

1. Introduction

Established on 24 August 2006, Citizen's Task Force to Combat Impunity (CTCI) is a loose network convened by Human Rights and Democratic Forum (FOHRID) with the involvement of institutions and individuals active in the campaign against impunity. This network is formed to launch and strengthen anti impunity campaign and to promote accountability through collaboration among human rights and civil society in Nepal.

Leading human rights and civil society organizations that bear diverse ideology and represent different working areas are involved in the CTCI. This is a unique feature which is rarely found in other coalitions. Human rights organizations in Nepal have been working in various specific to general themes and sectors. Their efforts are divided in some issues and working areas. Sometimes, there is duplication in their activities, because there is lack of coordination and communication among their initiatives. There is absence of effective initiative to bring the activities of all the organizations at the same place to avoid duplication. In this backdrop, CTCI has been established to coordinate activities of various organizations working in the fields of impunity, accountability, transitional justice, victims' rights and right to remedy.

The CTCI has been established as the focal point for coordination in the activities of various organizations to ensure exchange of information and to forward common initiatives of the civil society on specific issues. There is also necessity to conduct mapping of the activities implemented by different organizations and assess their results. This can help to reduce duplication among various actions and assess their achievements as best practice for each other. CTCI works as focal point to coordinate among parallel activities. It helps to make the determined activities more effective and creates ground to avoid duplication in the future.

2. Background

Impunity is deeply rooted in Nepal for a long time. Misusing their position and influence, the rulers of the new Nepal have neglected the feeling of the general people for fair justice. Impunity has been encouraged by the trend to protect the crimes of the political leaders and top brass. Impunity increased and accountability decreased along with the evolution of modern Nepalese history from Rana rule, establishment of democracy, Panchayat system, multiparty democracy and declaration of republic Nepal. The perpetrators were not punished after the end of three decade long Panchayat system in 1990. Impunity increased unabated after the commencement of armed conflict by the Maoists in 1996 pushing Nepal into the black list of the countries where the incidents of human rights violations are most serious. Though the people expected end of

impunity and establishment of rule of law after the successful Jana Andolan of April 2006, this was never fulfilled. The perpetrators remained out of the reach of justice system. The state failed to book the perpetrators involved in the atrocities and cruelty during Jana Andolan I and II and the armed conflict. The reports of the Mallik Commission and Rayamajhi Commission are not implemented till now. This has provided emancipation to the perpetrators. This shows that Nepal has failed to criminalize serious crimes under international law. Nepal needs to ensure effective functioning of ICC, to adopt wider sphere of criminal justice system and to put an end to impunity by prosecuting against perpetrators.

Till now, the political parties are institutionalizing impunity in the name of political agreements. The civil society in Nepal seems to be influenced by one or the other political ideology. Many initiatives have been launched against impunity, however such activities implemented with political biasness and without adequate coordination have not yielded good results. Promotion of accountability and ensuring prosperous nation is impossible without ending impunity. Impunity exists till we fail to book perpetrators individually responsible for the serious human rights violations. Impunity increases till the criminals are immunized from accountability showing this or that reason. Therefore, it is need of the hour to integrate all the efforts against impunity to go ahead in the formation of a prosperous country by ending impunity.

Impunity, flourished due to politicization of crime and criminalization of politics, has challenged accountability, rule of law and justice in the country. Therefore, strategic intervention through integrated efforts of the policy making level, law enforcement agencies and other stakeholders is necessary to end impunity that is widespread in each of the state agencies. Citizen's Task Force to Combat Impunity was established in 2006 by FOHRID in collaboration with human rights and civil society to cope up with the increasing impunity through coordination among the organizations and institutions working against impunity.

3. Objectives

This CTCI established to advocate for zero tolerance to impunity and construction of accountable society has the following campaign based major objectives:

- To conduct various initiatives for accession to and implementation of Rome Statute for promotion of international criminal justice system in Nepal.
- To strengthen prosecution initiatives by addressing issues of transitional justice through campaign for ending impunity and promotion of accountability.
- To conduct various initiatives for strengthening rule of law.
- To work for effective collaboration against impunity by strengthening CTCI.

