2053 and its alternate - Kathmandu, central level.
- Two dimensions of torture related law: Commitments and implementation - Kathmandu, central level.
- Torture Prohibition Bill, 2064 as an alternate to Torture Compensation Act, 2053 - Kathmandu, central level.
- Torture Compensation Act, 2053 and its Alternate - Biratnagar, Nepalgunj, Dhandagi and Pokhara, regional level.
- National Consultation Conference to finalize alternative Bill Relating to Torture 2065, Kathmandu, national level.

In the beginning, 3 consultation meetings were held at the central level. After that, 4 events closed meetings were held with the experts. Likewise, 4 events consultation meetings were held at the regional level. At the end, a national level consultation was organized to finalize the Bill Relating to Torture, 2065 in Kathmandu on 15 September 2008 on behalf of human rights and civil society. The phases of consultations and closed meetings as mentioned above are presented in a table below:

Table 2: Consultation meetings on draft legislation

#	Level	Date and venue	No. of participants
1	National	15 September 2008, Hotel Himalaya, Kupondol	69
8	Regional	19 June 2008, Hotel Tulsi, Pokhara	38
7	Regional	25 May 2008, Hotel Sathi, Dhangadhi	40
6	Regional	22 May 2008, Hotel Hungary, Nepalganj, Banke	41
5	Meeting with experts	12 May 2008, FOHRID Meeting Hall, Kathmandu	8
4	Meeting with experts	29 April 2008, FOHRID Meeting Hall, Kathmandu	10
3	Meeting with experts	4 March 2008, FOHRID Meeting Hall, Kathmandu	20
2	Meeting with experts	19 February 2008, Hotel Pension Vasana, Kathmandu	13
12	Regional	17 September 2007, Hotel Ratna, Biratnagar	89
11	Central	3 September 2007, Hotel Ashoka, Kathmandu	35
10	Central	25 June 2007, Gautam Buddha Hall, Kathmandu	51
9	Central	7 May 2007, Hotel Orchid, Kathmandu	87
Total			501

These consultation meetings were conducted with working papers. Discussions were held seeking suggestion to formulate a new Torture Compensation Act to replace the existing one. Members of Parliament / CA, representatives of political parties, government agencies, relevant Ministries, law enforcing authorities, lawyers, victims, civil society, NHRC, NBA, and non-government sectors participated these programs. Some representatives from the government suggested that the amendment to the existing Compensation Relating to Torture Act 1996 shall be enough to make it more effective. A representative from the Home Ministry informed during one of the programs in Kathmandu that they are preparing amendment, but, so far, the civil society is not consulted in this

process. However, the participants agreed that the draft Bill provides opinion of the human rights and civil society for formulation of new law in this regard.

The consultation meetings have helped to attain specific objectives of the project. Through these consultation programs, the target groups have realized that the criminal justice system of Nepal should be improved to address situation of torture in Nepal. The stakeholders from the government and non government sectors have come to a consensus that torture should be defined as criminal offence. This has created a favourable environment to pass the **Bill Relating to Torture, 2065 to replace the existing Compensation Relating to Torture Act of 1996.**

Activity 4: Publication & dissemination:

Following publications were prepared and disseminated during the project period covering January 2007 – December 2008:

4.1 Compilation of impunity related documents:

International Instruments Developed Against Impunity was published as a compilation of impunity related documents. Altogether 18 instruments and reports as follows have been accommodated in this publication:

1. Rome Statute – 1998.
2. Updated Set of Principles for the Protection and Promotion of human rights through action to combat impunity.
3. Brussels principle against impunity and for international justice 2002.
4. European Parliament Resolution on Impunity in Africa and in Particular the Case of Hissene Habre.
5. Basic Principles and Guidelines on the Right to a Remedy and Reparation for victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.
6. Principles on Housing and Property Restitution for Refugees and Displaced Persons. (Endorsed by the UN Sub-Commission on the Promotion and Protection of Human Rights, Resolution 2005/21 of 11 August 2005).
7. Guiding Principles on Internal Displacement
8. The rule of law and transitional justice in conflict and post-conflict societies (Report of the UN Secretary General).
9. Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity.
10. Principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity.
11. Convention on the Prevention and Punishment of the Crime of Genocide.
12. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
13. Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
14. UN Declaration of Basic Principle of Justice for Victims of Crime and Abuse of Power – 1985.
15. International Convention for the Protection of All Persons from Enforced Disappearance.
16. International Covenant on Civil and Political Rights (ICCPR)
17. Optional Protocol to the International Covenant on Civil and Political Rights
18. Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

The translation and publication of compilation document is already completed. Total 2000 copies of this document have been printed and being disseminated to the stakeholders.

Office of the Attorney General requested FOHRID to publish second edition of this publication by incorporating "Elements of Crime" and "Rule of Procedure and Evidence" and provide them 1200 copies. As we did not have fund for additional translation and reprint under this project, we published the second edition with the financial assistance of ESP Nepal. Contribution of European Commission to bring the first edition has been duly acknowledged in the second edition.

4.2. Special Project Bulletin of FOHRID Human Rights Monitor:

Special project bulletin of FOHRID Human Rights Monitor total four issues were published 4500 copies and are being disseminated under this project.

