

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

1. Context / concern

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

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

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

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

2. Objectives

- To exert pressure to the government for ratification of the Rome Statute of the ICC by organizing all stakeholders.
- To create awareness on the importance of the Rome Statute of the ICC.

3. Program modality

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

4. Participation

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

5. Conclusion

- Nepal should immediately ratify the Rome Statute of ICC.

- Strong pressure should be created from the people for the ratification of the Rome Statute of ICC.
- General people should be sensitized to create strong pressure for the ratification of the Rome Statute.
- Those involved in politics with impunity should be marginalized.
- The government should ratify the Rome Statute before the election to the Constituent Assembly.
- Continuous pressure from the public, human rights community and civil society to the government, parliament and political parties is necessary for the ratification of Rome Statute.
- We must go forward in the campaign for ratification of Rome Statute with one permanent Task Force against impunity.

Annex

A. Summary of the views expressed by the speakers

Advocate Govinda Bandi, Convener, ICC Week Program

Advocate Govinda Bandi as the Convener of the ICC Week illuminated over the importance, effectiveness and achievements of the week long programs organized to mark the 5th anniversary of the establishment of ICC. He stressed on the occasion that ratification of the Rome Statute is imperative for ending impunity and guarantee of rule of law. Written request letters for ratification of Rome Statute were handed over to Prime Minister, Minister for Peace and Reconstruction, Foreign Minister, Nepali Congress, Nepali Congress-Democratic, CPN-UML, CPN-Maoist, Nepal Sadbhawana Party-Anandi Devi, Nepal Majdoor Kisan Party, Bam Morcha, Jana Morcha. Other activities under the ICC Week from 1 – 7 July 2007 included mass demonstration, street drama, interaction, mock ratification of Rome Statute by the public, meet the press, publication of articles, Rome Statute sensitization class conduction at different colleges, production and distribution of stickers and T-shirt bearing the slogan "Ratify Rome Statute of ICC". The activities of the ICC Week contributed a lot to create awareness in the civilian. The human rights organizations and defenders have come together in a forum to exert pressure for the ratification of the Statute. Government, parliament and political parties seem ready for the ratification of the Statute but the bureaucracy is suspicious about it. They fear that the action may be taken against themselves. Our campaign will continue till Nepal does not ratify Rome Statute. We have completed only one step of our campaign. Another round of civil campaign will be initiated to create pressure for ratification of Rome Statute.

Advocate Sapana Pradhan Mala, FWLD

Rule of law ends in a State when the national structures fail to work. It results in the increase of impunity. Rome Statute of the ICC is required in such a situation. The government, parliament and the political parties are not ready to ratify the Rome Statute because they want to save their leaders and activists who have committed crimes against humanity, war crimes and genocide. But the Rome Statute can never be retroactive. As it applies after ratification only, the political parties need not to be suspicious. Those involved in the peace keeping missions of UN have also been alleged of human rights

violation in different parts of the world. In Nepal also, the members of the mission may be involved in sex violence. There is no mechanism to prosecute cases in such incidents. This also makes it imperative to ratify Rome Statute.

Prof Kapil Shrestha, former member, National Human Rights Commission
During this ICC Week, no one has said that Rome Statute is unnecessary. Government, Members of Parliament and political parties have articulated during lobbying that they will work for the ratification of Rome Statute without any precondition. Parliament is the supreme body in a democratic system. Why does not the government obey the directive of the Parliament to ratify the Rome Statute? The people cannot believe these uncertain promises. Democratic government cannot swim in the pool of crime against humanity. One day, the government will be compelled to ratify Rome Statute. Despite present suspicion over the commitments of the political parties, they should improve their behaviour. It will improve the image of the nation. Intensive reform is necessary in the Nepalese justice system.

Hon. Mahendra Bahadur Pande, Chief Whip, CPN-UML
It is unfortunate that the government has not ratified Rome Statute despite directive from the parliament. Parliamentary party has, on many occasions, pressurized the government to ratify Rome Statute. Though government has expressed commitment, it is moving with the pace of a tortoise. None publicity of the report of the Rayamajhi Commission also proves it. People at the present time will not be scared with bullets. Neither they will be silent witness. Therefore, there is no other way for the government but to ratify the Statute. As this is the age of humanity and human rights, autocracy cannot sustain. I express commitment that CPN-UML will stand strongly to ratify Rome Statute.

Hon. Ananda Prasad Dhungana, Chief Whip, Nepali Congress