4. Scope and issues covered by CTCI

International justice system including accession to and implementation of Rome Statute:

The International Criminal Court, for the purpose of preventing and curbing the commission of serious crimes falling within its jurisdiction, is an essential means for promoting respect for international humanitarian law and human rights, thus contributing to freedom, security, justice and the rule of law as well as contributing to the preservation of peace and the strengthening of international security, in accordance with the purpose and principles of the Charter of the United Nations. Major aim of the campaign for ratification of Rome Statute is to avoid possibility of the occurrence of serious crimes such as war crimes, crimes against humanity and genocide in the future. Effective prosecution must be ensured by taking measures at the national level and by enhancing international cooperation that the perpetrators involved in the most serious crimes of concern to the international community as a whole must not go unpunished, and the crimes against humanity in the past should not be protected from legal action. The Rome Statute of ICC contributes for an impunity free society, as it assumes its jurisdiction when the state is unwilling or unable to take action against the perpetrators involved in the serious crimes of international concern. After ratification to the Rome Statute, we can expect that no one shall commit crimes of international concern by misusing his or her power.

In July 2006, the then House of Representatives of Nepal issued a directive for accession to the Rome Statute, and on 11 February 2009 the then Minister for Foreign Affairs tabled ICC accession motion to the Cabinet. However, Nepal has not acceded to the ICC till now. Poor awareness level of the people, government authority and political parties on ICC and impunity has posed challenge for accession into the Rome Statute. There is lack of political will power and civil society organizations and activists do not have adequate skill to work on Rome Statute system and to properly deal with impunity. There is lack of working solidarity among civil society actors in the region. Media is not adequately sensitized, and it has failed to raise issue of ICC accession effectively. Ratification of the Rome Statute shall open door for various opportunities in Nepal and the domestic laws also must be reformed accordingly. Therefore, the CTCI is active to exert pressure for ratification as well as for domestication of the Rome Statute.

Ending impunity and promotion of accountability vis a vis issues of transitional justice and prosecution:

The increasing trend of impunity cannot be controlled without improvement in the state of decreasing accountability. Promotion of accountability is determined by rule of law and supremacy of law. Therefore, CTCI is active to intervene in all the sectors of impunity by improving the degrading situation of accountability. The CTCI is launching initiatives with the general principle that any form of impunity is not acceptable for a civilized society. The Task Force is conscious of the fact that no one should be allowed to disobey the principles of rule of law and supremacy of law.

Nepal currently stands at the crossroads between a past that could not honour and enforce human rights and rule of law and a future that may merely perpetuate past inaction and abuse. Addressing problem of impunity is particularly difficult as human rights violators are protected by powerful political interests, especially law enforcement agencies, as well as corrupt political elements in the region. Increased impunity has resulted in declined accountability. Major cause behind inability to address serious crimes under international law is the inadequacy of the existing legal framework in Nepal. De facto impunity takes place when a state fails to prosecute those responsible for human rights violation due to lack of capacity or will power, often for political reasons. Even the documented cases of serious crimes are not prosecuted on the basis of existing domestic laws due to a complex interplay of many factors, including political pressure and interference. De jure impunity, in which law is either too limited or explicitly provides immunity from prosecution extends and strengthens impact of de facto impunity, protecting perpetrators of grave crimes from any judicial action. While impunity continues, the state is not willing to carry out prompt and independent investigation of past grievous violations of human rights. There is lack of strong political will to prosecute past human rights abuses. The commitment to adopt transitional justice legislation and mechanisms is delayed. Non-investigation of complaints by police and non-cooperation with the criminal justice system by military, police and UCPN-Maoist is evident in the Nepalese context. There is lack of a vetting approach to reform institutions due to which a threat to the peace process and victim's right to truth justice and reparation is posed.

Strengthening Rule of Law:

The rule of law refers to the relationship between the state and individuals by pre-established and knowable laws. The state, no less than the individuals it governs, must be subject to and obey the law. The state's obligation to follow the law is central to the very existence of the rule of law. Without this obligation, there would be no enforceable limit on the state's power over individuals. There are some principal challenges for rule of law development in Nepal. The foremost challenge is a widespread impunity that is impeding law enforcement, fueling a breakdown in law and order, and enabling crime and violence to proliferate. A second major challenge is limited access to justice, especially for vulnerable and marginalized populations, and the historic exclusion of many from representation in justice institutions and the legal profession on grounds of gender, ethnicity, and caste. The third challenge is the need for independence and professionalism to enable the justice system to serve as a check on abuse and a protector of rights and constitutional norms . Impunity and escaping justice are occurring in the context of severe human rights crisis and a break down in the rule of law and justice system. Therefore, an intervention to end impunity contributes in strengthening the justice system and application of rule of law. Widespread impunity is made possible due to weak justice system and lack of strict implementation of legislative provision in the country. Maintaining law and order is a challenge before us because of the emergence of various armed groups, cross-border criminal activities and so on.

