



**Question and Answers raised after the Press Conference,
Sunday 22 March 2009 on the Nepal visit of the High Commissioner Navi Pillay**

Question # 1

I am D. L. Bhandari, Editor of Reporters Nepal.com. Your report said that, Nepal lives up to its human rights commitments made in the past, just in case you have heard about the arrest and capture of three journalists, including Rishi Dhamala. Have you raised the issue with government that his continued detention is against the human rights although the lower court has ordered that he be released if he makes court appearances regularly?

High Commissioner's response:

I am alarmed by the detention of those journalists, as well as actions, arbitrary action taken against many journalists. And this is what I said in my opening remarks and I raised the protection of journalists and the importance of their role. If anyone is arrested, that person, whether journalist or anybody for that matter, must be brought to court immediately and is entitled to an expeditious and fair trial. The particular case you mentioned will be raised in a sustained manner by my office in Nepal.

Question # 2

Laxman Datta Panta, Nepal correspondent for the Independent, my question is: If the government of Nepal does not fulfill its commitment on the human rights issues, is there any mechanism to, say, give pressure on the government from your side?

High Commissioner's response:

I want to mention that this is my first visit to Asia. I have come right in the middle of the Human Rights Council session. And why have I done that? Because I attach particular importance to ensure that undertakings given by the government in respect of human rights obligations are fulfilled. I, in my capacity and with the powers of the High Commissioner for Human Rights, will be watching closely whether the undertakings are being fulfilled. There are other mechanisms, of course, which is the Human Rights Council and as I mentioned, the human rights record of Nepal will come under scrutiny on Thursday; it's actually this week, not next week, because today is Sunday, yes, so this weekend. So that's why, unfortunately, I have so few days, I will be back there in my seat when Nepal is being discussed on Thursday. And obviously the member states hold as a priority, not just a mere expression of an undertaking but whether it's being fulfilled.

Question # 3

I'm Binay Devkota from Rajdhani Daily. What you have suggested for the government about formation of a TRC and Disappearance Commission?

High Commissioner's response:

Let me begin with the disappearance commission. You know as a former judge, I place great weight on the excellent judgment of the Supreme Court of Nepal,



which has given a ground breaking decision on the issue of disappearances. And therefore in all my meetings with the Government, I raised the question of this commission on disappearances – a) the urgency of it, but secondly, it must not be a token body; there are numerous gaps in the current ordinance, and I have urged that Parliament should consider a complete protection and full powers for this commission to be meaningful. And I must say that the Prime Minister and the Minister of Foreign Affairs, as well as the leaders of the parties whom I addressed, all agreed that this is a matter that should be considered fully by Parliament and that the Ordinance may well be amended by Parliament. At least it will be under consideration by Parliament for amendment. With regard to the truth and reconciliation commission, as you know we experienced a TRC in my own country, South Africa. It's what we say is a politically expedient solution, and it should not rule out criminal prosecution for very serious crimes. It should not rule out impunity. So to get to know the process here, I attended a discussions being held by the Minister of Peace and Reconciliation in Godavari. I listened to what the community was saying. They had very clear demands on how this should not just be about victims but that the victim must have a decisive say, for instance, in the independent selection of the commissioners who will sit on the TRC. I wish you well with that because I think it is a good start that the community is being widely consulted on that process.

Question # 4

Tilak Pokhrel, Republica

Did you also raise the issue of establishment of South and West Asia regional offices in Kathmandu in any of the meetings?

High Commissioner's response:

You know, that was one of the reason why I came here because we have been holding discussion with the Permanent Mission and with the Ministry of Foreign Affairs on the establishment of a regional office in Nepal. That such an office will provide technical cooperation and capacity building to not only Nepal but to neighbouring states. So, we have to continue to hold discussions but to your specific question as to whether I raised it? I am afraid I did not because I prioritised the issues that I had to raise in Nepal. And to me right now as I came and assessed the situation and the opportunities I had, which were brief, in my meetings with the government I prioritised the human rights issues in Nepal. And you know I could always continue to hold discussions on the establishment of a regional office in Nepal and I also intend to raise such a request on my visit to India.

Question # 5

Gopal Sharma with Reuters

You said your office is following the fulfillment of commitments given by the Government of Nepal. And is there any cut-off date by which time it has to fulfill and if it fails to fulfill those commitments what action would the Commissioner take and what action would Nepal face?

High Commissioner's response:

My office here has always been stressing that time is of the essence. In fact, I even said by the way of humour that being an Asian I understand what the Asian way of doing things is, and Nepal can't afford that kind of way right now. We need to act



to address human rights violations immediately. Now, that's the position adopted here by my Office. With regard to the Human Rights Council, I want to stress that this is a new mechanism where the member states watch out for the record of other states. In due course, all 192 member states of the United Nations will undergo this UPR process - Universal Periodic Review. It is also a peer review, so it comes in the form of recommendations from other states. So it's not like a court, where a time is imposed. So if [commitments are not fulfilled], I imagine, the remedy would be the question will then be asked by member states: What have you done about Recommendation So and So? And I also, as I meet with the representatives of the government, keep a careful check on what they have done about these recommendations. These recommendations are also going to be addressed before the treaty bodies, so when Nepal comes before, say, the committee on torture, they will look holistically at the record including recommendations made before the Human Rights Council. As a newcomer I see this as the best we have and we should make it work, where states are taking responsibility for their human rights record.

Question # 6

Tilak Pokharel, Republica

When the OHCHR-Nepal Office was established in 2005, it was established for two years, and it was extended in 2007 for two years. So why [are you requesting] a three-year extension now?

Question # 7

Manesh Shrestha, CNN

OHCHR's office here is the biggest in the world. After the June extension will it remain the biggest office in the world?

High Commissioner's response:

Thank you for these questions because they concern me as well. We have asked for a three-year extension. In many other countries where my office -- and first let me mention that the biggest office is in Nepal, the second is in Columbia; so this is the biggest office. Frankly, I tell you many other communities in the 50 states where we have presences are actually wanting this kind of presence, because it is much more meaningful. We have offices in five regional areas of Nepal, which makes us much more effective. The agreements we have in other countries, such as Latin American countries, are actually for four year terms. These are extensive operations, we need that length of time we will be as the same size as of Columbia, after June; in other words, we will down scale the numbers. And, of course, logistically it is much better to plan for three years. We are hoping that the human rights situation will be stabilised well before that but we definitely see a need for our presence for those three years. I think your question was the scope of activity. I mentioned in my opening address that the High Commissioner's Office has a very important role and that is to monitor and report on human rights, so any invitation to us to build capacity and provide assistance in other ways has to be tied to our other role. And that what I mean by full respect of our mandate.