

11 July 2021

Rt Honourable Prime Minister KP Sharma Oli,
Office of the Prime Minister and Council of Ministers,
Singha Durbar, Kathmandu.

Subject: Demand for taking responsibility of justice for conflict victims and advancing a credible transitional justice process.

Honourable Mr. Prime Minister,

We, the victim community, draw your serious attention to the lack of the government's sensitivity, sincerity and accountability towards providing truth, justice and reparations to the victims of the violation of human rights by both sides of the conflict during the decade-long armed conflict. The government has also been unsuccessful in abiding by the commitment to the peace process even after 15 years of the Comprehensive Peace Agreement (CPA). Furthermore, it has failed to guarantee the non-repetition of such violations.

The two transitional justice mechanisms, Truth and Reconciliation Commission (TRC) and Commission of Investigation on Enforced Disappeared Persons (CIEDP) were formed with a tenure of two years. But they have spent more than six years while failing to accomplish a single task for the benefit of the victims. This is utterly irresponsible, shameful, insensitive and immoral. Making victims' pain a matter of political compromise is highly objectionable.

The government has been pledging its commitment to human rights for conflict victims at different international forums for several years. But failing to amend the amnesty-granting Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act 2014 (TRC Act) and reducing the transitional justice mechanisms' importance by appointing political party cadres as commissioners is absolutely unacceptable. Not a single victim believes in the commissions as they have been abject failures in the six years of their existence. The government current attempt to extend the tenure of these politically controlled commissions under the status quo is an evasion of accountability on its part. It is also an extreme misuse of state coffers and taxpayers' money.

The COVID-19 pandemic and earthquake have been used as mere excuses. The Truth and Reconciliation Commission and Commission of Investigation on Enforced Disappeared Persons have been misused to fulfill political parties' interests and to merely show the world that the government is doing something for victims. It is clear that these Commissions have been formed not to work for the victims' benefits. This is the reason why the government has delayed amending the amnesty-granting TRC Act. The Government and the Commissions have done nothing to provide relief to the victim community even during the pandemic.

The victim community expresses its serious objection and dissent to the government's arbitrary extension of the puppet commissions' tenure through ordinances while disregarding the concerns of the conflict victims. Therefore, the victim community once again demands the Honourable PM to stop trading with victims' pains and tears, take responsibility for the victim community rather than facilitating immunity for the powerful perpetrators, and take the following credible steps to guarantee justice for victims:

1. Review the existing transitional justice mechanisms which have failed to earn victims' trust, have been unable to deliver any solid results and are controlled by the political

parties. The government needs to make a clear work plan for transitional justice with a proper time frame.

2. Amend the existing laws and frame new laws in consultation with conflict victims and in line with the mandamus orders issued by the Supreme Court of Nepal and Nepal's international obligations. Amend the Act by forming a draft working group in line with the mandamus order issued by the Supreme Court on 2 January 2014.
3. Guarantee the conflict victims' rights to reparation, make comprehensive reparation policy in collaboration with the victim community, and implement long-term, respectable, adequate and accessible reparation policy in collaboration with federal, provincial and local governments.
4. Form competent, credible and independent transitional justice commissions with skilled, experienced and visionary commissioners selected through standard, transparent and independent processes following the credible amendment of the Act. Adhere to a victim-centric and gender-friendly working system during the entire process.
5. Provide necessary resources, experts and human resources immediately, facilitate self-management of expert and skilled human resources necessary for the commissions and build an environment to ensure they carry out their duties independently.
6. Implement a vetting process in appointment, promotion and selection of officers in public service and security agencies.

The victim community expresses its sadness about the silence of civil society, the media and the international community on the issue of the conflict victims' right to truth, justice and reparation. As victims have been suffering injustice and pain for a long time, we, sincerely appeal to the concerned authorities, political parties, civil society, media, and the international community to play a proactive role in facilitating the fulfillment of conflict victims' rights.

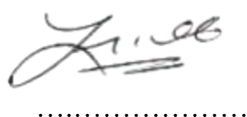
cc:

1. Honorable Minister, Ministry of Law, Justice and Parliamentary Affairs
2. Honorable Minister, Ministry of Foreign Affairs
3. Honorable Minister, Ministry of Home Affairs
4. National Human Rights Commission
5. President, Nepali Congress, Central Office, Sanepa
6. Chairperson, Communist Party of Nepal (United Marxist Leninist) (CPN-UML), Central Office, Dhumbarahi
7. Chairperson, Communist Party of Nepal (Maoist Centre), Central Office, Koteshwor
8. United Nations

Endorsed By:

1. Conflict Victims Common Platform (CVCP)	2. Conflict Victims National Alliance (CVNA)
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3. Conflict Victim Women National Network (CVWN)	4. National Network of Disabled Conflict Victims (NNDCV)
5. Conflict Victims Orphans Society (CVOS)	6. Conflict Victims Society for Justice (CVSJ)
7. Conflict Victims Committee, Bardiya	8. National Network of Families of Disappeared (NEFAD)
9. Society of Nepal Maoist Victims Association	10. Conflict Victims and Farmer Rights Society, Kailali
11. Disabled Conflict Victims Association, Dolakha	12. Conflict-Affected Peoples Concerns Society, Dang
13. Bandurmudhe Ghatana Sarokar Samiti	14. Conflict Victims Teachers Society
15. Conflict Victims Self-Employment Skill Training Centre Nepal	16. Conflict Victims' National Society
17. Conflict Management and Displaced Concern Centre	18. Conflict Victims' Rights Forum, Myagdi
19. Guru Luitel Study and Development Center	20. Muktinath Adhikari Memorial Foundation
21. Maina Bal Bikash Samiti	22. Rina Arpan Dalit Smriti Pratisthan
23. Ganesh Ujjan Foundation	24. Bhairab Memorial Foundation, Gorkha
25. Laxmi Acharya Memorial Trust, Jajarkot	26. Martyr Bashistha Koirala (Sureshchandra) Memorial Foundation, Sindhuli
27. Manilal Memorial Trust, Myagdi	28. Nandalal Koirala Memorial Trust, Gorkha
29. Ra.Si.Pa. Memorial Foundation, Arghakhachi	30. Conflict Victims Women Network, Banke
31. Shiva Prasad Bhatta Memorialization, Gorkha	32. Martyr Jaya Bahadur Rawal Memorial Foundation, Jajarkot
33. Martyr Tikaraj Aran Memorial Foundation, Ramechhap	34. Hari Bhakta Memorial Foundation, Rukum
35. Martyrs and Disappeared Warrior Children Foundation	36. Martyr Dasarath Thakur Memorial Trust, Rajbiraj
37. Bhupendra Memorial Trust Nepal	38. Martyr Ajablaal Yadav Memorial Trust, Dhanusha
39. Bhupendra Smriti Pratisthan Nepal, Banke	40. Women for Human Rights, Single Woman Group, Surkhet
41. Conflict Victim Society for Justice, Surkhet	



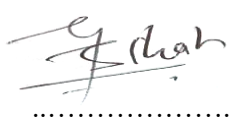
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Maina Karki

Chairperson

Conflict Victims

Common Platform

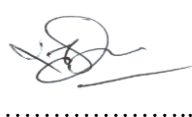
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Gopal B. Shah

Chairperson

Conflict Victims

National Alliance

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Srijana Shrestha

Chairperson

Conflict Victim National

Women National Network




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Surendra Khatri

Chairperson

Network of Disabled

Conflict Victims

