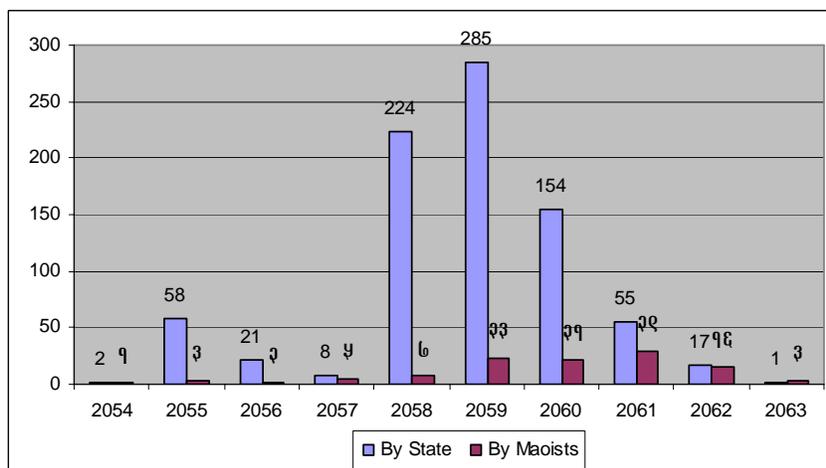


1. Background

The history of disappearances carried out by state agencies in Nepal can be traced back to 1951. The whereabouts of Ram Prasad Rai, who was actively involved in the protest of the Delhi Agreement signed in 1951, are still now unknown. Similarly, the status of Sukdev Singh of Hanumannagar, Saptari, who was arrested from Inaruwa of Saptari in 1956, is still not known. This trend of arbitrary arrest and disappearance of people increased in the authoritarian *Panchayat* era of 1961 - 1989. Such acts continued even after the restoration of democracy in 1990. Cases of alleged disappearance by the state significantly increased after the CPN-M launched a 'people's war' in February 13, 1996. The figure of enforced disappearance soared once the State of Emergency was declared on November 26, 2001 and the subsequent issuance of the Terrorist and Destructive Act (Control and Punishment) Ordinance. On the other hand, CPN-M was responsible for the forceful abduction and disappearance of people when they adopted abduction as their war strategy. One of the major causes of pain to the Nepalese in the context of prevailing state of impunity is enforced disappearance and the unanswered questions of the victim's families regarding the act. Though, existing legal provisions do not criminalize the act of enforced disappearance, the international laws do protect individuals from enforced disappearance. The act of enforced disappearance was carried out in a widespread and organized manner during the armed conflict.¹ Even after three years since formal conclusion of the armed conflict, neither the status of the disappeared persons have been made public nor have any formal mechanisms has been set up to find the perpetrators.

2: Enforced Disappearance In Nepal

There is no historical evidence of enforced disappearance during the 104 years of authoritarian Rana Regime and before that. Instead, the political opponents or anti-government persons were executed by the government. Ram Prasad Rai is the first known victim of enforced disappearance in Nepal. The act of enforced disappearance became an increasing practice used by state agencies in Nepal from 1951.



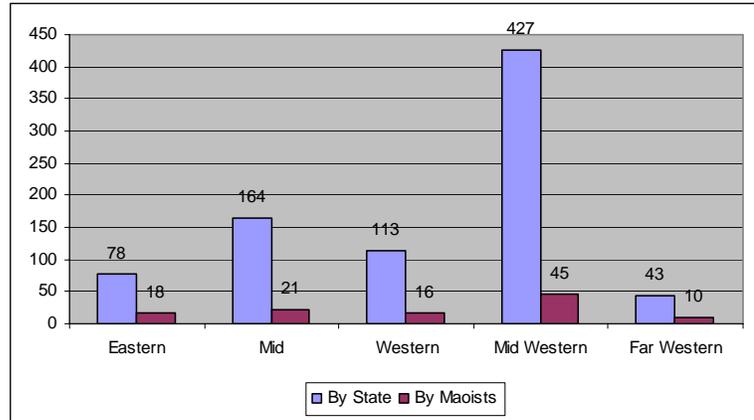
Number of victims of enforced disappearance on the basis of year