4.3. Resource Book on ICC and Rome Statute:

Total 2500 copies of the Resource Book on ICC and Rome Statute have been published and the copies are being disseminated to the stakeholders.

Above publications were disseminated among stakeholders including government agencies, law enforcing agencies, human rights community, civil society, political parties, CA Members, Office of the

Attorney General, security agencies (Nepal Army, Armed Police Force and Nepal Police), Maoist Combatants, INGOs, diplomatic missions in Kathmandu, academic institutions, journalists etc.

4.4 Leaflet cum parcha:

Total 70,000 copies of leaflet cum parcha, carrying basic information about Rome Statute 1998 and Optional Protocol 2002 of CAT have been printed and widely disseminated. But the contribution of EU is not displayed in the leaflet as it was published in the joint collaboration with 40 human rights organizations. This activity was led by FOHRID and other organizations were involved in the dissemination.

4.5 Draft recommendation (Citizen's Draft Bill Relating to Torture, 2065)

Though the citizen's draft Bill Relating to Torture, 2065 was planned to be printed 500 copies at the time of drafting the proposal, it was finally printed 1200 copies. This change was necessary to distribute one copy each to 601 Members of Constituent Assembly and other stakeholders. This publication with the size of 80 pages is published bilingual in English and Nepali language.

Activity 5: Formulate long-term intervention strategy plan of action to implement Rome Statute and Optional Protocol of CAT at the domestic level:

Main focus of the long-term intervention action plan to be prepared under this project was designated initially as implementation of Rome Statute and Optional Protocol of CAT to eradicate torture and impunity. However, these instruments have not been ratified by Nepal government till now. Therefore, **Long-term intervention strategy plan of action to implement Rome Statute and Optional Protocol of CAT** was prepared by accommodating materials relating to awareness creation and action plan for Rome Statute and Optional Protocol of CAT. The publication has incorporated two aspects. The first one is basic information regarding Rome Statute and Optional protocol of CAT. The second aspect is a separate action plan for ratification of Rome Statute and Optional Protocol of CAT and a list of activities necessary for their domestication after ratification. Hence, the publication is entitled "Civic action plan for accession into and implementation of Rome Statute and Optional Protocol of CAT." This publication shall inform the stakeholders on the fundamental aspects of Rome Statute and Optional Protocol of CAT and the benefits Nepal can gain after ratification of these instruments. The action plan portion of this publication, printed 2000 copies, has been published in both English and Nepali languages.

2.2. What is your assessment of the results of the Action? Include observations on the extent to which foreseen specific objective and overall objectives were met and whether the Action has had any unforeseen positive or negative results. (Please quantify where possible; refer to Logframe Indicators).

Expected results mentioned in the Logframe have been achieved through activities accomplished under this project. Assessment of FOHRID has found that the specific objectives of the project have been achieved as expected. Expected results of the Logframe and assessments are as follows:

- i. Public interest campaign has been established against torture and impunity. Compared to the previous situation, the citizens have been more sensitized on the issue of torture and impunity. The general public have also started to demand end of impunity. Members of present government have expressed commitment that the "government will go forward honestly to end impunity."³ Such commitments were made due to the impact of the campaign on this issue because more pressure is being exerted from the people's side. The public pressure has been leaving nationwide impact to end impunity. Expansion of the campaign will certainly result in more accountable government.
- ii. The target groups have realised the need of an effective law to end torture and impunity. Efforts have been made for reform in the relevant law. The Ministry of Peace and Reconstruction has started drafting a law on disappearance and the Ministry of Home is preparing to amend in the Compensation Relating to Torture Act of 1996.
- iii. The target groups have been strongly demanding ratification of Rome Statute and Optional Protocol of CAT. They have been exerting pressure to the government to ratify both the instruments. The stakeholders such as political leaders, Chairperson and Members of the legislative organ have been repeating the need to ratify both these instruments. The expected result was that the government would sign and ratify the Rome Statute and Optional Protocol of CAT. We could not achieve this expected result during project period. Dr. Trilochan Upreti, Secretary, Law, Justice and Parliamentary Affairs expressed his helplessness in an interaction program organized by FOHRID saying, "Despite directive order from the then legislature-parliament two years ago, the accession into the Rome

³ Bamdev Gautam, Deputy Prime Minister and Minister for Home, Gorkhapatra daily, Vol. 108, No. 191, 20 November 2008.

