



Advocacy Forum is a leading non-profit, non-governmental organization working to promote the rule of law and uphold international human rights standards in Nepal. Established in 2001, advocacy forum has since grown to have 4 regional offices and 8 district offices in Nepal with the head office located in Kathmandu.

Victims' groups to lobby for justice



A total of 51 victim pressure groups in Banke, Bardiya, Baglung, Morang, Kapilvastu, Surkhet, Udayapur, Dhanusha, Rupandehi, Kanchanpur, Kathmandu and Kaski have been formed to help lobby for and exert pressure on the government to address the legacy of injustices with regard to the conflict victims. Since majority of the victims shared their experiences of being under constant threat even after post 24 April 2006, AF conducted trainings related to security in partnership with Peace Brigade International (PBI). AF has facilitated in forming victim groups in VDCs of the 12 districts concerned to combine all the VDC level groups into a single strong district level victim group.

Transitional Justice

Advocacy Forum Newsletter

September-October 2007



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Overview of Transitional Justice Program Undertaken by Advocacy Forum

Advocacy forum firmly believes in a comprehensive Transitional justice mechanism that can address the legacy of past violence, curb impunity and provide justice for the victims of gross human rights violations. AF strongly advocates for a Truth and Reconciliation Commission to establish the actual truth and thereby identify and prosecute the perpetrators, provide reparations to victims and create conducive environment for reconciliation in order to provide justice for the victims, end the culture of impunity and reinforce the rule of law.

Inter alia, AF emphasizes on the increased access of victims to justice via transitional justice mechanisms, which include: **Truth Commission** (non-judicial approach that thoroughly investigates into and makes a perusal of past incidents of rights violations and recommends prosecution, reparations and reconciliations accordingly); **Trials and Prosecution** (judicial approach, either done domestically, internationally or both); **Reparations** (develop reparations packages to the victims); **Institutional Reform** (proposals for the reform of abusive state and public institutions-the security apparatuses, the judiciary, prisons - in order to prevent future violations), and **Setting up Memorials** (to commemorate and remember victims)

AF has been organizing different activities taken as concrete steps towards, firstly, clarifying the concept of transitional justice to the concerned stakeholders like the victims, victim groups, NGOs, political parties and the government; and, secondly, at fortifying the judicial processes in Nepal with increased and easier access for victims. Various consultative meetings, workshops and seminars have been held in order to generate discussions amongst all stakeholders about transitional justice, and also to lobby the government to implement these mechanisms associated with transitional justice.

Regional & District Level Workshops on TJ Held

“Government must set-up a **Truth and Reconciliation Commission (TRC)**,” was the unanimous demand of the participants of the various workshops and debates held in the districts of Kaski, Morang, Udayapur, Rupandehi, Kapilvastu, Baglung, Dhanusha, Kanchanpur, Surkhet, Banke and Bardia. Sensing that Nepal cannot enter into an era of sustainable peace and democracy by being oblivious to past injustices, it was felt that proper and thorough investigation of the past crimes should be carried out by a TRC that has a clear mandate and sufficient powers. The TRC has to be non political, non-partisan, and a transparent body that works to facilitate justice to the victims. Need for transparency and broader consultations before appointing the commissioners were also underlined in the discussions.

Focus Group Discussions Held



We are currently holding discussions on thematic basis as a part of the research on perceptions of victims on Transitional Justice. We have already held these discussions in nine different districts across the country. The objective of these discussions is to render our research the qualitative authenticity.

A wide range of discussions were held in a number of themes including women organizations, Janajati community, Dalit community, women victims, conscription of children, Madheshi community and InterDPs in Morang, Kaski, Baglung, Kachanpur, Surkhet, Janakpur and Kathmandu respectively. The discussion sessions on general victims were also carried out in the districts of Banke and Bardiya.

Prior to this, two representatives from International Center for Transitional Justice (ICTJ) had provided a one-day training for the facilitators.

National level workshops on TRC & Reparations

A two day National level workshop on Truth and Reconciliation Commission (TRC), and Reparation were held in collaboration with International Center for Transitional Justice in Kathmandu on the 12th and 13th of August 2007. Yasmin Sooka and Sophia Macher, both former commissioners of TRC in South Africa and Peru respectively, were present to share their experiences on Truth commissions.