5. Approach/methodology

The CTCI has been conducting activities continuously in the issues of immediate and long term importance to combat impunity. Such activities conducted with the involvement of the experts from concerned sectors, stakeholders and members of the CTCI are focused on the issue of how to go ahead against impunity and establish rule of law. The activities are conducted with the involvement of the general stakeholders including experts, women, dalit, journalists and lawyers. The CTCI utilizes the principles developed against impunity by international community, principles promoted by international justice system, principles promoted by international human rights and humanitarian law, principles of rule of law and good practices developed in the world as foundation for intervention strategy. It has adopted the strategy to implement short and long term projects in the framework of campaign, and at the same time conducting event based intervention on immediate issues. The CTCI conducts intervention by applying wide range of methods including advocacy, capacity building and awareness raising, media campaign, mapping, research/study, networking, workshop, sensitization on regulatory framework, ToT/training, civic campaign, legal aid, legislation drafting, resource material publication, dissemination and advocacy, recommendation / lobbying and civil commission practices.

- To strengthen prosecution initiatives by addressing issues of transitional justice through campaign for ending impunity and promotion of accountability.
- To conduct various initiatives for strengthening rule of law.
- To work for effective collaboration against impunity by strengthening CTCI.

6. Structure of CTCI

CTCI is a loose network having significant involvement of institutions and individuals active in the campaign against impunity. FOHRID office has been designated as focal point and Secretariat of this network. Till date, 54 organizations ([Annex 1: Click here for names of the organizations involved in the coalition](#)) and 413 individuals are involved in this coalition ([Annex 2: Click here for names of the individuals involved in the coalition](#)). From its very inception, it has adopted the theory to continuously expand involvement of the institutional and individual members. The process for acquiring involvement and membership to the Task Force is going on. Any organization or individual interested to work in the coalition against impunity can receive an Involvement Form from its Secretariat and become member by filling and submitting it. The Membership Form is provided free of cost from the Secretariat. The CTCI has formed a 10 member Core Committee for its smooth functioning. The Committee determines its duties, actions and rights itself, and administers them working independently.

7. How is CTCI implementing its programs?

CTCI is implementing its programs on the basis of campaign and activities. Most of the programs are being accomplished voluntarily. Civil society and human Rights organizations have been using CTCI as an umbrella platform to implement their anti impunity programs and activities. CTCI implements its activities, in collaboration with human rights and civil society, on the broad ranges of issues such as combating impunity, international justice system, accession and implementation of Rome Statute of ICC, strengthening and promotion of rule of law, transitional justice and prosecution.

8. What types of activities has CTCI implemented so far?

With the initiatives of its Secretariat, CTCI has been conducting various activities from its inception. It has been conducting policy level intervention on the issues of transitional justice, rights of victims, human rights and rule of law. In the past, it has played coordinating and facilitating role in the campaign against impunity initiated by human rights and civil society. Likewise, it has worked to promote public awareness at national level on the role of ICC, and has been pressurizing Government of Nepal to accede to the Rome Statute of ICC for prevention of impunity, strengthening transitional justice initiatives and rule of law. It mobilizes lobbying delegation to the concerned agencies of the Government of Nepal, policy making level and other stakeholders in the campaign for ratification of Rome Statute, campaign for ending impunity and promotion of accountability, ratification of the Optional Protocol of CAT, implementation of various reports of government, action against perpetrators indicated by Mallik Commission and Rayamajhi Commission, implementation of the recommendations by NHRC and so on. The CTCI organizes intensive discussions, advocacy and public hearing with the stakeholders to end impunity. Such programs have been organized either by the Secretariat itself or in collaboration with other organizations in this sector. The list of activities accomplished by CTCI so far are presented in a table below:

The activities accomplished by the Citizen's Task Force to Combat Impunity so far

No.

Event Theme

Exceution Date

Report

1.

Challenges of human rights in Nepal

11 December 2011
(2068 Mangsir 25)

[available](#)

2.

Anti-impunity strategy meeting of CTCI

25 February 2011
(2067 Falgun 13)

[available](#)

3.

Press release on Supreme Court of Nepal descending towards full-spectrum impunity instead of jus

26 January 2011,
(12 Magh, 2067)

[available](#)

4.

Article 98(2) of Rome Statute and Jurisdiction of ICC

29 November 2010
(2067 Mangsir 13)

5.

Coordination meeting under Intensive campaign for the ratification of the Rome Statute in Nepal

30 June 2010
(16 Asar 2067)

[available](#)

6.

Civil Society Forum on Transitional Justice and the New Constitution - Interaction program

2066 Poush 15

[available](#)

7.