- Statute could not be prioritized due to political instability, change in the government and lack of political consensus”⁴
- iv. This project has achieved the expected result to prepare in Nepali language and disseminate among stakeholders the International Instruments Developed Against Impunity and Resource Book on ICC and Rome Statute.
 - v. This project has been successful to achieve the result to draft Bill Relating to Torture, 2065 to replace the existing Compensation Relating to Torture Act, 1996. It was expected to pass this Bill from the legislature-parliament within the project period but it could not be achieved. Reason behind this was that the country is still in the transitional phase and formulation of a new constitution was prioritized in the country. The Bill Relating to Torture, 2065 prepared under this project has defined torture as a criminal offence. Though this Bill could not be passed from the parliament, it has given a good feedback to the government for drafting a new torture related law. On the basis of the views of the civil society expressed through this Bill, the torture Act to be enforced in the future shall incorporate torture as a criminal offence.
 - vi. Another expected result was to prepare long term strategy plan for implementation of Rome Statute and Optional Protocol of CAT. Action plan has been prepared as designed. However, the action plan has focused on continuation of the campaign for ratification and domestication/implementation of the Rome Statute and Optional Protocol of CAT. This document has been prepared as a common action plan of all the human rights organizations. This has identified the activities to be prioritized by the stakeholders to ensure ratification and domestication of Rome Statute. The document sensitizes stakeholders for domestication of Rome Statute after its ratification.
 - vii. Through this project, FOHRID has identified activities and priorities for domestication of Rome Statute after its ratification. At the same time, FOHRID has given new dimension to its campaign against impunity by connecting its efforts with the efforts in the international level. FOHRID has obtained membership of Coalition for International Criminal Court (CICC). This opportunity was obtained during implementation of the Initiative to Combat Against Torture and Impunity– Project. FOHRID's working relationship with NHRC, Amnesty International-Nepal, OHCHR Nepal, ICJ has been strengthened during this time. This has helped in enhancing institutional capacity and expertise of FOHRID.
 - viii. At the time of project design, it was estimated that the Rome Statute and Optional Protocol of CAT shall be signed by the end of project duration. Risk for this expected result was also assessed. The government did not sign and ratify the Rome Statute and Optional protocol of CAT as expected. It is not extraordinary that the government, entangled in the transitional justice and political transformation, could not prioritize signature of human rights instruments and the issue of impunity. The political parties and the government could not play an effective role for ratification of Rome Statute and Optional Protocol of CAT and formulation of a new law relating to torture. So far as the issue of ratification of Rome Statute is concerned, the political parties were always ready to express their commitments but they failed to transform their commitments into reality. This probability was identified as a risk while designing this project. The political parties still bear the misconception that their leaders and activists can be prosecuted by the ICC after ratification of the Rome Statute.

Following risks assessed at the time of project designing and incorporated in the Logframe are still relevant to the present Nepalese context:

- Political parties and government may not take strong decision against torture, impunity and for law reform.
- Political parties and role of government.
- Political parties including Maoists may ignore this issue as signature and ratification of Rome Statute will open door to take action against their own leaders and cadres.

The above risks are valid even after the expiry of the project duration. The government has not implemented its commitment for ratification of the Rome Statute and Optional Protocol of CAT, despite its lip service to become state party to them. Nevertheless, outputs of the completed activities are successful to meet the anticipated results as stated in the project description.

Hence, our observation has found that the project has achieved foreseen goals in the public opinion formation and public interest campaign level to establish the ratification campaign of Rome Statute and Optional Protocol of CAT, and sensitize the stakeholders on the importance of the same. Similarly, the

⁴ Report of a program entitled “Ratification of Rome Statute and its Jurisdiction” organized by FOHRID and Citizen's Task Force to Combat Impunity under this project on 29 July 2008 at Kathmandu.

project has been successful to attain the objectives of drafting Bill Relating to Torture, 2065 and preparing Long term strategy action plan for implementation of Rome Statute and Optional Protocol of CAT. Through translation and dissemination of "International Instruments Developed Against Impunity" in Nepali language, the project has been successful to fulfil the objective to transfer the knowledge developed by international community to fight against impunity. It has fulfilled its objective to sensitize general stakeholders on various aspects of rights and jurisdiction of the International Criminal Court through publication and dissemination of a resource material entitled "International Criminal Court: An Introduction" in Nepali language. Though the overall objective of the project 'to Combat against torture and Impunity for the protection and promotion of Human Rights, Rule of Law and Democracy' is ambitious in itself, all the specific objectives listed from 1 to 5 under the project were fulfilled. This will contribute to achieve the overall objective of the project.

Based on the assessment of the project results, following results of the activities as reflected in the assumption of the Logframe have been obtained:

- Customized knowledge regarding international principles developed against impunity has been disseminated among stakeholders. It has created pressure against government agencies and law enforcing agencies to become more accountable to address the issue of impunity.
- Public interest campaign has been established for the ratification of Rome Statute 1998 and Optional Protocol 2002 of CAT.
- Target groups have been empowered to raise collective voice for signature and ratification of the Rome Statute 1998 and Optional Protocol 2002 of CAT.
- Office of the Prime Minister, Speaker and Foreign Minister expressed their commitment for signature and ratification of the Rome Statute 1998 and Optional Protocol 2002 of CAT.
- The mainstream 8 political parties have expressed their commitment for ratification of the Rome Statute 1998 and Optional Protocol 2002 of CAT.
- Target groups have been sensitised on the importance of Rome Statute 1998 and Optional Protocol 2002 of CAT. They have started to exert pressure to the government to sign and ratify these instruments.
- This action has initiated by FOHRID in collaboration with the civil society and human rights organizations. This has created unity and synergy among target groups. Campaign to combat against torture, impunity and crimes against humanity is getting momentum in an organized form.
- The Resource Book entitled "An Introduction of International Criminal Court" has been utilized to transfer the customized knowledge on the ICC to the stakeholders. The book has sensitized stakeholders on the issue.
- The "International Instruments Developed against Impunity" has provided theoretical knowledge to the stakeholders in their struggle and advocacy against impunity.
- At the government level, political parties and law enforcing agencies have realized severity of impunity in the country and have expressed their solidarity to address this issue with due priority.