The whereabouts of Rudra Prasad Bhattarai of the then Gairdathok (now Pakravas VDC-5), Ramechhap District and Kalyan Rai, a resident of Ravi, Panchathar District are still unknown. They were arrested in 1960 and 1961 respectively. Baikuntha Adhikari and Sete Gurung of Dhading District and Dakman Tamang and Pasang Tamang of Panchathar District, who were arrested in 1961, remain

¹ Govinda Bandi, Nepalma Dandahinatako Apasankar Ek Bishleshan, pg.6, INSEC, 2065

disappeared to date. The whereabouts of Harihar Ray Yadav of Sarlahi District is also unknown. He was arrested in 1979. Similarly, the whereabouts of Mr Lal Bahadur Ray of Amberpur VDC, Panchathar District is still unknown. The date of his disappearance has not been confirmed. The Committee has stated that the date of his disappearance could be either 1960 or 1961. Tikaram Adhikari, Ramhari Dahal and Pahalman Sarki of Okhaldhunga, Keshar Bahadur Khadka of Ramechhap, Shri Harsha Khanal of Chitwan, Jit Bahadur Sinjali (Rana) of Syangja, Harsha Bahadur Pradhan of Lamjung, Shankar Prasad Sharma (Regmi) of Salyan, Ganesh Raj Gautam of Banke and Balbhadra Joshi of Baitadi were also disappeared in Panchayat Era due to different political ideology though the information regarding their arrest was never known.

One of the most serious incidents of disappearance took place in the aftermath of the June 20, 1985 Bomb Explosion Scandal. Padma Bahadur Moktan (Padam Lama), Ishwar Chandra Lama (Ishwar Lama), Dr Laxmi Narayan Jha, Satyanaran Jha and Surya Nath Ray (Yadav) of Dhanusa and Mr Dilip Chaudhari and Shaketa Chandra Mishra of Saptari districts were arrested and forcefully disappeared by the security forces.²



Number of victims of enforced disappearance on the basis of region

A committee was formed in July 31, 1990 comprising of senior advocate Basudev Dhungana, Dr Sachche Kumar Pahadi and late Prakash Kafle with Surya Bahadur Shakya as the head to find out about the persons disappeared during the struggle for democracy. Its report submitted to then PM Krishna Prasad Bhattarai in April 21, 1991, stated that there were at least 27 persons disappeared after 1960 and seven during the Bomb Attack in 1985. It has been established that among that seven, five were killed. The recommendations are yet to be implemented.³

Number of Disappeared Persons in Eastern Region

District	By Non-State	By State			Total
	Maoists	Army	Police	Security Personnel	
Ilam	1			1	2
Udaypur		2	1		3
Okhuldhunga		4	7		11
Khotang		1			1
Jhapa		10	1	1	12
Taplejung	2				2
Dhankuta	2				2
Panchthar	1			1	2
Bhojpur		4	1	2	7
Morang	5		2	6	13

² Lekhnath Bhandari, Krishna Gautam, Prakash Gyawali Uniharu Kahan Chhan? Part II, pg. 26, INSEC 2056

³ Kundan Aryal, Coordinator, Uniharu Kahan Chhan? pg. 3, INSEC 2050

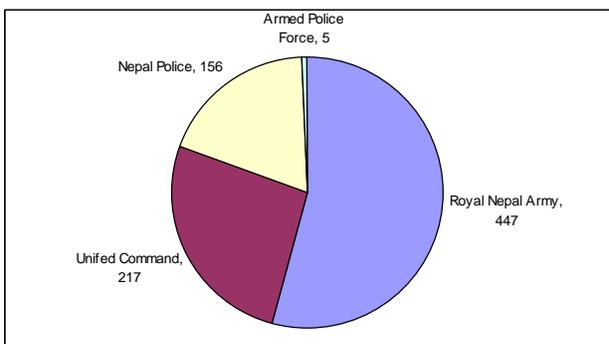
Sankhuwashaba		3		1	4
Saptari	1			7	8
Siraha	2		1	8	11
Sunsari	1			14	15
Solukhumbu	3				3
Total	18	24	13	41	96