Filing Cases of HR Violations

AF supported the families of victims to bring their cases before the police and demanded criminal investigation by filing more than fifty FIRs. The idea of bringing these cases in the forefront was to sensitize the victims to demand for justice using the existing mechanism. This exercise has significantly assisted in AF's campaign for the establishment of a comprehensive transitional justice mechanism.

Media & Transitional Justice

AF has also announced fellowship to 8 journalists working in the field of human rights with the objective to help investigate and study on transitional justice and human rights, publish and broadcast articles and papers on TJ, and to help ensure victims' access to justice. Altogether five journals have already been selected for the fellowship – three from print media, one from Nepal Television and the remaining one from a Kathmandu-based FM. One of our fellowship holders has already published two articles on TRC and Disappearance in Samaya Weekly magazine. Likewise, another fellowship recipient has currently completed a national TV program on the issue of human rights. The program was first aired on 25th of September, and will be reaired soon on the national TV station sensitizing the mass regarding the gross HRVs in the country and of the rights of the victims and their families towards justice. The fellowship is a part of AF's efforts to involve media in human rights and using media as an effective tool and as an advocate for the protection and promotion of human rights.

AWC submits letter to PRM spelling out TRC Bill flaws

A special panel of Accountability Watch Committee (AWC) or “*Jawabdehita Nigarani Samiti*” formed on 5 August 2007 for the discussion on TRC bill has recently completed a series of consultative meetings and section-wise discussions to complete a letter mentioning the TRC bill flaws, and has submitted the letter to the Peace and Reconstruction Minister seeking immediate amendments in the TRC Bill on 16th of September.

The AWC panel pointed out the following flaws in the bill and suggested possible redresses in a discussion held from 6 to 10 Aug 2007 in Kathmandu:

- *The process of setting up such a commission*
- *The mandate of the commission*
- *Non-inclusion*
- *It's take on reconciliation*
- *Reparations*
- *Amnesty*

AWC also has released two press statements with regards to the ‘Disappearance Commission’ and ‘Truth and Reconciliation Bill’ (stating the above-mentioned flaws and redresses). In its former statement, AWC expressed serious objections like the formation of the disappearance commission doesn’t meet the international standards, and it also contradicts with the supreme courts decision. Furthermore, AWC also demanded the government to pass a legislation criminalizing disappearance, and also prevent disappearance in the future by establishing a clear provision in the disappearance bill which hold the perpetrators accountable of such acts.

Survey to find out victim’s perception towards transitional justice mechanisms completed



Advocacy Forum has embarked upon a research to find out victim’s perceptions towards justice and transitional justice mechanisms. After broad consultations and several rounds of meetings with various experts from Nepal, India, Office of the High Commissioner for Human Rights (OHCHR) and the International Center for Transitional Justice (ICTJ), it was decided that the methodology of the research would be quantitative as well as qualitative. We decided to conduct the quantitative part of the survey by administering structured questionnaires amongst 1130 victims in 15 districts across Nepal. The qualitative part of the research, it was decided, would be fulfilled by conducting thematic focus group discussions in 9 districts.