Quantification of output so far:

1. Resource Book on Rome Statute and ICC - 2500 copies published and disseminated
2. Compilation of impunity related documents including Rome Statute - 2000 copies published and disseminated
3. Project bulletin (FOHRID Human Rights Monitor) - 1500 copies published and disseminated
4. T-shirt - 50 pieces printed and distributed
5. Leaflet cum parcha - 70,000 copies published and disseminated
6. Public Meeting and Mass Demonstration - 4 events completed
7. Interaction with target groups - 3 events were completed
8. Lobbying vis a vis legislative organ - 7 rounds completed
9. Consultation meeting at the central level - 4 events completed
10. Consultation meeting at the regional level - 4 events completed
11. Draft legislation - prepared and submitted to the Ministry of Law, Justice and Constituent Assembly Affairs; and Home Ministry.
12. Action plan document - 2000 copies prepared, published and disseminated.
13. Draft Legislation - 1200 copies published and disseminated.
14. Project Final Execution Report - 500 copies printed and disseminated.

2.3. What has been the outcome on both the final beneficiaries &/or target group (if different) and the situation in the target country or target region which the Action addressed?

Outcome on both the final beneficiaries &/or target group

This project had determined three levels of stakeholders namely political level, government level, and non-governmental level as target groups and the overall Nepalese society was final beneficiary. The final beneficiary might not benefit immediately from the project output as the intervention strategy of the project against torture and impunity was policy reform through public interest advocacy campaign develop. It will take time for the final beneficiaries to benefit from the project as the policy reform, passage of new Bill Relating to Torture prepared by this project and reform in the criminal justice system after ratification of Rome Statute and Optional Protocol of CAT and implementation of these instruments is a longer process. This project has brought some specific outcomes to create the envisaged situation and to obtain the result of these activities. They are as follows:

1. The target groups from the political level have expressed their commitments for ratification of Rome Statute and Optional Protocol of CAT. They have realized the need to formulate a law against torture. The political leaders including CPN-Maoists have expressed that impunity should be ended through enforcement of an effective law. Similarly, Prime Minister Pushpa Kamal Dahal 'Prachanda' has said, 'Present government is committed to maintaining rule of law and putting an end to the rampant culture of impunity'⁵. Senior political leaders have expressed their commitments to help for ratification of Rome Statute and Optional Protocol of CAT with the lobbying delegation conducted under this project. They have accepted the widespread problem of impunity. This project has been successful to make stakeholders realize prevalent impunity in the country, need to ratify relevant international instruments and implement an effective law against torture. The project has become successful to bring change in the understanding of target groups regarding the issue of torture and impunity. This is the positive outcome seen in the project target groups.
2. This project provided an opportunity to understand lapses in the legal provision of Compensation Relating to Torture Act, 1996 to government level target groups, especially law enforcing agencies, Ministry for Home Affairs and legislative organs. Likewise, they have been able to understand the regulatory framework of Rome Statute and Optional Protocol of CAT. Due to this, they have been able to make up mind about domestication of the Rome Statute and Optional protocol of CAT after these instruments will be ratified by the Government. The outcome of this understanding is the preparation for implementation of Rome Statute and Optional Protocol of CAT after ratification by Nepal.
3. The stakeholders such as law enforcing agencies including judiciary have been using International Instruments Developed Against Impunity and International Criminal Court: An Introduction as resource material. **These publications have been proposed as reference books in the curriculum of "Victimology" by the Department of Victimology, Nepal Law Campus (Tribhuvan University), Kathmandu.** The Office of the Attorney General used these publications as resource materials in its training entitled "Role of government attorneys to control impunity" conducted to the government attorneys. In this way, the representatives of target groups and the participants of the project events utilized project produced materials to obtain theoretical knowledge on impunity. Hence, the theoretical knowledge on impunity, based on international practice, disseminated to the target groups is one of the major outcomes of this project.
4. This project has imparted equally important outcome in the non-government level. This project has organized civil society campaign against impunity and created synergy which is a significant outcome of this project. A united voice of the human rights and civil society has come up for ratification of Rome Statute and Optional Protocol of CAT. Campaign against impunity has been forwarded under the banner of Citizen's Task Force to Combat Impunity. The ICC Week celebrated in the first year of this project brought together all the human rights organizations to exert pressure for ratification of Rome Statute. Awareness programs were conducted for ratification of Rome Statute. Year Long campaign against impunity has been started from June 2008. Renowned human rights defenders and organizations have been organized under the banner of Citizen's Task Force to Combat Impunity to demand ratification of Rome Statute and Optional Protocol of CAT and end impunity. So, it is an important outcome of this project to ensure collaboration and working solidarity of the target groups from the non-governmental sector.
5. The target groups from the non-government sector have been proceeding strongly for ratification of Rome Statute and ending impunity. They have been able to launch discourse on the benefits the nation can get after ratification of Rome Statute and OPT-CAT. Their access to the theoretical knowledge on international instruments to mitigate impunity has been enhanced.

⁵ The Kathmandu Post, Vol XVI, No. 262, November 12, 2008, 'Government will end culture of Impunity: PM.'