2.2 Disappearance after Restoration of Democracy

The trend of disappearance did not come to an end even after the restoration of democracy in 1990. During the local elections of 1992, police personnel arrested Mr Bhuwan Lal Thapa Magar of Doramba VDC, Ramechhap District, and made him disappeared from May 23, 1992. The government has not made his status public. Neither has it informed his family members of the details of the incident.

Similarly, Prabhakar Subedi, 20, a resident of Butwal Municipality-6, Rupandehi District was arrested by police from Ratnapark, Kathmandu on June 25, 1993 and was disappeared. A student of Pulchowk Engineering Campus, Lalitpur, Subedi was arrested by police in connection with a protest programme organised by the Communist Party of Nepal-UML (CPN-UML) and supported by other communist (left) parties in Kathmandu. He was seriously beaten up and injured by the police. Photographs of an unconscious Subedi being dragged away by the police was published in media reports. A case was filed at the Supreme Court on October 1, 1993 regarding the incident; however, five years later, the Court dismissed the case on December 1, 1998. Subedi's whereabouts are still unknown.

Even after the establishment of democracy, the state seemed reluctant to forward action against the personnel involved in forceful disappearance and providing justice to the victims. Most probably, the reluctance also encouraged the activities against human rights principles including enforced disappearance.



Number of persons forcefully disappeared by state

2.3. Armed Conflict and Trend of Enforced Disappearance

The disappearance of persons occurred in two ways during the armed conflict. The first was that the persons were forced to disappear by the conflict party and the second is the disappearance when the persons go missing while voluntarily participating in the struggle. Both categories of disappearance are of state's concern.

The recent incident reported in the media regarding Bikas Gandharva during the UCPN-M's plenum in Palungtar of Gorkha falls into the second category. The incident of disappearance should be examined in the context of human rights on the basis of the definitions provided in the International Covenant on Civil and Political Rights and the Protection of the Persons against Enforced Disappearance.

The news of Samundra Kumari Gangharva of Gorkha fainting in front of the leaders after learning that her son Bikas who had joined the rebels had died in Bhojpur seven years ago got national coverage. "I was living hoping for his return one day". Her statement represents the sentiment of the families of the

disappeared persons. Yet, Bikas was not forcefully disappeared. He was killed in armed conflict. He is not included in the list of disappeared persons issued by INSEC or ICRC. However, before the information of his death, he remained a missing person. The status of persons disappeared in such way can be ascertained once the UCPN-M make the names of the persons on its side killed during the conflict.

Number of Disappeared Persons in Mid Region

District	By Non-State	By State		Security Personnel	Total
	Maoists	Army	Police		
Kathmandu	1	1	4	14	20
Kavre	5	4	3	8	20
Chitwan		4	4	6	14
Dhanusha	2			8	10
Dhading	1	19	2	5	27
Nuwakot		14		4	18
Parsa	1	1			2
Bara	1				1
Bhaktapur			3	2	5
Makawanpur		4	1	7	12
Mahottari			2		2
Rasuwa		1			1
Ramechhap	1	4	2	2	9
Rautahat	1		2	2	5
Lalitpur	2	2	1	3	8
Sindhupalchok	5	10	1	1	17
Sindhuli	1	5	2	6	14
Total	21	69	27	68	185

2002, the number came down to eight and five respectively.

Nanda Prasad Neupane, 34, of Tripura VDC-2 and Prasad Budha of Sarmi VDC-3, Dolpa District were arrested and disappeared by security forces from Ghyar Khola of Ragda VDC, Jajarkot District on May 26, 1998. Mohan Lal Oli, 32, a teacher by profession, of Mahadevpuri VDC-4 in Banke District was arrested on June 12, 1998, at night when he was sleeping in his own house, and then disappeared by police. Advocate Rajendra Dhakal, a resident of Harmi VDC in Gorkha District was arrested by police from Jamdi Khola of Khairenitar VDC-6, Tanahu District on January 8, 1999. His status is still unknown.