Sit in demonstration to create pressure on government to accede Rome Statute on the occasion of

2066 Shrawan 02

[available](#)

8.

Interaction on Problem of Impunity and Bill Relating to Management of Disappearance of Persons, 2

2066 Baisakh 11

9.

Interaction with Task Force members to incorporate provisions against impunity in the New Constitu

2066 Baisakh 11

10.

Submission of request letters to Foreign Affairs Committee and Legislature Committee of the parliam

2065 Chaitra 20

11.

Interaction program on law relating to disappearance with Hon'ble Members of Constituent Assemb

2065 Falgun, 02

[available](#)

12.

Meeting of the Task Force Coordination Committee with Representatives of OHCHR to discuss abo

2065 Poush 28

13.

Meeting of the Task Force Coordination Committee for "evaluation, coordination and distribution of

2065 Paush 16

[available](#)

14.

Meeting of the Task Force Coordination Committee

2065 Paush 12

[available](#)

15.

Delegation with Deputy Prime-minister and minister for Home Affairs Bam Dev Gautam requesting t

2065 Kartik 29

16.

Delegation with Minister for Law, Justice and Constituent Assembly Affairs Dev Gurung requesting t

2065 Kartik 27

17.

Brief report of Consultation program organized to formulate Long term action plan for ratification and

2065 Kartik 27

[available](#)

18.

National consultation to finalize alternative Bill Relating to Torture, 2065

2065 Bhadra 30

[available](#)

19.

Review Meeting of the Citizen Task Force to Combat Impunity (CTCI)

2065 Bhadra 8

24 August, 2008.

20.

Public hearing on "Why delay in ratification of Rome Statute of ICC?"

2065 Shrawan 3

[available](#)

21.

Preparatory meeting for organizing Public Hearing on ICC
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2065 Asar 30
(14th July, 2008)

[available](#)

22.

Updated by FOHRID -ICC Week program

19 Asar 2064
3 July 2007

[available](#)

23.

Signature campaign and demonstration for accession to ICC

2065 Asar 17

[available](#)

24.

Mass demonstration against disappearance and declaration of "Year long campaign against impunity"

2065 Jestha 19

[available](#)

25.

Meeting of CTCI for Developed a calendar for the campaign

2065 Jestha 18,
(31 May 2008)

[available](#)

26.

Press release on Federal Democratic Republic of Nepal and promote accountability
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2065 Jestha 16

[available](#)

27.

Preparatory meeting for "Year long campaign against impunity"

2065 Jestha 15

16 May 2008

[available](#)

28.

Meeting of the Task Force Coordination Committee

2065 Jestha 5

[available](#)

29.

Meeting to conduct ICC Week in 2008 (1-7 July 2008)

2065 Jestha 3

30.

Year against impunity-2008 preparatory meeting

2065 Jestha 3

[available](#)

31.

Discussion of the human rights community for preparation to hold public rally and demonstration de

2065 Baisakh 25

[available](#)

32.

Meeting of the Task Force decided to conduct advocacy and sensitization program to incorporate pr

2065 Baisakh 25

33.

Submission of Bill Relating to Prohibition of Impunity, 2064 to the Ministry of Home

2064 Paush 11

34.

Submission of agenda to the National Human Rights Commission (NHRC) to end impunity

2064 Mangsir 28

35.

Finalization of Long term strategy against impunity

2064 Mangsir 25

36.

Consultation program with technocrats to finalize long term strategy against impunity

2064 Mangsir 7

37.

Interaction program on Why no punishment against the suspects involved in suppression of the Jan

2064 Bhadra 19

38.

Interaction program on impunity and present government

2064 Bhadra 11

39.

Ratification of Rome Statute and its jurisdiction

2064 Shrawan 14

[available](#)

40.

Report release on ICC WEEK: Demanding accession to the ICC Treaty in Nepal

2064 Asar 31
July 15, 2007

[available](#)

41.

Conclusion of Weeklong program on Ending impunity: Ratification of Rome Statute of ICC

2064 Asar 23

42.

General Assembly of the Task Force, symbolic ratification of Rome Statute, street drama on significant

2064 Asar 23

43.

Creative art and photo exhibition, street drama on Rome Statute

2064 Asar 22

44.

Lobbying and Request letter submission to Nepal Majdoor Kisan Party and Nepal Sadbhawana Party

2064 Asar 21

45.

Lobbying and Request letter submission to CPN-Maoists and Rastriya Jana Morcha, street drama d

2064 Asar 20

46.