They have been able to exert continuous pressure for ratification of Rome Statute and OPT-CAT. The project has enabled target groups from non-governmental sector to identify follow up activities and issues after ratification of Rome Statute and OPT-CAT. It is an important outcome of the project that the target groups from the non governmental sector have been capacitated to monitor the implementation of these instruments.

Situation in the target country or target region

1. The target groups have taken this initiative positively and come up to join hands in the campaign against impunity and ratification of Rome Statute and Optional Protocol of CAT. Strong voice has been raised to formulate law against torture and impunity. The outcome of this project has opened room for nationwide replication of ratification of Rome Statute and Optional Protocol of CAT and end of torture and impunity.
2. The project produced materials have brought important outcome to change the situation of target country. This is because the political parties, CA Members, law enforcing authority and other stakeholders have been able to understand the international instruments developed against impunity. Moreover, the International Instruments Developed Against Impunity and International Criminal Court: An Introduction have been proposed as reference books in the curriculum of "Victimology", an optional paper in the LL.B., Second Year by the Department of Victimology, Nepal Law Campus (Tribhuvan University), Kathmandu.
The consultation meetings implemented in the draft legislation process of this project have informed stakeholders at the regional level, outside capital Kathmandu on the need of a law to address torture and impunity.
3. The campaign for ratification of Rome statute and to oppose widespread impunity has established the fact that all the stakeholders have to come together with firm commitments in a campaign for ratification of Rome Statute and OPT-CAT to end impunity. The project has imparted the message that ratification of ICC, which is part of international criminal justice system, is necessary to end impunity. This can ensure justice for the victims by ending impunity and addressing incidents of serious violation of human rights.
4. Representatives of political parties, legislative organs, and law enforcing agencies of the country are also involved in this initiative, which has made them understand the gravity of torture and impunity. They have realized that an effective national policy is necessary to address the problem of torture and impunity.
5. During these two years, the project has been successful towards establishing a foundation for struggle against torture and impunity as well as ratification campaign of Rome Statute and Optional Protocol of CAT. Draft legislation entitled Bill Relating to Torture, 2065 proposed as a civil society draft to replace the existing Torture Compensation Act, 1996 has been based on the provisions of CAT. Pressure is being exerted from every sector for ratification of Rome Statute. It has created pressure to make the government agencies accountable to respect human rights and end impunity. This will, at one hand, help to improve human rights situation in the country and at the same time, it will ensure a situation to address the issue of torture and impunity from the policy level. Interim Constitution of Nepal, 2007 has termed torture as punishable offence. It has mentioned commitment to end impunity in the directive principles of the state.
6. This will have policy level impact in the long run. The government and legislative organs including law enforcing agencies will be compelled to adopt effective policies and law against torture and impunity. Human rights organizations, journalists and the civil society are continuing to create pressure and conduct advocacy for ratification of Rome Statute and Optional Protocol of CAT. In this way, the project implementation has initiated an organized campaign against impunity in the country. Public pressure is exerted at the highest level for ratification of Rome Statute. The resource materials on impunity has expanded sphere of knowledge in the stakeholders. Hence, it is a major outcome of this project that it could establish a campaign for ratification of Rome Statute and OPT-CAT to end impunity in the target country.

2.4. Please list all publications (and no. of copies) produced during the Action on whatever format, amongst others containing new approaches, innovative ways of communicating... (please enclose a copy of each item, except if you have already done so in the past).

Table 3: List of project produced publications

S.N.	Title of Publication	Total # of copies	Publication date
1.	International Instruments Developed against Impunity	2000	August 2007
2.	An Introduction to International Criminal Court	2500	November 2007
3.	Bill Relating to Torture, 2065	1200	October 2008

FINAL NARRATIVE REPORT

4.	For Accession and implementation to Rome Statute and Optional Protocol of CAT - Civic Action Plan	2000	November 2008
5.	FOHRID Human Rights Monitor (Project Bulletin- 3 issues)	4500	July 2007, June and December 2008
6.	Final programme report	500	December end 2008

Apart from the above publications, a pamphlet bearing message on Rome Statute and Optional Protocol of CAT was brought out under this project. This material was prepared as a leaflet and printed 70,000 copies. Besides, 50 T-shirts were produced and disseminated for use in the campaign for ratification of Rome Statute.

Among these publications, International Instruments Developed Against Impunity has been published with an innovative concept. This is a new approach in itself because the international instruments specifically related to the issue of impunity have been selected for the publication. It has incorporated 18 instruments including Rome Statute, the well acclaimed document comprising international criminal justice system developed against impunity. International Criminal Court: An Introduction, an authentic publication on ICC authored by William A. Schabas has been cited as a source to prepare An Introduction to International Criminal Court in Nepali language. William A. Schabas is the commanding author on ICC. Considering significance of these books to impart knowledge on impunity, the Department of Victimology, Nepal Law Campus, Tribhuvan University has proposed them as reference books in its newly introduced curriculum of Victimology for Bachelors in Law. Likewise, For accession and implementation to Rome Statute and Optional Protocol of CAT- Civil Action Plan has been prepared with a new approach and an innovative way. It has borne basic knowledge on Rome Statute and OPT-CAT. The status of US Bilateral Immunity Agreements (BIAs) being conducted by the US government, in many countries of the world including Nepal, is explained in the document. It has also incorporated action plan for campaign to ratify these instruments and for implementation after their ratification. Hence, this informative publication is brought out with an innovative approach.