Even in Kathmandu a number of people were arrested and disappeared by the security forces. Mr Dandapani Neupane, Mr Navin Gautam, Mr Gore Bahadur Purkoti, Mr Milan Nepali, Mr Palsang Lama and Mr Dundu Tiwari were arrested from Tebahal, Bagbazar and other places of Kathmandu on May 16 and 21, 1999 and disappeared by police. Their whereabouts have not yet been made public. Protesting the series of enforced disappearance, the then INSEC chairperson Sushil Pyakurel, Kapil Shrestha and Krishna Pahadi, among others, announced a two-month long agitation demanding the whereabouts of the persons forcefully disappeared. The trend of enforced disappearance accelerated once the state of

The decade of 1996 – 2006 marked the history of Nepal as the period with the largest number of people disappeared by the state as well as by the rebel forces. To add to that image, Nepal became the first in the list of countries with the largest number of disappearances. The government introduced 'Kilo Sera II' operation in May 1998 to stem up the nascent 'People's War'. Special commando forces were mobilised in districts. In 1998, two persons were forcefully disappeared by the state and one by the Maoists. Within a year, the number went up to 58 by the state and three by the Maoists. During the first ceasefire and dialogue between the government and the rebels in

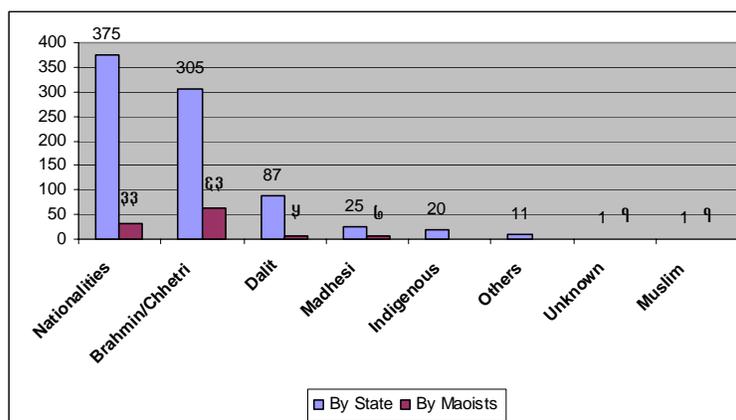
emergency was imposed on November 26, 2001 and implementation of TADO. This trend continued till the restoration of parliament in 2007.⁴

Number of Disappeared Persons in Western Region

District	By Non-State		By State			Total
	Maoist	Unidentified	Army	Police	Security Personnel	
Arghakhanchi			1		1	2
Kapilvastu	4		5		2	11
Kaski	1		6	1	8	16
Gorkha			13	10		23
Tanahu			2	8		10
Nawalparasi	3		4	4	2	13
Prapat			3		1	4
Baglung	2		2		15	19
Myagdi			1		1	2
Rupendehi			1		1	2
Lamjung	2		4	5	7	18
Syanga	3	1	3		2	9
Total	15	1	45	28	40	129

information became a common norm. Enforced disappearance continued also because the state was not acting in a responsible manner. A total of 663 persons were forcefully disappeared by the state and 56 by the Maoists from 2001 to 2007. When the family went to the security authorities after finding out about the arrest of their loved ones, they were would be told that no such persons had been arrested. The Royal Nepal Army was mobilised during this period and it is also involved in enforced disappearance.

On October 29, 2003, Ayodhdhya Prasad Godiya, 20, of Gangapur VDC-4, district was arrested by a team of unified command. His father Bihari Godiya was also arrested and disappeared. The family members were told by the soldier at the sentry post at Sonbarsa Camp that Ayodhdhya was there and some clothes were sent to him. But, after one month, his status was unknown. This also shows the security authority's lack of concern for its citizens. The number of cases of enforced disappearance declined from 2005 to 2007. During this time, 73 persons were disappeared by the state and 38 by the Maoists. This was the time when the political parties and the Maoists were coming together against the authority of then king Gyanendra.