Lobbying with the Minister for Foreign Affairs, Request letter submission to Nepali Congress (Demo

2064 Asar 19

47.

Memorandum submission to Nepali Congress and CPN-UML demanding ratification of Rome Statute

2064 Asar 18

48.

Meeting with the Prime Minister and submission of letter demanding ratification of Rome Statute and

2064 Asar 17

49.

Meeting of the Steering Committee of ICC WEEK

Celebrating ICC Week from 1 – 7 July 2007 in Nepal

2064 Ashad 1

[available](#)

50.

Memorandum submission to the Speaker demanding ratification of Rome Statute 1998 of the ICC a

2064 Jestha 25

51.

Public meeting and public rally demanding ratification of Rome Statute 1998 of the ICC and Optiona

2064 Jestha 25

[available](#)

52.

Meeting to organize ICC Week program (1-7 July 2007)

2064 Jestha 24

[available](#)

53.

Consultation meeting to determine long term citizen's strategy against impunity

2063 Falgun 18

54.

Public rally demanding ratification of the Rome Statute

2063 Falgun 17

55.

Collection of names of institutions and individuals involved in the Citizen's Task Force to Combat Im

2063 Magh 1

2064 Jestha 29

56.

Consultation meeting on role of CTCI for protection and promotion of human rights

2063 Paush 21

[available](#)

57.

Consultation program on Citizen's Task Force to Combat Impunity and identification of areas of inte

2063 Mangsir 21

4 January 2006

[available](#)

58.

Memoranda submission to the Prime Minister for signature and accession to the Rome Statute

2063 Asoj 9

59.

consultation programme on "Impunity and present government" Issues for discussion:

a. Why the Chief of Army Staff and Chief Secretary of the King's rule are still not prosecuted?

b. Why is the character and conduct of the Chief Justice oriented towards support to impunity?

Why and for what is the validity test of the mandate of Jana Andolan-II and declaration and decision

2063 Bhadra 19

(4 Septemberer ,2006)

[available](#)

60.

Consultation meeting held to form a Task Force to struggle against impunity

2063 Bhadra 8
(24 August 2006)

[available](#)

9. Achievements of CTCI

- CTCI has been established as a national campaign and it is being expanded at the local level.
- This has fulfilled the need of an umbrella organization to forward campaign against impunity on behalf of human rights and civil society.
- The CTCI has evolved as a permanent common forum of the organizations and individuals working in the issue of impunity.

10. Strength and weaknesses of CTCI

Strength

CTCI has evolved as a common mechanism to fulfill the need of umbrella organization against impunity. It has been successful to expand unified pressure network among the stakeholders working in this field. It has integrated the campaign against impunity in Nepal. The awareness created in the general public regarding supremacy of law has challenged the trend of providing political protection to those involved in the incidents of serious violation of human rights and humanitarian law. Through the activities conducted by the CTCI, limited number of target audience obtained useful information on the issues such as what is impunity, transitional justice, Rule of law and Rome Statute system. Likewise, the role being played by the CTCI to make Nepal Government, political parties and general stakeholders accountable on the issue of impunity can be regarded as its strength.

Weakness

Despite its involvement in various programs and efforts, the CTCI obviously has two types of weaknesses. First, it aims to work on an important issue in the society, but its activities have not been able to achieve results as expected. Secondly, the CTCI has not been able to mobilize itself in a strong and effective manner. Major causes behind these weaknesses are that the CTCI does not have sustainable financial resources to conduct its activities. It does not have adequate human resources to work on a regular basis to follow up its activities and issues. It is difficult to continue and follow up intervention measures when they are carried out in a voluntary basis. The efforts of the CTCI are continuous despite these limitations and weaknesses.

11. Lessons learned

By the formation and mobilization of CTCI, many strategies have been accumulated as lessons learned for intervention against impunity at the institutional and individual level. They can be listed as follows:

- The CTCI has provided an opportunity to collectively bear the responsibility and share duty in the activities accomplished in collaboration with key stakeholders.
- It provides an opportunity for participation and mobilization of key stakeholders in the programs organized to exert pressure through lobbying and advocacy.

- A mechanism has been developed for effective collaboration and exchange of information between the organizations working in the field of human rights, justice and anti impunity campaign
- It has provided an opportunity to play in a responsible manner through coordination and exchange of information with the government agencies and law enforcement agencies of Nepal government.
- Additional learning was made regarding determination of time, venue, subject, participants and other necessary components to organize programs.
- Involvement in the loose network like CTCI facilitates campaign for sensitization to the stakeholders on impunity.