Please state how your publications are being distributed and to whom.

The publications produced under this project were made public in the course of project implementation. For this, FOHRID adopted two strategies of dissemination.

First, outcomes of the each eventwise activity have been widely disseminated via electronic medium which has helped to sensitize target groups against torture and impunity.

Second, FOHRID flowed a request among major stakeholders to collect hardcopy of the project produced publications. Responding to our request, the stakeholders including Supreme Court, Office of the Attorney General, Nepal Army, Nepal Police, Armed Police Force collected their copies visiting FOHRID office. FOHRID arranged to drop copies to the CA Members in their Pigeon hole at their office. The publications were distributed to the participants of consultation meetings at the regional level and interaction and workshops at the central level during the programs. FOHRID arranged to drop the publications at the offices of the UN agencies, diplomatic missions, donor community, INGOs and NGOs based in Kathmandu. These are being disseminated to the dignitaries who visit FOHRID office. The stakeholders such as Nepal Bar Association, National Human Rights Commission, Nepal Law Campus and major libraries have visited FOHRID with request letters to provide the publications. In this way, the project produced materials have been effectively disseminated to the government agencies, political parties, political leaders, UN agencies, diplomatic missions, INGOs, NGOs, academicians and other stakeholders.

2.5. Please list all contracts (works, supplies, services) above 5000€ awarded for the implementation of the action since the last interim report if any or during the reporting period, giving for each contract the amount, the award procedure followed and the name of the contractor.

N/A

2.6. Describe if the Action will continue after the support from the European Community has ended. Are there any follow up activities envisaged? What will ensure the sustainability of the Action?

The project has developed a foundation of a campaign against impunity and determined activities for continuation of the campaign. This secures sustainability of the action. But, it is really a big question before us whether or not the activities initiated shall continue after the support from the EC has ended. Funding is required for its continuation and we do not have a secured fund for this. We have the challenge to continue the intensive networking of Citizen's Task Force to Combat Impunity established to launch ICC ratification campaign. Likewise, we have another challenge to strengthen campaign against impunity and the networking. Continuity to these campaigns is a challenge for securing sustainability of the action initiated by the project. External financial assistance is imperative for this purpose. We shall try our best to continue the activities and the campaign even after the EC funding ends. We have determined following activities to this effect:

- Strengthening Citizen's Task Force to Combat Impunity
- Campaign for ratification of the instruments including Rome Statute and OPT-CAT (Please see the action plan document produced by this project)
- To carry out study of domestic laws that contribute to increased impunity.
- Conduct advocacy for security sector reform (SSR).
- Conduct advocacy for action against perpetrators.

FOHRID has drafted and recommended Bill Relating to Torture, 2065 for legislation reform. Additional lobbying is felt necessary to continue pressure to pass the Bill from the legislature-parliament. We have identified activities to be accomplished at the domestic level to be implemented after ratification of Rome Statute. The issues raised by this project shall be continued because something more is required to be done in these areas. The institutional capacity building and project produced materials are valuable assets for FOHRID to continue its activities in the future.

2.7. Has the Action promoted gender equality, disabilities....? If yes, please explain⁶

Yes, each activities of the project prioritized promotion of gender equality and disabilities, mainstreaming women, vulnerable groups, marginalized communities and other needy people. The project was sensitive on gender equality as well as disabilities issues in the course of its implementation. As mentioned in the project description, two positions were ensured for women as the staffs of the project. Due attention was paid for women participation in the conducted programmes to promote gender equality. Representation of women as panellists was made compulsory in each public programmes. Participation of disables in Public meeting, interaction and consultation meetings was highly encouraged. However, it could not emphasize promotion of gender equality and disabilities at the individual level because its areas of concern were reform in the overall justice system, the follow up activities after ratification of Rome Statute and OPT-CAT and policy reform to address the needs of the torture victims.

2.8. How and by whom have the activities been monitored/evaluated? Please summarise the results of the feedback received, including from the beneficiaries.

Monitoring and evaluation of the project activities:

The activities of the project was monitored / evaluated by Project Implementation Team. The Project Coordinator and Project Officer prepared project action progress report on the monthly and quarterly basis. Each month, meeting of the Project Team prepared progress notes of project action. Project Coordinator coordinated overall monitoring and evaluation. This monitoring was centred on the output level of the indicators of Logical Framework. Taking feedbacks of the monitoring, the Project Team furthered next steps. Administrative Officer tabled the report on the monitoring of all the details of monthly expenses to Project Team and FOHRID Executive Committee.

Feedbacks from the Beneficiaries

- Separate activities must be launched for ratification of Rome Statute and OPT-CAT and their domestication. We must discuss on the effects of ratification of these instruments at the domestic level.
- FOHRID should continue its advocacy and lobbying to pass the **Bill Relating to Torture, 2065** if needed, under a new project.
- Campaign for ratification of Rome Statute should be forwarded with long term strategy. Moreover, we have to make efforts for strengthening Citizen's Task Force to Combat Impunity to make this campaign effective.