No. of disappeared persons on the basis of caste/ethnicity

⁴ Prekshya Ojha, Bidhya Chapagain, Impaired Accountability, pg 4 INSEC, 2008

Number of Disappeared Persons in Bardiya District on the basis of caste

Caste	By Non-State	By State			Total
	Maoist	Army	Police	Security Personnel	
Others		3			3
Chhetri		1			1
Janajati	5	137	17	18	177
Dalit	1	3			4
Brahaman/Chhetri	5	23	2	1	31
Madhesi	1	2			3
Muslim	1				1
Total	13	169	19	19	220

and the Maoists respectively. The details in this book show that Nepal Army's Chisapani Barrack was responsible for most of the cases of enforced disappearance in Bardiya. Banke and Dang follow in the number of cases of enforced disappearance. To analyse on the basis of caste and ethnicity, nationality accounted for 408 and Brahmin/Chhetri 368 respectively. On the gender front, the Maoists have less number of women disappeared. Out of 101 forcefully disappeared women, eight were by the Maoists.

If we analyse region-wise data, we find that the Mid-Western Region has the most number of persons forcefully disappeared. This was the region where the effect of armed conflict was strongest. In this region too, Bardiya district was the most the affected, where a total of 207 and 13 persons were disappeared by the state

3. Supreme Court on Issue of Enforced Disappearance

Disappointed by the government's inaction, the families of victims did not find any alternatives from calling the Supreme Court to international bodies. The Supreme Court's verdict of June 1, 2007 is considered a landmark regarding making the whereabouts of disappeared persons public. The Supreme Court, responding to the 83 *Habeas Corpus* writ petitions filed on different dates, on June 1 ordered the government to establish a high-level commission of inquiry on disappearance, enact a law which would criminalize enforced disappearance and provide for compensation to the families of the disappeared.⁵

Number of Disappeared Persons in Far-West Region

District	By Non-State	By State			Total
	Maoists	Army	Police	Security Personnel	
Accham		3			3
Kanchanpur		22		4	26
Kailali	3	4	1	4	12
Dadeldhura	3			1	4
Doti	1			2	3
Bajura		1			1
Baitadi	3			1	4
Total	10	30	1	12	53

Earlier, responding to a writ filed claiming that people arrested on different dates were severely tortured and disappeared by the army at Bhariavnath Battalion in Kathmandu, the Supreme Court, on January 9, 2007, gave an order to a panel of judges to submit a

report after investigating the whereabouts of 49 detainees disappeared from the battalion. The Supreme

⁵ SC, 2007, *Supreme Court Bulletin*, Kathmandu: Supreme Court

Court, for the first time on August 28, 2006, gave an order to investigate the whereabouts of four disappeared persons arrested in 1999 and 2002. A panel headed by the Appellate Court Judge Lokendra Bahadur Mallik was formed in September 2006 according to the verdict. The Supreme Court also gave an order to investigate the whereabouts of 49 persons disappeared from Bharivnath Battalion, as mentioned in the report of OHCHR of January 2007.

The panel recommended that the government should create a law that defines disappearance as an act amounting to a criminal offence and to form a high-level probe commission to investigate into the cases of disappeared persons.

Two government committees were formed a few years ago to publicise the whereabouts of persons allegedly disappeared by state. The committees publicised the whereabouts of a total of 581 persons. However, the lists publicised by these committees mentioned nothing about hundreds of other disappeared persons. A later effort by the government was the formation of a one member committee on May 25, 2006, to publicise the status of disappeared persons. This committee stated that the status of 602 persons was unknown and it had information on only 174 persons.

