

Joint Press Statement

13 July 2021

Kathmandu, Nepal

Nepal: Victims' Associations, National and International Human Rights Organizations reconfirm their position of non-engagement with the Transitional Justice bodies if their tenure is extended without amending the Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act (TRC Act) as ordered by the Supreme Court.

We express our serious concern on the never-ending process of extension of the mandates of the *Truth and Reconciliation Commission (TRC) and Commission of Investigation on Enforced Disappeared Persons (CIEDP)* formed and operated under the flawed TRC Act. The Act whose legitimacy has been questioned by victims, civil society, the United Nations (UN) and the Supreme Court of Nepal, allows amnesty for those involved in gross human rights violations, provides for mediation between victims and perpetrators even in cases involving gross human rights violations.

We believe that the continuation of these dysfunctional Commissions is a tactic to prevent victims' access to justice, delay the process, frustrate victims, and further entrench impunity. It is also a burden on the tax-payers.

In their coming into being for over six years now, the two Commissions have not been able to conclude a single case. Although said to have been established to address conflict-era cases of human rights violations, these commissions are in essence obstructing victims' access to justice. The State argues that the investigation and prosecution of gross human rights violations committed in the conflict period fall under the jurisdiction of these transitional justice mechanisms, while refusing to allow the regular justice system to function in respect of these cases. However, these mechanisms are established in such a way that they have not been able to investigate any allegations of gross human rights violations, let alone contribute to prosecutions, reparations and to ensure guarantee of non-recurrence.

The term of the Commissioners of these two commissions will end on 15 July 2021. Although the Supreme Court of Nepal ruled for the amendment of the TRC Act six years ago, and notwithstanding the persistent calls to this effect from civil society and victims, the Government continues to extend the mandates of these mechanisms without amending the Act.

We, the undersigned groups, reiterate our position that we will not engage with these Commissions in their current form, and demand that the government undertake the following immediate steps to enable the transitional justice process to move forward:

- Amend the Act after wide public consultations;
- Appoint new Commissioners for the Commissions only after the Act has been amended and in a transparent way;
- Make public timeline for the consultation and amendment process and respect it;

- Call on the UN to provide technical assistance to ensure the impartiality and independence of the functioning of any new transitional justice bodies set up after the amendment of the Act;

We also call upon the UN and other international organizations to not engage with these transitional justice Commissions in Nepal until they are reformed and brought in line with international standards and the Supreme Court decision.

Endorsed by:

National Organizations			
1	Accountability Watch Committee (AWC)	2	Advocacy Forum-Nepal (AF)
3	Alliance for Social Dialogue (ASD)	4	Amnesty International Nepal
5	Blue Diamond Society-Nepal	6	Centre for Legal Studies (CLS)
7	Civil Rights Association Nepal (CIRAN)	8	Collective Campaign for Peace (COCAP)
9	Conflict Victim Women National Network (CVWNN)	10	Conflict Victims' Common Platform (CVCP)
11	Conflict Victims' National Alliance (CVNA)	12	Conflict Victims' Society for Justice (CVSJ)
13	Democratic Freedom and Human Rights Institute (DFHRI)	14	Dignity Media
15	Discharged People's Liberation Army Nepal (D-PLAN)	16	Forum for Protection of People's Rights Nepal
17	Forum for Restorative Justice	18	Forum for Women, Law and Development (FWLD)
19	Forum of Women Journalists and Communicators (Sancharika Samuha)	20	Ganesh Ujjan Memorial Foundation
21	Human Rights and Justice Centre (HRJC)	22	Human Rights for Justice
23	Human Rights Foundation (HURFON)	24	Human Rights Organizations Nepal (HURON)
25	Informal Sector Service Centre (INSEC)	26	International Institute for Human Rights, Environment and Development (INHURED International)
27	Jagaran Media Centre (JMC)	28	Justice and Rights Institute Nepal (JuRI- Nepal)

29	Law and Policy Forum for Social Justice (LAPSOJ)	30	Legal Aid and Consultancy Centre Nepal (LACC)
31	Maina Bal Bikash Samiti	32	Martyr's Disappeared Warrior Children Academy
33	Nagarik Aawaz (NA)	34	National Alliance of Women Human Right Defenders
35	National Network of Disabled Conflict Victims	36	National Network of Families of Disappeared (NEFAD)
37	Nepal Law and Policy Centre	38	Nepal Peacebuilding Initiative
39	Peace Envisioners	40	Public Defender Society of Nepal (PDSN)
41	Sankalpa	42	Tarangini Foundation
43	Terai Human Rights Defenders Alliance (THRD Alliance)	44	The Story Kitchen
45	Transcultural Psychosocial Organization Nepal (TPO)	46	Voices of Women Media (VOW Media)
47	Women for Human Rights (WHR)	48	Women's Rehabilitation Center (WOREC)
49	Himalayan Human Rights Monitors- HimRights		
International Organizations			
50	Asian Alliance Against Torture (A3T)	51	Asian Justice and Rights (AJAR)
52	Asian Human Rights Commission (AHRC)	53	International Coalition against Enforced Disappearances (ICAED)
54	International Commission of Jurists (ICJ)	55	International Federation for Human Rights (FIDH)
56	Odhikar	57	Transitional Justice Asia Network (TJAN)