



राष्ट्रिय मानव अधिकार आयोग

National Human Rights Commission, Nepal

केन्द्रिय कार्यालय Central Office

हरिहर भवन, पुल्चोक, ललितपुर, HariharBhawan, Pulchowk, Lalitpur, Nepal



Press Note

5th February, 2018

The Present Situation of Transitional Justice in Nepal: Commission's View

The ten years long armed conflict went since February 13, 1996 in Nepal formally ended with the Comprehensive Peace Accord on 21st November, 2006. Among the various aspects of the peace process management of arms and the integration of the rebellion force, formation of the constitutional assembly and the enactment of the new constitution through the Constitutional Assembly are almost completed. After the enactment of Constitution, it is being implemented now. As a result, House of Representatives, Provincial assembly and the Local Bodies elections have been concluded. However, various issues mentioned in the Comprehensive Peace Accord have been addressed, the effort of addressing issues related to conflict-era killings, disappearances, torture, rape and sexual violence, physical attacks, maiming, extra-judicial custody, kidnapping, injury, property capture, displacement, and distribution of reparation and ensuring justice to conflict victims through the transitional justice mechanisms are still remaining to be addressed. The realization of justice has close tie with the course of time, so delayed justice cannot be meaningful, hence to address the spirit and compassion of the conflict victims should not be delayed in any sense and it does not provide the positive message.

Though formation of Transitional Justice Mechanisms was delayed they are functioning now. But the effective address to the issues like justice to the victims, punishment to the perpetrators, reparation, and reconciliation is still remaining. The efforts from the National Human Rights Commission to coordinate with the transitional justice mechanisms and to create the environment of getting justice by the conflict era victims of human rights violation is going on.

The Commission makes its view widespread to all concerned stakeholders on the basis of information provided by conflict era victims, human rights personnel, the meetings with the political parties, facts received from the field monitoring of the Commission, the decisions made by Supreme Court as well as the continuous wait of the victims for justice and the work progress of last 3 years.

- (a) No amnesty, pardon or withdrawal of cases for gross human rights violations such as enforced disappearance, extra-judicial killing, kidnappings, torture, rape and other acts of sexual violence.
- (b) To bring under the criminal justice system for serious offences, including enforced disappearance.



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- (c) To conduct judicial hearing immediately to the cases recommended by the Truth and Reconciliation Commission (TRC) and the Commission of Inquiry into Enforced Disappearance of Persons (CIEDP).
- (d) To criminalize torture and enforced disappearance through the enactment of special laws;
- (e) To provide the dignified and respectable reparation for conflict era victims.
- (f) To reconciliation only with the consent of victims and only in the issues that are not restricted by the recognized principles of law.
- (g) To amend the acts of two Commissions Truth and Reconciliation Commission and Commission on Investigation of Enforced Disappeared Persons – 2071, in the line with the Supreme Court verdicts and the International Standards.
- (h) To punish the perpetrators of war crime and crime against humanity legally without time limitation.
- (i) To ensure protection and security of victim, witness and evidence.
- (j) To avoid a situation wherein victims might opt for alternative ways to seek justice.
- (k) To give top priority to conflict victims and provide them employment and involve them in rehabilitation programs by the all provincial and local bodies of the bodies.

Similarly, the Commission supposes the support from all the concerned persons for the documentation of the facts, receiving justice, ensuring the use of right to reparation.

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Mohna Ansari
Member/Spokesperson