⁶ To refer to EC Guidelines on gender equality, disabilities...

- Ending impunity is imperative for ensuring rule of law, promotion and protection of human rights. We must continuously proceed our campaign against impunity. The campaign must be extended to the local level.⁷
- The Nepalese judges are not adequately aware of Rome Statute and ICC as these are the latest developments in the international criminal justice system. Therefore, training should be conducted to the judges on the international criminal justice system including Rome Statute and ICC. The Supreme Court is ready to assist, if FOHRID can take initiative in this regard.⁸
- Impunity is not a political issue rather it is a legal question. If impunity is considered as a political question, perpetrators will always enjoy impunity. It should be brought into the ambit of law; and serious crimes under international laws should be incorporated in impunity.
- The publications FOHRID prepared on the issue of impunity are informative and updated. The information about international movement against impunity has paved the way for national campaign of zero tolerance to impunity in the country.

2.9. What has your organisation/partner learned from the Action and how has this learning been utilised and disseminated?

FOHRID has gained both external and internal learning through this project implementation. Firstly, the external learning was that the government and political leaders express their commitment for ratification of Rome Statute and end impunity but they are not ready to implement their own commitments. It is found that the human rights and civil society needs to launch strong and intensive campaign to implement their commitments against impunity. Support, cooperation, lobbying and pressure from the international level are required for this campaign.

Second learning is related to the implementation of project with the cooperation of EC. We received only negative remarks from local donors while submitting proposal for further funding in other projects. The local donor agencies did not want to extend financial assistance to FOHRID saying that we have to seek further funding from the EC, as we have good relation there. This experience has compelled us to think that it is difficult to work with other donors once we receive funding from the EC.

FOHRID learnt about the dimensions of international movement developed against impunity through implementation of this project. FOHRID produced useful resource materials for the stakeholders to clearly understand about the ICC. The office bearers and officials of FOHRID could learn about various aspects of international criminal justice system when it was brought into academic discourse.

The results obtained / lessons learned from the project were made public in the course of project implementation. For this, FOHRID adopted two strategies of dissemination; one by circulating immediately through electronic mail as well as updating FOHRID website with information; and another by printing hard copies to make available where the internet service is not available or not appropriate.

Major publications of FOHRID have been delivered hard copy to the stakeholders. They are being disseminated to the participants of the programs of FOHRID. FOHRID has arranged to drop them at the office of some stakeholders. The visitors in the FOHRID office have themselves picked them up. The stakeholders outside Kathmandu have received them in the FOHRID programs at the regional level and by post. Distribution to the district offices of Supreme Court, Nepal Bar Association, Nepal Army, Nepal Police and Armed Police Force is ensured through coordination with their respective central offices in Kathmandu.

3. Partners and other Co-operation

3.1. How do you assess the relationship between the formal partners of this Action (i.e. those partners which have signed a partnership statement)? Please specify for each partner organisation

N/A

3.2. Is the partnership to continue? If so, how? If not, why?

N/A

3.3. How would you assess the relationship between your organisation and State authorities in the Action countries? How has this relationship affected the Action?

There is a good working relationship between state authorities and FOHRID. State bodies and agencies are positive to the issues raised by this project. This has ultimately helped to yield a positive result. From beginning to end of this project implementation, state agencies such as Office of the Prime Minister and Council of Ministers, Ministry of Home, Ministry of Law, Justice and Constituent Assembly

⁷ Advocate Sapana Pradhan Malla, CA member said in an interaction programme entitled Ratification of Rome Statute and It's Jurisdiction, organized under this project on 19 July 2008 in Kathmandu.

⁸ Dr. Ram Krishna Timilsina, Registrar, Supreme Court, said in an interaction programme entitled Ratification of Rome Statute and it's Jurisdiction, organized under this project on 19 July 2008 in Kathmandu

Affairs, Ministry of Foreign Affairs have expressed their commitment to work for ratification of the Rome Statute 1998 and Optional Protocol of CAT 2002. FOHRID provided "International Instruments Developed against Impunity" and "An Introduction of the International Criminal Court" to Supreme Court, Office of the Attorney General, Nepal Army, Nepal Police. These government agencies are utilizing the resource books to train their manpower. This is the result of the good rapport between FOHRID and the state authorities.

While implementing project activities, we have received positive response and cooperation from the government institutions including Nepal Army when we used the letterhead with the logo of EU and FOHRID together in our project related correspondence. The representatives of the government agencies actively participated the programs conducted by FOHRID under this project.

3.4. Where applicable, describe your relationship with any other organisations involved in implementing the Action:

- **Associate(s) (if any)**
- **Sub-contractor(s) (if any)**
- **Final Beneficiaries and Target groups**

The relationship of FOHRID with the final beneficiary and the target group has remained smooth during implementation of this project. Final beneficiaries and target groups have been actively involved according to their determined role in implementing all the activities. More than 52 organizations / institutions of human rights community, civil society and occupational groups have been involved in the campaign for the ratification of Rome Statute. International institutions including ICJ, OHCHR Nepal and Amnesty International Nepal have contributed to prepare impunity document and the Resource Book.