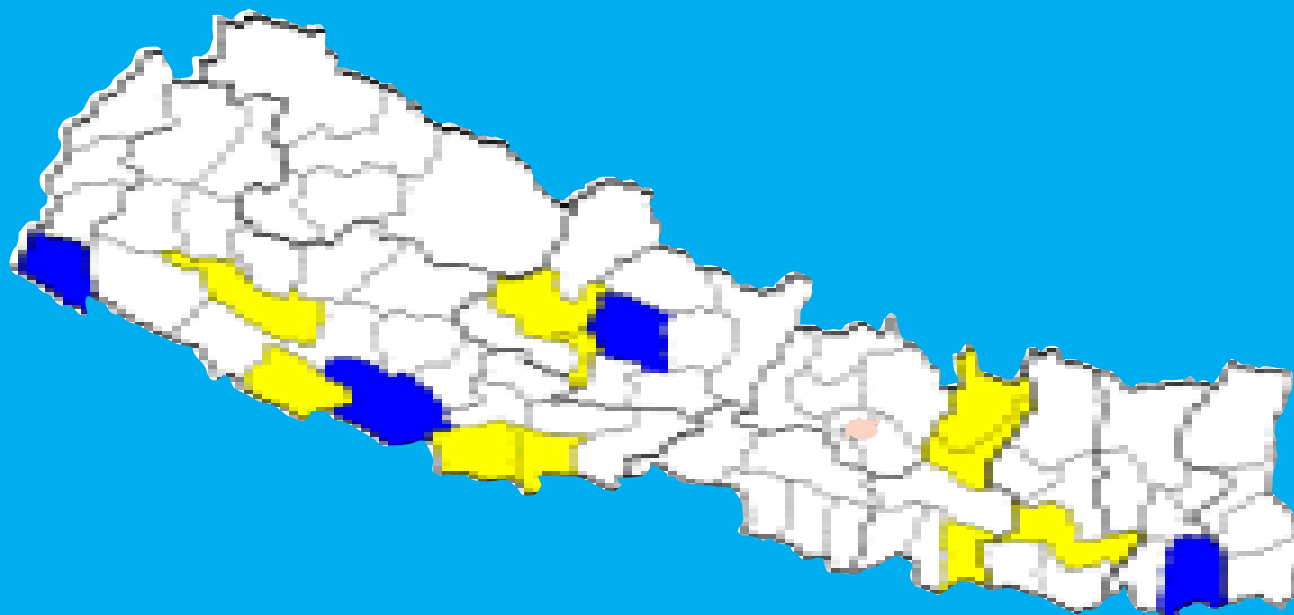
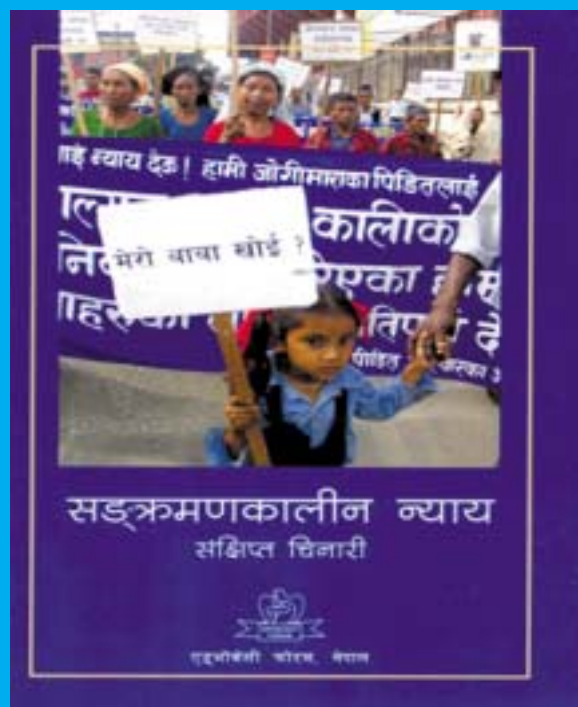
Series of discussions and meetings were held amongst various experts, before finalizing the frame of the survey, the categories of victims, and the final questionnaire. AF in collaboration with ICTJ also held a three day workshop to train the enumerators. A pilot survey was also conducted in the districts of Dhading and Kavre before finally sending the surveyors to their respective districts in the first week of June to conduct the interviews. In total the surveyors interviewed 811 victims, and no major obstacles were reported while conducting the survey. We are currently in the process of tabulation, analysis, and writing of the first draft of the survey report.

TJ Activities in Progress

AF is currently organizing orientation programs for victims and victim groups in various Village Development Committees across the country. As a part of our campaign to sensitize the masses, a one-day workshop was held in the district offices of AF for the victim groups after which the participants have been organizing programs in their respective and nearby VDCs providing information on TJ and the TRC draft bill. We are also facilitating the signature campaign of the victims, which we plan to submit to the PM to lobby for a revised and effective TRC bill and the subsequent commission which can provide justice for the victims.

Brochure Published

An introductory brochure on Transitional Justice (TJ) has recently been published by AF to make the commoners aware of the basics of TJ. Styled like a “Beginner’s guide to TJ”, the vernacular brochure, ***Sankramankaalin Nyaya: Samchiptta Chinari*** (Transitional Justice: A Short Introduction) offers the ABC of TJ: a brief definition, its mechanisms, approaches and importance. The brochure also dwells on the current exercise of AF towards the promotion of the concept in Nepal.



Advocacy Forum Nationwide Network

Head Office : Kathmandu

Regional Offices: Biratnagar (eastern), Pokhara (Mid-western), Nepalgunj (western), and Mahendranagar (Far-western)

District Offices: Udayapur, Dhanusha, Baglung, Ramechhap, Surkhet, Kapilvastu, Rupandehi, and Bardiya.

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