District	By Non-State	By State				Total
	Maoists	Armed Police	Army	Police	Security Personnel	
Kalikot	6	1	9	2	7	25
Jajarkot	3		4	14		21
Jumla			1	1		2
Dolpa			2			2
Dang	8	3	37	4	17	69
Dailekh	1					1
Bardiya	13		169	19	19	220
Banke	4	1	21	24	11	61
Mugu	1		1			2
Rolpa	4		12	11		27
Salyan	2		17	8	1	28
Surkhet	3		6	4	1	14
Total	45	5	279	87	56	472

The government did not set up any judicial commission to find out the whereabouts of the disappeared persons and make them public during the armed conflict. But, bowing to the increasing pressure to take action regarding the issue, the government announced a 3-member high level probe commission under the coordination of former Supreme Court justice Narendra Neupane on June 26, 2007. The other two members were Nepal Bar Association's former chairperson Sher Bahadur KC and its general secretary Raman Shrestha.

The government could not disregard the demand raised by the human rights community for the formulation of a law against disappearance as directed by the Supreme Court and the formation of a powerful commission on the basis of that law. However, there has not even been a letter of appointment provided to the personnel of the committee. Hence, the committee which was brought forward without formulating laws against disappearance and announced to show government's intention while actual action regarding the disappeared persons remains practically dormant.

Though late, the government has tabled the 'Disappearances of Persons (Crime and Punishment) Bill' in the legislature parliament to find and investigate the whereabouts of disappeared persons as per the provisions mentioned in the Comprehensive Peace Agreement, the Supreme Court verdict and the desire of national and international community, and the victims side to form a commission to investigate cases of enforced disappearances. The proposed bill mentions that 'A high level commission will be formed to investigate the whereabouts of disappeared, missing persons and those responsible in such acts that occurred during the armed conflict from the February 13, 1996 to November 21, 2006.' But the human

rights community presented recommendations from their sides confirming the bill as insufficient. In this regard, human rights organisations including INSEC submitted recommendations for the amendment of some sections of the proposed bill. The report presented by United Nations Secretary General on January 10, 2010 stated that the draft bill was not in line with the international standard.⁶

4. Enforced Disappearance and United Nations' Concern

No steps were taken towards initiating legal proceedings in incidents of human rights violations and abuses committed in the past and providing for compensation to the victims and prosecuting the perpetrators. The state mechanisms remained completely silent even in incidents of grave human rights violations due to the institutional protection of impunity. It was obvious that such apathy drew the global community's attention. Regular Concerns from United Nations Secretary General, human rights mechanisms including Office of High Commissioner for Human Rights increased on the deteriorating human rights situation.

In this regard, special rapporteurs and working groups on different themes under the Special Procedure of United Nations on Human Rights appealed the Nepal Government to invite them to visit Nepal and examine the real situation of the country. There was no alternative for the Nepal Government but to formally accept the request of United Nations Human Rights mechanisms, due to the increasing international concern and extend an invitation.

Districts With Highest Number of Disappearances

District	By Non-State				Total
	Maoist	Army	Police	Security Personnel	
Bardiya	13	169	19	19	220
Dang	8	37	4	20	69
Banke	4	21	24	12	61
Salyan	2	17	8	1	28
Dhading	1	19	2	5	27
Rolpa	4	12	11		27
Total	32	275	68	57	432

The Working Group on Enforced and Involuntary Disappearances (WGEID) received a total of 531 cases of disappearance from 1980 to 2007 and it transmitted them to the Government of Nepal seeking status and clarification. It has received clarification on 211 cases – 132 by the government and 79 by non-governmental sources. Of the cases submitted by the Working Group, the Government of Nepal is yet to clarify details of at least 320 outstanding cases. Of the cases clarified, 150

persons were living freely 59 persons were in detention and one person was dead at the date of clarification. At least 61 women were reportedly disappeared in the cases transmitted to the government. However, the WGEID has not received clarification on 47 of them. At the invitation of Government of Nepal, the WGEID carried out a mission to the country from 6 to 14 December 2004. The Working Group was represented by the Chairman-Rapporteur, Stephen J. Toope, and Working Group member Saied Rajaie Khorasani. The purpose of the visit was to discuss the cases of enforced or involuntary disappearance received and transmitted by the Working Group to the Government of Nepal and to examine the situation of disappearances in Nepal in the light of international human rights standards.