FOHRID accomplished this project through coordination and collaboration with number of other organizations. Collaboration with I/NGOs including OHCHR Nepal and HRTMCC was made in the draft legislation process. FOHRID worked in collaboration with Amnesty International in several events conducted for ratification of Rome Statute.

- **Other third parties involved.**

No third party was involved in the project.

3.5. Where applicable, outline any links you have developed with other actions

This project does not have direct link with other activities developed by FOHRID. Nevertheless, we have been advocating for the protection and promotion of the rights of victims under this project. This activity has linkage with another activity entitled "Advocacy on social, economic and legal justice for victims of conflict project" being implemented under funding from the ActionAid. We raise the issue of bringing the perpetrators into justice system, justice and compensation for victims, retroactive justice and impunity as cross cutting issues. FOHRID has been forwarding activities with focus on the transitional justice and the proposed Truth and Reconciliation Commission. The issue of impunity raised in this project will contribute in the campaign. Therefore, the activities of torture and impunity project have linkage with other actions implemented by FOHRID.

3.6. If your organisation has received previous EC grants in view of strengthening the same target group, in how far has this Action been able to build upon/complement the previous one(s)? (List all previous relevant EC grants).

Yes, FOHRID had received previous EC grant to work for almost the same target groups. Relation between the two projects can be summed up as follows:

Title of the previous project or grant title: Ending unlawful killings and impunity project

Reference number of the project: DDH/2005/1125-736

Project duration: January 2006 to December 2007

Action of the present project is built upon / complements the previous action. The current project has addressed relevant issues left by the previous one. Focus of the first project was unlawful killing and impunity whereas the current project has focused initiative against torture and impunity. First project strengthened the stakeholders against impunity but it did not directly address the ratification of Rome Statute 1998 of ICC and Optional Protocol 2002 of CAT. Publication of the "International Instruments Developed Against Impunity" under the current project has fulfilled the need of a document to conduct advocacy against impunity. The current project has complemented necessity of the target groups that were not addressed in detail by the previous one. Nevertheless, these are two separate projects. They have separate objectives based on the issues covered by each of them. But, ultimately the long-term goal of both the projects is similar.

3.7. How do you evaluate co-operation with the services of the Contracting Authority?

We have found that the European Commission extends its cooperation ensuring neutrality and transparency. The funding is provided to the practical and result-oriented projects based on the real

needs of the target country and target region. Payment process is practical. We found EU very conscious in providing financial assistance and taking initiation in program implementation.

4. Visibility

How is the visibility of the EU contribution being ensured in the Action?

The logo of the European Union and a phrase "A project funded through the European Initiative for Democracy and Human Rights" have been reflected in publications of the project produced documents including letter pad and press statements. Similarly, the logo of European Union has been displayed in the front cover page of FOHRID Human Rights Monitor brought out under this project and backside cover page of the "International Instruments Developed against Impunity" and "An Introduction to the International Criminal Court" and other project publications such as Bill Relating to Torture, 2065, Action Plan Document and Final Program document. T-shirts have been produced using the name and logo of the European Union. It bears the slogan "Ratify Rome Statute 1998 of ICC". Total 50 pieces of such T-shirts were distributed among volunteers actively involved in the ICC Week.

Logo and Financial support by European Union has been written in the banner used for public program including consultation meetings.

The European Commission may wish to publicise the results of Actions. Do you have any objection to this report being published on EuropeAid Co-operation Office website? If so, please state your objections here.

We have no objection to this report being published on EuropeAid Cooperation Office website. Rather, we humbly request the EuropeAid Cooperation Office to publish information of this report on its website.

Annex 1: Calendar of Year-long Campaign against Impunity

Calendar (June 2008 - May 2009)

S.N	Month	Theme	Responsible Organization	Remarks/ focus for every month
1	June	Campaign against Enforced Disappearance	Advocacy Forum	Alongwith campaign against impunity, the Task Force shall conduct lobbying at the highest level to intervene in the constitution making process. Stakeholders shall be sensitized on the need to address impunity and accountability through constitutional provisions. The Task Force shall conduct advocacy and recommendation / lobbying with the constitution drafting committee, to guarantee in the new constitution, the right to life and fundamental rights of the people according to the international human rights instruments to which Nepal is a state party.
2	July	Campaign relating to ICC Ratification	INSEC/FOHRID	
3	August	Campaign relating to Implementation of Rayamajhi Commission Report	FOHRID	
4	September	Torture/ Campaign for ratification of Opt. CAT, Study on Custodial torture, Public assembly and passage of Bill Relating to Torture, 2065	FOHRID / CVICT / HRTMCC	
5	October	Campaign relating to Disarmament	AI/All	
6	November	VAW and effective implementation of CPA	FWLD/COCAP/ FOHRID	
7	December	Respect HR to end impunity	COCAP/All	
8	January	Implementation of recommendation of NHRC	FOHRID/INSEC	
9	February	Geneva Conventions	INSEC	
10	March	Campaign against inequality and Campaign relating to promotion of right to life with human dignity EJE and Discrimination	DNF/BDS /Advocacy Forum	
11	April	Campaign relating to promotion of rule of law, and implementation of court decisions	CLS/FOHRID	
12	May	Democratic Reform (Political Party Reform), Campaign against criminalization of politics and impunity,	All	