The OHCHR-Nepal has been raising its concerns over the cases and patterns of disappearance right from the beginning of its establishment in Nepal in May 2005. In this course, the OHCHR-Nepal has been working with various stakeholders, including non-governmental organisations, the NHRC, families of disappeared people etc. In particular, the contribution of the Office to the capacity building of national institutions and civil society organisations has been of significant importance. The Office has been calling for the government to put an end to impunity and bring to justice those responsible for crimes of disappearance and other grave violations of human rights. In May 2006, the OHCHR-Nepal publicised a

⁶ <http://www.insec.org.np/pics/1251717394.pdf>

report of its investigations into the arrest, detention, torture and continuing disappearance of individuals arrested by the then Royal Nepal Army (RNA, now the Nepal Army, NA) and held at Maharajgunj barracks in Kathmandu in 2003 on the suspicion of being linked to the CPN-M. The report was submitted to the Prime Minister, in his capacity as Minister of Defence, as well as to the Chief of Army Staff. In the report, the OHCHR-Nepal included a list of 49 persons allegedly disappeared by the army in 2003 from the Bhairavnath barrack.

In a landmark decision passed on October 28, 2008, the UN Human Rights Committee (HRC), which monitors the implementation of the Civil and Political rights, directed the Government of Nepal to thoroughly investigate the *incommunicado* detention and subsequent disappearance of Surya Prasad Sharma, a resident of Kalika VDC-7, Baglung District, by army personnel after his arrest on January 14, 2002. The HRC, an independent body of experts, also directed the government to provide an “effective and enforceable remedy” and report to it containing the measures it has taken within 180 days. The HRC, in its decision, has outlined violations of Article 2(3) (the right to an effective remedy), Article 7 (the right not to be tortured), 9 (the right to liberty and security of person) and 10 (respect for the inherent dignity of a human person) of the International Covenant on Civil and Political Rights (ICCPR).

Sharma was arrested by a group of uniformed army personnel numbering 10-15 at around 5 am in the morning of January 14, 2002 from his home. On February 4, 2003, his wife Jashoda Sharma filed a writ petition of *habeas corpus* but the Supreme Court, in its verdict passed on February 16, 2005, quashed the petition based on the information provided by the civil and military authorities that the victim died as a result of drowning in the river after he had jumped into it while trying to escape at the time he was taken to identify a Maoist hideout and that therefore “he was not in the custody or control of the state.” As all existing legal provisions of Nepal were exhausted, Ms. Sharma had decided to submit the case to the HRC.

5. Frustration among Victims' Families

The decade long armed conflict formally came to an end after the signing of the Comprehensive Peace Agreement (CPA) between the government and CPN (Maoist) on November 21, 2006. From that day, there have been many regular written agreements regarding enforced disappearance. Various commitments like finding the whereabouts of disappeared persons, publicizing their whereabouts, establishing a high-level commission of inquiry on disappearance and providing for compensation/relief to the families of the disappeared are expressed in Code of Conduct for Ceasefire, 2006, Decisions of the Seven Political Parties and Maoist Summit Meeting, 2006, Comprehensive Peace Accord (CPA), 2006, Interim Constitution of Nepal, 2007, Common Minimum Program of the Interim Government, 2007 and the 23-point agreement between seven political parties including CPN (Maoist), 2007. (See Annex)

However, neither the government nor the main political parties were serious in fulfilling these commitments. The comment made by the then Prime Minister (PM) Girija Prasad Koirala to a team including Sharmila Tripathi from the family of the disappeared as the team was submitting a memorandum is an example of such. PM Koirala said that the government would make public whereabouts of those disappeared by state only after the Maoists disclose details of those they have disappeared. He further said that the government was prepared to publicise the 'list' of persons disappeared by state.⁷

On the other hand, saying that his party was not in the government, UCPN-Maoist Chairman Prachanda reiterated his commitment to finding out the truth by forming a Commission of Inquiry on Disappearance.⁸ Prachanda, who had held the post of Prime Minister himself, said that he had to tender resignation for trying to take action against those involved in enforced disappearances.⁹

⁷ http://www.bbc.co.uk/nepali/news/story/2006/09/060912_disappearance.shtml

⁸ <http://nagariknews.com/politics/party-politics/20828-2010-11-28-14-39-26.html>

⁹ <http://cmprachanda.com/samachar-detail.php?id=565583143226>

The above instances show that the parties are not serious and sensitive towards the whereabouts of disappeared persons. Concern for victims has been inconsistent. The most tangible response has been interim relief payments to families of those who died or were disappeared. Yet this has been weakened by political manipulation and the lack of effective oversight of fund distribution. For relatives of the more than 1,000 still missing, distress, frustration and a sense of betrayal have grown.¹⁰

Owing to this feeling and the decreasing hope of getting justice by finding their relatives who were disappeared, the victim's families have started making their death certificates to get relief. In Banke, Bardiya and Surkhet, death certificates of 96 persons disappeared by the state and the Maoists have been registered.¹¹

The concerned officials do not hesitate to reiterate their commitments. Prime Minister Madhav Kumar Nepal expressed commitment to find the whereabouts of disappeared persons and take action against the culprits after receiving the five-point memorandum submitted by the family of the disappeared persons on March 18, 2010. Despite the willingness of all three Prime Ministers after the CPA to make status of disappeared persons public and take action against the culprits, why has this not happened? Is it that the leaders of the parties are of the opinion that the past will be forgotten with the passage of time? Such questions raised can be obvious. So, the following actions should be taken to make the status of persons disappeared in the past public and not to allow such acts to be repeated in the future. Only then will the victims get justice.

- Form a high-level commission to probe into the cases of disappearance, their causes and the status of those allegedly disappeared by the state and parties to the conflict.
- UCPN-Maoists publish name-lists of all its cadres killed during the armed conflict.
- Implement immediately the directive order of the Supreme Court of June 1, 2007 and provide without any discrimination the relief and assistance package to the families of victims.
- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance, 2006.
- Establish the crime of disappearance and promulgate a law on disappearance in compliance with the International Convention for the Protection of All Persons from Enforced Disappearance, 2006.
- Amend the Army Act to provide that army personnel accused of enforced or involuntary disappearance can be tried only in civilian courts.
- Release full and complete details, including any written judgements, of all court-martial proceedings undertaken by Nepal Army in the past, and the Judges and Attorney General undertake, in the future, aggressive prosecution of army personnel accused of abducting/disappearing and torturing civilians.
- Keep accessible, complete, accurate and fully up-to-date lists of detainees and share with families of the detainees, civil society organisations, NHRC and others concerned.
- The Supreme Court should adopt a more active application of its inherent contempt power to hold accountable and punish officials who are not truthful before the Court.
- Take steps immediately to strengthen the NHRC and to facilitate its work; and give the Commission access to all places of detention, including all army barracks, without prior notification or permission.
- Implement immediately the NHRC's conclusions and recommendations regarding the cases of disappearance and of those allegedly disappeared.

¹⁰ <http://www.crisisgroup.org/~media/files/asia/south-asia/nepal/184%20nepal%20peace%20and%20justice.ashx>

¹¹ http://202.166.193.40/kantipur/news/news-detail.php?news_id=225576

- The UN DPKO should evaluate the future participation of Nepali security forces in UN peacekeeping missions, assessing the suitability of such participation against progress made in the reduction of disappearances and other human rights violations attributed to the Nepali security forces, and seek the cooperation of the OHCHR to review progress.
- Extend a standing invitation to the WGEID for its follow-up mission to Nepal.
- Implement immediately the provisions of the CPA, IC and 23-point agreement, among other agreements, as to probe into the cases of disappearance and make public the whereabouts of allegedly disappeared persons.